

CHATHAM BOROUGH PLANNING BOARD
August 13, 2008 7:30 p.m.

Chairman H. H. Montague called the Chatham Borough Planning Board meeting of August 13, 2008 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Montague announced that all legal notices have been posted for this meeting.

Members Present:

Mayor V. Nelson Vaughan, Councilman Bruce Harris, John Hague, John Bitar*, James Mitchell, Donna Cali-Charles, Chairman H.H. Montague.

*arrived 7:39 p.m.

Members Absent:

Vincent DeNave, Alan Pfeil.

Anne Marie Rizzuto, Esq., attorney for the Board, was not present.

Public Comment

Bernie Vella, 58 No. Summit Ave., believed a critical point has been reached in granting a building permit for 118 Main Street (Shailja, LLC). He asked what the status of the Hedges Ave. driveway was. Also, what is the status of the Main Street driveway? He was hoping Ms. Rizzuto would be here tonight to bring him up to date on these items. Also, is it possible that since an ordinance now prohibits this type of establishment in this particular zone, will the Shailja application now go before the Zoning Board of Adjustment?

Mr. Montague said that the Board has received formal letters from the DOT stating emphatically that the Hedges Ave. driveway cannot be closed; however, he will check further with Mr. DeNave and Ms. Rizzuto concerning these issues and get back to Mr. Vella.

Regarding the jurisdiction of this application, Mr. Hague informed Mr. Vella that under the land use law an approval is vested as a final site plan approval for a minimum of two years against changes in zoning ordinances. In other words, there is a two year "freeze" before there could be an issue of imposing the new zoning ordinance on the site.

Martin Selzer, 72 Hedges Ave., asked if the Planning Board was going to review the application to make sure that all of the provisions have been met.

Mr. Montague answered that the Borough Engineer is the one who makes sure that all of the provisions have been met.

Approval of Minutes

The following meeting minutes were approved as amended:

May 14, 2008 – Regular Meeting
June 4, 2008 – Regular Meeting

The minutes of the Closed Session of June 4, 2008 were approved as submitted.

Resolution on Planner

Mr. Montague reported that seven planners have returned proposals to the Board. He noted that Mayor Vaughan and Councilman Harris have informed him that there are very limited Borough funds available for a planner.

Mr. Montague noted that the planners who were interviewed pointed out that the mandatory Council of Affordable Housing (COAH) filing should be done first, before any other projects. Maser Consulting had informed the Board that a template could be used. Also, a check sheet from COAH, fifty pages long, has to be completed. The Borough needs to get the COAH work done by December 31st. The Borough Council has given the Planning Board permission to notify the chosen planner and execute a contract to undertake this assignment. The Borough Administrator will tell Mr. Montague how this project will be funded.

Mr. Hague noted that the Board had narrowed their choice of planner down to Maser Consulting, P.A. and Phillips Preiss & Shapiro Associates. After some discussion, the Board decided on Joseph Layton, Maser Consulting. Mr. Hague said he would contact Maser tomorrow and ask them to send him their draft contract immediately.

Councilman Harris made a motion to approve the Resolution #PB-2008-26, as prepared by the Board Attorney, appointing Joseph J. Layton of the firm of Maser Consulting, PA, to do work in respect to COAH. Mrs. Cali-Charles seconded the motion. A roll call vote was taken:

Mayor Vaughan	-	yes
Councilman Harris	-	yes
Mr. Hague	-	yes
Mr. Bitar	-	yes
Mr. Mitchell	-	yes
Mrs. Cali-Charles	-	yes
Chrmn. Montague	-	yes

Regarding the analysis for the B-1 District, Councilman Harris noted that there are currently no Borough funds available for this study. He suggested the Board try and negotiate a better price for this particular project. Perhaps in November Borough budget lines will be re-allocated. The Board decided to continue discussion on this situation at their September 10th meeting. Hopefully, the Board will find out from Mr. DeNave if the money is available for this analysis.

At 8:15 p.m. the Board took a break.

At 8:20 p.m. the meeting resumed.

New Business

Mr. Montague reported on the following:

- The Mayor and Borough Council have approved the Developer's Agreement with 221 Main Street.
- The Mayor and Council also engaged Anne Marie Rizzuto, Esq. to represent the Borough of Chatham, the Planning Board, and the Board of Adjustment in the Cougar Field litigation. On September 19th, the Judge will give an answer on the Stay and on the Jurisdiction.

Board By-laws Review

The Board reviewed and made amendments to the following articles in the Rules and Regulations of the Planning Bd.: 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 7.02, 7:01, 7.02, 7.03, 8.01, 8.02, 8.03, and 8.04..

Mr. Bitar said he would take all the suggested amendments made tonight and make another draft of the by-laws. He will also work on a resolution to adopt these by-laws at a future meeting.

Miscellaneous

Mr. Montague suggested, since there are no pending applications, that the September 1st meeting be cancelled. The Board agreed with this suggestion.

Regarding the work being done on the checklist for complete application, Mr. Montague will incorporate Councilman Harris's comments into the draft. Mr. Montague noted that he has met with the Construction Office to make sure all the items they want in the checklist have been included.

Councilman Harris brought up that the residents have approved by vote, the use of Open Space money to be used for historic preservation projects. The Borough Attorney has confirmed that this money could be to pay for consultant studies related to historic preservation. Councilman Harris has urged the Historic Preservation Committee (HPC) to put together a proposal to be sent out to the appropriate consultants and accept bids. The HPC, however, has informed Councilman Harris in writing that they felt it was not their place to dictate to homeowners what he/she may do to their home, so long as the changes conform to Borough ordinances. The HPC also stated that if other people feel so moved to explore the possibilities for preservation in outlying neighborhoods, they may form another group for this purpose. Councilman Harris suggested that the Planning Board consider hiring a consultant for historic preservation issues. There is money available. He asked the Board to consider this idea.

At 9:20 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary