

## MINUTES

The June 21, 2010 meeting of the Planning Board of the Township of Chatham was called to order at approximately 7:30 p.m. by Acting Chairperson Lydia Chambers. The Open Public Meetings Act Statement was read into the record. The agenda for the meeting included Election of Board Officers, Ordinance 2010-07 and Noe Pond Club.

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### Roll Call

Board members present included Mrs. Chambers, Mr. Browne, Mr. Cohn, Mr. Ciccarone, Ms. Hagner, Mr. Sullivan and Mr. Furbish. Board professionals present included attorney Bill Robertson, planner Frank Banisch and engineer John Ruschke.

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### Oath of Office

Mr. Robertson administered the Oath of Office to Kevin Sullivan and Jeff Furbish.

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### Election of Board Officers

Acting Chairperson Lydia Chambers opened the nominations for the position of Chairperson of the Planning Board through the end of 2010.

Mr. Browne nominated Mrs. Chambers for the position of Chairperson and Mr. Cohn seconded.

Mr. Sullivan nominated Jack Hurring for the position of Chairperson. Mr. Hurring was absent and Mr. Robertson suggested that it was unclear if Mr. Hurring was

interested in the position. Mr. Ciccarone asked if the election could be postponed until Mr. Hurring was available.

Mr. Browne stated that if Mr. Hurring were interested in the position, he would like Mr. Hurring and Mrs. Chambers to speak about their ideas of leadership.

After discussion, it was determined that Mrs. Chambers would remain Acting Chairperson for the present time until the election could be conducted. It was also determined that an Acting Vice Chairperson would also be needed until the elections.

Mrs. Chambers asked Mr. Cohn to serve as Acting Vice Chairperson; Mr. Cohn agreed.

The election will be deferred until Mr. Hurring is in attendance.

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#### Minutes

After review, Mr. Browne moved to approve the minutes from the March 15, 2010 meeting, the April 12, 2010 meeting, the May 3, 2010 meeting and the May 17, 2010 meeting and Mr. Sullivan seconded. All members voted in favor except for Ms. Hagner who abstained from the vote for the March 15, 2010 minutes and the April 12, 2010 minutes and Mr. Ciccarone who abstained from the vote for the March 15, 2010 minutes.

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#### Lighting Ordinance

Ms. Hagner reported that the Lighting Ordinance 2010-07 was amended at the last meeting of the Township Committee. Ms. Hagner stated the Planning Board had previously reviewed the document.

Ms. Hagner stated during discussion, it was decided that Section 3 would be eliminated as it was thought it best not to make the ordinance specific to any one location. This way it would be standard across town.

Because it was amended, it was being returned to the Planning Board in advance of final adoption June 24, 2010. After opening the topic for discussion, it was determined the Planning Board had no additional comment at this time.

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### Applications

#### Noe Pond Club

Mr. Ciccarone recused himself from the hearing. Mr. Robertson asked if any Planning Board members were also members of Noe Pond Club; there were none.

Cheryl Ehrgott, attorney for the Applicant of Burns and Schaeffer was present on behalf of the Applicant.

Ms. Ehrgott described the facility located on Southern Boulevard that is a permitted use in the R-2 residential zone and has been in existence for 55 years.

Ms. Ehrgott described the property and indicated there was an outdoor pavilion, which is used for various activities for its members. The pavilion can be used during the day and there is a restriction on night time use. The pavilion can only be used 4 nights per year. The Application brought by Noe Pond Club is for relief from a prior condition in a 2004 Resolution.

Ms. Ehrgott gave a brief history of the pavilion and stated that in April 2000, the club attained permission to erect the pavilion together with electrical service for day

time use. There were conditions imposed including no night time lighting of the pavilion.

In October 2002, the club applied to the Board requesting installation of lighting inside the pavilion to permit night time use, in addition to vinyl curtains, awning and lighting for the walkways and parking areas. These requests were granted. No night use was permitted.

In June 2004, the club asked for relief for night time use; the Board granted night time use for 4 nights per year, until 11:00 p.m.

Ms. Ehrgott presented James Cronin, President of the Noe Pond Club. Mr. Cronin was sworn in and reviewed the background of the pavilion. Mr. Cronin stated the club wished to expand the use of the pavilion Memorial Day through Labor Day for the use of their members.

Mr. Cronin stated the club was asking to use the pavilion at night in the summer. Off-season, the pavilion is used to store equipment.

Mr. Cronin stated the neighbors of the club are the Police Department and Department of Public Works, Fairmount Country Club and the wildlife refuge. Mr. Cronin felt that the extended use of lighting would not have direct effect on residential properties.

Mr. Cronin brought some photographs for exhibit. Exhibit A1 showed an aerial photograph dated 4/24/99 (scale is 41-2/3 feet to the inch). Mr. Cronin pointed out the footprint to the west of the lake where a tent was constructed on an annual basis and where the pavilion has been placed. Exhibit A2 is another aerial photo with a different scale (75 feet to the inch) showing the distance between the pavilion and

residential property. Mr. Cronin indicated the location of additional plantings that were installed last spring.

Mr. Cronin submitted additional photos marked Exhibits A3 through A8. A3 is a photo of the clubhouse end of the pavilion; Exhibit A4 looks out to Southern Blvd; Exhibit A5 is looking outside the pavilion east toward Southern Blvd.; A6 shows the ceiling structure of the pavilion; A7 shows a closer view of the ceiling with the lighting; and Exhibit A8 is an aerial view of the club in the spring of 2010.

Mr. Cronin stated the club would seek to have permission to have events 3 weekend nights (Friday, Saturday and Sunday) and 5 other special weekday nights over the course of the season. Mr. Cronin stated that would be a total of 50 nights - potentially every weekend. Mr. Cronin stated that across the street at Fairmount Country Club, the patio is open whenever the restaurant is open.

Mr. Cronin stated that when there are bands at Noe functions, they are positioned towards the Swamp to keep noise levels down.

Board members tried to determine the reasons for the restrictions on the pavilion; Mrs. Chambers commented that she thought that because variances were involved both for height and for distance from the road, there were restrictions imposed.

Mr. Browne asked about membership numbers; Mr. Cronin responded that the membership includes 374 families; Noe is a few families shy of that number this year. Mr. Cronin said that what has changed is that there has been a significant turnover of members.

There was also discussion of the lighting. Noe Pond Club has colonial fixtures and no overhead lighting.

Mrs. Chambers asked about sound/noise. Mr. Cronin stated that over the past 6 years, they have had no complaints to his knowledge. Mrs. Chambers stated that for a resident to call the police is a serious action. Mr. Banisch commented that visual impact is not an issue; sound would be more of a problem.

Mr. Furbish asked if 11:00 p.m. was too late during the week; Mr. Cronin had no problem adjusting the ending time.

Mr. Cohn asked if the variances need to be reviewed for this request; Mr. Robertson indicated the variances would not be reviewed.

Mrs. Chambers asked Mr. Robertson if knew from the Resolution why the club was denied their request for lighting in 2000 and 2002; Mr. Robertson said in the original Resolution in 2000 it didn't seem to be addressed as the request was withdrawn. In 2002, paragraph 5b referenced impact of noise and light. In 2004, limited use with lighting was granted.

Mr. Robertson referred to Mr. Banisch's memo to the Board and said that paragraph 8 identifies the issue to consider - the Board should assess the purpose of the prior Condition and the extent to which there remains any need for such Condition.

The meeting was opened to the public. Township resident Kathy Hollerith expressed concern about noise.

After additional discussion, a straw poll was conducted and Mr. Furbish, Mrs. Chambers, Mr. Browne and Mr. Cohn were in favor of a 19 night limit and Ms. Hagner and Mr. Sullivan were in favor of 25 night events.

Noe Pond Club amended the Application to request 19 night time events, with weekday night events ending by 10:00 p.m. and weekend events ending by 11:00 p.m. Ms. Hagner moved to approve the amended Application and Mr. Furbish seconded. At roll call vote, Mrs. Chambers, Mr. Browne, Mr. Cohn, Ms. Hagner, Mr. Sullivan and Mr. Furbish voted in favor. The Planning Board did not preclude the Applicant from seeking further modification in the future.

The Resolution is scheduled to be memorialized on July 12, 2010 or July 19, 2010. It was agreed that the Applicant could move ahead in advance of the memorialization.

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#### Public Comments

Mrs. Chambers opened the meeting to public comment. Jocelyn Colquhon of Barnsdale Road in Madison commented against the proposed lighting ordinance and stated a 40' setback is too close.

Carol Preston of Barnsdale Road, Madison, also commented that 40' setback was too close.

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There being no further business, the June 21, 2010 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith  
Recording Secretary

