

*TOWNSHIP OF CHATHAM ZONING
REGULAR MEETING MINUTES*

*BOARD OF ADJUSTMENT
JUNE 16, 2016*

Mr. Vivona called the Meeting of the Zoning Board of Adjustment to order at 7:30pm with the reading of the Open Public Meetings Act.

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Borsinger, Mr. Hyland and Mr. Hurring. Mr. Style and Mr. Newman were absent.

Approval of Minutes

Mr. Williams made a motion to approve the minutes of the May 19, 2016, and the transcript for Verizon Wireless –Pine Street (BOA 15-83-3) on May 19, 2016. Mr. Borsinger seconded the motion. All board members were in favor of the motion.

Hearings

Verizon Wireless

650 Shunpike Road

Block: 135 Lot: 22 D-1 variance to permit backlighting of the main sign and permission for a second sign

Calendar BOA 16-135-22

The site visit report was read into the record.

Rosemary Stone Dougherty, attorney for the applicant, reviewed the request for two D variances for backlighting of the existing main sign over the entrance to the store and permission for a second sign on the side of the building. The sign on the side of the building will be approximately 2' by 8'.

Mr. William Page, Planner for the applicant, stated that several of the current stores in this mall have two signs. Mr. Page stated that the owner has given permission for this request and has stated that this is the last sign which will be allowed on the side of the building.

Ms. Dougherty stated that Verizon Wireless currently has a double sign on the tower due to another tenant vacancy, but will eliminate the double sign and only have a single sign on the tower if permission is granted for the second sign on the side of the building.

Mr. Page explained that the owners/ applicants believe that the success of their Verizon Wireless location depends on these signage improvements. As a national retailer, the owners depend on illuminated signage for location and name recognition.

Mr. Borsinger questioned the approval for signs at the Ace and BuyRite stores and expressed safety concern with additional signs causing a driving distraction.

Mr. Vivona stated that the owner has done a good job renovating / transforming the mall. He stated that the sign over the door matches the size and shape of other mall signs and he does not have a concern with adding a second sign on the side of the building.

Mr. Weston stated that he was not opposed to this request for additional illuminated signage. He stated

that this store is a positive addition in the mall and that the side wall of the building is not attractive. He believes an additional sign would be a good architectural feature. Mr. Vivona and Mr. Borsinger agreed with Mr. Weston's comments.

Mr. Borsinger questioned why this store should get a second sign and not the Chinese restaurant which has no frontage.

Ms. Dougherty explained that this is a national retailer and has requirements imposed for signage.

The applicant proposed removing the signing off of the tower and keeping the same sign over the entranceway. The applicant would request backlit signing on the side of the building.

Mr. Michaels was opposed to removing the sign from the tower.

Mr. Vivona proposed backlit signage over the entranceway and no backlighting on the sign facing Shunpike Road. He would require a restriction for no more signage on the side wall facing Shunpike Road and would recommend only a regular size sign on the tower for the mall.

The meeting was opened to the public. With no members of the public wishing to comment, the meeting was closed to the public.

Mr. Hyland made a motion to approve the recommendation made by Mr. Vivona. Mr. Williams seconded the motion. Mr. Vivona, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Hyland and Mr. Hurring voted in favor of the motion. Mr. Borsinger voted against the motion.

Innovative Construction & Design, LLC

45 Mountain Ave

Block: 37 Lot: 12 Steep slope disturbance

Calendar BOA 16-37-12

The site visit report was read into the record.

Mr. Steven Schaffer, attorney for the applicant, explained that this variance is required because the disturbed slope was greater than the allowed / approved. Mr. Schaffer stated that this disturbance was caused by a mistake in the procedure by the applicant. More disturbance would be required to correct the slope and move the dry wells.

Rich Keller, professional engineer and planner for the applicant, reviewed the approved vs. actual steep slope plan. He recommended tree wells to protect the trees and testified that the zone is stable.

Mr. Vivona stated that during the site visit there was no evidence of run-off even though it had been raining. The ground was stable. The area in question cannot be seen from Mountain Avenue and can only be seen from property adjoining. Mr. Vivona stated that his main concern was avoiding this situation in the future and protecting the trees.

John Ruschke, Board engineer, was confident that the proposed tree wells will protect the trees and stated that the rest of the property was stable.

The Board had a discussion to propose suggestions for additional requirements to ensure that this

situation with overage in steep slope disturbance doesn't happen again. Suggestions included escrow or bond requirements.

Mr. Ruschke assured the board that inspections were done regularly on this project and that the problem arose at the end of the project. The town will issue a stop work order and violations for compliance when the approvals are not followed.

The meeting was opened to the public. With no members of the public wishing to comment, the meeting was closed to the public.

A motion was offered by Mr. Williams to approve the variance requested for steep slope disturbance and it was seconded by Mr. Hyland. All board members voted in favor of the motion.

Verizon Wireless

Calendar BOA 15-83-3

Pine Street

Block: 83 Lot: 3 Installation of new wireless telecommunication facility on existing PSE &G tower

Minutes / Transcript provided by the applicant.

A motion was made to approve the Verizon Wireless Application at Pine Street with a 1st by Mr. Williams and a 2nd by Mr. Hyland. Mr. Williams, Mr. Hyland and Mr. Hurring voted to approve this application. Mr. Vivona, Mr. Weston, Mrs. Romano, and Mr. Borsinger voted to deny this application.

A motion was then made to deny the application for Verizon Wireless Application at Pine Street by Mr. Borsinger and 2nd by Mrs. Romano. Mr. Vivona, Mr. Weston, Mrs. Romano and Mr. Borsinger all voted to approve the denial of the Verizon Wireless at Pine Street application. Mr. Williams, Mr. Hyland and Mr. Hurring voted against the denial of this application.

The following applications were carried to July 28, 2016 Zoning Board meeting due to time constraints:

Mr. & Mrs. Van Vliet

Calendar BOA 15-102.08-10

51 Dale Drive

Block: 102.08 Lot: 10 Requesting C variances to construct a pool and pool house.

James McGill

Calendar BOA 14-90-2

39 Edgewood Road

Block: 90 Lot: 2 Rear yard setback and building coverage to construct 1st and 2nd floor addition

Silverstein

Calendar BOA 16-102.10-67

47 Rolling Hill Drive

Block: 102.10 Lot: 67 Rear yard setback and building coverage to construct an addition

Mr. Williams moved to adjourn the meeting, Mrs. Romano seconded the motion, and it carried unanimously.

Meg Smith
Zoning Board Secretary