

CHATHAM BOROUGH PLANNING BOARD  
July 9, 2008 7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of July 9, 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, Vincent DeNave, John Hague, Thomas Sennett, John Bitar, James Mitchell, Donna Cali-Charles, Chairman H.H. Montague.

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

Members Absent: Alison Pignatello, Alan Pfeil.

Minutes

The minutes of May 7, 2008 were approved as amended.

Resolution – 221 Main Street, L.L.C. – Revisions of Plans  
221 Main Street, Block 121 and Lot 6

Mr. DeNave reported that he had received revisions from the applicant. These revisions are compliant with the ordinance.

The following Board members recused themselves from this discussion: Councilman Harris, Vincent DeNave, and Mayor Vaughan because they have participated in discussions with the applicant on behalf of the Borough.

Ms. Rizzuto gave a brief history of this application. She noted that the application was for Preliminary and Final Site Plan approval, as well as for variances. One variance was for lack of a loading zone. The second variance is for the parking for the residential aspect. A third variance was for the commercial parking aspect. A two-story building is being proposed. The basement level will be underground at the front of the building. There will be a walk-out basement at the rear of the building. Retail space will occupy that section. Ms. Rizzuto noted the first floor will be retail space. The second floor will contain two residential units.

Ms. Rizzuto reviewed the conditions agreed upon. Board members made some minor changes to the resolution.

Mr. Bitar made a motion to approve the Resolution for Preliminary and Final Site Plan with variances and conditions as stated in the resolution. Mr. Sennett seconded the motion. A roll call vote was taken:

Mr. Hague - yes

Mr. Sennett - yes  
Mr. Bitar - yes  
Mrs. Cali-Charles - yes  
Chrmn. Montague - yes

Mr. Mitchell was not eligible to vote.

Mayor Vaughan, Councilman Harris, and Mr. DeNave returned to the Board table.

#### Open to the Public

There were no comments from the public.

#### Old and New Business

##### Complete Checklist – Continued Review

Mr. Montague noted he had e-mailed the draft checklist to Ms. Rizzuto. Ms. Rizzuto said she will be prepared to hold a review on the checklist with the Board in August.

##### PODS Ordinance – Continued Review

Ms. Rizzuto will be prepared at the August 6<sup>th</sup> meeting for this review. She has received comments from Board members and has copies of POD ordinances from other communities.

##### Borough Sign Committee Update

Mr. Montague said he will make a list of four items that the Sign Committee would like the Planning Board to review. An ordinance change may be needed.

##### Bylaws – Draft Review

The Board reviewed Article V. Conduct of the Hearing, Sections 5.01, 5.02, 5.03, and 5.04. They discussed the following topics in this article:

- Conflicts of interest in hearings
- Who must leave the meeting room when a hearing is going on
- When Special Hearings should be held, their scheduling, what notices and fees would be required for these hearings
- How to handle any over-time professional fees when a Special Hearing is held
- Voluntary withdrawals by an applicant
- The burden of proof on the applicant
- The Order of Presentation of testimony

The Board stopped their review at Article V. Section 5.07 (c). Further review will continue after tonight's Closed Session.

##### Resolution for a Closed Session

At 8:30 p.m. Councilman Harris made a motion to approve the resolution for the Board to go into Closed Session regarding contract negotiations for a professional planner. Mr. Mitchell seconded the motion. The motion was unanimously approved by voice vote.

At 10:20 the Closed Session adjourned. The Board returned to public session.

Ms. Rizzuto stated for the record that in tonight's Closed Session, the Board had also held a discussion concerning potential litigation regarding Cougar Field.

Bylaws Review continued

The Board discussed Article V, Paragraph D: "Where a group of interested parties are represented by an attorney, the attorney shall present to the Board Chairperson a list of the persons he represents and such persons shall participate in the proceeding only through their attorney."

Mr. Hague brought up that the Board currently does not have a procedure for appointing non-regular retained professionals for reviews. This will be explored further.

The Board discussed Paragraph E, regarding "objectors", any evidence they may submit, and any cross-examination to be done by the applicant or his/her attorney. Mr. Hague suggested the using words "interested parties" instead of "objectors". Mr. Hague also suggested that the Board's expert(s) testify before the objector's presents his/her case.

The Board decided to keep Paragraph G, as it stands, regarding rebuttal testimony or evidence.

The Board reviewed 5.08, 5.09 and 5.10. Regarding 5.10, the Board discussed how long evidence is kept for applications. Also regarding 5.10, the Board decided that letters of objection from interested parties will not be admissible unless the writer presents himself at a hearing for cross-examination.

Councilman Harris and Mr. Hague recommended Paragraph I be removed, because it was case law and could change depending on the whim of the appellate judge.

Ms. Rizzuto recommended Paragraph J be deleted. She suggested an alternate wording: "The Board shall have plenary power and discretion to impose conditions in accordance with applicable law." The Board agreed with this wording.

At 11:05 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary