

CHATHAM BOROUGH PLANNING BOARD  
January 13, 2010 7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of January 13, 2010 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 Bruce Harris, Chairman Richard Crater, John Bitar\*\*\*, Donna Cali-Charles, Vincent DeNave, H.H. Montague\*, Susan Favate, James Mitchell, Joseph Mikulewicz.

\*arrived at 7:33 p.m.

\*\*arrived at 7:35 p.m.

\*\*\*arrived at 7:40 p.m.

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

Members Absent:

Alan Pfeil

Chairman Crater welcomed Councilman Bruce Harris who will be serving again as Borough Council Liaison to the Board. Also, former Council Member Joseph Mikulewicz has been appointed as Second Alternate to the Board.

2010 Organization Resolutions

a. Election of Chairperson

Mayor Vaughan made a motion to nominate Richard Crater as Chairman of the Board. Mr. DeNave seconded the motion. A voice vote was taken. Mr. Crater was unanimously elected as Chairman of the Board for 2010.

b. Election of Vice Chairperson

Mrs. Cali-Charles made a motion to nominate John Bitar as Vice Chairman of the Planning Board for 2010. Councilman Harris seconded the motion. A voice vote was taken. Mr. Bitar was unanimously elected as Vice Chairman of the Board for 2010.

Election of Board Secretary

Councilman Harris made a motion to nominate Donna Cali-Charles as Board Secretary for 2010. Mr. Montague seconded the motion. A voice vote was taken. Mrs. Cali-Charles was unanimously elected as Secretary of the Board for 2010.

Reading of the Annual Resolutions

Mrs. Cali-Charles read aloud Resolution #PB-2010-2, establishing the Board's meeting dates, times and locations for 2010 and January 2011. Mrs. Cali-Charles made a motion to approve Resolution #PB-2010-2. Councilman Harris seconded the motion. A voice vote was taken. Resolution #PB-2010-2 was unanimously approved.

Mrs. Favate read aloud Resolution #PB-2010-3 appointing Anne Marie Rizzuto, Esq., of 368 East Halsey Road, Parisppany NJ as Legal Counsel for the Planning Board for 2010. Mrs. Favate made a motion to approve Resolution #PB-2010-3. Councilman Harris seconded the motion. A voice vote was taken. Resolution #PB-2010-3 was unanimously approved.

Councilman Harris read aloud Resolution #PB-2010-4, designating the Chatham Courier and the Morris County Daily Record as the official newspapers to receive notices of meetings of the Chatham Borough Planning Board and fixing charges for notices of Board meetings during 2010. Councilman Harris made a motion to approve #PB-2010-4. Mr. Montague seconded the motion. A voice vote was taken. Resolution #PB-2010-4 was unanimously approved.

Ms. Rizzuto explained Resolution #PB-2010-6, a resolution adopting rules and regulations for the operation of the Planning Board. This resolution will be amending the Board's rules and regulations (the Board's By-laws). This amendment concerns the new adjustment of the Planning Board's meeting dates. Ms. Rizzuto read aloud Resolution #PB-2010-6. Councilman Harris made a motion to approve Resolution #PB-2010-6. Mrs. Favate seconded the motion. A voice vote was taken. Resolution #PB-2010-6 was unanimously approved.

In answer to an inquiry made by Mr. Montague, Ms. Rizzuto will circulate the By-laws to all Board members.

Mr. Bitar read aloud Resolution #PB-2010-7, a resolution appointing John Hansen as Planning Board's consulting engineer, and approving the contract for Mr. Hansen's engineering services. Mr. Bitar made a motion to approve #PB-2010-7. Mr. Montague seconded the motion. A voice vote was taken. Resolution #PB-2010-7 was unanimously approved.

#### Open to the Public

There were no comments from the public.

#### Approval of Minutes

The meeting minutes of December 2, 2009 were approved as amended. Councilman Harris and Mrs. Favate abstained from voting, because they were absent from this meeting.

The meeting minutes of December 9, 2009 were approved as amended. Councilman Harris, Mr. Montague and Mr. Bitar abstained from voting, because they were absent from this meeting.

#### Memorialize – Miriam Gunn Application – 74 North Passaic Avenue

Ms. Rizzuto reviewed the agreed-upon conditions she had included in the resolution memorializing the minor subdivision for 74 North Passaic Avenue.

Mrs. Favate made a motion to approve this resolution. Mr. DeNave seconded the motion. A roll call vote was taken:

Mrs. Cali-Charles	-	yes
Mr. DeNave	-	yes
Mrs. Favate	-	yes
Mr. Mitchell	-	yes
Mr. Mikulewicz	-	yes
Chrmn. Crater	-	yes

Old Business

Contract for the Planner for the B Districts

Mr. Crater said this matter has been removed from the agenda. It is not pertinent for tonight's meeting.

Checklist for Applications

Ms. Rizzuto will have the checklist ready for one of the Board's February meetings.

On other matters, Ms. Rizzuto noted that the Board has forwarded their proposed FAR ordinance to the Mayor and Council for their consideration. The Board has also sent their proposed Adult Entertainment/Tattoo Parlor ordinance to the Borough governing body. Progress is being made on the Sign Ordinance. Mr. Montague offered to attend the Borough Council meeting when the FAR ordinance will be discussed.

Ms. Rizzuto noted which Board members belonged to the sub-committee studying the Planner's Report on the Borough's Business District Study. Councilman Harris will be joining this sub-committee.

Mr. DeNave suggested that the Board work on a POD ordinance again. The Board had once discussed a POD ordinance; however, nothing was forwarded on to the Borough Council. PODs are once again an issue in the Borough. Mr. DeNave recommended that time restrictions and location restrictions be established. A permit process should be in place. Mr. DeNave will send Board members the copy of the model ordinance again. PODs will be put on the agenda at the Board's next meeting.

Ms. Rizzuto noted that along with PODs, there is also the issue of free newspaper bins and clothing bins. Perhaps all these items should be regulated in one ordinance and one permit process. Mr. DeNave recommended that the Building Department should be in charge of these particular permits. Ms. Rizzuto asked Board members to review again the clothing bin ordinance she had distributed in October.

Sign Ordinance

Mr. Crater noted that Ms. Rizzuto and Mr. DeNave have done a great deal of work on this ordinance since the last meeting. He asked Ms. Rizzuto if she had any comments tonight.

The Board discussed the issue of abandoned signs. Ms. Rizzuto reviewed what the ordinance specifies for these particular signs where a business vacancy has occurred. Ms. Rizzuto said she will research case law on this particular situation. She felt some tweaking could be done on the section of the ordinance regarding sign replacement. Ms. Rizzuto pointed out that municipalities are allowed to regulate signs and insist on conformity for signs where appropriate.

Councilman Harris felt that the Sign Ordinance should formally establish a Sign Committee. The membership should be clearly designated.

The Board reviewed who currently belonged to the Borough Sign Committee. Councilman Harris recommended that a member of the Historic Preservation Commission should be included on the Committee. Mr. DeNave felt that the Chamber of Commerce should also be represented on the Sign Committee.

Ms. Rizzuto said she will further research this Sign Committee membership matter and confer with Mr. Bell, the Borough Attorney. The Board could recommend, in a memo, the general structure of membership for the Sign Committee.

Mr. Montague will send his comments on this ordinance to Ms. Rizzuto before the next Board meeting. Mrs. Cali-Charles had some typo corrections for the ordinance. The Board discussed what info should be allowed on awnings. They discussed if the web site name should be included. The Board decided three identifiers would be allowed on the fringe of the awning. The business logo would be allowed in the middle of the canopy.

The Board and Ms. Rizzuto discussed how many identifying items should be allowed on flat signs. There is a maximum of five items to choose from. They reviewed what the present ordinance stated on this matter. Councilman Harris pointed out that the Borough Council wanted the sign ordinance to become more liberalized, not become more restrictive.

Mr. Crater and Mrs. Cali-Charles felt that the following 5 items should be allowed on a fringe of the awning: name, address, phone number, web site, and logo.

Mr. Crater noted that no public comments have been offered on this sign ordinance. Mrs. Cali-Charles urged that another chance be given to hear from the public. However, some feedback has been given by local merchants and the Historic Preservation Commission. Mr. Crater agreed to have this topic brought up again at one of the Board's February meetings. Mr. DeNave suggested a notice be put on the Community Bulletin Board notifying the public of this sign ordinance discussion and asking for their comments.

After further discussion, Mr. Crater indicated that this topic will be continued at the next Board meeting. He noted that Board members will not agree on every point of the ordinance; however, a vote needs to be taken very soon.

Mrs. Favate and Mr. Montague noted that the word “glare” was used in the sign ordinance. They felt a definition was needed.

New Business

Mr. DeNave reported that an application may soon be before the Board seeking a change of permitted use. The applicant is the Parrott Mill Inn at 47 Main Street. No exterior changes to the building are being proposed, except for a sign. The uses being proposed are acceptable in that particular zone.

Riparian Buffer Ordinance

Ms. Rizzuto and Mr. DeNave explained that the State requires that every municipality must have this ordinance. Ms. Rizzuto noted that this ordinance will be part of the Land Development ordinances. She will work with Mr. DeNave and organize a draft for the Board to review.

Before adjourning, the Board confirmed that Board meetings will be held on February 3 and February 17, 2010, 7:30 p.m., Council Chambers, Chatham Municipal Building. These meetings will be recorded for public viewing on Channel 21.

At 9:30 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary