

CHATHAM BOROUGH PLANNING BOARD
December 1, 2021 7:30 p.m.

Chairman Susan Favate called this Regular Meeting of the Chatham Borough Planning Board to order at 7:30 p.m. Chrmn. Favate announced that all legal notices have been posted for this meeting. Board members, Attorney Loughlin, and other participants were present by way of Zoom.

Name	Present	Absent
Mayor Thaddeus Kobylarz	X – arrived later in the meeting	
Steve Williams	X	
Council Member Truilo	X	
H.H. Montague		X
Vice Chrmn. Matthew Wagner	X	
Curt Dawson	X	
Chrmn. Susan Favate	X	
Bill Heap	X	
Torri Van Wie	X	
Joseph Mikulewicz		X
Gregory Xikes	X	
Attorney Vincent Loughlin	X	

Also present:

Kendra Lelie, PP, AICP, ASLA, Professional Planner for the Board

Robert C. Brightly, P.E., Engineer for the Board

Public Comment

There was none.

Resolution #PB 2021-01

Council Member Truilo made a motion to approve the minutes of the November 3, 2021 Planning Board meeting as submitted. Vice Chrmn. Wagner seconded the motion. A voice vote was taken. The minutes were approved. Chrmn. Favate, Vice Chrmn. Wagner, and Mr. Dawson abstained from voting because they were absent that night.

Application Resolutions

Application PB 21-005

Terry & Joes Corp.

232 Main Street

Block: 56 Lot: 16

Change of Use/Site Plan Waiver

Mr. Williams made a motion to approve the resolution memorializing the Planning Board's approval of Application PB 21-005. Mr. Williams seconded the motion. A roll call vote was taken:

Mr. Williams	-	yes
Council Member Truilo	-	yes
Mr. Dawson	-	yes
Mr. Heap	-	yes

The resolution passed.

Memorializing Resolution of the Chatham Borough Planning Board's Approval of Rehabilitation Study Area Determination of Need

BLOCK 134, LOTS 1,2,3,4,5,6,7,26,27 & 28

BLOCK 135, LOTS 1,2,3,4,5,6,7,8,13 & 14

BLOCK 136, LOTS 1,2,3,4,5 & 6

BLOCK 137, LOTS 1,2,3,4 & 5

BLOCK 138, LOTS 1,2,3,4,5,6 & 7

BLOCK 139, LOTS 1,2,3,4,5,6 & 7

BLOCK 140, LOTS 1,2,3,4,5,6,7.01, 7.02, 8, 9, 10, 13, 14, 15 & 16

BLOCK 140, LOTS 1,2,3,4,5,6, 7.01, 7.02, 8, 9, 10, 11, 12, 12.01, 13, 14, 15, 16 & 17

Mr. Dawson made a motion to approve this Resolution giving the Planning Board's Approval of this Rehabilitation Study Area Determination of Need. Vice Chrnm. Wagner seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Truilo	-	yes
Mr. Dawson	-	yes
Mr. Heap	-	yes

The resolution passed.

Application PB 20-002

Flo-Joe, LLC

5 South Passaic Avenue

Block: 121 Lot: 16

Preliminary & Final Site Plan Variances

Chrnm. Favate noted that this application, which was originally scheduled for tonight's meeting, will be postponed to the January 5, 2022 Planning Board meeting. The application must first be reviewed by the Borough Historic Preservation Commission (HPC). The Borough ordinance mandates this review by the HPC. Attorney Loughlin explained that the HPC will be reviewing this application because the applicant is proposing to demolish the existing building and re-construct on the site. The existing building stands in the Borough's Historic District.

Chrnm. Favate announced that at the Planning Board meeting of January 5, 2022 it will be determined if Application PB 20-002: Flo-Joe, LLC, 5 South Passaic Avenue will be heard that

night, or the next Board meeting on January 19, 2022. It depends on when the report from the HPC review is received.

Discussion Items

ORDINANCE # 21-21

ORDINANCE ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR
POST OFFICE PLAZA REDEVELOPMENT AREA
BLOCK 121, LOTS 10 THROUGH 12 THROUGH 18
BOROUGH OF CHATHAM, NEW JERSEY

ORDINANCE #21-22

ORDINANCE ADOPTING THE GATEWAY AFFORDABLE HOUSING OVERLAY 1
ZONING DISTRICT AS AN AMENDMENT TO THE LAND DEVELOPMENT
REGULATIONS
BOROUGH OF CHATHAM, NEW JERSEY

ORDINANCE #21-23

ORDINANCE ADOPTING THE GATEWAY AFFORDABLE HOUSING OVERLAY 2
ZONING DISTRICT AS AN AMENDMENT TO THE LAND DEVELOPMENT
REGULATIONS
BOROUGH OF CHATHAM, NEW JERSEY

Ms. Lelie noted that these three ordinances come about because of an amendment to the Fair Share Settlement Agreement which deals with Chatham Borough's Affordable Housing Plan. That amendment is dated 6-14-2021. These three ordinances and their amendments were required by that Settlement Agreement that has court approval at this point.

