



Borough of Chatham

**MUNICIPAL BUILDING
54 FAIRMOUNT AVENUE
CHATHAM, NEW JERSEY 07928
Tel: 973-635-0674**

BOROUGH OF CHATHAM ZONING BOARD OF ADJUSTMENT

REORGANIZATION AND REGULAR MEETING

Regular Meeting on Wednesday, January 22, 2020 at 7:30 p.m.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., adequate notice of this meeting has been provided and published in the Chatham Courier on January 23, 2019 and posted on the Municipal Bulletin Board on the main floor of the Municipal Building and filed with the Commission Secretary and the Borough Clerk also on January 23, 2019.

ROLL CALL

Michael A. Cifelli
H.H. Montague
Douglas Herbert
Fredrick Infante
Patrick Tobia
Alida Kass
Jean-Eudes Haeringer
William De Rosa, 1st Alternate
Peter Hoffman, Jr., 2nd Alternate
Patrick J. Dwyer, Board Attorney
Liz Holler, Recording Secretary

ADMINISTRATION OF THE OATHS OF OFFICE

Alida Kass
Frederick Infante
Patrick Tobia
William DeRosa, Jr. Alternate 1
Peter Hoffman, Alternate 2

PUBLIC COMMENT

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any

member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

RESOLUTION #ZB 2020-01
RESOLUTION OF THE BOROUGH OF CHATHAM ZONING BOARD OF ADJUSTMENT
ADOPTING MEETING MINUTES

BE IT RESOLVED by the Zoning Board of the Borough of Chatham that the minutes from the December 18, 2019 meeting are approved as prepared and shall be filed as a permanent record in the Borough Clerk’s office.

ANNUAL REORGANIZATION

- a. Vote and election of Chairperson
- b. Vote and election of Vice Chairperson
- c. Vote and Election of Secretary

ANNUAL RESOLUTIONS

RESOLUTION #ZB 2020-02
RESOLUTION TO APPOINT BOARD OFFICERS FOR 2020

WHEREAS, the New Jersey Municipal Land Use Law, *N.J.S.A. 40:55D*, requires that the Zoning Board of Adjustment elect a Chairperson, a Vice Chairperson and a Secretary for the year 2020; and

WHEREAS, at its Reorganization Meeting on January 22, 2020, the Borough of Chatham Zoning Board of Adjustment did hold an election for Board officers; and

WHEREAS, the elected members did agree to accept and hold such offices.

THEREFORE, BE IT RESOLVED, by the Borough of Chatham Zoning Board of Adjustment, that as the result of the elections, the following offices will be held by the indicated members of the Borough of Chatham Zoning Board during the year 2020, and until replaced by a subsequent election:

Chairperson:	_____
Vice Chairperson:	_____
Board Secretary:	_____

RESOLUTION #ZB 2020-03
RESOLUTION SETTING THE MEETING DATES FOR THE BOROUGH OF CHATHAM
ZONING BOARD OF ADJUSTMENT FOR THE CALENDAR YEAR 2020

WHEREAS, the Open Public Meeting Act, *N.J.S.A. 10:4-6 et seq.*, requires that public bodies provide adequate notice of meetings.

BE IT RESOLVED, by the Borough of Chatham Zoning Board of Adjustment that during the year 2020, meetings shall be held by the Borough of Chatham Zoning Board of Adjustment to discuss or act upon office business at 7:30 p.m. prevailing time, in the Council Chambers, in Borough Hall as follows:

1. Regular Meetings of the Borough of Chatham Zoning Board of Adjustment for the year 2020 will be held on the fourth Wednesday of each month, unless indicated otherwise, at 7:30 p.m. prevailing time, in the Council Chambers, in Borough Hall on the following dates:

-----	July 22 nd
February 26 th	August 26 th
March 25 th	September 23 rd
April 22 nd	October 28 th
May 27 th	November 25 th
June 24 th	December 23 th

2. The Reorganization Meeting for 2021 will be held on Wednesday, January 27, 2021.
3. Notice is hereby given that an executive (closed) session may be convened at any of the herein referenced Board meetings
4. Certified copies of this resolution shall be e-mailed to the Daily Record, and the Chatham Courier and posted on the bulletin board outside the office of the Borough Clerk and filed in the Administration Office.
5. A copy of this resolution shall be sent to any interested person who has requested that they be sent copies of notices of the Borough of Chatham Zoning Board of Adjustment meetings pursuant to N.J.S.A. 10:4-19, and who has paid the required fee.

RESOLUTION # ZB 2020-04

RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPERS, PUBLICATION, FEES AND MINUTES

WHEREAS, the New Jersey Municipal Land Use Law, *N.J.S.A. 40:55D*, provides that certain notices required by its terms are to be published in the official newspaper of the municipality; and

WHEREAS, the Open Public Meetings Act, *N.J.S.A. 10:4-6 et seq.*, requires that notification be given of meetings of public bodies as therein defined and in the manner therein set forth;

WHEREAS, the Borough of Chatham has by resolution selected the official newspapers of the Borough for publication of legal notices;

NOW THEREFORE, IT IS HEREBY RESOLVED that all notices in connection with Zoning Board matters that are required to be published in the official newspapers of the Borough shall be published in the *Chatham Courier* and or the *Morris County Daily Record*;

FURTHER RESOLVED that all notices required to be published shall be placed upon the bulletin board on the main level of the Chatham Borough Municipal Building, outside the office of the Zoning Board;

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 10:4-19, a copy of this resolution shall be provided to any person who requests a copy of the regular meeting schedule, special or rescheduled meetings of this public body, and upon prepayment by such person of a reasonable sum, if any has been fixed by resolution to cover the costs of providing such notice; and

BE IT FURTHER RESOLVED that minutes of the meetings of the Zoning Board will be made available for public viewing in the Borough Offices, in accordance with *N.J.S.A. 10:4-14*, and copies of the minutes will be provided to individuals upon payment of the fees set forth in *N.J.S.A. 47:1A-2* and local ordinance, if applicable;

RESOLUTION #ZB 2020-05

RESOLUTION APPOINTING THE BOARD ATTORNEY AND APPROVING CONTRACT FOR LEGAL SERVICES FOR 2020

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) requires that a resolution be adopted and publicly advertised to authorize the award of contracts for “Professional Services” without competitive bidding; and

WHEREAS, there exists a need for municipal legal services for the Borough of Chatham Zoning Board of Adjustment; and

WHEREAS, the Board has considered the professional services proposal submitted by Patrick J. Dwyer, Esq.

THEREFORE, BE IT RESOLVED, that Patrick J. Dwyer, Esq., 66 Towne Center Bldg., Suite 205, Succasunna, NJ 07876, is hereby be appointed Legal Counsel for the Borough of Chatham Zoning Board of Adjustment for the year 2020 at rates to be set forth in a contract with the Board; and

BE IT FURTHER RESOLVED, that the Borough of Chatham Zoning Board of Adjustment Chair is authorized to execute the necessary agreement with the appointed attorney on behalf of the Board.

RESOLUTION #ZB-2020-06

RESOLUTION APPOINTING CONSULTING ENGINEER AND APPROVING CONTRACT FOR ENGINEERING SERVICES FOR 2020

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* requires that a resolution be adopted and publicly advertised to authorize the award of contracts for “Professional Services”;

WHEREAS, the Board has determined that the services of a professional engineer are necessary for the Board;

WHEREAS, the Board has considered the services rendered by Robert C. Brightly, P.E. during the year 2019;

WHEREAS, Board Attorney will review and revise the contract for services as necessary;

NOW THEREFORE, BE IT RESOLVED, as follows:

1. Robert C Brightly of the firm of Ferriero Engineering, is hereby appointed as Consulting Engineer to the Borough of Chatham Zoning Board of Adjustment effective from January 1, 2020 through December 31, 2020;

2. Mr. Brightly shall render services on a piecemeal basis as assigned by the Board, at a fixed hourly rate to be billed on a monthly basis. A fee schedule is attached to this Resolution;

3. The Board Attorney is directed to provide a professional services contract in accordance with this Resolution to Mr. Brightly for signature;

4. Upon recommendation of the final contract by the Board Attorney, the Zoning Board Chairman is authorized to execute the contract on behalf of the Board, and the Chairman's signature shall be duly witnessed by the Secretary to the Board;

5. Robert Brightly and the firm of Ferriero Engineering are directed to comply with all appropriate document requests of the Borough Clerk with respect to this contract, including financial disclosures and Pay-to-Play requirements.

RESOLUTION ZB #2020-07

RESOLUTION APPOINTING THE BOARD PLANNER AND APPROVING CONTRACT FOR PLANNING SERVICES FOR 2020

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* requires that a resolution be adopted and publicly advertised to authorize the award of contracts for "Professional Services"; and

WHEREAS, the Board has determined that the services of a professional planner are necessary for the Board; and

WHEREAS, the Board has considered the services rendered by Michael Sullivan, P.P, AICP, ASLA, of the firm Clarke Caton Hintz during the year 2019; and

WHEREAS, the Board Attorney will review and revise the contract for services as necessary.

THEREFORE, BE IT RESOLVED, as follows:

1. Michael Sullivan, P.P, AICP, ASLA, of the firm Clarke Caton Hintz, is hereby appointed as Planner to the Borough of Chatham Zoning Board effective from January 1, 2020 on a monthly basis;
2. Michael Sullivan shall render services based upon an hourly rate and a rate fixed for public meeting attendance;
3. The Board Attorney is directed to provide a professional services contract in accordance with this Resolution to Michael Sullivan of the firm Clarke Caton Hintz for signature;
4. Upon recommendation of the final contract by the Board Attorney, the Zoning Board Chairman is authorized to execute the contract on behalf of the Board, and the Chairman's signature shall be duly witnessed by the Secretary to the Board;
5. Michael Sullivan, P.P, AICP, ASLA, and the firm Clarke Caton Hintz is directed to comply with all appropriate document requests of the Borough Clerk with respect to this contract, including financial disclosures and Pay-to-Play requirements.

RESOLUTIONS

- a. Application ZB #19-016**
GATE 111, LLC
34 Essex Road
Block: 25, Lot: 6
Side Yard Setback (Right and Left)

Maximum Building Coverage
Floor Area Ratio

b.

RETURNING AND NEW APPLICATIONS

- | | | |
|----|---|---|
| a. | Application ZB # 19-013
Happy Cheese, LLC
310 Main Street
Block: 64, Lot: 45
Use Variance
Maximum Building Coverage | Continued from December 18, 2019 |
| b. | Application ZB #19-017
Jonathan & Joanne Wilcox
112 North Passaic Avenue
Block: 48, Lot:18
Side Yard Setback (Right) | Carried from December 18, 2019 |
| c. | Application ZB #19-018
EVO Group
94 Elmwood Avenue
Block: 61, Lot: 7
Side Yard Setback (Right and Left)
Rear Yard Setback
Building Coverage | Carried from December 18, 2019 |
| d. | | |
| e. | | |
| f. | | |
| g. | | |

DISCUSSION ITEMS

PENDING AND NEW BUSINESS

CLOSED SESSION

ADJOURNMENT