

CHATHAM BOROUGH PLANNING BOARD

April 7, 2010

7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of April 7, 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 7:35 p.m.

**arrived at 7:33 p.m.

***arrived at 7:33 p.m.

****arrived at 8:50 p.m.

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

Members Absent:

Alan Pfeil

Adoption of Minutes

The meeting minutes of March 3, 2010 were approved as amended. Mrs. Favate abstained from voting.

The meeting minutes of the Closed Session of March 3, 2010 were approved as submitted. Mrs. Favate and Mr. DeNave abstained from voting.

Resolutions – Miscellaneous

There were none.

Pending Application

Application #10-01 of Tricare Treatment Services, LLC for Parrot Mill Inn, 47 Main Street, Block 129, Lot 5

Ms. Rizzuto reported that she received a letter from Alan Siegel, Esq., attorney for the Zoning Board of Adjustment, confirming that at the Zoning Board's meeting of March 24, 2010 the Board reversed the decision the Zoning Officer's decision on the proposed use.

Ms. Rizzuto will have a resolution draft prepared for the next Planning Board meeting reopening what the Planning Board had previously approved. The Board will then revoke their previous decision regarding Tricare.

Applications

There were none.

Other Business

Checklists for Application

Ms. Rizzuto noted that the Board should have the latest draft before them with Mr. Montague and other Board members' comments incorporated.

Ms. Rizzuto reported that she had separated out according to the types of applications. She explained that the proposed Checklist A will apply to virtually every application. Checklist B will be for minor site plans, preliminary major site plans, preliminary major subdivisions, and for any application requesting variances filed before the Planning Board or Zoning Board of Adjustment.

Ms. Rizzuto stated that the proposed Checklist D will be for the Change of Permitted Use, Waiver of Site Plan. An application can be developed for this procedure. The Zoning Officer's review will be documented with a written report. The Planning Board will receive and study this report.

Ms. Rizzuto explained that proposed Checklist F would allow the Board of Adjustment to hear a Request of Interpretation. There may be times when people may dispute a decision rendered by the Zoning Officer. A separate application will be available for this situation. The Board of Adjustment will then interpret what the Zoning ordinance specifies.

Mr. DeNave noted that recently he has received requests for informal hearings from applicants who don't want to develop complete plans unless they get some feedback from two or three Board members and the Board attorney. The applicants would have to pay an escrow fee and a small application fee.

Mr. DeNave asked Ms. Rizzuto if an escrow was paid in this situation, should a guide line of information be requested of the applicant.

Ms. Rizzuto felt the guide line would be a good idea. She pointed out that Checklist A applies to concept plans. She believed this situation would be handled by a technical review committee. Ms. Rizzuto offered to work with Mr. DeNave on a small guideline for technical reviews. Mr. DeNave suggested a fee be charged for an initial review of an application. That fee could go towards the escrow.

Mr. Montague asked Ms. Rizzuto which checklist should deal with signs.

Ms. Rizzuto felt that signs could be covered by Checklist B. She noted that the scale of a proposed sign has to be taken into consideration. Councilman Harris suggested that applicants be given a copy LDO Section 165-104, which deals with signs.

Ms. Rizzuto asked Mr. DeNave whether her proposed division of checklists made sense to him. Mr. DeNave answered yes; he felt that having only one checklist would be too cumbersome for an applicant.

Ms. Rizzuto noted that she hasn't included conditional uses in the checklist. She asked Mr. Montague where conditional uses should go with regard to checklists.

Mr. Montague said it depends on what the conditional use is proposing to do. Not many conditional uses have been submitted to the Boards.

Ms. Rizzuto reviewed the "other governmental approvals" that may be required for some applications.

Mr. DeNave and Ms. Rizzuto discussed environmental waivers and remedial actions.

Ms. Rizzuto pointed out that the Board will not necessarily delay approvals of certain applications until documents like waivers; however, the Board can request the applicant submit status reports at monthly intervals.

Mr. DeNave suggested a line be included in the checklist for "non-applicable" or "N.A." for some items. He and Ms. Rizzuto discussed whether "absence letters" should be required.

Mr. DeNave noted that he highlights each item of an application's resolution to make sure the item is followed through.

Ms. Rizzuto pointed out that wellhead protection is not brought up in any checklist. Board members said that the Borough has a wellhead ordinance and wellhead maps. Mr. Montague suggested inserting the wellhead item in Checklist A.

Ms. Rizzuto reminded Board members that Checklist A must be made consistent. She inserted a requirement that 16 copies of a proposed application should be made for distribution to Board members.

Ms. Rizzuto discussed with Board members if or when a traffic impact study should be required in an application. The Board felt it shouldn't be required for a minor subdivision application.

Ms. Rizzuto and the Board moved onto reviewing Checklist B.

On Item #2, Mr. Montague suggested that the applicant provide the post office address of their building, along with the block and lot number.

Mr. Montague and Mr. DeNave discussed when submitted drawings and plans must be sealed. They also noted when property surveys must be included in plans.

At 8:50 p.m. Mayor Vaughan joined the meeting.

For the next Board meeting, Ms. Rizzuto will have Checklists A & B with the recommended changes included. The remaining checklists will be covered at the next meeting.

Sign Ordinance

Ms. Rizzuto noted that tonight Board members should have the latest draft ordinance dated 1/10/10.

Mr. Montague pointed out that this ordinance had no requirement for permits for church signs. Mr. Montague was very concerned that there would be no limitations on the size and lighting for church signs. Mrs. Cali-Charles agreed with this point. She pointed out that most Borough churches are in a residential district and limitations should be placed on them.

Councilman Harris pointed out that this discussion has been covered before. He believed that the churches make an effort to keep their front lawns attractive and well kept.

Mr. Crater took a hand vote of Board members on this church sign situation. A consensus was reached (6-yes) not to place requirements on church signs.

Ms Rizzuto reviewed the current ordinance language regarding signs in residential signs. These signs do not require permits.

Ms. Rizzuto and the Board discussed the issue of glare on signs.

Mrs. Cali-Charles pointed out that political signs are not included in the prohibited signs list for public right-of-ways. She asked if public property was different from public right-of-ways. She mentioned some locations that she believed were public right-of-ways.

Ms. Rizzuto reviewed the technical definition of a public right-of-way. Mr. DeNave said that political signs are allowed in any place except on the grounds of Borough Hall. One sign per candidate, per political party is preferred. An overabundance of political signs on one piece of property is discouraged. Ms. Rizzuto will put language about political signs in Section F.

Mr. Montague made a motion to send this sign ordinance, with the Board's recommendations, to the Borough Council for consideration. The motion was seconded. A voice vote was taken. The motion was approved by all Board members, except Councilman Harris who voted no.

Charitable Clothing Bins

Ms. Rizzuto reported that she will send her comment letter on this ordinance to Mr. Bell, the Borough Attorney.

FAR Ordinance

Ms. Rizzuto said she had been notified by the FAR subcommittee that the only changes to be made to the ordinance were some typos. Ms. Rizzuto had made the noted changes and sent the ordinance to the governing body.

Adult Entertainment and Tattoo Ordinance

Mr. DeNave reported a resident expressed concern at a recent Council meeting about such an establishment being too close to her home. The Borough Council felt the buffer should be changed. Mr. DeNave will work on this matter. It does not need to come before the Planning Board.

Pending Business for Future Discussion

Planner Recommendations for Business Districts from a study report dated October, 2009

Mr. Crater asked if someone from the Planning Board's sub-committee could give a status report.

Mr. Montague reported that the sub-committee has been trying to meet for some time. Conflicts have come up.

Mr. Crater asked if the sub-committee could try and meet within the next 30 days.

Riparian Buffer

This is a non-issue at the present time.

Consideration of process & procedure for Waiver of Site Plan with a Changer of Permitted Use Application

Ms. Rizzuto and Mr. DeNave are still working on this matter.

Zoning for certain uses

Ms. Rizzuto suggested the Board may want to consider making changes to the zoning ordinance with regard to overnight treatment facilities.

Councilman Harris felt that the Professional Planner's study would be helpful for this particular situation.

Mr. Crater asked Ms. Holler to have Mrs. Maramonte in the Building Dept. send copies of the Planner's Study to the new Council Members.

PODS and Port-o-John Ordinance

Mr. DeNave reported that he will clear a few details with the Borough Attorney on this ordinance. It will be before the Borough Council in the near future. If approved, it will be included in the Borough Code.

At 9:35 p.m. the meeting adjourned.

The next Planning Board meeting will be held Wednesday, April 21, 2010, 7:30 p.m.,
Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary