

CHATHAM BOROUGH PLANNING BOARD

March 16, 2011

7:30 p.m.

Chairman Richard Crater called the Chatham Borough Planning Board meeting of March 16, 2011 to order at 7:35 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, John Bitar, H.H. Montague, Susan Favate, Joseph Mikulewicz, Matthew Wagner.

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

Members Absent:

James Mitchell

Mr. Crater reported that Mr. Mitchell is home recovering from heart surgery. He is doing well. The Board sends their best wishes to him.

Open to the Public

No one came forward.

Adoption of Minutes

The meeting minutes of March 2, 2011 were approved as amended. The meeting minutes of the Closed Session of March 2, 2011 were approved as amended. Mrs. Favate and Mr. DeNave abstained from voting on these minutes because they were absent that night.

Mr. Crater noted a correction that was needed in the minutes of January 5, 2011 Reorganization meeting. The number for the resolution appointing Anne Marie Rizzuto, Esq. as Board Attorney should be PB-2011-3. A motion was made/seconded to approve this correction. The correction was unanimously approved. Mr. DeNave abstained from voting.

Resolutions

There were none.

Applications

There were none.

Pending Business

Checklists for Applications – Ordinance changes for checklists and revised Checklists A, B, C, D, and E, from the Board Attorney and Mr. Montague – due in April.

Ms. Rizzuto reported that she and Mr. Montague will meet one more time to finish this checklist project. The final checklists drafts will be ready for the next Board meeting.

Definition of Small Retail – Mr. DeNave

Mr. DeNave reported that a number of residents who live in the B-3 District which adjoins commercial properties. There is a concern about spill-over parking into their neighborhoods. This definition may help limit retail in a predominantly office space section of town. Only a very few retail businesses are in the stretch of the B-3 District. Mr. DeNave stated that establishing a definition for small retail would limit the size of these businesses to 2,000 sq. ft. This regulation may help with prevent potential traffic issues.

Mr. Montague suggested the square footage be 2500 sq. ft. Also, he would like a clearer definition of retail.

Councilman Harris explained that establishing this definition for small retail would be a “quick fix” until the Borough hires a professional planner. Currently the Borough ordinance allows a fairly large retail business in the B-3 District. When the planner starts working for the Borough, a review of the definitions can be made.

Mr. Montague still wasn’t clear why this was being done. He strongly urged that all the definitions be cleaned up in the LDO, before such action is taken.

After further discussion with Mr. Montague, Mr. DeNave clarified that all the definitions will be kept in the small retail situation; however, we are controlling the size. If a change of use is being proposed within the small retail category, the owner still must go before the Board for a Change of Use application.

On another matter, Mr. DeNave pointed out that the LDO has never adequately addressed the drive-through, walk-up issues that may come up in the future. There are no real prohibitions on drive-throughs and walk-up windows for local restaurants. Mr. DeNave noted that the regulation that he is proposing would apply to *all* business districts.

Ms. Rizzuto pointed out that nowadays pharmacies, dry cleaners, and phone businesses now offer drive-throughs in other nearby towns. If the Board were to prohibit drive-throughs, they would be prohibiting an *accessory*, not the actual use.

Councilman Harris made a motion to request the Board Attorney to draft appropriate language for small retail businesses in the B-3 district to measure no more than 2000 sq. ft. and to prohibit drive-throughs and walk-up windows at restaurants and eating and drinking establishments in this district. Mrs. Favate seconded the motion.

Mr. Mikulewicz stated that he would like the size be changed from 2000 sq. ft. to 2500 sq. ft. for the businesses in the B-3 District. Mrs. Cali-Charles was also concerned about the 2000 sq. ft. size.

Mr. Crater asked Mr. DeNave to explain why he would prefer a 2000 sq. ft. stipulation instead of 2500 sq. ft. for business establishments in the B-3 District. Mr. DeNave explained that some of the larger business chains are opening units measuring 5000 sq. ft.

and below. He noted 2000 sq. ft. is a typical size for a store in downtown Chatham. After further discussion, Mr. DeNave agreed to 2500 sq. ft. He advised that the Board to not go beyond this number.

Councilman Harris amended his motion to establish a limit of 2500 sq. ft. for small retail businesses in the B-3 District and to prohibit drive-throughs and walk-up windows at restaurants and eating and drinking establishments. Mrs. Favate seconded the motion to this amendment. A voice vote was taken. All Board members present voted in favor of the amended motion, except Mr. Montague who voted no.

Escrow Ordinance Draft

Mr. DeNave explained that for every application before the Board, the Borough has had to pursue applicants for escrow fees. The fee schedule hasn't been updated for some time. He reviewed the current escrow fees for minor and major subdivisions. Councilman Harris and Ms. Rizzuto discussed how many hours and fees were involved with recent Waiver of Site Applications that had come before the Board. Council Member Harris expressed concern that the fee might discourage businesses from ever considering opening in Chatham. Mr. Crater asked Mr. DeNave to take a second look at the hours and escrow fees for these particular applications. This matter will be re-visited at the next Board meeting.

Sign Ordinance

Ms. Rizzuto reported that she had sent out the eleventh draft of the sign ordinance with the final revision which included a definition for a portable sign. She noted that responses were received from three Board members.

Mr. Montague discussed his concern about real estate signs and work-in-progress signs. Ms. Rizzuto reviewed the LDO language that she believed prohibited portable signs for commercial purposes. Ms. Rizzuto confirmed with the Board that they still wanted to prohibit "too late" and "pending" signs put up by realtors.

After further discussion, Ms. Rizzuto said she will review Section 101F and make sure everything the Board wanted is included. She will send the draft out one more time for the Board to review.

New Business

Mr. Crater brought up an e-mail he had received from Jen Kaplin from the Public Arts Council. Ms. Kaplan and the Arts Council would like a mural done at the lower Fairmount Ave. train trestle. Suggestions of local historical scenes are welcome. Mr. Crater will accept suggestions from the Board until the deadline of April 15th. New Jersey Transit has to approve the final mural recommendation.

On another matter, Mr. Crater discussed informational correspondence received from the law firm of Porzio, Bromberg and Newman. They are representing Mr. and Mrs. Robert Smith of Fairmount Avenue. There had been a question on a proposed garage construction and the setbacks involved. Mr. DeNave suggested that in the future the

Board may want to review the ordinance regarding detached garages and consider larger setbacks.

Mr. DeNave reported that Mr. Shehadi would like to appear before the Board again. This time he is proposing a medical use for his building. A photo gallery is showing an interest in one of the spaces in Mr. Shehadi's building on Main Street.

At 8:58 p.m. the Board went into Closed Session to discuss the hiring of a professional planner.

At 9:14 p.m. the Board returned to Open Session.

Mrs. Favate made a motion to hire Dr. Susan Blickstein as the planner for Chatham Borough. The motion was seconded by Councilman Harris. A voice vote was taken. The motion was unanimously approved.

The Board authorized Ms. Rizzuto to write a contract for Dr. Blickstein's services.

At 9:17 p.m. the meeting adjourned.

The next Planning Board meeting will be Wednesday, April 6, 2011, 7:30 p.m., Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary