

**SPECIAL MEETING
MINUTES**

OCTOBER 12, 2005

BOARD OF ADJUSTMENT

TOWNSHIP OF CHATHAM

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Dalziel, called the meeting to order at 7:30 p.m. and read the Statement of Compliance into the record.

ROLL CALL

At roll call, the following were present:

- Mr. Dalziel, Chairman
- Mr. Cooney
- Mr. Benton
- Mr. Godwin
- Mr. Walters
- Mrs. Nelson
- Mr. Pizzi (arrived late)
- Mr. Matthews, Vice Chairman (arrived late)

- Marshall Frost, Consulting Board Engineer
- Chuck McGroarty, Township Planner
- Kali Tsimboukis, Recording Secretary

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Mr. Dalziel advised the Board of the schedule, which was distributed and the site visit schedule was discussed. Mr. Dalziel stated the Parisi memorialization was scheduled for the evening's meeting, but would be heard at a later date.

ST. HUBERT'S GIRALDA FARMS

575 Woodland Avenue
Block 142, Lot 4.01; R-1 Zone

#04-142-4.01

**Preliminary Site Plan
Conditional Use**

Present: Glen Geiger, attorney for the applicant

Richard Schommer, licensed professional engineer
Martha Seng, licensed professional architect
Meg Struble, representative of the applicant
Michael Tobia, licensed professional planner

Mr. Geiger summarized that St. Hubert's is seeking preliminary site plan approval for conditional use to construct an addition to the main building and other site improvements and referred to past hearings dated March 9, 2005 and April 13, 2005. The hearing had been continued from the April meeting as the applicant did some plan revisions, in order to consider the recommendations of the Board regarding the rear yard setback. Mr. Geiger stated that during discussion, it seemed feasible to undertake some design changes to eliminate the need for that variance. The revised plans (dated September 30, 2005) were submitted and were to be presented to the Board. Mr. Geiger stated that the result of the revisions was a change to variance relief – the rear yard setback variance is no longer needed. A 5,000-foot net floor area reduction in the general-purpose building area was cited as the change in the variance required. Mr. Geiger continued that the main building has not changed much; there is a slight increase in size in terms of its length to aid in compliance of the rear yard setback. The impervious coverage variance being sought has decreased from 25.3% to 24.3% by reducing the size of the recreation building and by the elimination of 7 parking spaces (from 220 to 213). This has been accomplished by improvements in circulation patterns as suggested by Mr. Frost. The signage variance and the impervious coverage relief coverage for the conditional use standard, which permits 15% and proposed at 24.3%.

Mr. Schommer presented a new colored rendering of the revised site plan the Board has **(A-49)**. Mr. Schommer addressed the changes to the plans: the main building increased in size from 63,535 sq. ft. to 64,060 sq. ft.; the multi-use building decreased in size from 14,250 sq. ft. to 7,600 sq. ft.; there is a fenced area behind the multi-use building for outdoor activities and was decreased in size by half; the shed is to be relocated to be within the setback requirement near the multi-use building (not currently shown on plans). The total square footage of buildings on site was reduced from 79,793 sq. ft. to 74,060 sq. ft. The setbacks to the main building increased to the rear; on the multi-use building there are increased setbacks of approximately 60' further back from Woodland Avenue and the side lot line setbacks increased from 175.8 ft. and now is 208.3 ft. There is also a slight increase from the rear setback. With the change in the building coverage and some changes in the parking, the total impervious coverage on the property was reduced from 25.3% to 24.3% and the building coverage is reduced from 8.3% to 7.1%.

Mr. Schommer continued that parking changed from 220 to 213 spaces. At the entrance, Mr. Frost suggested changes in the islands and the gate, to move it back from Woodland Avenue; the aisles/lanes were widened; spaces were eliminated for improved maneuverability around the site; the parking spaces in the middle row were made 20' instead of 18' because that allows the driveway aisles to be further separated; the radius was changed and areas were changed for efficiency; the employee parking lot was changed to improve the circulation and to assist with delivery trucks; the overflow parking on the lawn was not to be constructed, but that has been taken off the plan. Mr. Schommer addressed Mr. McGroarty's memo and the calculation of the number of spaces needed. Mr. Schommer stated that the ordinance would require the applicant to have 731 spaces, and stated this use does not fit the institutional use. Technically, Mr.

Schommer stated, a variance is needed for that, but stated the important issue is the need of the applicant, which was considered in traffic study analysis.

Mr. Schommer stated lighting changes were made, as there were a variety of fixtures originally; Mr. McGroarty suggested uniformity, and the applicant has complied. Confirmation was made regarding underground utilities. Changes were made to layout and physical improvements regarding drainage and are in the storm water management report, which has been submitted to the Township, County and State. There is an infiltration system and modifications were made to that, and additional piping from roofs. Landscape changes were made including the addition of trees around the perimeter of the property.

Regarding the DEP transition area waiver (April 30, 2004), Mr. Schommer stated that the stamped plans indicate a variation of the buffer from 10' to 15', whereas the DEP letter refers to a 15' buffer; Mr. Schommer felt that this was an error on the DEP's part and there was no plan for resubmission. Mr. Schommer stated he was comfortable going with the 10' and 15' as shown, but would comply with the DEP irregularity, if the Board felt strongly. Mr. Frost concurred that it could very well be an error, but thought the applicant may want to play it safe and go 15' only.

Mr. Dalziel referred to the basin; Mr. Geiger stated the plan was to continue to provide the plantings on the side of the basin closer to the building. Mr. Geiger stated they could relocate some of the trees to the edge of the property if requested. Mr. Schommer addressed screening for the rear area and the employee parking area; Mr. McGroarty responded that he was suggesting screening around the basin primarily. Mr. Schommer stated the basin would have a variety of planting materials in it, partly for water quality purposes, and a retaining wall. The basin will be behind a berm. Mr. Dalziel asked if the basin was intended to be a permanent pond; Mr. Schommer stated there would be standing water after a storm event, as it is a detention basin. He also stated there would be low-lying areas that will have small pools that will not be discernible from the road. Mr. Frost cautioned Mr. Schommer that a maintenance manual must be provided to Mr. Ruschke as part of the application; Mr. Schommer stated the manual would be completed once there is a settlement of all the elements. There was discussion about the timeline for the submission of the operations and maintenance manual. Mr. Dalziel asked if this basin will look like its natural state; Mr. Schommer responded that some of the area would be mowed regularly, some twice a year. Mr. Schommer also cited BMP, which recommends the contact of water with plant materials. Mr. Dalziel continued to express concern about extrapolating what the basin will look like from the road. There was discussion about minimal addition to the screening landscaping.

Mr. Dalziel asked if the existing agility field was to be removed and relocated to the multi-purpose building; Mr. Schommer responded that the agility activities would take place behind the multi-purpose building and the front field would still be used for some training, but not as much activity.

Mr. Schommer was asked by Mr. Geiger to address the fencing. Mr. Schommer stated the fencing in the front area would be removed and activity would be near the dog day camp. Mr. Schommer stated there was lighting out near the current agility area and they are proposing

keeping that for after dark activities. Lighting is also proposed for behind the multi-purpose area. Mr. Schommer stated there was fencing near the dog day care and the caretaker's that would remain. Also, the employee parking area was entirely fenced in with a gate, and that has been removed in favor of fence just off of the building into the courtyard area to prevent animal escape.

Mr. Frost asked about the entrance gates; Mr. Schommer stated they had been moved back and they will be similar to the fencing in that they are designed to keep people out and animals in. The chain link fencing currently along the Woodland Road frontage will remain and there will be additional chain link fencing extending along the entrance driveway with either swing-type or sliding type gate to stay open during the day and are closed when the facility is closed. The entire property is fenced.

Mr. Dalziel referred to Mr. Schommer's letter dated October 3, 2005 and stated that all the paved areas are curbed and wondered how the lawn area would be accessed for special event overflow parking; Mr. Geiger referred to April testimony that the view of the applicant is that there is such a dramatic increase from the present 44 spaces to 213, that 95-99% or more of the special event parking will be handled. The plan is really not to park on the lawn area, in the rare instance of overflow, it would be directed to the cart way on Woodland Road, as it is today. Mr. Schommer indicated an area with a dropped curb for the purpose of accessing additional parking should it become a necessity.

Mr. Frost recommended to the Board that additional parking be shown on the plans and a trigger established at a later date so that if parking is required, it can then be constructed. Mr. Geiger responded that projecting a change in use and therefore the additional parking was valid but not necessary. Mr. Dalziel stated that once the building is up and running, parking needs may arise and better to have planned for it. Mr. Geiger was concerned about creating more impervious coverage; Mr. Frost explained that it should be on the plans only. There was additional discussion about storm water management repercussions to the addition of parking. Mr. Frost could see eliminating some of the planned parking now for initial construction and, at the same time, show the additional parking for the future and having the storm water management system accommodate that. Mr. Geiger expressed this was a great deal of risk to the applicant without a great deal of benefit. Mr. Geiger stated his applicant would prefer to continue with the proposed 213 spaces. Mr. Dalziel asked about employee parking; Mr. Geiger answered there was a total of 63 staff members including the caretaker.

Meg Struble, the applicant, was presented to answer parking questions. Mr. Dalziel asked about the frequency of the employee parking spaces being filled and if the future build out space in the second floor will be covered in the 63 staff spaces. Ms. Struble stated that the 63 staff members were not there all the time, as many are part time. Ms. Struble does not perceive the staff parking to be full at all times. Of the 63, parking would also include volunteers. Regarding the potential build out space, the volunteers would be shifted to the main parking lot and the employee lot would be for staff members. Ms. Struble did concede that if there was a build out, there potentially would be additional employees, while she does not expect this in her tenure. Mr. Dalziel asked if there were the build out, how many additional employees would require parking; Mr. Geiger felt the square footage would allow a greater number of employees than

would be hired. For institutional use, the ordinance requires one space per one hundred square feet meaning 70 spaces in this case. Board members discussed parking and asked questions of the witnesses.

Martha Seng was called to testify on architecture to address the changes in the floor plans submitted (dated 9/29/05) and presented a colored rendering of the first floor plan and elevation (**Exhibit A-51**). Ms. Seng stated they needed to move the building down 22'. Ms. Seng continued to say the existing building is on the far right and that is the Stage 1/Triage; the second part of the building is the middle part, which is called Stage 2/Adoption preparation (from the existing auditorium to the U-shaped portion of the building on the far left side; the other part of the building (far west) is Stage 3/Adoption activities and training. With the revisions, Stage 2 was diminished in size. To accomplish the removal of 22' out of the building, the building became narrower but grew in another direction to an increase of approximately 500'sq. ft. When making a room wider, there is a need for circulation and therefore, a corridor was added to get to the outside. The same functions remained in place. The changes on the second (**Exhibit A-52** Rendering of Second Floor Plan) floor were reviewed. The same area on the ground floor that was reduced in size was taken out of the corridor and one office. The second floor did shrink in size. The Stage 3 area remains the same. A rendering of building elevations (**Exhibit A-53**) was presented and showed the elevations have not changed; the section that was decreased in width was indicated but was the same barn-like style it was before. The area that increased on the ground floor shows a slight shed roof, otherwise everything remains as it was earlier presented.

Mr. Dalziel commented that the present plan seemed a better plan than the original. Mr. Dalziel asked about the determination of number of kennels; Ms. Seng stated the State of New Jersey has a large number (over 100,000) of cats entering shelters, half of which are euthanized. This shelter is being built to make that not as severe a statistic. Ms. Seng stated if the funding were available, they would have additional kennels. Mr. Geiger stated the answer he had heard regarding numbers is that it is more art than science as there is not a specific design standard from animal welfare facilities. Mr. Dalziel was curious about what determined the size of the building; Ms. Struble answered that it was multi-factored and consisted of years of experience, the potential of what they could handle and financial aspects. Ms. Struble reviewed the plans again and described how and where different services would be conducted. Ms. Struble stated they visited many other facilities over the years and tried to incorporate comfort strategies. Ms. Seng added that a thorough program was written for the design of this building. Ms. Struble indicated that currently the facility handled 5,000 animals per year; the new facility will enable them to handle triple the amount currently handled.

Michael Tobia, planning professional for the applicant, was sworn in and presented his analysis on the statutory criteria for the variance relief. Mr. Tobia stated the site is in an R-1 zone that permits institutional uses and consequently, St. Hubert's becomes a permitted conditional use in the zone. It is subject to approximately 13 conditional use standards and the applicant met 11 of the 13 standards; the rear yard setback has now been met by the plan changes. The outstanding conditional use variance is impervious coverage, of which 15% permitted and 24.3% now proposed. The other variances sought are for parking: 731 required, 213 proposed. Finally, under signs, the ordinance permits a sign of 10' sq. ft. for institutional uses and the applicant is proposing 12'sq. ft. Mr. Tobia stated this was on the engineering plans.

Mr. Tobia stated there is a setback required in the ordinance off the front yard of 50' and the applicant is proposing 10' for visibility concerns. The D-3 is the coverage variance, which is covered statutorily and says the Board of Adjustment gets jurisdiction. Mr. Tobia cited a Supreme Court case, which states the applicant must show the site remains suitable for the use despite the request for a variance.

Mr. Matthews asked Mr. Tobia to talk about the R-1 zone in which this site is located, particularly in context in terms of the surrounding zoning. Mr. Tobia referred to an aerial photo (1999) of the property (**Exhibit A-54**) with a scale of 1" to 50'. It shows St. Hubert's as very isolated on the site. Mr. Tobia stated that based on what is known about the environmental sensitivity of the property across the street (Reckson) and the presence of St. Hubert's it is unlikely that single-family houses will be built. The nearest home to the west is 1,200 feet away. Corporate zoning is also located nearby at Giralda Farms. Mr. Tobia states this is a unique zoning situation.

Mr. Tobia resumed testimony on coverage and stated that in this area, it was very tight (15%). Mr. Tobia stated that it was a hardship to try to hold the uses to 15% and referred to several other applications recently reviewed in surrounding areas. Mr. Tobia reminded the Board that the site proposed is under the requirements for building coverage and the site dates back to 1962 without any significant improvements. Mr. Tobia stated the 24.3% proposed is consistent with other uses in the area and the minimum to properly design this piece of property.

Regarding parking, Mr. Tobia stated he has worked with the applicant for 8 months and feels it has been studied thoroughly. If more parking is needed, he feels that the applicant would have to return. In Mr. Tobia's opinion, it is appropriate to use Woodland Road for parking instead of constructing more parking and feels the 213 needed spaces was arrived at in a deliberate manner. The applicant has testified that 99% of the time, the parking is enough.

Regarding signage, a 12' sq. ft. sign is proposed (sheet 13 of the site plan) where 10' sq. ft. is allowed. Mr. Dalziel asked why a 12' sign was designed; Mr. Tobia did not know but felt the designers did not know of the 10' requirement at time of design. Mr. Geiger stated the architect had indicated that the sign was designed to resemble a doghouse in appearance. There was discussion about the definition of a sign. After discussion, Mr. Tobia suggested a variance might be required for the number of signs. Mr. Tobia stated he felt a need for a sign at the entrance to the building and should be documented on the plans. Mr. McGroarty asked about the dimensions of the sign; Mr. Tobia stated it was 6' wide, 2' high to the horizontal element and 3' high to the bench. Mr. Dalziel asked for the definition of how signs were measured; Mr. Tobia stated it was the maximum horizontal distance by the maximum vertical distance. Mr. McGroarty usually looks to the lettering, although the ordinance does not outline a distinct sign area. Mr. Tobia suggested the worst-case number might be about 22' sq. ft. and the revised data will be given on the plan. Mr. Tobia stated the sign should be visible and close to the street. Mr. McGroarty suggested that if the sign was approved, no future substitutions for maximizing the square footage. Mr. Tobia agreed and suggested language to reflect that on the plan. Mr. Dalziel asked about the size of the letter "H" on the sign; Mr. Tobia approximated it to be 9". Mr. Dalziel asked for clarification on the plan.

Mr. Tobia summarized that in his opinion, this facility is of beneficial use to the public. He indicated it was a quasi-governmental use and a vast esthetically better building. No homes are anywhere near the site; there are only a few trees that are being removed; Woodland Road would not be amassed with buildings because of the setbacks and there has been testimony to the state-of-the-art storm water management.

Mr. Frost asked the architect about the alternate plan listed; Ms. Seng presented the second floor plan and explained that many offices were drawn inside the roof, the alternate is to not build out all of the walls but to have more open space to save money on dry walls and doors. Mr. Frost asked about the elevator; Ms. Seng indicated the placement of the elevator. The alternate should be taken out of the plans.

Mr. Geiger stated the sign variance was not noticed specifically but in a catchall. Mr. Geiger offered to re-notice for the sign, although the only property owner within 200' is Reckson. Mr. Dalziel stated the applicant had mentioned preliminary approval versus final approval and asked if he was missing something; Mr. Geiger said that normally for a site plan like this, there may be some lag time to finalize governmental (DEP) septic permits and therefore would rather come for final once the DEP permitting was resolved. Mr. Schommer stated that a couple of permits were needed from DEP because of the amount of gallonage the system will treat. A treatment works approval was needed and a NJ Pollutants Discharge and Elimination System permit. Some of the sewage would be treated on-site and recycled, which reduces the amount of discharge to 2,000 gallons per day. An amendment to the wastewater management plan is required. Mr. Schommer is in the permitting process and has a ways to go.

It was concluded the hearing would continue to November 9, 2005 and the applicant would notice for the sign variance.

Mr. Walters moved to adjourn the meeting at 10:30 p.m. and Mr. Benton seconded, with all in favor.

Respectfully submitted,