

CHATHAM BOROUGH PLANNING BOARD
July 20, 2011 7:30 p.m.

In Chairman Crater's absence, Board member H.H. Montague called the Chatham Borough Planning Board meeting of July 20, 2011 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, Councilman Bruce Harris, Vincent DeNave, Donna Cali-Charles, Joseph Mikulewicz*, H.H. Montague, James Mitchell, Matthew Wagner.

*arrived at 7:40 p.m.

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

Dr. Susan Blickstein, professional planner for the Board, was present.

Members Absent: Chairman Richard Crater, John Bitar, Susan Favate

Open to the Public

No one came forward.

Adoption of Minutes

The meeting minutes of June 15, 2011, second draft, were approved.

The Closed Session minutes of June 15, 2011 were approved.

Mr. Mitchell and Mr. Montague abstained from voting on these minutes because they were absent the night of June 15th.

Resolutions

There were none.

Applications

Application #11-03 for Waiver of Site Plan in connection with Change of Permitted Use filed by applicant Melissa Corey, business operator and proposed tenant for The Schoolhouse, located at 588 Main Street, Block 30, Lot 2.

Virginia Ryan, Esq., attorney for the applicant, came forward. She reported that the owner of the applicant's building is running late but will be present tonight to testify.

Ms. Rizzuto noted that she has discussed this application with Mr. DeNave, the Zoning Officer, and Dr. Blickstein. This is a split lot. The front of the property is located in the B-1 Zone. The back of the property is in the R-3 Zone. In 2002 a resolution was approved by the Zoning Bd. of Adjustment which permitted a non-conforming use on the rear of the lot, in the R-3 Zone. This approval allowed for parking for the front property, in the B-1 Zone, which contains the building.

Ms. Rizzuto stated that The Schoolhouse is a retail service, educational use. This use is permitted in the B-1 Zone. The application is seeking a change of one permitted use to another permitted use with a request for a Waiver of Site Plan. Ms. Rizzuto recommended that the Board specifically focus on the parking issue.

Mr. DeNave explained the parking requirements. Six parking spaces are required for this situation. A handicap space is included in the six. Mr. DeNave reported that the existing landscaping buffer between the residential zone and the business zone is in good condition.

Melissa Corey, the applicant, was sworn in to testify. She testified to the following points:

- Ms. Corey currently operates a tutoring business at 414 Main Street.
- She is the current owner of Lightbeam, LLC, the tenant under a proposed lease with Chatham Melrose Associates, 588 Main St.
- She intends to use the property at 588 Main St. as an academic coaching center.
- Individual tutoring sessions will be held for students with educational needs.
- Her typical hours of operation will be between 3 p.m. and 9 p.m. on weekdays and on Saturdays, 9 a.m. to 6 p.m.
- Her typical customer would be a middle school student who needs help with math, writing or a high school student preparing to take SATs.
- The majority students walk to her facilities from the Chatham Middle School or from their homes. Once in a while a parent drives the students to the facilities.
- At the proposed site, there would be a maximum of 2 to 3 students per hour, being tutored.

Ms. Corey discussed with the Board her parking arrangements, hour by hour, the number of stand and number of people likely to be there at one time.

Ms. Ryan submitted Exhibit A-1, the site plan lay-out belonging to the 2002 Zoning Board of Adjustment application for 588 Main Street. Ten parking spaces are on the property. Eight of the spaces would be made available for Ms. Corey's use.

Mr. Montague asked if any of the parents wait around after they drop their children off for tutoring. Ms. Corey indicated she doesn't encourage parents to park at the school during a tutoring session. Most parents use the time to run errands in town and return to pick up their child. Ms. Corey stated she rarely had tutoring sessions on Sundays.

Ms. Corey testified that she had no plans to make alterations on renovations to the property at 588 Main Street.

Answering a question from Mr. DeNave, Ms. Corey stated that there were no parking problems at her current facility owned by Gary Haydu, Esq.

Ms. Corey agreed to give parents written directions on the correct drop-off and pick-up procedure at her new facility at 588 Main Street. Dropped off students will be using the back door at 588 Main Street.

Regarding signage for Ms. Corey's business, Mr. DeNave advised that if the applicant did not want to seek a variance for the large sign she had initially used at her current facility. She may want to consider using a wall sign. A wall sign up to 20 sq. ft. is permitted. Mr. DeNave offered to meet with Ms. Corey and review the different sign options open to her.

Ms. Rizzuto confirmed with Mr. DeNave that this application involves two separate tax lots in common ownership. A shared driveway, about 25 feet wide, exists.

Regarding the hours of the parking lot lights, Ms. Ryan said the owner of the property could testify on that matter.

Robert Chambon, owner of 584-588 Main Street, was sworn in to testify. He testified to the following points:

- In 2002 he received approval from the Chatham Zoning Bd. of Adjustment for Preliminary & Final Site Plan Approval and other relief to develop the property at 584-588 Main St. (Ms. Ryan had a copy of the 2002 resolution).
- Mr. Chambon completed his proposed work on the property in accordance with the specifications of the 2002 resolution.
- He has made no changes to the property since 2002.
- Mr. Chambon runs an electrical contractor business at the adjoining lot at 588 Main St., employing two people. No retail people visit this office.
- Under the lease, Ms. Corey will be allotted 5 of the 10 parking spaces in the back lot. If Mr. Chambon is not using the other spaces on a given day, Ms. Corey may use the vacant parking spaces. Mr. Chambon does not work on weekends.
- None of Mr. Chambon's commercial trucks will be parking in the lot
- The parking lot lights will turn off at 9:00 p.m. by a time clock.
- In the main driveway, there is a motion sensor light which will trigger if someone needs to be on the property beyond 9 p.m.

Ms. Rizzuto felt that the proposed educational/retail use would be a permitted use in the B-1 section of the property. The same terms and conditions of the 2002 Resolution would apply in this new application.

There were no comments from the public.

Mr. Mikulewicz made a motion to grant the Waiver of Site Plan in connection with the Change of Permitted Use, approve the terms and conditions of parking as stated in the 2002 Zoning Bd. of Adjustment, with the condition requiring the parents receive written instructions on the correct procedure for the drop-off and pick-up of students. Mr. Wagner seconded the motion.

A roll call vote was taken:

Mayor Vaughan	-	yes
Councilman Harris	-	yes
Mrs. Cali-Charles	-	yes
Mr. DeNave	-	yes
Mr. Mikulewicz	-	yes
Mr. Mitchell	-	yes
Mr. Wagner	-	yes
Mr. Montague	-	yes

Ms. Rizzuto informed Ms. Corey and Ms. Ryan that the resolution will be voted on at the August 3, 2011 Planning Board meeting.

Mr. DeNave informed the Board that at their next meeting, an application seeking a lot line adjustment will be presented. Notice to the public is not needed.

Pending Business

Planner Susan Blickstein – Draft Ordinance changes for definitions and B Zone Districts, and other aspects

Dr. Blickstein brought up some issues needing clarification from the Board.

Dr. Blickstein pointed out that the issue food service has “grey areas”. She asked the Board if they wanted to continue to see a distinction between the two types of food establishments – restaurant use and eating and drinking establishments. Mr. Montague brought up the counter situation in the eateries in town. He felt that was a grey area. Councilman Harris reviewed a definition for he had formed for “table service” requiring the customers’ orders be taken at the tables. Councilman Harris endorsed the prohibition of fast food businesses in the Borough.

Dr. Blickstein asked the Board if they wanted to allow restaurants in the B-1 District. Mr. Montague noted that restaurants don’t exist currently in that district; however, in the B-2 District restaurants are a permitted use. Eating and drinking establishments are not allowed in the B-2 District. Dr. Blickstein suggested Board members decide whether to recognize the existing uses that are already in place in the B-2 District, and add them as a permitted use. She noted that some of the Board members have voiced concerns about new eating and drinking establishments coming into the B-2 District. After further discussion, Dr. Blickstein concluded that the Board would allow restaurants in the B-2 Districts; however, eating and drinking establishments will continue to be restricted.

Mr. DeNave stated that he was in favor of allowing eating and drinking establishments back in the B-3 District which is where the Town Square exists. However, after further Board discussion, Mr. DeNave agreed that the current regulations were acceptable.

Dr. Blickstein concluded that clarification has now been made between a restaurant and a take-out business. A restaurant can do take-out and not have to be an eating and drinking establishment. She asked the Board members' opinion of whether they wanted to permit eating and drinking establishments in the B-3 District. She received different opinions.

Dr. Blickstein and the Board discussed retail trade in the B-2 District. She pointed out that retail services are allowed in the B-2 District. Retail services are allowed on a limited basis. Dr. Blickstein suggested that ultimately a separate set of standards be developed for the larger retail properties in the B-2. These properties are configured differently. Councilman Harris asked that the current regulations be kept in place. He explained his concern about retail trades in the future being harmful for the Historic District.

Summing up, Dr. Blickstein said the Board should think about what zone lines need to be made, and what districts and standards need to be in place. The Board could ultimately decide whether a targeted amendment to the Master Plan should be made.

Dr. Blickstein asked Board members to send any comments to her on this project by the end of July.

Sign Ordinance – Draft 13 – Review on comments submitted by Borough Attorney Joe Bell

Ms. Rizzuto reported that comments have been received for the latest Sign Ordinance draft from Attorney Joe Bell and Dr. Blickstein.

The Board reviewed the issue regarding size and lighting for signs belonging to houses of worship. An existing ordinance prohibits billboards should local houses of worship try to put one up.

Regarding political signs, Attorney Bell had felt the 30-day time limit recommended by the Board for political signs was unconstitutional. After a discussion, the majority of the Board agreed with Ms. Rizzuto's recommendation to let the Borough Council make the final decisions on the size and time limits for these signs. The Board decided to continue the existing ban on billboards.

Ms. Rizzuto confirmed with Board members that they wanted to maintain their decision for abandoned signs. Ms. Rizzuto and the Board made clearer language for directional signs installed on public rights of way and on private property. Ms. Rizzuto and Dr. Blickstein will decide on the language for window signs.

Ms. Rizzuto said she will have a final version for the sign ordinance for the Board to review at their August 3, 2011 meeting. The final version will then be sent on to the Borough Council.

Checklists for Application

There was nothing ready to discuss. Councilman Harris confirmed with Ms. Rizzuto that the checklists, which was supposed to be ready for this meeting, will be ready for the August 3rd meeting.

New Business

Complete Streets

Councilman Harris explained that the Borough Environmental Commission has applied for and obtained this grant to develop a Complete Streets plan. Board members have information on this grant before them tonight. The grant will have a review done on how local streets and sidewalks are laid out. Eventually the Planning Board and the Environmental Commission will become more involved with this plan. Eventually, the Complete Streets plan will be adopted as an element of the Master Plan.

Mr. DeNave pointed out that if a community does not have this Complete Streets **plans**, it would not be eligible for upcoming grants, especially municipal aid grants.

Mr. Montague reported on the Zoning Board of Adjustment activities. Currently the Board has a large number applicants waiting to be heard.

At 10:16 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, August 3, 2011, 7:30 p.m., Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler

Elizabeth Holler
Recording Secretary