Ms. Lelie reviewed the main amendment made to the Post Office Redevelopment Plan – Ordinance #21-21. She felt that this particular ordinance is not inconsistent with the Borough's Master Plan.

Ms. Lelie reminded the public that a public hearing will be held on these three ordinances at the governing body level on December 13th. Public comments will be welcome at that time.

Ms. Lelie discussed Ordinance #21-22 and Ordinance #21-23. These concern the Gateway Overlay District.

Ms. Lelie put a map on the Zoom screen showing Gateway 1 and Gateway 2. The difference between Gateway 1 and Gateway 2 is the distance from what may become a future NJ Transit stop.

Ms. Lelie read aloud goals of the Master Plan, page 7:

Master Plan Goal #10: "Opportunities for larger scale multi-family and mixed-use development should be provided within this area which is the River Road/Watchung Ave. Gateway. Future

transit connections should be explored”. Ms. Lelie discussed the over-lay districts and the set-asides in these districts.

Chrmn. Favate pointed out that there is already an over-lay zone in place for this particular area. She asked Ms. Lelie if these two new zones mentioned in these ordinances will be superseding or replacing this original over-lay.

Ms. Lelie explained that the M-3 Zone will remain as is. The underlying zone stays as is. The two new zones were now superseding the original Gateway District overlay.

Ms. Lelie advised the Board that these ordinances are consistent with the Borough Master Plan in regard to multi-family housing in this area as well as the affordable housing set-asides.

At Council Member Truilo’s request, Ms. Lelie reviewed the proposed densities for both zones, units by acre.

Chrmn. Favate noted that one member of the public had her hand raised, asking to speak.

Valerie Clark, 21 Fern Avenue, pointed out that in the past week the State of New Jersey, under Gov. Murphy’s order, Department of Environmental Protection, is coming out with new restrictions on development on properties near wetlands, particularly along the Passaic River. She asked wouldn’t it be a wise move to omit all the wetlands in these districts under discussion given these new regulations will be established in early 2022.

Chrmn. Favate thanked Ms. Clark for her comments, however, the Planning Board does not have the authority to make those kinds of changes to the ordinance. Only the Borough Council can make those changes. Chrmn. Favate noted that if the DEP were to make regulatory changes, any future development would have to abide by those regulatory changes, if and when it is proposed.

After further comments from Ms. Clark, Attorney Loughlin reminded her that the Board has no authority to discuss this matter of future restrictions. The Borough Council receives input from the Planning Board on these ordinances. A public hearing will be held by the Council on these ordinances.

Council Member Truilo made a motion to approve the Planning Board resolution regarding Ordinance #21-21 – Adopting an Amendment to the Redevelopment Plan for the Post Office Plaza Redevelopment Plan. Vice Chrmn. Wagner seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Heap	-	yes
Mr. Xikes	-	yes

Mr. Dawson - yes

The resolution was approved.

Vice Chrmn. Wagner made a motion to approve the Planning Board resolution regarding Ordinance #21-22 – Adopting the Gateway Affordable Housing Overlay 1 Zoning District as an Amendment to the Land Development Regulations. Council Member Truilo seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Heap	-	yes
Mrs. Van Wie	-	yes
Mr. Xikes	-	yes
Mr. Dawson	-	yes

The resolution was approved.

Council Member Truilo made a motion to approve the Planning Board resolution pertaining to Ordinance #21-23 – Adopting the Gateway Affordable Housing Overlay 2 Zoning District as an Amendment to the Land Development Regulations. Mr. Dawson seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Truilo	-	yes
Chrmn. Favate	-	yes
Vice Chrmn. Wagner	-	yes
Mr. Heap	-	yes
Mrs. Van Wie	-	yes
Mr. Xikes	-	yes
Mr. Dawson	-	yes

The resolution was approved.

At 8:55 p.m. the meeting adjourned.

The next meeting of the Chatham Borough Planning Board will be held Wednesday, January 5, 2022, 7:30 p.m., which will be the Board's Reorganization Meeting for 2022.

Respectfully submitted:

Elizabeth Holler
Recording Secretary