

CHATHAM BOROUGH PLANNING BOARD
October 1, 2008 7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of October 1, 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, John Bitar*, James Mitchell, Donna Cali-Charles, Chairman H.H. Montague.

*arrived at 7:45 p.m.

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

Members Absent: Alan Pfeil, Susan Favate.

Mr. Montague reported that Mrs. Susan Favate of 90 Woodland Road, has now joined the Board. She is a professional planner. Mrs. Cali-Charles is now a full member of the Board.

Mr. Montague noted that there is a vacancy for Board Secretary. He asked if there were any nominations to fill that position.

Mr. Hague made a motion to nominate Mrs. Cali-Charles for the position of Planning Board Secretary. Mr. DeNave seconded the motion. No other nominations were made.

Mr. Hague made a motion to close the nominations. Mr. DeNave seconded the motion. The motion to close the nominations was unanimously approved. There was no discussion regarding the nomination.

Mr. Hague read aloud a resolution electing Donna Cali-Charles as Secretary for the Chatham Borough Planning for the remainder of the year 2008. A voice vote was taken on this resolution. The resolution was unanimously approved.

Open to the Public

There were no comments from the public.

Approval of Minutes

The following minutes were approved as amended:

July 9, 2008 – Regular Meeting
July 9, 2008 – Closed Session

Ms. Rizzuto said at the end of the year she will review all of the Closed Session Minutes and decide which closed sessions should remain confidential and which should be made public.

Resolution approving the Rules and Regulations of the Planning Board

Mr. Montague noted that Ms. Rizzuto needs more time to review **the draft of the by-laws**.

The Board decided to vote on this resolution to one of their November meetings.

Retention of Planner for Business Districts

Mr. Montague asked Mayor Vaughan if the Borough Council had made any decisions on funding the salary for this planner. Would it be acceptable for the Board to proceed right now and select the planner?

Mayor Vaughan answered that he and the Borough Council are in the budget process right now. This item will be considered in the process. Councilman Harris noted that **if** there is any money available, line items could be moved.

Mr. DeNave felt it wouldn't make much sense for the Board to proceed with this planner unless the work begins this present year. There's a possibility that the planner may change her rates at the beginning of next year. Mr. Montague reported that he had a letter from the planner stating she would hold to the rates she had stated in her proposal.

Ms. Rizzuto noted that under the Municipal Land Use Law the Board is charged with hiring its consultants; however, only when it is funded by the governing body. Ms. Rizzuto did not think the Board currently had a commitment to fund this hiring. She recommended the Board not execute any contract with this planner just yet.

Councilman Harris suggested, if the Board still wanted to vote on a resolution tonight, the resolution should state that the planner's engagement of services will begin upon confirmation that funding will be available from the Borough. The Board agreed with this suggestion.

Councilman Harris made a motion that the Board retain Cheryl Bergailo of Taylor Design to conduct the study regarding the business districts and that a resolution be drafted, making that engagement contingent upon the governing body funds. Mr. DeNave seconded the motion. A roll call vote was taken:

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

Chrmn. Montague - yes

Mr. Montague said a resolution will be drafted regarding this hiring. It will be ready at one of the Board meetings in November. He will contact Ms. Bergailo and ask her to start preparing a contract.

Old Business

a. Update on COAH Planner Work

Mr. Hague reported that the Borough Council has authorized a committee to advise and work on the COAH issue between now and the end of the year. The **members** consist of Mr. Hague, Councilman Marts, Mr. DeNave, and John Eyre on Fairview Ave. The committee met last Thursday and reviewed a letter, dated 8/20/08, submitted by John Maser. This memo listed the material Mr. Maser needs to see. Mr. DeNave has been assembling all this material. After Mr. Maser receives this material and responds, the Committee will meet again to see what further needs to be done.

Mr. Hague stated that Mr. DeNave will follow up with the Borough Attorney, Joe Bell, regarding the funding mechanism for using the trust fund money. Mr. Hague noted that the spending plan has to be approved before money is drawn out of it. Mr. DeNave reported that Joe Layton has picked up all the documents. Mr. Layton will move the spending plan out front so the Borough can be reimbursed. Mr. Layton will be contacting Mr. DeNave to arrange when he can meet with the sub-committee to lay out some time-lines.

Ms. Rizzuto reminded the Board that time is quickly slipping by regarding the filing deadline of Dec. 31st. The Planning Board must first adopt the housing plan and then forward it on to the Borough Council. Some ordinances may have to be adopted. She recommended that the housing plan be realistic.

b. Checklist Ordinance Changes

Mr. Montague reported that he had made changes and omissions on the checklist based on recommendations made by Mr. Hague. He distributed copies of the draft checklist and reviewed the changes he had made. Mr. Montague asked Board members to look over this latest draft with the changes.

Mr. Montague asked Mr. DeNave if this check-list could be used as a test-run at his Zoning Office. Mr. DeNave agreed. The Board and Ms. Rizzuto discussed the number of days required to deem an application complete. They also discussed the number of sets of plans needed to deem the application complete. Mr. DeNave felt that 3 sets **would** be sufficient for completion.

Mr. DeNave recommended whichever engineering firm the Board chooses for next year, the firm should make sure the checklists for submitted plans are technically complete. Mr. Hague suggested the engineering firm issue a memo to Mrs. Maramonte, the Board's Administrative Secretary, informing her that they have reviewed the checklist for

submitted plans and found certain items (using checklist numbers) were missing. Mrs. Maramonte can then send the applicant a form letter notifying the applicant of the date his/her plans were reviewed and deemed incomplete. The memo from the engineering firm will be attached to her letter.

Ms. Rizzuto said when the Board is finished working on this draft, it should be forwarded to her for review.

Ordinance Section List of 9/10/2008

Mr. Montague said he has revised this list, based on the comments made by Board members. He has also included numbers.

Mr. Montague asked if anyone would like to work on a PODs ordinance. Mr. DeNave volunteered to take on this project.

Ms. Rizzuto said she will try and obtain sample ordinances regarding PODs and send Board members electronic copies.

Miscellaneous

Mr. Montague reported that he has received letters and e-mails regarding Shailja (Dunkin' Donuts).

Ms. Rizzuto said Shailja will be discussed in Closed Session tonight. Other matters to be discussed tonight in Closed Session are potential litigation regarding Cougar Field and litigation, Curran v. Romano. Mr. Hague will be recused from the Shailja discussion, because of a conflict of interest.

Mr. DeNave made a motion to go into Closed Session for:

- Discussion of litigation in the Romano matter
- Discussion of potential litigation regarding Cougar Field
- Discussion of Shailja, LLC

Councilman Harris seconded the motion. The motion was unanimously approved by the Board.

At 8:40 p.m. the Board went into Closed Session.

At 10:10 p.m. the Board returned to Public Session

Mr. Montague suggested that the Board's October 8, 2008 be cancelled. The topics discussed tonight do not have to be reviewed immediately. The Board agreed with this cancellation.

At 10:11 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary