

CHATHAM BOROUGH PLANNING BOARD  
 April 5, 2017 7:30 p.m.

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

Name	Present	Absent
Mayor Bruce Harris	X	
Council Member Victoria Fife	X	
Robert Falzarano	X	
Chrmn. Susan Favate	X	
Vice Chrmn. Matthew Wagner	X	
H.H. Montague	X	
John Bitar		X
Joseph Mikulewicz		X
William Heap	X	
Vincent K. Loughlin, Esq.	X	
Dr. Susan Blickstein	X	

Public Comment

There was none.

Resolution #PB 2017-14

Vice Chairman Wagner made a motion to adopt the March 15, 2017 meeting minutes as amended. Council Member Fife seconded the motion. The motion carried. The March 15, 2017 minutes were approved as amended.

Resolutions

Application PB #17-03

JAG Physical Therapy

471 Main Street

Change of Permitted Use

Block 29, Lot 9

Vice Chairman Wagner made a motion to adopt the Resolution approving Application PB #17-03 for JAG Physical Therapy for a Change of Permitted Use at 471 Main Street. Mr. Falzarano seconded the motion. A voice vote was taken. All Board members present voted aye, except for Mayor Harris who had been recused from the hearing. The Resolution was approved.

New and Returning Applications

There were none at this time.

Public Hearing

### Planning Study for Post Office Plaza

Chrmn. Favate explained that this study will determine whether certain properties in this area qualify as a non-condemnation area in need of redevelopment, pursuant to the requirements in State Law.

Chrmn. Favate invited the planners to introduce themselves.

John Hague, Esq. stated that his law firm had been hired as a special counsel to the Borough with respect to this redevelopment study/project. Mr. Hague will be providing legal background with respect to the proposal.

Mr. Hague noted that on March 13, 2017 the first statutory step was taken, requesting and directing the Planning Board investigate certain properties designated in the center of the Borough along the NJ Transit Morris and Essex Line, for the possibility of redevelopment.

Mr. Hague introduced Phil Abramson of Topology, who has prepared this study. The Board will listen to this study. Public comment will be heard. The Board can vote a resolution recommending this report to the governing body. The governing body will then move to the third step, which is the actual designation of the area for redevelopment.

Mr. Hague noted that a redevelopment plan would involve the Planning Board's participation.

Mr. Hague assured the Board and the public that "bulldozers will not be out tomorrow (in Post Office Plaza)". This planning study will be a lengthy, detailed process. He noted that he himself has served on the Chatham Borough Planning Board for seven years. Mr. Hague stated that it was honor to return to the Board and work on this project.

Mr. Hague introduced Phil Abramson who will walk the Board through the report.

Attorney Loughlin swore in the following representatives from Topology, Inc., 60 Union St., Newark NJ:

Leigh Ann Hindenlang, professional planner  
Philip Abramson, professional planner

Ms. Hindenlang and Mr. Abramson submitted their educational and professional credentials to the Board. The Board accepted them.

Mr. Hague noted that Mr. Abramson will be bringing up a legal case in context, entitled "The Concerned Citizens of Princeton vs. Mayor and Council of Princeton". This is a dispute over designation of intown parking areas for redevelopment purposes. These types of areas could be considered as obsolete. That interpretation has been extended to the Exxon Station site on Main Street, as part of the overall redevelopment area.

Mr. Abramson stated that a basic overview of the study area will be given, looking at each parcel of land and giving recommendations.

Mr. Abramson discussed the differences between **the** Municipal Land Use Law and the NJ Local Housing & Redevelopment Law. The NJ Local Housing & Redevelopment Law empowers local governments to initiate a process to designate an area “in need of redevelopment.”

Mr. Abramson reviewed the key points that will be undertaken in the Redevelopment Process:

- 1) Initial Resolution from the governing body authorization of Preliminary investigation.
- 2) An Investigation Map, delineating the boundaries of the proposed redevelopment area.
- 3) Preliminary Investigation consisting of an analysis of the study area and recommended course of action.

Mr. Abramson stated that the Board can pass a resolution regarding their reaction to this preliminary investigation. This resolution is then sent to the governing body. The governing body makes the decision whether to formalize an area in need of redevelopment. Another decision is held on what should actually be done on those properties. A mini-Master Plan and zoning ordinance can be created for those properties.

Mr. Abramson testified that he and Ms. Hindenlang had visited the subject sites a number of times, both from the ground and the air. He and Ms. Hindenlang looked through all the public data that the Borough had on these properties. Using this public data, a comparison was made with the statutory criteria.

Chrmn. Favate confirmed with Mr. Abramson that he and Ms. Hindenlang had spoken with every property owner in the redevelopment area.

Mr. Abramson reviewed each criteria of the Statutory Analysis:

- A) When the buildings on the property are substandard, unsafe, unsanitary, dilapidated, or obsolescent
- B) Qualifying properties, in disrepair, that have been abandoned for commercial or industrial use
- C) Vacant or publicly owned land unlikely to be developed with private capital due to location, access or topography
- D) Dilapidated, obsolescent, faultily arranged or designed improvement detrimental to the public safety, health, morals, or welfare
- E) Stagnant and unprotective condition of land because of a condition of title or diversity of ownership
- F) An area of five or more acres with improvements that have been destroyed by fire or other natural disaster

G) Adopted and approved Urban Enterprise Zones

H) Designation is consistent with smart growth planning principles

Mr. Abramson pointed out that redevelopment areas are not just properties that meet the above mentioned criteria. They are also properties that would be necessary to effectuate the redevelopment of qualified properties, but are sort of caught in the middle.

Mr. Abramson touched on the case of Concerned Citizens of Princeton v. Borough of Princeton regarding a town having a large surface lot that can be an underutilization of land.

Mr. Abramson pointed out a few landmarks within the Study Area:

- 1) The Chatham train station.
- 2) The Library of the Chathams.
- 3) Liberty Drug Store.
- 4) Bowers Lane, both sides of the street.
- 5) The Bowers Lane parking lot.

Mr. Abramson noted that there are 14 parcels of land in the Study Area. The Study Area consists of 5.5 acres. There are 10 property owners. Last year the Borough had collected \$175,429 in taxes from these properties. There are four Zoning Districts in this Study Area. The B-4 Zoning District predominates.

Mr. Abramson felt that the parcel of land that is “the glue that binds all the lots together” is the Post Office Plaza. He noted that historical maps of this area indicate it was essentially an open area. Buildings were constructed as time went on. What remains today is the post office parking lot. This parking lot is owned by the Borough.

Mr. Abramson felt that this parking lot is a very valuable, vibrant, transient-oriented location with a mix of uses. It has “smart growth”. Mr. Abramson believed it is a difficult parking lot to navigate a vehicle at times. It isn’t always clear which are the one-way lanes existing and other requirements. It’s not a good design for a public parking lot.

Mr. Abramson explained the cross access occurring in Post Office Plaza, between the storefronts on Main Street and the patrons using the Post Office Plaza parking lot. Mr. Abramson pointed out that Glenn’s Automotive has some permission from the Borough to traverse the Borough’s parking lot and access his property. His business property would otherwise be landlocked.

Mr. Abramson discussed the Post Office sorting facility. He and Ms. Hindenlang had toured the facility. Mr. Abramson pointed out that the Post Office facility basically uses Bowers Lane as a rear driveway. He didn’t believe the Planning Board would approve of this postal loading dock and the informal driveway arrangement used by the postal trucks. Mr. Abramson believed that the Bowers Lane homes, across the street from the rear of the Post Office facility, are negatively impacted by this truck action.

Mr. Abramson discussed Glenn's Automotive Garage on South Passaic Avenue. This business has no driveway. The one small garage door is the only way to travel from the street to the garage's back parking lot. Glenn's is an automotive repair business with no place to keep cars. Mr. Abramson explained how a title issue may exist at Glenn's Automotive Garage. A stable situation is occurring right now because of the permission granted by the Borough to use the Borough parking lot as an access to his garage property.

Mr. Abramson discussed the Cottage Deli, which had originally been three separate stores. The whole deli building is oriented towards the Borough's parking lot. The deli has an egress and ingress which could satisfy their own parking needs; however, the deli uses the Borough parking lot for their parking. This indicates a faulty arrangement. If this access was ever denied, the deli could not continue to function without a great deal of work.

Mr. Abramson showed slides of two existing stores on South Passaic Ave. He and Ms. Hindenlang toured the stores and interviewed the property owner. It was determined that this particular property did not qualify for the need for redevelopment.

Mr. Abramson brought up Liberty Drug on the corner of Bowers Lane and Main Street. It is a well maintained, functional property. The redevelopment criteria will not be applied to it. However, there may come an opportunity for shared parking. An opportunity may arise to normalize a building footprint.

Mr. Abramson showed a slide of the Exxon Station at the corner of Hillside Ave. and Main Street. This is a highly visible property.

Mr. Abramson discussed the last house on Bowers Lane, 37 Bowers Lane, on the left. The home is in good condition and is rented out. Mr. Abramson recommended that the house be included in the Study.

Mr. Abramson stated that the Driscoll properties would qualify squarely within the statutory criteria. He showed slides of some of the Driscoll houses on Bowers Lane which may be near the end of their existence, due to the maintenance given to them. These properties are rented out on a monthly basis.

Mr. Abramson showed a slide picturing the end of Bowers Lane. He pointed out an empty parcel of land that may have been part of the railroad right-of-way at one time. This property has probably been unapproved and vacant for years. It has a lack of access. It squarely falls within the statutory criteria.

Mr. Abramson reviewed a summary chart giving recommendations for each of the lots in the Post Office Plaza Study. Criteria was given on what would apply to each of these properties. Block 121, Lot 14. This South Passaic Ave. parcel, is the only parcel that didn't meet any of the criteria, and is not being recommended for inclusion in the redevelopment area.

Mr. Abramson asked if the Planning Board had any questions on his presentation. Ultimately, a resolution will be drafted and forwarded on to the governing body. The resolution will be

prepared and presented to Board members by their April 19<sup>th</sup> meeting. The resolution then moves on to the governing body. The governing body will then have an opportunity to accept, deny, or modify the recommendations made by the Planning Board.

Chrmn. Favate asked if Board members had any questions on tonight's presentation.

Mayor Harris brought up the access agreement on Glenn's Automotive Garage. He believed this agreement had not been executed between the Borough Council and the property owner.

Mr. Montague asked who will address the streets and the parking in this study. Who merges the parking requirements with the Building Department and the whole redevelopment study?

Mr. Abramson explained that parking lots are one of the more challenging pieces of land to consider building on. Decisions would have to be made on what to do with the vehicles that parked in that area. The private section can take action by bringing proposals before the Borough, or the Borough makes the decision to proactively come up with its own design, its own plan, and its own development program.

Dr. Blickstein assured Mr. Montague that the Redevelopment Plan will address the parking, streetscape, pedestrian circulation, etc.

Chrmn. Favate suggested some minor typo corrections to the Study. She also did not feel comfortable about a legal case concerning condemnation being referenced in this report. Mr. Abramson agreed to remove that reference.

Dr. Blickstein suggested on page 4, a north arrow be inserted on the map study area. She also suggested language be inserted on that page about the Master Plan's statement about Smart Growth as a local policy. Mr. Abramson and Ms. Hindenlang agreed to follow these recommendations.

Attorney Loughlin recommended labeling the following material discussed tonight:

Exhibit B-1: The Preliminary Investigation Report for Post Office Plaza as dated March 22, 2017, previously distributed to the Board and which is the subject of the presentation this evening (4/5/2017).

