

CHATHAM BOROUGH PLANNING BOARD
September 15, 2010 7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of September 15, 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, Donna Cali-Charles, Vincent DeNave, H.H. Montague, Joseph Mikulewicz, John Bitar, James Mitchell, Matthew Wagner.

*arrived at 7:45 p.m.

**arrived at 8:50 p.m.

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

Members Absent:

Susan Favate

Open to the Public

There was none.

Adoption of Minutes

The meeting minutes of August 18, 2010 were approved as submitted. Mr. Bitar abstained from voting on the minutes. He was absent from the August 18th meeting.

Current Business

Public hearing and consideration of adoption of Amendment of Master Plan as requested by the Borough Green Initiatives Committee for revisions to the Open Space and Recreation Plan that was adopted on September 1, 2010.

Mr. Crater noted that the revisions requested at the last public hearing have been accomplished.

Mr. Montague made a motion to open the public hearing on this matter. Mr. Mitchell seconded the motion.

Mr. Crater stated that Board members should have the correct resolution before them: Resolution 2010-18.

Ms. Rizzuto recalled that the Board, at their 9/1/2010 meeting, adopted the Open Space and Recreation Plan. Board members and members of the public felt some items needed revising. Board members have since received an e-mail from Marcy Wecker explaining all the recommended changes that had been made to these documents. The corrected documents have all been uploaded to the Sustainable New Jersey Communities website.

Mrs. Cali-Charles asked when the ROSI list will be updated. Ms. Rizzuto answered that the ROSI list was generated from the County. Mrs. Cali-Charles indicated that she would like Woodland Park included in this list. Ms. Rizzuto said she will make an inquiry of the County on this matter.

There were no comments or questions from the public.

Mr. Montague made a motion to approve the revised Open Space and Recreation Plan (OSPR) to be included in the Amendment of the Borough's Master Plan. Mr. Bitar seconded the motion.

Mr. Mikulewicz reported on what he had found about the Open Space Plan and Recreation Plan on the Sustainable NJ Website. He thanked all the volunteers who worked so hard on this certification.

A roll call voted was taken on the motion to approve:

Councilman Harris	-	yes
Mrs. Cali-Charles	-	no
Mr. DeNave	-	yes
Mr. Bitar	-	yes
Mr. Montague	-	yes
Mr. Mitchell	-	yes
Mr. Mikulewicz	-	yes
Mr. Wagner	-	yes
Chrmn. Crater	-	yes

Resolutions

Memorializing Resolution for the Application of JDS Realty, LLC, for commercial property located at 400 Main Street (Shehadi Building). This application was approved for Site Plan and C Variances, including on site parking.

Ms. Rizzuto reviewed some revisions she made this memorializing resolution. She noted that the applicant has requested that language be included stating that if a medical or dental use was ever proposed for his building at 400 Main Street, he/she would have to seek a variance before the Planning Board. Non-permitted uses will be required to be approved as use variances.

After further Board discussion, Ms. Rizzuto added a clause in the Resolution's conditions stating that the two vacant spaces in the building are approved for retail service use. Any other use must go before the appropriate Board. The Board agreed with this clause.

Mr. Montague made a motion to approve the Memorializing Resolution for the Application of JDS Realty as amended. Mrs. Cali-Charles seconded the motion. A roll call vote was taken:

Mayor Vaughan	-	yes
Mrs. Cali-Charles	-	yes
Mr. DeNave	-	yes
Mr. Bitar	-	abstained
Mr. Montague	-	yes
Mr. Mikulewicz	-	yes
Mr. Wagner	-	yes
Chrmn. Crater	-	yes

Mr. Bitar abstained from voting because he was absent from the JDS **Realty** hearing.

Applications

Application for Waiver of Site Plan in Connection with a Change of Permitted Use filed by the proposed tenant, Steven T. Capo LLC for space at property located at 40 Watchung Ave.

Daniel Cronheim, Esq., introduced himself as a local attorney, having an office at 209 Main Street, Chatham. Mr. Cronheim reminded the Board that he had represented The Gravity Vault last year, also operating at 40 Watchung Ave.

Steven T. Capo, the applicant and proposed tenant, was sworn in.

Mr. Capo testified that he runs a tennis academy for both children and adults. He is proposing to put an indoor court at 40 Watchung Ave. to teach tennis. At the present time, Mr. Capo is proposing only one court.

Mr. Cronheim pointed out that the building at 40 Watchung Ave. was originally constructed for indoor tennis.

Mr. Cronheim noted that the Borough Fire Official had expressed concern about flammable material being used to designate the area for this proposed tennis court.

Mr. Capo testified that he will not be using material that is flammable.

Mr. Cronheim noted that the Borough Fire Official was also concerned about access to and from a proposed door to the tennis facility. Mr. Cronheim said Mr. Capo will work with the Fire Official on an acceptable door. Mr. Cronheim recommended a hallway be created to travel to the front of the building, and then construct a separate exit. Mr. Capo is willing to work with the Fire Official on this proposal. Mr. Capo pointed out that Suburban Florist has an existing passageway. An exit door could be constructed at the end of that passageway. The owner of the building is agreeable to the creation of this door. Ms. Rizzuto said the door could be a condition of the resolution.

Ms. Rizzuto asked Mr. Capo to be more specific on his hours of operation. Mr. Capo answered on weekdays; his academy will operate from 7 a.m. to 10:00 p.m. On

Saturdays, the hours of operation will be 9 a.m. to 9 p.m. On Sundays, the hours would be 9 a.m. to 8 p.m.

Ms. Rizzuto confirmed with Mr. Capo that the signage for his tennis academy will conform with Borough requirements.

Mrs. Cali-Charles asked for clarity on what section of the Suburban Florist building the tennis academy would be using. Mr. Cronheim explained that Suburban Florist had space for the non-floral items. They have now decided to not sell these particular items and focus only on their horticulture items. Mr. Capo's tennis academy will be using the space in the building that was used for the non-floral items.

Mr. DeNave made a motion to approve the Waiver of Site Plan in Connection with a Change of Permitted Use for space located at 40 Watchung Ave., allowing tenant Steven T. Capo that space to operate his tennis academy. Councilman Harris seconded the motion. A voice vote was taken. The motion was unanimously approved.

Application for Waiver of Site Plan in Connection with a Change of Permitted Use filed by proposed tenant Patricia Bartoli for space at 11B Roosevelt Ave., to operate a Gymboree franchise

The following were present:

Patricia Bartoli, the applicant

John Boyle, landlord of the Town Square commercial units, Town Square Partners LLC

Patricia Bartoli was sworn in to testify.

Ms. Bartoli testified that she is proposing to operate a Gymboree enrichment program at 11B Roosevelt Ave. for children and their parents. At any one time, ten to fifteen children will be at the facility. All activities will take place inside. Each class runs from 45 minutes to one hour. Parents accompany their children inside for these classes.

Ms. Bartoli testified that the classes will run Monday through Friday, 8 a.m. to 5 p.m. Saturday classes will run 9 a.m. to 2 p.m. Birthday parties at the Gymboree will be held on Saturdays. At this point in time, no classes will be held on Sundays.

Mr. Montague had questions about the number of parking spaces the Gymboree staff and clients will be using.

Mr. Boyle noted that the proposed Gymboree's hours of operation will be the opposite of the neighboring dance studio. He believed adequate parking will be available for the Gymboree.

John Boyle was sworn in to testify.

In answer to Mrs. Cali-Charles's questions, Ms. Bartoli testified that one teacher and one assistant will be in charge of classes where both the parents and children participate. Ms. Bartoli stated that 2 to 3 employees will be at the Gymboree during the day.

Councilman Harris expressed concern that the parking for the Gymboree will overflow into the street.

Mr. DeNave asked Mr. Boyle if he had ever witnessed all the parking spaces being filled at the Town Square parking lot.

Mr. Boyle answered no. At Mr. DeNave's request, Mr. Boyle reviewed the locations of the existing businesses in the Town Square units.

Ms. Rizzuto confirmed with Mr. DeNave that this particular application, does not need a parking variance.

Ms. Rizzuto asked if there was some way to encourage the Gymboree clients to use the Town Square parking lot instead of the street (Roosevelt Ave).

Ms. Bartoli answered, as a mother herself; she would prefer using the parking lot instead of the street. She pointed out the existing pathways to her unit that can be used by clients using the parking lot of the complex.

Mr. Boyle testified that in all his years as landlord of Town Square, he has never been approached by Borough Officials about parking in his commercial section overflowing into the public street.

Councilman Harris was concerned that if the Waiver of Site Plan was granted for the Gymboree, and parking became a problem for the neighbors, the Board could do nothing.

Mr. DeNave noted that there is an approved Master Parking Plan from 1986 for this site. Mr. DeNave also pointed out that it would be cumbersome for a driver to look for a parking space on Roosevelt Ave. The driver would be forced to make a K-turn with his/her vehicle.

Answering a request from Mr. Montague, Mr. Boyle clarified the two floor plans being submitted. Ms. Rizzuto labeled a sample of the proposed floor plans for 11B Roosevelt Ave. as Exhibit 1.

After further discussion on the parking situation, Ms. Bartoli agreed to a condition suggested by Mr. DeNave. Ms. Bartoli will issue every client a photocopy sheet, with their Gymboree packet, pointing out where the on-site parking is available. She will also put a sign in the Gymboree reception area, urging clients to use the off-street parking lot.

Mr. Montague made a motion to approve this Application for Waiver of Site Plan with a Change of Permitted Use for tenant Patricia Bartoli for 11B Roosevelt Avenue, with the

agreed upon condition to provide information on parking to Gymboree clients. Mrs. Cali-Charles seconded the motion. A voice vote was taken. The motion was unanimously approved.

At 9:15 p.m. a break was taken in the meeting.

At 9:20 p.m. the meeting resumed.

Pending Business

Sign Ordinance

Mr. Montague reported on a rough draft that was put together, reflecting the comments and suggestions raised by the Planning Board. Mr. DeNave noted that the Board had various opinions of what the sign ordinance should contain. Mr. Crater hoped that the draft ordinance will be presented to the Borough Council either this month or next. Mr. Crater wanted Mr. DeNave and Mrs. Cali-Charles to review the draft. The Board will re-visit this matter at their first October meeting.

Planner Study for Business Districts dated October, 2009 – Committee to prepare presentation of parking recommendations and zone analysis for the Governing Body
Councilman Harris distributed and explained the presentation re-worked by Mrs. Favate. Mrs. Favate had given her views on what the Board is asking of the Borough Council.

Mr. Montague suggested that the Borough Council give Board members feed-back on what points they would like the Board to focus on.

Councilman Harris said he would relay tonight's comments to Mrs. Favate. Hopefully Borough Council Members can receive copies of the draft presentation this Friday for their review. Councilman Harris will include Mr. Montague's request that the Borough Council give their input and guidance. Ms. Rizzuto asked that she be sent a copy of the final draft that will be sent to the governing body.

Time of Decision rule – continued discussion of the examination of all land use ordinances for revision

Ms. Rizzuto reported that she is still working on this project.

Checklists for Applications

Ms. Rizzuto reported that she and Mr. Montague are still working on this project and will be ready in October.

COAH ordinance

Councilman Harris reported that the Developers' Fee ordinance was introduced at the last Borough Council Meeting. This ordinance specifies the developers' fees which the Borough can establish under the COAH rules. Mr. Bell, the Borough Attorney, wanted the Planning Board to have a copy of this ordinance.

On other matters, Mr. Crater confirmed with Board members that they would like to still hold their meeting dates on the first and third Wednesdays of the month. This information is needed for the 2011 Borough Calendar. Board members indicated they would like to keep this particular schedule.

At 9:40 p.m. the Board went into Closed Session.

At 9:55 p.m. the Board returned to Public Session.

Ms. Rizzuto instructed the Recording Secretary that she is not to release the minutes of the Closed Session until instructed to do so.

At 9:56 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler
Recording Secretary