

CHATHAM BOROUGH PLANNING BOARD
July 21, 2010 7:30 p.m.

In Chairman Crater's absence, Vice Chairman John Bitar called the Chatham Borough Planning Board meeting of July 21, 2010 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Bitar announced that all legal notices have been posted for this meeting.

Members Present:

Mayor V. Nelson Vaughan, Councilman Bruce Harris, Vice Chair John Bitar, Donna Cali-Charles, H.H. Montague, James Mitchell, Susan Favate, Joseph Mikulewicz, Matthew Wagner.

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

Members Absent:

Chairman Richard Crater, Vincent DeNave

Open to the Public

John Boyle, a management member of Townsquare Partners for the Wm. Pitt Townsquare in Chatham Borough, introduced himself.

Mr. Boyle stated that there are a number of vacancies in the Townsquare section (Main Street and Roosevelt Ave.) Repairs and window replacements have been done to the Townsquare buildings. Unfortunately, when Mr. Boyle informs prospective small businesses what process they must go through to obtain the Borough's approval to set up a store in one of the vacancies, they back off. These small businesses believe the process is very expensive and very time consuming. Prospective tenants must provide their own attorneys. Tenants must also provide rent payments 5 months in advance.

Mr. Boyle reported that he has spoken with Mr. DeNave, the Borough Zoning Officer, about streamlining the approval process. Mr. Boyle noted that the Waiver Process for prospective tenants can last as long as five months. Perhaps a bifurcated zone review meeting once a week, instead of the Zoning Officer review, could consider these particular applications.

Councilman Harris pointed out that residents are particular about the type of businesses operating near their homes. The current Waiver of Site Plan Review helps the Board to keep in mind the desires of prospective businesses and the feelings of residents.

Mr. Boyle thanked the Board for their time.

There were no further comments from the public.

Anne Marie Rizzuto, Esq., swore in Matthew Wagner, 129 Fairmount Ave., as the new Alternate Member of the Planning Board.

Applications

Kitchen Intuitions – 242 Main Street, Block 57, Lot 18 – Waiver of Site Plan Review

Robert Gockeler was sworn in to testify. Mr. Gockeler is the proposed tenant and owner of Kitchen Intuitions.

Ms. Rizzuto noted that 242 Main Street is in the B-4 zone. The owner of the property could not be present at this hearing. Ms. Rizzuto pointed out that the applicant is seeking a change of permitted use and is requesting a waiver of site plan. Ms. Rizzuto reviewed the proposed signage for Kitchen Intuitions.

Mr. Gockeler testified that he proposes to run a kitchen showroom at 242 Main Street. He has run a similar showroom in Union NJ. His showroom in Chatham will be very upscale. Regarding the parking situation, his business will not be “high volume”. Customers will come to the store by appointment only. Parking should not be a huge issue. The proposed change of use will be retail service (Kitchen Intuitions) from personal service (Kids Yoga). Both uses are permitted in the B-4 zone.

Councilman Harris noted that the signage is the only issue to be resolved in this situation. Mr. Gockeler stated that he will have the exact same signs, and same size letterings as the other three neighboring tenants who have the same landlord.

Mr. Montague pointed out that dimensions were needed for the sign. Color swatches are also needed by the Sign Committee. Submitted photos do not give the true colors. He confirmed that a medallion was being proposed for the store window. The color of the medallion needs to be clarified. Mrs. Cali-Charles, another Sign Committee member, noted that the Committee could not approve the proposed sign and its lighting, because of the lack of information submitted.

Councilman Harris suggested that the Board grant the Waiver for Site Plan with the condition that the necessary sign information be submitted to the Borough Sign Committee. He pointed out that the Historic Preservation Commission still has to review these proposals.

Councilman Harris made a motion that the Board grants Kitchen Intuitions, 242 Main Street, a waiver of Site Plan for the change of permitted use, subject to the applicant submitting the required information to the Borough Sign Committee. Mr. Montague seconded the motion.

Mrs. Cali-Charles asked Mr. Gockeler how many employees would be at the store. Mr. Gockeler answered two designers.

For the signage, Mrs. Cali-Charles suggested that Mr. Gockeler consider inserting a phone number or web address instead of the business name three times, as was proposed.

A roll call vote was taken on the motion:

Councilman Harris	-	yes
Mayor Vaughan	-	yes
Mrs. Cali-Charles	-	yes
Mr. Montague	-	yes
Mrs. Favate	-	yes
Mr. Mitchell	-	yes
Mr. Mikulewicz	-	yes
Mr. Wagner	-	yes
Vice Chair Bitar	-	yes

Chairman Crater and Mr. DeNave were absent.

Adoption of Minutes

The meeting minutes of June 16, 2010, second draft, were approved. Mr. Mikulewicz and Mr. Wagner abstained from voting because they were not present at that meeting.

Resolutions

Resolution #PB-2010-13 – Adoption of Amendment #2 of the Rules and Regulations of the Planning Board (Creation of Sign Committee)

Mr. Bitar noted that Board members have received a memo from Ms. Rizzuto discussing this amendment.

At Mr. Bitar’s request, Ms. Rizzuto reviewed the revisions she had made:

- Specifying who the Borough residents were, serving on the Sign Committee
- Inserting paragraph G, stating minimum regulations

The Board and Ms. Rizzuto discussed the correct terms of membership to the Sign Committee. Councilman Harris noted that all Borough advisory committees have a membership term of one year. The Borough Council must renew these memberships every year.

The Board discussed whether Mrs. Maramonte, the Administrative Secretary who serves on the Sign Committee, should notify the Board that an applicant has appeared before the Borough Sign Committee.

Ms. Rizzuto suggested language be inserted specifying that the Administrative Secretary submit a written report, within five days after a Sign Committee meeting, relating what had transpired on current sign applications. Copies of this report will be distributed to the applicant, the Zoning Officer, the Historic Preservation Commission. A copy of the report should be sent to either to the Planning Board or Board of Adjustment, whichever Board the applicant will be going before. The Board agreed with this suggestion.

Mr. Montague made a motion to approve Resolution #PB-2010-13, adopting Amendment #2 of the Rules and Regulations of the Planning Board (Creation of Sign Committee). Mrs. Favate seconded the motion. A voice vote was taken. Resolution #PB-2010-13 was approved unanimously.

Resolution #PB-2010-12

Ms. Rizzuto noted that the Superintendent of the School District has received a draft of this resolution. The draft was not changed in any way when it was signed by the Chairman of the Planning Board. No further action needs to be taken by the Planning Board.

FAR Ordinance – review the proposed revision with respect to portico calculations added to FAR

Mr. Montague noted that the Board had decided to give an exception of 25 sq. ft. for porticos in regard to floor area ratio (FAR). If a homeowner proposes numerous porticos, he/she still has only the 25 sq. ft. exception.

Mr. Montague reviewed the comments about porticos and steps that he had forwarded to Mr. DeNave. Mrs. Favate agreed with Mr. Montague's views, stating that once everyone on a street constructs a portico over non-conforming stairs, the set-back becomes degraded. Mr. Mikulewicz felt the regulation for setbacks shouldn't be over-ruled by this FAR situation. If the portico goes beyond the allowable setback measurement, the property owner should seek variance.

Councilman Harris suggested the following language for this ordinance: "If there are multiple porticos, and the sum of the horizontal or stoop area and the multiple porticos exceed 25 sq. ft. in the aggregate, the 25 sq. ft., shall be excluded." The Board agreed with this suggested language.

Ms. Rizzuto will put the suggested language into ordinance format for the next Board meeting.

The Board decided to table a discussion on Mr. DeNave's comments regarding front yard setback amended. It will be put on the agenda for the next Board meeting when Mr. DeNave will be present.

Proposed Ordinances

Refuse Containers and Dumpsters

Private Storm Drain Inlet Retrofitting

The Board discussed the model ordinances that have been provided by the DEP on these matters. The Borough Attorney, Mr. Bell, will adjust the language for the Borough. Mr. Bitar asked Board members to study these ordinances for further discussion at the next Board meeting.

New Business

Mayor Vaughan reported that he had received an e-mail from Cynthia Steffens, Chairman of Green Initiatives Committee. The Borough is re-applying to be a Sustainable NJ Community member. Mrs. Steffens has asked that the Environmental Commission do some updating on their Environmental Resource Inventory (ERI). This Inventory must be adopted as an element of the Borough Master Plan. Commissioners are working on these up-dates. At their August 11th meeting, the Environmental Commission will adopt the up-dates.

Councilman Harris reported that the Open Space element has been up-dated. The Historic Land Conservancy will meet and adopt a new Open Space Plan. After this adoption, the new Open Space Plan will come before the Planning Board to be re-adopted as an element of the Master Plan.

Ms. Rizzuto reviewed what notifications will be needed when the Planning Board proposes an amendment to the Master Plan. She noted the time frame that is involved. Possibly this amendment can be done in one meeting.

The Board decided to review the amendments at their August 18th meeting. A member of the Land & Historic Commission should be invited to attend. The public hearing for the amendments will be scheduled for the Board's September 1st meeting. Adjoining municipalities must be notified. Ms. Rizzuto pointed out that more than a quorum of members must be present to approve an amendment to the Master Plan. She checked which Board members will be present at the August 18th meeting. It appeared a quorum would be reached.

Pending Business

Checklists for Applications

Ms. Rizzuto reported that she and Mr. Montague had held a meeting earlier in the evening to work on the checklists. They will meet again on August 4th. At some point, they will report back to the Board regarding the ordinance changes needed for these new checklists.

Sign Ordinance

Mrs. Cali-Charles felt that the Sign Committee was not yet prepared to go before the Borough Council on August 9th with the draft ordinance.

New Business

Councilman Harris noted that since the "Time for Decision" rule for applications has passed in the State, a word-by-word review of the ordinances should be done over the next few months. The most sensitive area is the permitted uses.

Ms. Rizzuto pointed out that there are ways to make quick amendments for this situation. Afterward, the Board could then focus on the necessary ordinances. She suggested the Board look at how other towns deal with this situation. Mr. Bitar believed it would

helpful if the Borough Council could give the Board some direction on matters like the Sign Ordinance.

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

Respectfully submitted:

Elizabeth Holler
Recording Secretary