

CHATHAM BOROUGH PLANNING BOARD
February 3, 2010 7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of February 3, 2010 to order at 7:33 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.

*arrived 7:34 p.m.

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

Members Absent:

Alan Pfeil, Joseph Mikulewicz

Open to the Public

There were no comments or questions from the public.

Approval of Minutes

The minutes of January 13, 2010 were approved as amended.

New Applications

Waiver of Site Plan Review: 10-01 Tricare Treatment Services, LLC – 47 Main Street, Block 129, Lot 5

Ms. Rizzuto pointed out that the applicant is seeking a change of permitted use. Along with this change of permitted use is a request for a Waiver of Site Plan Review.

Barry A. Osmun, Esq., introduced his client, Michael Osbourne. Mr. Osbourne stated he was the owner of Tricare Treatment Services. Tricare Treatment will be leasing the property at 47 Main Street for purposes of providing counseling and mental health session to gambling addicted patients. Overnight accommodations on the premises will be provided for patients during their stay.

Mr. Osmun stated that the Parrot Mill Inn is a pre-existing non-conforming use. This application is proposing overnight accommodations for clients, similar to what Parrot Mill Inn has provided for many years.

Mr. Osmun noted that the B-3 Zone permits professional offices. Tricare Treatment will involve licensed professional counselors, psychiatrists, social workers, certified addiction counselors. These employees are all licensed and professionals; therefore, it should be a permitted use in this zone.

Michael Osbourne, owner of Tricare Treatment Services, was sworn in to testify.

Mr. Osbourne testified to the following points concerning how Tricare would operate at 47 Main Street:

- There will be 4 to 6 beds at this location for people addicted to gambling
- Most of the clients are usually highly paid professionals or sports people who require anonymity
- On staff will be 2 to 3 psychiatrists, licensed professional counselors, social workers, and certified addiction counselors
- A typical stay for a client will be 5 weeks
- Alcohol and drug addictions will not be treated at this facility
- One on one therapy will be conducted throughout the days with clients
- The clients' entire day will be highly structured and monitored

Mr. Osbourne testified that he has been treating compulsive gambling addicts for six years. He has been working in this particular field for over 16 days. He also has worked in interventions between families and their addicted members. He also has done trainings for the FBI and IRS regarding sports gambling, money laundering, and illegal bookmaking.

Mr. Osbourne testified that he has prepared a floor plan, indicating the bedrooms, the offices, etc. He had also indicated which existing bedrooms will be used as professional, clinical office space. The remaining existing rooms will stay the same as they stand today. The floor plan was submitted as Exhibit A-1.

Mr. Osbourne testified that the maximum number of clients at Tricare will be six, at any given time. Tricare will start with four clients.

Mr. Montague pointed out a number of inaccuracies on the survey submitted by Mr. Osbourne. Mr. Osmun suggested that the Board could request a condition, if the site plan waiver is approved, that an updated survey will be submitted showing the structure and the correct parking.

Mr. Montague pointed out the applicant will have to go before the Borough Sign Committee and the Historic Preservation Commission with the new signage. Mr. Osmun said that requirement can also be a condition of approval.

Mrs. Cali-Charles asked if the patients will be fed meals on site. Will a cooking and clean staff be needed?

Mr. Osbourne testified that at least 10 parking spaces will be used at any given time by professional staff members. The proposed 15 parking spaces will be more than enough. The patients will be fed on the premises. Mr. Osbourne didn't think the patients will be visiting area eateries, because they want anonymity. Yoga and acupuncture may be provided on site. No gym facilities will be available.

Regarding visitations, Mr. Osbourne stated that when a client reaches a certain plateau he/she may receive visits from family members. The family members will participate in

sessions; however, they will not stay at the Inn. Family members will stay at area hotels and eat their meals on their own.

Mrs. Cali-Charles asked what if a client had a cross-over addiction. Will additional counselors be called in?

Mr. Osbourne explained that Tricare does a thorough assessment interview on future patients. If other addictions are detected, other resources will be found to help the patient. The client will then be moved to another appropriate program.

Mr. Osbourne clarified that there will be no out-patient meetings at Tricare.

Mr. Mitchell asked Mr. Osbourne if Tricare had any other facilities in operation.

Mr. Osbourne answered that Tricare operated a facility for 23 years in Baltimore. He was director of the Baltimore facility for 4 years. The building changed ownership and the lease could not be renewed. Mr. Osbourne will be living in New Jersey; therefore he would like to have Tricare in this state.

Mr. Montague asked about the front yard parking shown on the survey. Mr. Osmun said that parking area will be eliminated.

Mrs. Favate asked if the clients will be dropped off at Tricare. Mr. Osbourne answered that a transporter in a car will come for the clients and escort them to Tricare.

Mayor Vaughan asked if there had been any problems at the Baltimore Tricare which required a call to the police. Mr. Osbourne answered no. Tricare in Chatham will have a resident manager on site 24/7 every day of the week.

Mr. Crater asked if Tricare would accept a client with a criminal record. Mr. Osbourne answered that each client will be considered on an individual basis. He pointed out that there is a great deal of white collar crime occurring. However, at no time will he allow his staff and the other clients to be in any type of jeopardy.

Mr. Crater confirmed with Mr. Osbourne that he would treat *only* gamblers. Mr. Osmun said that point will be an accepted condition if the waiver was approved. Mr. Crater also confirmed with Mr. Osbourne that the visitors list to Tricare will be restricted. Mr. Osbourne clarified that any visitors to the site have to be cleared by the clinical team. Visitors can only attend the family sessions that are scheduled.

Mrs. Cali-Charles confirmed with Mr. Osbourne that the up-keep of the building will be *his* responsibility. His lease is for 3 years.

Ms. Rizzuto asked if there would be 14 striped parking spaces on the property. Mr. Osmun clarified that previously there were 15 spaces. Fourteen spaces are being proposed. The two existing parking spaces in the front will be removed. Currently there

is a handicap parking space; however, it has no signage. Mr. DeNave confirmed that one handicap space would be sufficient on this site. Ms. Rizzuto indicated she had further questions about the current signage on the site.

Michael Tobias Kennedy, 30 Myrtle Ave., was sworn in to testify. Mr. Kennedy is the owner of the Parrot Mill Inn. He described the existing signage on the property. Mr. Osbourne said he will have a sign which will conform. Ms. Rizzuto said a condition will be put in the resolution, stating that Tricare's signage will conform with Borough regulations.

Ms. Rizzuto confirmed with Mr. DeNave that the 14 parking spaces will conform for this particular use. An increase in parking spaces is not needed.

Ms. Rizzuto said a condition will be included in the resolution that on this site the clients at this Tricare facility will not be treated for other addictions.

There were no questions or comments from the public.

Mr. Montague made a motion to grant the Waiver of Site Plan Review with the agreed upon conditions. Mrs. Cali-Charles seconded the motion. A voice vote was taken. The Waiver was unanimously approved.

Waiver of Site Plan Review: 10-02 Dance Innovations/Tenant: Botanical Blooms, 13 Roosevelt Avenue, Block 53 Lot 33

Barry Osmun, Esq., was the attorney for this applicant.

Clyde Coutts, the tenant, was sworn in to testify.

Mr. Osmun confirmed with Mr. Coutts that he is seeking a waiver of site plan approval. Mr. Coutts testified that the intended use of the proposed lease of the property is a florist business. A florist business is a permitted use in this particular zone.

Mr. Osmun noted that Dance Innovations occupies part of the space that will be used by Botanical Blooms. A baby clothing store had a sublease in the building in question. The clothing store is now gone. Botanical Blooms would like to enter into a sublease in this vacated building.

Mr. Coutts testified that he will sublease the whole building from John Boyle. The building has been divided down the center. Dance Innovations operates on the right hand side. Botanical Blooms would like to use the front section of the left hand side. Mr. Osmun confirmed with Mr. Coutts that the proposed use would be for both the Dance Innovations Studio and Botanical Blooms flower shop. No exterior changes will be made to the building. The only interior change to the building will be the construction of the dividing wall.

Mr. Montague asked if Botanical Blooms will display their products outside the building. Mr. Coutts answered no.

Mr. Montague asked if Botanical Blooms will be putting up a sign. Mr. Coutts said any signage will be kept within Borough regulations. Mr. Coutts was reminded that he will have to go before the Borough Sign Committee and the Historic Preservation Committee.

Mrs. Cali-Charles confirmed with Mr. Coutts that the florist business will have access to the rest room used by Dance Innovations. Regarding square footage, Ms. Rizzuto confirmed with Mr. Coutts that Dance Innovations will receive more space, if the application is approved. Botanical Blooms will be occupying approximately 360 sq. ft. Regarding the parking situation, Mr. DeNave said every time he has visited the site, there has been plenty of parking available.

Councilman Harris asked whether the applicant should be Dance Innovations, Botanical Blooms, or both.

Sheri Washington, the proposed sub-tenant, was sworn in to testify.

Ms. Washington testified that she does not plan any outdoor displays for Botanical Gardens. She stated that any signage she puts up will comply with the Borough ordinance. Her hours of operation will be 9:30 a.m. to 6:30 p.m., five days a week, and Saturdays, 10 a.m. to 3 p.m. She will be the only employee as of now.

As for receiving deliveries, Ms. Washington will go to Suburban Wholesale Florist every morning to pick up supplies.

There were no questions or comments from the public.

Mrs. Favate made a motion to grant the Waiver of Site Plan Review for Botanical Blooms. Mr. Mitchell seconded the motion. A voice vote was taken. The Waiver was unanimously approved.

At 8:45 p.m. a break was taken in the meeting.

At 8:50 p.m. the meeting resumed.

Old Business

Checklist for Application

Ms. Rizzuto reported that the Checklist is not ready yet. She will try and have something prepared for the Board's February 17th meeting.

Regarding the February 17th meeting, Chairman Crater and Vice Chairman Bitar will be absent. Mr. Montague will chair this meeting.

Riparian Ordinance

Ms. Rizzuto distributed a model ordinance to Board members. She has changed the names in the ordinance where appropriate. Ms. Rizzuto will be checking to see if there is any repetition to what is already specified in the Borough ordinance. She asked Board members to look over the model ordinance and send any comments to her by e-mail. The ordinance will be re-visited at the next meeting. The Board will have to decide where this Riparian ordinance should fit in the Borough Code. The Board wanted more information on the bodies of water mentioned in the ordinance. Mr. DeNave will bring in a map to show the Board.

Sign Ordinance

Ms. Rizzuto noted that Board members should have a list before them giving Mr. Montague's comments and suggestions made at the last meeting. Ms. Rizzuto reported that no other comments had been received from Board members. She noted that Board members should also have a two-page memo which covers definitions for this ordinance, both current definitions and revised.

Regarding awnings, Mr. Montague asked how far an awning should encroach on the sidewalk. He noted that the Board's Planner had suggested an encroachment of 6 feet on the sidewalk. Ms. Rizzuto gave a definition on awnings from her development regulations book. Whatever the Board decides on the limit of encroachment could either be put in the awning definition or the Borough Sign Ordinance. Mr. Montague explained why he would like to see the encroachment measurement in the ordinance.

Mr. DeNave and Mr. Montague recommended that awnings be allowed to spread out 6 feet from the face of the building. Six feet should be the maximum encroachment.

Ms. Rizzuto reviewed the language she had created regarding the fringe of an awning. Mr. DeNave suggested 10 inches for the fringe. The size of the lettering on the fringe has to be taken into consideration. Mr. Mitchell suggested allowing a 7-inch fringe with 5-inch lettering. After further discussion, Mr. DeNave asked the Board if research should be done on existing fringes and their lettering. Mr. DeNave agreed to take photos of the current fringes to show at a future discussion.

The Board reviewed the definition of "glare" that Ms. Rizzuto had researched for signs. They discussed how glare could be measured.

Mr. Montague reviewed some minor clarifications he has recommended for the ordinance. The Board discussed light displays on front yard facades. Ms. Rizzuto asked the Board if side yards in the commercial zone should be allowed to have light displays. The Board decided to allow commercial buildings to have light displays no higher than 15 feet. The actual number of lights is not an issue. Light displays will be allowed on all four sides of commercial buildings.

Regarding balloons being attached to commercial signs, the Board suggested language specifying that these balloons should be “reasonably anchored” and not be a safety hazard.

On other points in the ordinance, Ms. Rizzuto said she will contact the Borough Administrator on the history of the Borough Sign Committee. There was some question on how and when this committee was formed. Mr. Montague said he will call Charles Foster, the former attorney for the Planning Board.

The Board agreed with their Planner’s recommendation that the lettering for wall signs should have a minimum height of 4 inches.

The Board discussed how many freestanding signs should be allowed on commercial properties. The Board decided that one freestanding sign would be allowed for each principal building.

The Board discussed what verbiage and lettering should be allowed on freestanding signs. Mrs. Cali-Charles pointed out a number of local businesses have signs that have no indication of what exactly they do or sell. Their signs should be allowed to give more information. After further discussion, a hand vote was taken of who approves of allowing of 3 of 5 identifiers on a business sign. The majority of Board members approved of the 3 of 5 identifiers. Ms. Rizzuto made this revision for free standing signs in the draft ordinance.

Mr. DeNave noted the hour was getting late. He suggested this Sign ordinance discussion be continued at the next meeting. A vote should be taken on this ordinance at the next meeting and it should be forwarded to the Mayor and Borough Council.

PODS and the Clothing Bins Ordinance will also be carried to the next meeting.

At 10:21 p.m. the meeting adjourned.

The next Planning Board meeting will be held Wednesday, February 17, 2010, 7:30 p.m., Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

