

CHATHAM BOROUGH PLANNING BOARD

February 4, 2009

7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of February 4, 2009 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 Joseph Mikulewicz, Chairman Richard Crater, John Bitar\*, Donna Cali-Charles, Vincent DeNave, H.H. Montague, Alan Pfeil, James Mitchell.

\*arrived at 7:35 p.m.

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

Members Absent:

Susan Favate

Open to the Public

There were no members of the public present.

Approval of Minutes

The minutes of January 7, 2009 were approved as amended.

Old Business

a. Rules and Regulations of the Planning Board Resolution

Mr. Montague made a motion to pass the resolution approving the Rules and Regulations of the Planning Board. Mr. Pfeil seconded the motion. A voice vote was taken. The resolution was unanimously approved (9-0).

b. Contract for Engineer – Resolution

Ms. Rizzuto reported that Mr. Hansen, the engineer chosen by the Board, has provided a rate schedule. She will be utilizing the same contract that the Board approved last year. Mr. Hansen has agreed to keep his rates the same as last year. This contract will allow the Board to utilize engineering services when necessary for applications and other Planning Board Planning business, on a case by case basis.

Mr. Montague made a motion to approve the contract. Mrs. Cali-Charles seconded the motion. A voice vote was taken. The resolution was unanimously approved (9-0).

c. Checklist for Application

Mr. Montague distributed copies of the latest draft. He reported that a considerable number of paragraphs needed to be changed in the ordinance for this checklist. Mr. Montague noted that bullet-points were put in to shorten the checklist. Each bullet-point references the appropriate ordinance.

Mr. Montague suggested amendments on the language concerning signs for applications being submitted.

Mrs. Cali-Charles asked whether the expiration date was really 3 years as stated on page 6. A question mark had been put next to the “3 years”.

Mr. Montague said he would like Ms. Rizzuto to clarify whether it was 2 years or 3 years. Ms. Rizzuto stated that she needs to further research that matter. She informed the Board that a new law has been passed called the Permit Extension Act which specifically applies to permits, but not all permits.

Ms. Rizzuto noted both Attachments A & B, as well as a number of proposed changes to the ordinance, are applicable to both the Planning Board and the Board of Adjustment. She recommended that the final copy of the checklist be sent to the Board of Adjustment for their review. Mr. Montague agreed to send the Board of Adjustment a copy.

Ms. Rizzuto asked for time to fully review the checklist before the Board adopts it. If she has any revisions she will consult Mr. Montague. Ms. Rizzuto stated that she needed the form applications to check for any duplication on the checklist. Mr. DeNave will provide her with the necessary copies.

Mr. Crater asked Ms. Rizzuto if she could estimate how long her review of these materials will take. Ms. Rizzuto answered at least between 10 or 20 hours over the next couple of months; however, she will try and cut it back if possible. Ms. Rizzuto will contact Cheryl Bergailo, the Board’s planner, regarding the work being done with the checklist and the ordinance changes.

Ms. Rizzuto and the Board discussed the sign issue with regard to the checklist. The Board will soon be reviewing a change of commercial tenancy application. When there is a change of business sign, the Borough does not require a Board review. The Zoning Officer reviews the proposed sign. The Sign Committee and, sometimes, the Historic Preservation Commission holds a courtesy review. Ms. Rizzuto felt the sign review does not belong in the checklist.

Mrs. Cali-Charles stated that the current sign permit process is not being followed in the Borough. As a member of the Borough Sign Committee and a resident who frequently travels Main Street, she has found out that new merchants just ignore the sign permit and review process. Some of the merchants continue to use an existing back-lit box for their new sign. That particular sign is not permitted in the Borough. Ms. Rizzuto suggested the Borough consider having a Special Improvement District which would require merchants to comply with signs, awnings, and facades. She reiterated that the Board should look at the sign aspect and look at the ordinance as “a stand alone ordinance”. Maybe some teeth and organization could be added to that ordinance.

Councilman Mikulewicz brought up a radical change at the façade of a new restaurant on Main Street. Mr. DeNave noted that this situation will be discussed at the Sign Committee meeting tomorrow morning.

d. PODs ordinance

Mr. DeNave noted that he had distributed a sample POD ordinance. He recommended the Board set up a subcommittee and carefully review this ordinance. Mr. DeNave suggested a Council Member should belong to this subcommittee, because ultimately a recommended ordinance will be forwarded to the Borough Council. Some Council input should first be considered. Councilman Mikulewicz, Mr. Montague, and Mr. DeNave volunteered to serve on this subcommittee.

New Business – Discussion of FAR Subcommittee

Councilman Mikulewicz noted that when a resident is proposing an addition or a change in his house, basements are not included in Floor Area Ratio (FAR). The garage and attic space will also contribute to the FAR calculations. Councilman Mikulewicz felt the residents who live on the smaller lots in town are limited in what they can do with their houses. When he was recently campaigning for reelection, residents had complained to him that it was an arduous task going before the Zoning and Planning Boards.

Councilman Mikulewicz suggested the Board form a sub-committee re-visit the FAR situation and consider “tweaking” it a little or come up with an alternative.

Mr. DeNave noted that as the Borough Zoning Officer, he found that residents coming in with plans are constantly up against the FAR issue. If the architects hired by these residents are not from the Chatham area, they are not aware that 100% of the garage space is considered FAR and any attic space over 5 feet also contributes to FAR. Mr. DeNave noted that residents are currently working around the FAR regulations. Roofs for new homes have become flatter. Also, residents who need another room have reduced their two car garages to one car garages.

The Board discussed appointing a sub-committee to review the FAR regulations. Ms. Rizzuto advised that at some point in the review, planner advice will be needed. Mr. Montague noted that Alan Robertson, a former Board member who had worked on the last revision of the FAR, still lives locally. Mr. Robertson could be invited to a meeting to explain how the last revision came about.

Regarding subcommittees, Ms. Rizzuto recommended that no more than 3 Board members should serve on these committees because of the Open Public Meetings Act. Mr. Crater asked that Councilman Mikulewicz, Mr. Pfeil, and Mr. Montague serve on the subcommittee to review the FAR situation.

Mr. Montague reported on the Zoning Board of Adjustment meeting held on Wednesday, February 28, 2009.

At 8:50 p.m. the Planning Board went into Closed Session to discuss pending litigation in the matter of Curran v. Romano.

At 9:16 p.m. the Board returned to Public Session.

Board members discussed whether or not to cancel next week's meeting scheduled for Wednesday night, February 11<sup>th</sup>.

Mrs. Cali-Charles felt there were important issues that needed further discussion. She asked that the February 11<sup>th</sup> meeting not be cancelled. Mr. DeNave commented that small groups, like the subcommittees formed tonight, accomplish so much, that the regular Board meetings could be narrowed down to one meeting a month. Ms. Rizzuto pointed out that when Board meetings are only one week apart in a month does, she does not have enough time to study the important issues. This makes the second meeting in the month not very productive. Mr. Crater noted that by March, the Board will have some reports from their subcommittees and hopefully action will be taken.

Mrs. Cali-Charles inquired about the Board's funding. She would like to have the Board's attorney present at more meeting.

Mr. Montague said he had consulted with the Borough Administrator about this situation. Mr. Falzarano had informed him that a great deal depends on how many meetings are held and how much work the Board has to deal with. Mr. Montague reviewed the fees for the professional planner the Board has hired. Mr. Crater noted that the Borough's Annual Budget is currently in draft form. The Borough Council will adopt it in March. Mr. Crater recommended the Board review its own budget to make sure it's realistic and that Ms. Rizzuto can still be retained as Board attorney during 2009.

Councilman Mikulewicz reported on a fax he had received from the Council of Affordable Housing (COAH) confirming that they had received the Borough's application.

The next Planning Board meeting will be held Wednesday, March 4, 2009, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

At 9:25 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary