

CHATHAM BOROUGH PLANNING BOARD
September 2, 2009 7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of September 2, 2009 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Crater announced that all legal notices have been posted for this meeting.

Members Present:

Mayor V. Nelson Vaughan, Councilman Joseph Mikulewicz*, Chairman Richard Crater, John Bitar**, Donna Cali-Charles, Vincent DeNave***, H.H. Montague, Alan Pfeil, Susan Favate, James Mitchell.

*arrived at 7:34 p.m

**arrived at 7:37 p.m.

***arrived at 8:50 p.m.

Anne Marie Rizzuto, Esq., attorney for the Board, was present.

Members Absent

None

Open to the Public

There were no comments from the public.

Approval of Minutes – August 5, 2009

The meeting minutes of August 5, 2009 were approved as amended. Mr. Pfeil abstained from voting on those minutes. He was absent that night.

Sign Ordinance – Status Report

Mr. Crater noted Board members should have a copy of the draft ordinance sent to them by Councilman Harris. Mr. Montague said he had some additional changes for the draft. Councilman Mikulewicz said he had run into Mr. DeNave in the hallway. Mr. DeNave will be here shortly and will distribute copies of the latest draft to give to Board members.

FAR Committee Report

Councilman Mikulewicz noted the committee will have a report for the Planning Board's next meeting. The report contains the committee's recommended changes to the FAR. Mr. Pfeil noted that architects have given their comments on the matter of porticos. Mr. Montague said that there will be six to eight changes recommended for the FAR ordinance. Ms. Rizzuto said the final version will be sent to the Mayor and Council.

Old Business

Mr. Montague will meet with Ms. Rizzuto and finalize the applicant's checklist form. Ms. Rizzuto noted that at least 3 or 4 ordinance changes will be recommended to the Mayor and Council. She suggested these ordinances be submitted as a packet.

On other matters, Ms. Rizzuto noted that the Mayor and Council have requested that the Board review the issue of tattoo parlors, body-piercing services, and adult entertainment establishments. Ms. Rizzuto reported that she has obtained a draft ordinance from another municipality which covers each of these items. This ordinance has a state criminal code section which prohibits adult entertainment within a thousand feet of various entities.

Ms. Rizzuto suggested these types of businesses to operate, perhaps, one of the industrial or commercial zones. An outright prohibition on these businesses cannot be done. Using a local map, the Board can prohibit these types of businesses from operating a thousand feet from schools, playgrounds, churches, residential areas, etc. Limits can be put on the number of business hours, signage, etc. Ms. Rizzuto felt that she had a fairly good ordinance to show the Borough Attorney, Mr. Bell.

New Business

Sustainable Land Use Pledge Review

Mayor Vaughan distributed copies of a document regarding Sustainable Jersey, a certification program for municipalities in New Jersey that want to go green, control costs, and save money and take steps to sustain their quality of life. Mayor Vaughan emphasized that this will be a very long term project.

Mayor Vaughan said this would be an opportunity to inform the Board on what the Borough's Green Initiatives Committee is working on and their long-term goals.

Mayor Vaughan introduced Mark White, a member of the Borough Green Initiatives Committee.

Mr. White described the material on the Sustainable New Jersey web site. The web site explained how a municipality can become green. One of the elements is following the Land Use Pledge which deals with smart growth as a long-term proposition.

Councilman Mikulewicz asked if Sustainable Jersey and the Land Use Pledge reconcile well with the Borough Master Plan.

Mr. White said he was not knowledgeable about municipal policies, like the Master Plan. He would need help in reviewing Sustainable Jersey alongside the Borough Master Plan.

Mr. Crater said he would like the Board Attorney, Ms. Rizzuto, to review the Sustainable Jersey information.

Ms. Rizzuto reported that she has already reviewed the document. She noted that the Land Use Pledge is in the form of a Mayor and Council resolution. Because it is a Borough Council resolution, the Planning Board does not make the ultimate decision; however the Planning Board should be consulted. Ms. Rizzuto suggested that the Green Initiatives Committee should check to see if anything is missing between the Master Plan

and the Pledge, Items 1-8. A deeper review could be done, comparing this document with the land use ordinances.

Summing up, Mayor Vaughan noted that this Sustainable Jersey program will not cost the Borough any money. The whole objective is to save the Borough money in the long run. He pointed out that the Borough already has one of the required items, the water conservation ordinance. Mayor Vaughan mentioned a few other items in which the Borough already has complied.

Mr. Crater thanked Mr. White on his presentation. The Board looks forward to an update on this program.

On other matters, Mr. Montague reported on the August 26, 2009 Zoning Board of Adjustment meeting.

Sign Ordinance – Status Report

Mr. Crater noted that the Board has now received recommendations from Mr. DeNave regarding the Sign Ordinance. He invited Board members to share their ideas on this draft ordinance.

Mr. Montague reviewed the changes that he would like to see in the draft ordinance:

- A temporary sign must be removed at the end of the 15 day period.
- Insert the actual dates permitted for holiday lighting
- Specify what particular holidays when decorative lighting is allowed

Mr. Montague reviewed the minor word changes he made to Section 165-99 C. He recommended that the Borough should not allow a temporary sign measuring 100 sq. ft. A limit on the size of these temporary signs should be specified.

Mrs. Favate asked if a requirement could be included, specifying when the holiday lighting should be removed.

Mr. Montague noted that a number of holiday lights are left on Main Street, all year long. Some of them are unlit. The allowable color of these lights should be specified.

Mr. Montague would like a requirement requesting that political signs be removed 24 hours after an election.

Mr. Montague suggested that inflatable signs and tethered balloons, greater than one foot in length or diameter, not be allowed. Balloons should not have any messages printed on them.

Board members discussed where political signs should be allowed. They noted that many local churches have banners on their front lawns. Ms. Rizzuto pointed out that political language is treated differently than religious language and commercial language. People

who put up illegal signs in public areas usually are not caught and fined. The signs are usually just removed.

Mr. Crater asked the Board members if they wanted to prohibit political signs in the public right of way.

Mrs. Cali-Charles answered no; however, she felt there should be a time limit for political signs. For instance, those signs could be allowed in place for 21 days prior to an election and removed within 7 days after an election.

The Board discussed where Board of Education signs should be allowed.

Ms. Rizzuto pointed out that there is a tendency to legislate on every single point regarding signs. This can't be done. The key question is whether or not the Borough has the manpower to enforce all these regulations. Regarding signs being put up in a public right of way, Ms. Rizzuto said it should be decided whether these signs create a sight problem, create ugliness, or become too crowded.

Mr. Montague said he would like feedback on the Borough Council on signs. Ms. Rizzuto suggested that the Board high-light the points covered in their sign discussion. These comments can be forwarded on to the Borough Council. The Council can then make the final decision on what is needed. Mr. Crater concluded that the Board will ask the Borough Council for their views regarding political signs in the Borough-owned right-of-way.

Mr. Montague brought up the issue of sandwich signs becoming more evident in Chatham's downtown. He felt these particular signs have become a real safety hazard for pedestrians. Councilman Mikulewicz said one of the reasons for sandwich and portable signs were that local businesses need to advertise more seriously during these difficult economic times. He believed the Borough Council is trying to help the downtown businesses. New benches for the Borough Streetscape will soon be delivered and installed. This installation of these benches will shrink the sidewalk space even more for pedestrians.

Mr. Crater believed that the sidewalk signs have proliferated because of the lack of enforcement by the Borough.

Mr. Montague said he would like language inserted to prohibit language such as "Sold", "Leased", "Too Late" and "Gone" on real estate sale signs. He felt it was not a good idea to advertise that a house is vacant.

Returning to Section 165-101 H: Mrs. Cali-Charles felt signs in second and third floor windows should be allowed.

Mr. Montague gave his views on LED signs. He would like LED signs prohibited except when they are illuminating another sign. Flashing and different colored lights should not be allowed.

Mr. DeNave noted that he has received only two sets of comments on the sign ordinance, from Susan Kessel and from Mr. Montague. Mr. DeNave will take these comments, and any other suggested changes and will give them to his intern with a copy of tonight's meeting minutes. The intern can give a summary of the objections and suggested changes to the ordinance and present them to the Mayor and Council.

Mr. Crater urged Board members to give Mr. DeNave their comments on this ordinance as soon as possible.

Returning to his commentary, Mr. Montague discussed a rule prohibiting signs that give off glare. Ms. Rizzuto questioned how the glare would be measured. Mayor Vaughan said the Borough Engineer is buying an instrument to take these type measurements.

Mr. Montague gave his views on Section 165-104 Master signage plan. He recommended that town signs should not be larger than 4 square feet.

Mr. Montague also explained his suggestion of businesses using wall signs instead of sandwich signs on the sidewalk. Regarding awnings, Mr. Montague pointed out that store names, addresses, and e-mail addresses may be allowed on the fringe of an awning or canopy. A logo is also allowed on a canopy fringe.

Mr. Montague said he was not in favor of banning all temporary signs; however, he recommended that the Borough should have a list of which ones would be allowable, and specify an allowable location and size.

Mr. Pfeil questioned the suggested requirement that all real estate signs be removed one day after the contract is signed by the parties involved. He felt that was not a realistic time frame.

Regarding signs that are destroyed or needs modification, Ms. Rizzuto recommended that the owners should go before the Borough Sign Committee with their sign plans.

Ms. Cali-Charles gave her suggestions for the ordinance. She would like language inserted prohibiting all boxed, internally illuminated signs. She would like second floor for-rent signs be allowed. Ms. Cali-Charles asked that the stipulation about signs which cause glare remain in the ordinance.

Mrs. Cali-Charles brought up that a proposed sign from a business or industrial use must be approved by the Sign Committee within 10 business days. She pointed out that the Borough Sign Committee does not meet that frequently. Mr. Montague said that Mr. DeNave said that stipulation of 10 business days is a state requirement. Mr. Crater said that the Board will check with Mr. DeNave about this situation.

Councilman Mikulewicz reported on recent signage being proposed by the Farmer's Market Committee. He gave the cost of the sign brackets and banners. He felt there may be a possibility that other entities may want to use these sign brackets and share the cost. Councilman Mikulewicz distributed photos of the type of brackets or banner-holders that are being considered. He felt problems may arise on who may use these brackets for businesses/events and how long a banner can be put up.

Mrs. Cali-Charles had concerns about signs projecting off of buildings. Mr. Montague pointed out that these type signs already exist on Main Street. Mrs. Cali-Charles felt too many projected signs would be counterproductive on Main Street. Mrs. Favate pointed out that some storefronts, on the narrow side, may benefit from having a projected sign.

Mrs. Cali-Charles felt that home occupations, in residential zones, should have externally illuminated signs. She asked that the language in the ordinance be more restrictive for residential zone signs. A spot light, shining up on a nameplate of a 5 ft. post, would be an acceptable alternative.

Ms. Cali-Charles asked that under "Special Event Displays" that strings of pennants be eliminated. Councilman Mikulewicz suggested time limitations be specified for businesses using pennants. He pointed out that the Farmer's Market puts up two strings of pennants every Saturday. Perhaps a specific number of pennants should only be allowed. After further discussion, Mr. Crater suggested this situation be researched further.

Ms. Rizzuto recommended that in the near future the Board should review the definition section of the Land Use Ordinance. Anything being put in the Sign Ordinance should comply with the definition section. Mrs. Favate pointed out some new definitions that should be added from tonight's discussion.

Mrs. Favate felt political signs should be allowed up for 7 days after an election. She believed that 24 hours was not feasible. She also recommended that clear definitions of "awning", "fringes" and "house of worship" should be included. Mrs. Favate felt rules regarding real estate signs would be difficult to enforce. For sign penalties, she suggested putting them at the end of each category with the penalty fee. Mr. Mitchell said all of his comments have already been expressed by other Board members.

Mr. Bitar brought up the restriction that only white lights should be allowed at holiday time. He didn't think this applied to residential zones. Clarification should be made on which zone(s) this restriction applies. He confirmed with Mr. Crater that public comments will be heard after all Board comments and revisions are taken into account. Mr. Crater said he had notified the Chamber of Commerce about the Sign Ordinance being discussed tonight. Hopefully the Chamber had notified the members. This is still a work in progress and their comments will be welcome before the recommended ordinance is sent on to the Mayor and Council.

Mr. Crater gave his comments on the ordinance. He did not like placards or signs on the downtown sidewalks. Also, he did not like the LED signs. Mr. Crater noted that there had been a disagreement about business signs being put up on the Lower Lum Ave. athletic field. Councilman Mikulewicz said that situation was handled by a recent ordinance. This matter will be noted in this sign ordinance.

On another situation, Mr. Crater would like contractor signs on the front lawns of residences be removed as soon as the work is complete. Mr. Crater will submit additional comments to Mr. DeNave.

Mr. Crater opened the floor up for public comment.

Councilman Joe Marts made the following points:

- Please don't limit signs for Chatham Fire Dept. events
- Please allow banners on the Lum Ave. field. The banners are from merchants who support the youth baseball teams.
- Please limit signs for daycare centers.
- Be judicious on how long real estate signs are kept up on properties, keeping in mind the current state of the economy.
- Try to receive good input from the Chamber of Commerce
- LED signs and other flashing signs are inappropriate for the Borough
- Give clarification on the real estate signs. These signs are essential marketing tools; however, the Borough could limit the number of signs in a neighborhood and their duration.

Mrs. Cali-Charles asked Councilman Marts his input on real estate signs, especially how long this type of sign should remain on the property.

Councilman Marts felt that having real estate signs up "forever" is not appropriate. Perhaps a week before the actual closing of the property sale, they could be removed.

Mrs. Cali-Charles asked how a regulation for removing a real estate sign would be enforced.

Councilman Marts suggested that the Borough could make a notation when they receive a deed transfer. That would give the Borough an idea of how long the For Sale sign has been sitting on a property and when it should be taken away.

There was no further business to discuss.

At 9:50 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary