

CHATHAM BOROUGH PLANNING BOARD

January 7, 2009

7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of January 7, 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, Richard Crater, Councilman Joseph Mikulewicz, Vincent DeNave, H.H. Montague, Donna Cali-Charles, John Bitar\*, Alan Pfeil, James Mitchell.  
\*arrived 7:38 p.m.

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

Members Absent:

Susan Favate

2009 Organization Resolutions

a. Election of Chairperson

Mr. Pfeil reported that the nominating committee has two candidates for Chairman of the Board: H.H. Montague and Richard Crater.

Mr. Pfeil made a motion to nominate Mr. Montague as Chairman of the Board for 2009. Mr. DeNave seconded the motion. A roll call vote was taken:

|                       |   |     |
|-----------------------|---|-----|
| Mayor Vaughan         | - | no  |
| Mr. DeNave            | - | no  |
| Mr. Montague          | - | yes |
| Mrs. Cali-Charles     | - | no  |
| Mr. Bitar             | - | yes |
| Councilman Mikulewicz | - | no  |
| Mr. Crater            | - | no  |
| Mr. Pfeil             | - | yes |
| Mr. Mitchell          | - | yes |

The motion was defeated.

Mayor Vaughan made a motion to nominate Mr. Crater as Chairman of the Board for 2009. Councilman Mikulewicz seconded the motion. A roll call vote was taken:

|                   |   |     |
|-------------------|---|-----|
| Mayor Vaughan     | - | yes |
| Mr. DeNave        | - | yes |
| Mr. Montague      | - | no  |
| Mrs. Cali-Charles | - | yes |

|                       |   |     |
|-----------------------|---|-----|
| Mr. Bitar             | - | no  |
| Councilman Mikulewicz | - | yes |
| Mr. Crater            | - | yes |
| Mr. Pfeil             | - | no  |
| Mr. Mitchell          | - | no  |

Ms. Rizzuto announced that Mr. Crater is now Chairman of the Planning Board for 2009.

Election of Vice Chairman

Mr. Pfeil reported the Nominating Committee has no candidates for Vice Chairman for 2009.

Mr. Montague nominated Mr. Bitar as Vice Chairman of the Planning Board for 2009. Mrs. Cali-Charles seconded the motion. A roll call vote was taken:

|                       |   |     |
|-----------------------|---|-----|
| Mayor Vaughan         | - | yes |
| Mr. DeNave            | - | yes |
| Mr. Montague          | - | yes |
| Mrs. Cali-Charles     | - | yes |
| Mr. Bitar             | - | yes |
| Councilman Mikulewicz | - | yes |
| Mr. Crater            | - | yes |
| Mr. Pfeil             | - | yes |
| Mr. Mitchell          | - | yes |

Election of Board Secretary

Mr. Pfeil made a motion to nominate Mrs. Cali-Charles as Board Secretary for 2009. Mr. DeNave seconded the motion. A roll call vote was taken:

|                       |   |     |
|-----------------------|---|-----|
| Mayor Vaughan         | - | yes |
| Mr. DeNave            | - | yes |
| Mr. Montague          | - | yes |
| Mrs. Cali-Charles     | - | yes |
| Mr. Bitar             | - | yes |
| Councilman Mikulewicz | - | yes |
| Mr. Crater            | - | yes |
| Mr. Pfeil             | - | yes |
| Mr. Mitchell          | - | yes |

Reading of the Annual Resolutions

Mr. Bitar read aloud Resolution 2009-1, appointing the following as Planning Board Officers for 2009: Richard E. Crater, Chairman; John Bitar; Vice Chairman; Donna Cali-Charles, Secretary. A voice vote was taken. The resolution was unanimously approved (9-0).

Councilman Mikulewicz summarized Resolution 2009-2, establishing the Board's meeting dates for 2009 and January 2010. Councilman Mikulewicz made a motion to approve Resolution 2009-2. Mr. Pfeil seconded the motion. The resolution was unanimously approved (9-0).

Mr. Montague summarized Resolution 2009-3, appointing Anne Marie Rizzuto, Esq., as Board Attorney. Mr. Montague made a motion to approve Resolution 2009-3. Mr. Bitar seconded the motion. The resolution was unanimously approved (9-0).

Mayor Vaughan read aloud Resolution 2009-4, 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 meetings of the Board during 2009. Mr. Pfeil seconded the motion. The resolution was unanimously approved (9-0).

#### Open to the Public

Councilman Joe Marts, as a resident, thanked the Board for their prompt action on 221 Main Street and on meeting the COAH deadline.

#### Approval of Minutes

Mrs. Cali-Charles made a motion to approve the meeting minutes of December 3, 2008 as amended, seconded by Mr. Montague. The meeting minutes as amended were unanimously approved. The following Board members abstained from voting on these minutes because they were absent from that meeting: Mr. DeNave, Mr. Mitchell, and Councilman Mikulewicz.

#### Memorialize Resolution for Appointment of the Business District Planner

Ms. Rizzuto made the following points:

- She has reviewed the contract which has been submitted to the selected planner.
- She recalled that the Board's sub-committee had interviewed a number of candidates.
- The Board then decided on Cheryl Bergailo of Taylor Design, Inc.
- The Board is now memorializing and finalizing Ms. Bergailo's contract, as well authorizing the final contract and the final numbers within the contract
- Attached to the resolution is the proposal which sets forth a scope of services having to do with the "B" District.
- The work done for the "B" District will be billed at an hourly rate. The total price will not exceed \$10,000. If Ms. Bergailo exceeds \$10,000 per her billing rate to complete this study, the Borough will not be billed for anything above \$10,000. Ms. Bergailo will be paid by the Borough on a monthly basis until the study is done.
- Ms. Bergailo's rates for 2009 will be \$123 per hour.
- The second part of the contract concerns a review of the rest of the Business Districts. The total price of the contract is \$15,000.

Ms. Rizzuto and the Board discussed the number of meetings Ms. Bergailo will be attending to complete this project.

Mr. Montague made a motion to adopt Resolution #PB-2009-6, Appointing Cheryl Bergailo of Taylor Design Group as Planner for the Business District. The resolution also approved the contract for Ms. Bergailo's planner services. Mr. Pfeil seconded the motion. A voice vote was taken. The motion was unanimously approved (9-0).

#### Old Business

Since he had to leave the meeting early, Mr. DeNave reported that he has given drafts of ordinances for PODs and portable toilets to the new Board members. He asked the new Board members to please review these drafts. On another matter, Mr. DeNave recommended that the Board re-appoint John Hanson as the Board's consulting engineer for 2009. Mr. Crater asked Ms. Rizzuto to prepare a resolution for the next meeting, re-appointing Mr. Hanson.

Mr. Montague gave an up-date on the Borough's recent submission to COAH. He reported that Mr. Maser had, by hand, submitted the required filing to Trenton. Mr. DeNave reported that he had received the PDF of the submission today and forwarded copies to the Mayor and Borough Council. Hard copies are currently being made and will be available in the Borough Building Department.

#### Rules and Regulations of the Planning Board

Ms. Rizzuto reported that she has reviewed and revised the rules and regulations. As of tonight, the Rules and Regulations is in its final form. She suggested giving the new Board members time to review this final version. Mr. Crater agreed that this document should be re-visited at the Board's February 4, 2009 meeting. Ms. Rizzuto will e-mail the document to the two new Board members.

#### Checklist for Application

Mr. Montague reported on the work he has done on the checklist. An extensive list of change of ordinances will be needed. Mr. Montague noted that there are almost 50 separate rules that have to be addressed in order to deem an application complete. He distributed copies of his written interpretations.

Ms. Rizzuto felt that this checklist may look daunting to a resident trying to file an application. She believed this document should really be in a simple, bullet-pointed form for a resident to easily understand and follow. Mrs. Rizzuto reminded the Board that they will eventually have to adopt a resolution recommending to the Borough Council that they approve this checklist. Council Mikulewicz thanked Mr. Montague for all the work he did; however, he agreed with Ms. Rizzuto's recommendation to simplify the checklist. Mr. Montague agreed to revise this document.

### PODS Ordinance

Ms. Rizzuto briefly reviewed this issue for the new Board members. The issue of porta-johns had been included in this Board discussion in past meetings. Ms. Rizzuto pointed out that PODs and porta-johns were not strictly land development issues.

Mayor Vaughan noted that a newspaper had recently interviewed him about the POD situation in town. Suddenly all the PODs seemed to have disappeared; however, he would still like this concern to be reviewed. He still sees a number of porta-johns in town.

Ms. Rizzuto reminded the Board that there are already property maintenance regulations in place in municipalities that are set by the Department of Community Affairs in Trenton. Municipalities can issue someone a warning to move a porta-john to a more acceptable location on a site. If the warning isn't heeded, then a ticket can be issued and the matter moves on to municipal court.

Mr. Bitar said he had noticed lattice work had been installed surrounding a porta-john in Morris Township. Perhaps the homeowner had come up with this idea. Ms. Rizzuto felt that was a good idea.

Councilman Mikulewicz asked if the Board felt roll-off construction containers or debris containers were a problem in the Borough. Mr. Montague reported he has seen a number of these type containers in town. He believed these containers were not allowed in the street.

Ms. Rizzuto said she would have to review the Borough's property maintenance code to see what would constitute a violation. Ms. Rizzuto and the Board discussed how long building materials should be kept on site and how they should be stored. Mr. Crater suggested this topic be pursued further at one of the February meetings. Mrs. Cali-Charles asked if the dimensions for PODs be included in the draft ordinance.

### New Business

Mr. Montague asked if any Board members wanted copies of the COAH Plan. Copies can be made in the Building Department. Mr. Montague noted that Mr. DeNave had a PDF copy which could be sent electronically. Board members specified whether they wanted a paper copy or a PDF copy.

Also regarding the COAH Plan, Ms. Rizzuto reminded the Board that amendments to the Borough's Master Plan have to be sent to the adjoining municipalities and the county.

The Board decided to cancel their January 14, 2009 meeting. The next Planning Board meeting will be held on February 4, 2009, 7:30 p.m., in the Council Chambers.

At 8:45 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary