

CHATHAM BOROUGH PLANNING BOARD

September 18, 2013

7:30 p.m.

Chairman Susan Favate called this Chatham Borough Planning Board Regular Meeting of September 18, 2013 to order at 7:35 p.m. in the Council Chambers, Chatham Municipal Building. Mrs. Favate announced that all legal notices have been posted for this meeting.

Names	Present	Absent
Mayor Bruce Harris	X	
Council Member Fife	X	
Chairman Susan Favate	X	
Vincent DeNave	X	
Matthew Wagner	x	
Donna Cali-Charles	X	
H.H. Montague	X	
James Mitchell	X	
John Bitar	X	
Joseph Mikulewicz	X	
Richard Crater		X
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	x	

Open to the Public

No one came forward.

Adoption of Minutes

The meeting minutes of August 21, 2013, second draft, was approved as submitted. The following Board members abstained from voting on these minutes: Chrmn. Favate, Mr. Mitchell, Mr. Bitar, Mr. Montague. These members were absent from the August 21st meeting.

Resolution

Application #13-04

Waiver of Site Plan

C2 Educational Systems, Inc.

474 Main Street (CVS Plaza)

Mrs. Cali made a motion to approve the resolution memorializing the Board's August 21, 2013 approval of Application #13-04, Waiver of Site Plan for C2 Educational Systems, Inc. Mr. Montague seconded the motion. Mrs. Cali made one minor correction to paragraph 5 of the resolution.

A voice vote was taken on the amended resolution. All Board members present voted in favor except for the following Board members who abstained: Mr. Mikulewicz, Mr. Bitar, Mr. Mitchell. These Board members were absent from the hearing and the voting held on August 21st.

New Applications

There were none.

Pending Business

There was none.

New Business

M-1/M-3 District Master Plan Amendment Discussion

Dr. Blickstein noted that she and the Planning Board's subcommittee have been working to develop new policy language to guide the M-1 and M-3 Districts in the Borough. A well-attended community workshop was held on July 17th on this topic.

Dr. Blickstein noted that the amendment being discussed tonight is still in the draft stage. She stated that currently the Borough Master Plan gives little guidance on the town's M-1 and M-3 Districts. These districts only allow for a very limited number of permitted uses. Recent investment in these zoning districts has generally been for uses that are not permitted by current zoning regulations. There are existing uses that are not permitted by current zoning. They are permitted as pre-existing non-conforming uses in many instances.

Dr. Blickstein reviewed the key elements of the updated vision that the subcommittee has been working on. She felt the most important element was to expand and improve the utilization, accessibility, range of permitted uses and the over-all character of the Borough's industrial districts. A big focus should be put on use flexibility.

Dr. Blickstein pointed out that the new Land Use Policy does not in any way affect legal, non-conforming use status. A vision, like the one being considered for the M-zones, takes many decades to unfold.

Dr. Blickstein expanded on the Gateway Overlay concept. She explained the shadings of color on her map of the M-Districts. The M-1 and a M-3 Districts will still remain.

Dr. Blickstein discussed the challenges facing the M-Districts. One of them is the capacity of the River Rd./Watchung Ave. intersection. Also, there are few pedestrian elements in the Industrial Districts. Sidewalks are not consistent in those districts. She felt there was a need to provide a public access to the Passaic River.

Dr. Blickstein reviewed her five Planning Principles for the Chatham Gateway. Currently there is nothing that marks an official entrance into Chatham as you travel up Watchung Ave. or River Road. Dr. Blickstein discussed the possibility of someday providing a wide range of housing types in the Gateway overlay area. She noted that there had been a discussion by the subcommittee about a small boutique hotel as a conditional use in the Gateway area, which may happen if/when the neighboring Merck facility expands.

Dr. Blickstein noted that there are a number of existing uses currently operating on River Rd. The Board should think about how to address this issue. She also pointed out that the M-3 District, particularly outside the Gateway, tends to be comprised of smaller lots, particularly on the west side of River Road.

Dr. Blickstein noted that much of the land area in the M-3 District is being used for storage of vehicles, and in many cases vehicles that aren't associated with principal uses on their properties.

Dr. Blickstein reviewed the planning principals for the M-3 District taken under consideration when developing the Master Plan amendment language. Among the principals there could be standards to allow outdoor storage of materials. Shared parking should be encouraged, particularly for smaller properties. A more pedestrian-friendly streetscape should be encouraged. Single and two-family homes should be allowed in the M-3 District. Even though they are non-conforming, they already exist on River Road. Apartments could be allowed over commercial uses in that area.

Dr. Blickstein mentioned another principal for the M-3 District, the potential for multi-family residential development on the southeast side of River Road, where the lots tend to be a little larger.

Dr. Blickstein discussed the M-1 District, consisting of Commerce Street and Summit Avenue. She noted that Commerce Street, with its cul-de-sac, is fairly isolated from the rest of the Borough. Parking adequacy on this street varies from business to business. An easement extends behind the north side of Commerce St. This easement is used as an informal pedestrian path to retail businesses on Watchung Ave. This easement could possibly become a more formal pedestrian pathway to link businesses along Commerce Street in the future.

Dr. Blickstein pointed out that there are several business-types on Commerce Street that are not allowed by current zoning regulations, including auto repair garages, offices, and outdoor storage.

Dr. Blickstein stated that Summit Ave. is the secondary gateway into the Borough from Summit NJ. She described the businesses in operation on Summit Ave.

Dr. Blickstein reviewed her M-1 District Planning Principles. She believed auto repair businesses should be allowed in the district, as well as apartment units situated over businesses. A larger range of commercial uses should be allowed in this district. Dr. Blickstein recommended that the Borough should work cooperatively with property owners whose properties abut the Passaic River to assemble conservation easements and/or a vegetative buffer.

Summing up, Dr. Blickstein noted that the Master Plan Amendment Draft document has been on the Borough website for a number of weeks. Some comments have been received from the public. Dr. Blickstein suggested that at some point a public hearing could be held to consider the final version of the amendment for adoption.

Chairman Favate invited comments and questions from the public.

Bill McMahon, introduced himself as a third generation Crown Oil owner. He also introduced his brothers, Peter and Jim, in the audience. He and his brothers run a fuel oil business and a bulk storage plant at 22 River Road. He and his brothers are requesting that Crown Oil be included in the Master Plan as a permitted use. He pointed out that Crown Oil has operated in Chatham for more than 130 years. He and his brothers would like to continue as a business in Chatham.

Mr. McMahon noted that his business had received a letter from Dr. Blickstein stating that Crown Oil is not a conforming use.

Dr. Blickstein clarified that her letter stated that Crown Oil is “a pre-existing nonconforming use right now and Crown Oil will retain that status, which will provide the company with legal protections and would enable Crown Oil to continue to operate its business.”

Mr. McMahon still asked that his business be a permitted use.

Council Member Fife said, with all due respect, River Road, aesthetically is not what people want to envision when entering Chatham. She didn't think the Planning Board would have a problem with making Crown Oil a conforming use. However, maybe Crown should put some greenery around their structure.

Mr. McMahon indicated that he was willing to work with Council Member Fife's suggestions.

Jim McMahon, Bill's brother, also with Crown Oil, came forward. He pointed out that one of the permitted uses is a wholesale distribution center, which is basically what Crown Oil has been. Crown Oil is pulling oil in all the time, they store oil, and it gets distributed to customers. Crown Oil is providing wholesale facilities to other oil companies.

Mayor Harris asked Mr. McMahon to expand about Crown Oil being considered “grandfathered”.

Mr. J. McMahon said if Crown Oil decides, in the future, to bring in Bio-Diesel oil, an old railroad siding used by Crown Oil would have to be re-constructed. Currently, if Crown Oil was considered an existing use, he would have to make sure that his business was conforming with the Borough. If Crown Oil was a non-conforming, public use, he believed his business would have to go before the Board of Adjustment.

Dr. Blickstein said she wasn't sure if an oil business necessarily fits under wholesale distribution; however, Crown Oil has been in operation for many years on River Road. Crown Oil is pre-existing to the Borough's zoning regulations.

Mr. J. McMahon asked if he were to sell Crown Oil, would the pre-existing use go with sale.

Dr. Blickstein answered yes. However, if a new owner wants to expand the use, he would have to go before the Board of Adjustment.

Mr. B. McMahon reviewed all the upgrading that Crown Oil has undertaken. The old railroad siding was removed when the train tracks were elevated in 1914. The sidewalks in front of Crown Oil were eliminated when the sewer system was installed on that street. As a result, River Road dropped 8 feet.

Mr. J. McMahon explained that the reason that the loading rack at Crown Oil hasn't been taken down is because possibly a garage may be constructed in its place. The rack is currently getting re-painted.

Chairman Favate noted that single families are being permitted in the M-3 District. Dr. Blickstein pointed out that there are a number of residents on the side streets of River Road. There are pre-existing situations in that area.

Mr. Montague and Dr. Blickstein discussed the number of stories that a building could be allowed on the southeast side of River Road.

Mrs. Cali-Charles asked what the vision was for Commerce Street. She pointed how narrowness of the street and the lack of sidewalks.

Dr. Blickstein answered that for Commerce Street, the M-District subcommittee focused on recognizing some of the uses permitted for that street. The subcommittee had discussed the possibility of formalizing the right-of-way on Commerce St. There are times when it is difficult for vehicles to get in and out of Commerce Street, making it challenging for customers visiting businesses on that street. There is also the possibility of expanding the uses that are permitted on that street.

Council Member Fife added that it was never the intent of the M-District subcommittee to disregard the businesses that are currently operating on Commerce Street. The subcommittee would like to give the businesses the credibility of being permitted.

Dr. Blickstein brought up that because of the constrained access on Commerce Street, perhaps a rear sidewalk path, behind the north side of Commerce, could be constructed. This sidewalk would connect to Watchung and provide good customer access.

Mr. Montague felt that the adding of more permitted uses and making the uses more expandable in certain areas would be a good move, the sooner the better.

Chairman Favate confirmed with Dr. Blickstein that the next step would be to hold a public hearing on what was discussed tonight.

Dr. Blickstein asked the Board for direction on whether or not Crown Oil should be generically permitted within the M-2 District. She noted that Crown Oil has operated for many decades on River Road.

Mr. B. McMahon, from Crown Oil, believed a wholesale distribution business would not be able to operate on River Road because of the lack of space.

Dr. Blickstein reminded Mr. McMahon that the Board has to consider all of these type scenarios when working on the Master Plan amendment.

Attorney Loughlin asked Dr. Blickstein if she would give, in her amendments, some thoughts on conditional uses. Dr. Blickstein had concerns about wholesale distribution as a conditional use. A conditional use is a permitted use. It would be possible to permit, as a conditional use, a fuel distribution facility and to develop conditions.

Council Member Fife noted that she had understood November 13th will be the public hearing date for the M-Districts. Dr. Blickstein said that date would work for her; however, she needed more clarity on some issues before the hearing. A revised draft could be done and posted on the Borough website. A public hearing date could then be scheduled.

David Hill , 25 Commerce St., asked if a boutique hotel and/or multi-family dwellings were built, how would the additional traffic be handled? Currently during evening rush hour, there is not enough entrance and egress room for vehicles.

Chairman Favate answered that if any new use ever proposes to operate in that section of town, they would have to present a traffic impact study to the Borough. An extensive review on traffic would have to be undertaken.

Dr. Blickstein clarified that the term “boutique” for hotel, just indicates a certain size, nothing else.

Chairman Favate and Dr. Blickstein agreed to hold the hearing at the Planning Bd. meeting of November 13th. Mayor Harris advised them not to hold the hearing beyond November 13th because, any later, residents and businesses become involved with holiday activities.

Dr. Blickstein recommended that the revised draft be discussed at the October 16th meeting. She will work on a revised draft for the Board’s consideration. She cannot attend the October 2nd meeting.

At 9:10 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, October 2, 2013, 7:30 p.m., Council Chambers, Chatham Municipal Building.
Respectfully submitted:



Elizabeth Holler
Recording Secretary