Exhibit B-2: The slides and presentation submitted this evening (4/5/2017) for the Preliminary Investigation Report for Post Office Plaza.

Chrmn. Favate asked if the public had any questions on tonight's presentation.

Rosala Clyde, 33 Carmine St., asked if this step, taken by the Board tonight, is just delineating an area. No discussion is being held tonight on what may go into that area.

Mr. Abramson answered that was correct. A study like this can never be started with a project in mind. The courts have rejected that action as a procedural process.

Council Member Fife clarified that this area (Post Office Plaza) was not pulled out of a hat. It was envisioned from the Master Plan. Post Office Plaza seemed to be the most palpable area to do some sort of redevelopment. Lot 10 is owned by the Borough. It is currently under-utilized and seems like the perfect spot to move forward and consider redevelopment.

Mayor Harris pointed out that as part of the Borough's planning process, there will be another visioning session, hopefully by mid-June, that will be focused on this study, if the Borough Council gives their approval. This vision session would be a good time for the public to share their ideas. The date of the vision session will be posted on the Borough's website.

Thaddeus Kobylarz, 22 Lum Ave., asked if any developers had been consulted about this whole project, either now or when the vision of the 2016 Master Plan was being contemplated.

Mr. Abramson answered that he and his firm are very intentional not to do that. He noted that he and Ms. Hindenlang had met with Driscoll Properties, a commercial landlord, who owns buildings on Bowers Lane. No development proposals were discussed with them.

Stewart Carr, 3 Crestwood Drive, Chatham Township, asked about the financial implications in the end game of this study. He also expressed concerns about the density that may result.

Chrmn. Favate assured Mr. Carr that he doesn't have to worry about the density issue, referring to a situation happening in South Orange.

Mr. Carr still felt that the six acres is still a great deal of space, and it wouldn't be hard to get a great deal of density in a six-acre area.

Attorney Loughlin reminded Mr. Carr that the Borough is not yet at that point. As the planner had pointed out, those details will come later on.

Mr. Carr felt that when improvements are being discussed, density would then increase. He thanked the Board for their time.

There were no further questions from the public.

Attorney Loughlin noted that the Study has been presented and the public comments have been made. It is now time for the Board to discuss the following steps that will become part of the resolution:

- 1) Accepting the report, except for Block 121, Lot 14, which, according to the planner as not being qualified
- 2) After the Board accepts the report, with this amendment, it would then make a determination, after Board discussion, as to whether this Board believes that the lots and blocks in this plaza area, are areas in need of redevelopment or not.
- 3) If the Board finds they are in need of rehabilitation, the Board will recommend to the Mayor and Borough Council the report for their consideration for further action.

Mr. Hague noted that there were several revisions suggested for the report. Attorney Loughlin agreed, stating that the revisions were technical in nature; however, these revisions will not affect the substantive consideration of the planners and their presentation. The report has now been amended with these revisions tonight.

Mr. Abramson stated that the report that will be forwarded to the governing body will include the revisions.

Attorney Loughlin said the draft of a resolution approving the study, with the agreed upon resolutions, will be ready for the Board in time for their April 19<sup>th</sup> meeting.

Chrmn. Favate asked the Board if they had any further comments.

Mr. Montague felt that more vision is needed for this Study. He sensed that people want to know what is going to be happening at the Post Office Plaza.

Mayor Harris stated that the study is the first step. Then work can begin on that vision.

Vice Chairman Wagner made a motion to instruct Attorney Loughlin to write a resolution accepting the Post Office Plaza Planning Study, omitting Block 121, Lot 14, with the agreed upon typo corrections, and recommending the Study to the governing body. Council Member Fife seconded the motion. A roll call vote was taken:

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

At 8:50 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, April 19, 2017, 7:30 p.m., Council Chambers, Chatham Municipal Building.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary

