

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
NOVEMBER 4, 2024**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:39 P.M.

**Adequate notice** of the meetings of the Planning Board of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2024, and January, 2025 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

**Roll Call**

Answering present to the roll call were Mr. Sullivan, Mr. Neibert, Mrs. Ewald, Mr. Choi, Mr. Mr. Shehady, Mr. Nikolopoulos, Mr. Miller and Mrs. Stillinger.

Mr. Kahn, Mr. Duemling and Mrs. Foran were absent.

Also present were Board Engineer John Ruschke, Board Planner Frank Banisch and Board Attorney Steve Warner.

**Approval of Minutes**

Mr. Neibert moved to approve the minutes of the October 21, 2024 meeting. Mr. Nikolopoulos seconded the motion which carried unanimously.

**Hearings**

PBA-24-24-004 – Fairmount Country Club, 400 Southern Blvd., Block: 128 Lot: 10.01

Mr. Warner provided some brief background on the hearing. He stated that the Board continues to have jurisdiction to hear the application.

Mr. Tombalakian said that at the last meeting, the Board requested photo renderings from a different perspective and additional opportunities for Board members to make site visits.

Mr. Ivans provided an update on the Fairmount Country Club's progress on addressing the Board's requests. He said that lots of options were considered.

James Ward, an engineer representing the applicant, presented the renderings. Mr. Warner said that the renderings would be admitted as Exhibit A-2. Exhibit A-3 was the updated net location

plan dated 10/30/2024. Exhibit A-4 was a diagram final drawing. Mr. Ward discussed what was different in the updated net plan.

Mr. Neibert asked if the style of the netting would be the same as what is there now. Mr. McDonald said that it would be the same style. Mr. Neibert asked about the tapering of the poles. Mr. McDonald said they would be tapered.

Mr. Miller asked if the guide wires would make the netting more or less visible from Woodmont. Mr. McDonald said it would probably be less visible.

Mrs. Ewald asked if there was consideration of more trees to shield the view and protect birds. Mr. McDonald said that putting more trees to get to the desired height would take a long time.

Mrs. Stillinger asked if there are plans for bird prevention. Mr. Ivans said it was their intention to work with Mr. Ruschke and bird experts to draft a plan to prevent birds from hitting the net and address how they will try to save birds when they do hit the net. Mr. Warner said that it was his understanding the applicant had stipulated to best management practices which would employ bird diverters subject to the review of the Board Planner with input from the Raptor Trust prior to issuance of a building permit. Mrs. Stillinger said she would like to see some sort of device installed to prevent birds from hitting the nets. She would also like to see a bird management plan and have it be made public. Mr. Miller recommended that a sign be installed with the Raptor Trust phone number so that anyone who sees a stuck bird can call them.

Mr. Sullivan opened the floor to the public.

Seeing nobody coming forward, Mr. Sullivan closed the floor.

Mr. Warner reviewed for the record the relief sought by the applicant and the stipulated conditions of approval.

Mr. Neibert commented on the value of a site visit, and addressed how the application addresses a safety issue.

Mr. Miller said that there has been a tremendous amount of consideration for what the neighbors will think of the netting.

Mrs. Ewald said that the safety issues are the responsibility of the applicant rather than the responsibility of the Planning Board. She also said that Fairmount Country Club have been good neighbors, and the application is not obtrusive to the community.

Mr. Choi expressed his appreciation for the additional documentation that was submitted. He also said he is glad that the applicant has stipulated that they will address wildlife concerns.

Mr. Sullivan said that the decision to be made on this application is not incumbent upon a further decision by the Fairmount Country Club, and that the Country Club does not need to take a vote of their membership to approve the netting.

Mr. Banisch said that part of the Board's statutory intent is to protect the health, safety and welfare of the public. Mr. Warner addressed how that ties into the Board's ability to grant the relief sought.

Mr. Neibert moved to approve the application subject to the conditions of approval. Mr. Miller seconded the motion.

**Roll Call:** Mr. Sullivan, Aye; Mr. Neibert, Aye; Mr. Kahn, Absent; Mrs. Ewald, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Duemling, Absent; Mr. Nikolopoulos, Aye; Mr. Miller, Aye; Mrs. Stillinger, Aye; Mrs. Foran, Absent.

## **Discussion**

### Standalone Structures

Mr. Choi provided background on the work that he and Mr. Neibert performed to see how eight neighboring towns address setbacks in their zoning regulations. They reviewed setbacks for homes and for accessory structures. Mr. Neibert commented on the neighborhood averaging in Madison and Summit. He also said that additional study is needed.

Mr. Miller said that as properties are redeveloped, sometimes setback mismatches occur. He noted that is a growing pain of redevelopment, and cited how people used to have to frequently go before the Zoning Board for issues as minor as a portico. Mr. Neibert said that he wants to be able to protect existing residents without the assumption that every street will be developed the same way as Rolling Hill Drive.

Mr. Choi addressed the balance between property owner rights and neighborhood rights. He said that the focus for this discussion was the R-4 zone.

Mr. Miller asked Mr. Banisch if there is a solution where there can be a setback for new construction where it would not be difficult for old construction to add a portico without going before the Zoning Board. Mr. Banisch said that is a legal question.

Averaging was discussed.

### Accessory Structures

Mr. Choi said that the Township's setbacks for accessory structures were the least generous of the sample set that was studied. He cited examples of setbacks in other towns that are closer to

the property line. Mr. Choi noted that some towns have the setback proportional to the height of the structure. Some towns limit accessory structures to rear yards, and the Township allows them to be in the side yard.

Mr. Sullivan said that the conversation on this topic originally began with wanting to have a garage remain a garage.

Mr. Miller asked if there is a difference in the permitting when the size of the structure defines it as a garage rather than as a shed. Mr. Ruschke said that if it looks like a shed it is a shed, and if it looks like a garage it is a garage.

Concerns about conversion of garages to living space was discussed.

### 2025 Meeting Dates

The proposed meeting dates were reviewed. The dates will be approved by resolution at the Reorganization Meeting.

Mr. Miller moved to adjourn at 9:20 PM. Mr. Neibert seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Planning Board Recording Secretary