

CHATHAM BOROUGH PLANNING BOARD
March 18, 2015 7:30 p.m.

Minutes

In Chairman Favate's absence, Vice Chair Matthew Wagner called this Chatham Borough Planning Board Meeting of March 18, 2015 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Wagner announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris	X	
Council Member Fife	X	
Janice Piccolo	X	
Chrmn. Susan Favate		X
Matthew Wagner	X	
H.H. Montague		X
James Mitchell	X – arrived 7:32 p.m.	
John Bitar	X – arrived 7:36 p.m.	
Joseph Mikulewicz		X
William Heap	X – arrived 7:35 p.m.	
Wolfgang Robinson	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein		X

Public Comment

No one came forward.

Resolution PB #15-12

The meeting minutes of February 4, 2015, second draft, were approved.

New and Returning Applications

There were none.

Discussion

Bylaws

Attorney Loughlin noted that there were sections that he had to abridge or remove. He stated that he has never heard of a Planning Board or Zoning Board in litigation because of a lack of bylaws or inadequate bylaws. However, bylaws are a good practice for a Board to have.

Attorney Loughlin discussed electronic participation for Board members, for example using speakerphones when meetings are held during bad weather.

Attorney Loughlin noted that among the sections that he had to eliminate, was a section regarding subpoena power. The Planning Board doesn't use subpoena power. There are certain instances that are beyond the Board's authority.

Attorney Loughlin reported that he had discovered a section in the rules and regulations about requests for a re-hearing. He felt that was a terrible idea. He deleted it.

Attorney Loughlin felt that with the latest deletions and additions done, the revised bylaws are ready for the Board to review. Further revisions will be needed on the sections having to do with the review of application for determining completeness based on decisions made by the Borough Administrator and the Bylaws Committee. A meeting on this matter will be held tomorrow evening. Borough Attorney Lott will be making decisions on certain finalities. The Borough Administrator will decide on how the flow chart will work. Attorney Loughlin will then tweak the Board's Bylaws to comply with the decisions made at this meeting tomorrow night.

Attorney Loughlin brought up the role of the Sign Committee as mentioned in the Bylaws. He explained why aesthetics are a valid consideration in an application; however, it's up to the Board whether they wanted aesthetics. Mr. Wagner and Attorney Loughlin discussed further aspects for the Borough Sign Committee.

Attorney Loughlin said he will probably do additional revisions on the Bylaws after tomorrow's meeting with Borough Administrator Falzarano and the Subcommittee. He said whatever is distributed to him at this meeting, he will make sure it is made available to the Board members.

Mayor Harris pointed out that he had complained to Mr. Falzarano that, concerning applications, materials weren't being sent in the correct order and in a timely manner to entities like the Borough Sign Committee, the Historic Preservation Commission, the Fire Department, etc. Unfortunately, many times conditions had to be attached to resolutions to require these reviews. These reviews should really be done before any hearing takes place, not after.

Attorney Loughlin agreed, noting that scheduling problems like what the Mayor mentioned, can turn into legal problems which can relate to default approvals and legal challenges to a resolution. Someone could claim that the application was not processed correctly. He strongly recommended that any reviews be submitted to the Board, before they make their official decision.

Mr. Bitar asked if the Borough Sign Committee will be included in the Application Checklist. Attorney Loughlin answered that it *will* be. It will be an instructional item.

Mayor Harris recommended that somewhere the By-laws should address the Affidavit of Compliance. Attorney Loughlin agreed to include that item.

Potential Zoning Changes

Mayor Harris and Council Member Fife noted that the Annual Report from the Zoning Board of Adjustment has not yet been posted on the web site. Once the Annual Report is obtained, Mr.

Wagner noted that the Board will have to address some issues that have arisen. Mr. Wagner suggested the Board form a subcommittee.

Mayor Harris asked the Recording Secretary to send the Zoning Board of Adjustment's Annual Report to Planning Board members, when she sends out tonight's meeting minutes.

Attorney Loughlin asked Board members if they find an error in the Bylaws, or would like to add something to the Bylaws, please send him an e-mail as soon as possible. He hopes to wrap up the Bylaws project by April. Mr. Wagner suggested the target date be the April 1st Planning Board meeting.

Mr. Bitar asked Attorney Loughlin if it was permissible to use e-mails in communicating about the Bylaws. Attorney Loughlin answered that e-mails on By-laws are allowable. It's a purely administrative matter.

Mr. Wagner asked Attorney Loughlin if he could e-mail Board members who are absent tonight, informing them that e-mails discussing Bylaws are permitted. This would hopefully speed up the completion of this Bylaw project. Attorney Loughlin informed the Board that he will be away on the first week of April.

Mr. Wagner brought up the recently received letter from the Morris County Planning Board regarding a proposed Florham Park project on North Passaic Avenue. Mayor Harris noted that Vince DeNave, the Borough Engineer and Zoning Officer is very aware of this application. Mr. Wagner expressed concerns about traffic problems at this site, if the application was approved.

Attorney Loughlin explained that the purpose of the Morris County Planning Board letter is to solicit comments on any adverse impacts this construction may have on the Borough.

At 8:02 p.m., Mayor Harris made a motion to close the public session of this meeting and to engage in a Closed Session to discuss Contract Negotiations. Mr. Bitar seconded. The motion was carried unanimously.

At 8:35 p.m. a motion was made/seconded to return to Public Session. A motion was immediately made/seconded to adjourn tonight's Regular Meeting.

The next Planning Board meeting will be held Wednesday, April 1, 2015, 7:30 p.m., in the Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler
Recording Secretary

