

CHATHAM BOROUGH PLANNING BOARD
January 7, 2015 7:30 p.m.

Chairman Susan Favate called the Chatham Borough Planning Board Reorganization Meeting of January 7, 2015 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mrs. Favate announced all legal notices have been posted for this meeting.

Open to the Public

No one came forward.

Attorney Loughlin swore in the following new Board members:

Janice Piccolo, Municipal Official – Class II

Wolfgang Robinson, 59 Hedges Ave. – Alternate II – term ending 12/31/2015

Attorney Loughlin also swore in the following residents who are renewing their membership on the Planning Board:

James Mitchell, 218 Washington Ave. – Class IV – term ending 12/31/16

William Heap, 108 Hillside Ave. – Alternate I – term ending 12/31/15

Attendance of this Reorganization Meeting was then taken:

Name	Present	Absent
Mayor Bruce Harris	X	
Council Member Fife	X	
Janice Piccolo	X	
Susan W. Favate	X	
Matthew Wagner	X	
H.H. Montague	X	
James Mitchell	X	
John Bitar	X	
Joseph Mikulewicz	X	
William Heap	X	
Wolfgang Robinson	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Also present was Robert C. Brightly, P.E., Board Engineer.

Adoption of Minutes

The meeting minutes of December 3, 2014, second draft, were approved.

Attorney Loughlin took charge of this part of the meeting

Annual Reorganization

Vote and Election of Chairperson

Council Member Fife made a motion to nominate Susan W. Favate as Chairperson of the Planning Board for 2015. Mr. Mikulewicz seconded the motion. A voice vote was taken. All Board members present voted aye.

Vote and Election of Vice Chairperson

Chairman Favate asked for nominations for Vice Chairman of the Board.

Mayor Harris made a motion to nominate Matthew Wagner as Vice Chairman of the Planning Board for 2015. Council Member Fife seconded the motion. All Board members present voted aye.

Vote and Election of Secretary

Joseph Mikulewicz was unanimously elected as Secretary of the Planning Board for 2015.

The following were unanimously approved by all Board members present:

Resolution #2015-2: Planning Board Meeting Schedule

Resolution #2015-3: Appointment of Board Attorney

Resolution #2015-4: Appointment of Board Planner

Resolution #2015-5: Appointment of Consulting Engineer.

Resolution #2015-6: Designating the Official Newspapers

Resolution #2015-7: Re-adopting the Board's Rules & Regulations.

Regarding this particular resolution, Mayor Harris will ask Mrs. Baldwin, the Board's Administrative Secretary, to update this document, the electronic version.

Resolution #2015-8: Re-adopting Site Plan Waiver Procedures was unanimously approved by all Board members.

Regarding Resolution #2015-9: Appointment of Sign Committee, Chairman Favate pointed out that Cathy Baldwin, the Board's Administrative Secretary, should fill the first slot of Sign Committee members. This would be an Ex-Officio position. The Historic Preservation representative on the Sign Committee should be Colleen Foley, Chairman of the HPC.

Resolution #2015-9 with the agreed-upon amendments was unanimously approved by all the Board members.

Resolution #2015-10 Appointing Vincent DeNave, the Borough Engineer, as the Consulting Engineer for the Planning Board, was unanimously approved. Mr. DeNave has stepped off the Board as a Class II Board member. Mrs. Piccolo has replaced him as the Class II member. Mayor Harris noted that Mr. Brightly will be called on for more complex applications which may come before the Board.

Resolutions

Application PB#14-5

Commerce Street Associates, Inc.

Rear Commerce Street
Minor Subdivision
Block 134, Lot 29

Mayor Harris pointed out that there should be two easements mentioned in this Resolution, not one, as stated in the original resolution. One easement would allow for access from Commerce Street. The second easement would allow for a trail across the other properties owned by the applicant.

Attorney Loughlin distributed copies of the amended resolution and explained how it came about. He noted that only the Board members who were present at the December 3, 2014 Planning Board meeting would be eligible to vote on this amended resolution.

Mayor Harris made a motion to approve the amended resolution for Application PB #14-5. Mr. Wagner seconded the motion. A roll call vote was taken of those eligible to vote:

Mayor Harris	-	yes
Council Member Fife	-	yes
Chrmn. Favate	-	yes
Mr. Wagner	-	yes
Mr. Heap	-	yes
Mr. Montague	-	yes

Mayor Harris welcomed Wolfgang Robinson as the new Second Alternate to the Board.

Discussion

Residential Development Standards – Peter Hoffman, Chairman of the Zoning Board of Adjustment

Mr. Hoffman distributed hard copies of his Presentation to the Planning Board, dated January 7, 2015. A slide version was also shown on a screen on the podium. He noted that the data in this presentation incorporates the full year of 2014 Zoning Board results.

Using a pie chart, Mr. Hoffman reviewed the amount of different variances granted, percentage-wise, from 2005 to 2014. There has been a recent high volume of applications. Multi-variances are now being sought. In the past two years, residents are choosing to remain in their homes and renovate them. He reported that applicants often seek better functionality and safety upgrades for their homes, which in many cases triggers variances. Other variances are being sought for aesthetic and modern amenity upgrades.

Mr. Hoffman discussed the benefits of targeted liberalization of zoning ordinances. He gave eight recommended revisions for the Borough Zoning Ordinance. He gave his reasons of why the Zoning ordinance should be liberalized.

Dr. Blickstein noted that variances have increased all over this area of New Jersey.

Mr. Heap asked if a large number of local homes have remained untouched by renovations. Mr. Hoffman answered yes.

Mayor Harris and the Board thanked Mr. Hoffman for his presentation. They will be looking over his report more thoroughly.

Proposed Generator Ordinance

In Mr. DeNave's absence, Mayor Harris reviewed the previous recommendations that the Board had made for this ordinance. This ordinance will be revised again. Borough Attorney James Lott is reviewing it.

New and Returning Applications

Application PB #14-04

JJE3, LLP

331 Main Street

Site Plan

Block 85, Lot 6

This is continued from the December 3, 2014 meeting.

Michael Vespasiano, Esq. came forward. His law firm is in the building at 331 Main Street. Joseph Hanrahan, the applicant's engineer, was also present. He remained under oath from the previous hearing.

Mr. Vespasiano noted that the Board has received review letters from Dr. Blickstein and Mr. Brightly. Mr. Vespasiano reviewed the changes he has made to the plans. The Board had requested that the parking lot slide 2 feet over from east to west. Two parking spaces have been removed at the back of the property. The garbage location has been moved from the east side to the west side of the lot. It's now underneath the fireplace stairs. The lighting plan has been modified. Belgium block curbing will be installed. A bike rack has now been included in the plans.

Dr. Blickstein felt that the 20 ft. poles don't mesh at all with the architecture of the building or with the Main Street character.

Mr. Vespasiano explained that there is a motion sensor on the handicap ramp on the western driveway. There is another motion sensor at the office entrance. There is another motion sensor at the eastern side of the building. A motion sensor light will be installed on the basement steps when tenants descend to do their laundry. Mr. Vespasiano felt that with motion sensors on the side plus the natural light on Main Street would be sufficient.

Dr. Blickstein recommended that the Board request the applicant show the building mounted fixtures, the intensities, the mounting heights, and the hours of operation of the site lighting in the rear parking lot. Mr. Vespasiano said the lights will be on a timer. They will shut off by 9 p.m.

Board Engineer Bob Brightly noted that the lights meet the uniformity ratios. There are no real bright spots in the rear parking lot; however the lighting will spill over a little. There could be a design exception for that portion of the parking lot.

Dr. Blickstein suggested that the Board could grant a waiver for the illumination to exceed 1.0.

Mr. Brightly recommended that the maintenance and inspection lines be submitted to the Borough Engineer on an annual basis. Mr. Brightly felt that the applicant did a decent job addressing all the Board's concerns.

Mr. Brightly was satisfied with the proposals for the garbage can locations. He felt that stones instead of a concrete pad would suffice.

Mr. Brightly brought up the proposed block curbing around most of the perimeter of the parking area. There had been concern about trees being removed. Mr. Brightly pointed out that a very narrow trench exists in this area which may affect the trees.

Mr. Hanrahan testified that there will be minimal impact to tree roots within the first foot of soil. Beyond that, there will be no impact.

Mayor Harris asked if the installation of the block curbing were to kill any trees, would the applicant be willing to replace them.

Mr. Vespasiano answered yes. He has discussed the tree concern with his neighbor next door at 323 Main Street.

Dennis Powers, the neighbor to the east, at 323 Main St. (Kenner Resources) came forward. He stated he was satisfied with the adjustment made to the parking area.

There were no further questions or comments from the public or the Board.

Council Member Fife made a motion to approve the Site Plan for JJE3, LLP, at 331 Main Street, with the agreed upon conditions. Mr. Wagner seconded the motion.

The conditions were:

- 1) Revised lighting plans will be submitted with the location, height, and wattage for the new fixtures
- 2) The applicant will follow recommendations stated in Numbers 2 & 3 of Engineer Brightly's letter, page three, dated January 7, 2015.
- 3) Any trees dying within a year of the parking lot changes, will be replaced by the applicant

A roll call vote was taken on the motion. Only those Board members present at both hearings were eligible to vote:

Mayor Harris	-	yes
Council Member Fife	-	yes

Mr. Wagner	-	yes
Mr. Heap	-	yes
Mr. Montague	-	yes
Chrmn. Favate	-	yes

Application #PB 15-01

Mode Green Inc.

232 Main Street

Application for Change of Use

Paul Wigg-Maxwell, Esq., attorney for the applicant, came forward.

The applicant, William Lally, of 17 North Passaic Ave., was sworn in to testify.

Mr. Wigg-Maxwell stated that William Lally is the principal of a new company, Mode Green. Mode Green is proposing to occupy the storefront formerly occupied by Phil Ott's karate studio. Mode Green will be a showroom for high-end electronics and appliances which are electronically controlled. There should not be a great deal of foot traffic coming into this showroom.

Mr. Wigg-Maxwell stated that the store unit is in the B-4 District. A **retail trade business** is an accepted use in the B-4 District.

Mrs. Favate noted that the Board has received a letter from the Borough Sign Committee that they had no issues with Mode Green's proposed signage.

Mr. Wagner made a motion to approve Application PB #15-01, Change of Use Application for 232 Main Street as sought by Mode Green, Inc. Mr. Montague seconded the motion. A voice vote was taken. All Board Members present voted "aye".

Miscellaneous

Mayor Harris noted that there is currently a problem with Zoning Board and Planning Board members receiving adequate application information from Borough Hall. A meeting will soon be held with Chairman Favate, Dr. Blickstein, and Borough Administrator Bob Falzarano to discuss a better procedure.

Mayor Harris noted that new businesses coming into the Borough having been complaining that it takes too long to go through the Change of Use process. Also, some items were overlooked on recent applications. He suggested the Board should review the Change of Use procedures.

Attorney Loughlin pointed out that administratively many items will not always be caught on these type applications.

Dr. Blickstein felt that if the Change of Use process was eliminated, the Board would not have a written procedure for zoning permits. There is no documentation of use that happens early in the process for a new business coming into the Borough. At least the Change of Use process allows

the Board to confirm that the new use is directly understood and interpreted with respect to zoning. Without a zoning permit system, the Board would have no documentation.

Mayor Harris noted that Mrs. Piccolo will be working on a document to let new businesses know what procedures they must follow before moving in.

The Board decided to cancel their meeting scheduled for Wednesday, January 21, 2015.

The next Planning Board meeting will be held on Wednesday, February 4, 2015, 7:30 p.m., Council Chambers, Chatham Municipal Building.

At 9:30 p.m. the meeting adjourned.

Respectfully submitted:

Elizabeth Holler

Elizabeth Holler
Recording Secretary

