

CHATHAM BOROUGH PLANNING BOARD
October 21, 2020 7:30 p.m.

Chairman Susan W. Favate called the Chatham Borough Planning Board Regular Meeting of October 21, 2020 to order by Zoom at 7:30 p.m. Chrnm. Favate announced that all legal notices have been posted for this meeting. This was a virtual meeting. Board members were present by way of Zoom.

Name	Present	Absent
Mayor Thaddeus Kobylarz	X	
Steve Williams	X	
H.H. Montague	X	
Vice Chrnm. Matthew Wagner	X	
Chrnm. Susan Favate	X	
Curt Dawson	X	
Joseph Mikulewicz	X	
Gregory Xikes	X	
William Heap	X	
Torri Van Wie	X	
Council Member Irene Treloar	X	
Vincent K. Loughlin Esq.	X	

Also present:
Vincent DeNave, Borough Engineer & Zoning Officer

Public Comment

There was none.

Resolution #ZB 2020-01

The minutes for the October 7, 2020 Planning Bd. meeting will be reviewed and voted on at a future meeting.

Application Resolutions

There were none.

New and Returning Applications

There were none.

Discussion Items

Zoning Fee Ordinance Review

Mr. DeNave noted that the only feedback he had received on Zoning fees was from Chrnm. Favate. Since the last Planning Bd. meeting, he has worked with Borough Attorney Jim Lott to come up with additional language. However, Mr. DeNave has not yet seen the final draft of the

Zoning fee ordinance. As soon as he receives it, he will send it out to Board members for any final comments.

Mr. DeNave noted that the term “Zoning Permit” will not be used for this fee ordinance. Instead, “Zoning Application” will be used. All of the Zoning fees have been outlined and will be included in this ordinance. The fees very much line up with those of Madison Borough. The fees most likely will be collected in Madison.

Mr. DeNave urged Board members, when they receive the final draft for the Zoning fee ordinance, to email any comments to him as soon as possible.

Bulk Requirement Review

Mr. DeNave reported that Kendra Lelie, the Board Planner, will be gathering a lot of information on height and bulk requirements of other towns. Ms. Lelie will be present at the next meeting to help the Board update the Borough’s bulk requirements.

Ordinance #20-14 – Permitted Uses in the B-5 Zone District

Mr. DeNave understood that there has been a great deal of public chatter about the actual location of the B-5 District and what uses would be allowed there.

Mr. DeNave stresses that the B-5 District uses do not affect the entire downtown. He clarified that the B-5 District is on eastern Main St. as you enter from Route 24. It would include the buildings at 1 Main Street and 33 Main Street. Continuing, going westward, on the right hand side, the district would include the Magley at 2 Main St., and 26 Main Street, which is a large office building. That is the entirety of the B-5 District. Mr. DeNave pointed out that the building, of 1 Main St., backs up into Shepard Kollock Park. The buildings on the right-hand side back up into Wilson Street.

Mr. DeNave reported that the residents in the vicinity of the B-5 District have all received notices about this B-5 District use situation.

Mr. DeNave reported that certain parties wanted medical services to be included in the B-5 District.

Attorney Loughlin cautioned Mr. DeNave to not give any further information on this situation. For legal reasons, only extreme generalities should be given. Any actual proposals are not an agenda item for tonight’s discussion.

Mr. DeNave acknowledged Attorney Loughlin’s point. He reported that Kendra Lelie, the Board Planner, felt that medical services would be a good idea for the B-5 District. For one, it would generate more potential business for downtown Chatham.

Mr. DeNave asked Board members if they had any questions on the B-5 District.

Mr. Dawson asked how are medical services defined.

Mr. Williams read aloud the three sections for the definition of medical services:

Medical Services – A: Clinics and Laboratories

Medical Services – B: Extended Medical Care

Medical Services – C: Hospitals, Licensed Hospitals, and similar facilities

Mr. Dawson concluded that by allowing medical services, the Borough will be allowing hospital use subject to other constraints on the site. It would also include resident care.

Mr. DeNave answered yes. He added that in the interest of time, he is recommending to the Board that they pass this ordinance over to the Borough Council, and ask them to vote on it in its current state. The Board could then review this definition with Ms. Lelie, the Planner, remove anything they feel is undesirable, Mr. DeNave reminded the Board that this has to do with four lots. The exposure to anything being proposed, like a hospital, would require a Site Plan.

Mr. Mikulewicz recalled years ago, someone had wanted to open up a rehab place at the former Parrot Mill Inn for people with gambling problems. Many residents turned out protesting such a rehab center so close to their homes. Unfortunately, a lawsuit resulted when the rehab facility was turned down. Mr. Mikulewicz suggested clarification be made on what is included and not included for medical services.

Mr. DeNave said he understood Mr. Mikulewicz's point; however, he would like Ordinance #20-14 be moved on to the Borough Council, understanding that the ordinance will return to the Planning Board to be tweaked. Mr. DeNave added that the Board should also consistently look at what is happening in all of the "B" Districts, because offices are now changing. Medical uses are becoming the preferred uses in these type buildings. Regular offices are not as prevalent these days. Mr. DeNave felt that some wordsmithing could be done, with the help of the Board's professionals, to exclude what medical services that would not be wanted.

Mrs. Van Wie pointed out that the word "psychiatric" in the ordinance can be pivotal. The wording has to clarify as what is desirable and what is not.

Mr. DeNave noted that the Borough would not be exposing itself, if it moves very quickly with this ordinance.

Chrmn. Favate felt the term "extended care" was the most troubling. Certain licensing is required, as well as site plans for such a facility.

Mayor Kobylarz asked Attorney Loughlin how far the Board could use non-exclusion terms, such as allowing non-psychiatric services in the B-5.

Attorney Loughlin answered that instead of establishing prohibitive uses, Ms. Lelie, the Board's planner, will be reviewing the roster of medical services to probably determine a "neighborhood use" or a low intensity use for this district.

The Board discussed eliminating the term "extended stays".

Chrmn. Favate agreed with Mr. DeNave's advice that the Board ask the Borough Council to adopt this ordinance. The Board can then quickly strike the last two parts of the definition regarding extended stays and hospitals.

Mayor Kobylarz discussed the economic standpoint with regard to this ordinance on the B-5 District. He reminded the Board that we are in an economic crisis, as well as a global pandemic. The building being focused on in the B-5 District historically has had a hard time renting out its office space. This B-5 ordinance would immediately help to address this problem. Also, the tax revenue, from that part of town, would be bolstered. Mayor Kobylarz also stated that the businesses on Main Street are currently suffering, economically. Some businesses on Main Street feel they will not survive. This particular facility in the B-5 District, if it's put into use, may produce customers for our downtown businesses. From an economic standpoint, Mayor Kobylarz felt these B-5 changes would be a potential boon for the Borough.

Chrmn. Favate and Attorney Loughlin discussed whether or not the Board could vote tonight on recommending this ordinance to the Borough Council. There had been concerns about the term "medical uses". Attorney Loughlin explained how a caveat could be used.

Answering an inquiry from Mr. Williams, Attorney Loughlin reviewed what the language would be for the resolution moving this ordinance on to the Borough Council for a vote.

Mr. Heap agreed with Mayor Kobylarz's point that the financial history of this particular office building has not been good. He asked Mr. DeNave whether he had ever been approached to have this building as a residential use.

Mr. DeNave answered that there had been no specific inquiries for the buildings on that end of Main Street to become residential.

Mr. DeNave stated he will call Ms. Lelie and see how quickly she can create appropriate language for the medical services mentioned in this ordinance. The Board will then have a chance to look at Ms. Lelie's comments after this ordinance is adopted.

Council Member Treloar asked if another Board meeting be held in November to further work on this definition of medical services.

The Board decided to hold a Special Meeting on Thursday night, November 19th. Board members were asked to RSVP Mr. Williams as soon as possible, to let him know they are available that night.

Mr. DeNave stated, that according to the Borough Attorney, a new definition will require new notices be sent to the neighbors in the B-5 District.

Mr. Williams made a motion that the Planning Board finds that proposed Ordinance #20-14 is consistent with the goals and the purposes of the Borough Master Plan, Vice Chrmn. Wagner seconded the motion. A roll call vote was taken:

Mayor Kobylarz	-	yes
Mr. Williams	-	yes
Council Member Treloar	-	yes
Mr. Montague	-	yes
Vice Chrnm. Wagner	-	yes
Mr. Dawson	-	yes
Mr. Heap	-	yes
Mrs. Van Wie	-	yes
Mr. Mikulewicz	-	yes
Mr. Xikes	-	yes
Chrnm. Favate	-	yes

Attorney Loughlin told Board members that they will receive a copy of the resolution on Friday, at the very latest.

At 8:22 p.m. the meeting adjourned.

The next Chatham Borough Planning Board meeting will be held Wednesday, November 4, 2020, 7:30 p.m. It will be a Zoom meeting.

Respectfully submitted:

Elizabeth Holler
Recording Secretary