

CHATHAM BOROUGH PLANNING BOARD  
November 7, 2018 7:30 p.m.

In Chairman Favate's absence, Vice Chairman Matthew Wagner called this Regular Meeting of the Chatham Borough Planning Board 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 – present by speaker phone	
Steve Williams	X	
Chrmn. Susan Favate		X
H.H. Montague	X	
William Heap	X	
Vice Chrmn. Matthew Wagner	X	
Torri Van Wie	X	
Matthew Engel	X	
Kyle Muir	X	
Curt Dawson	X	
Council Member Peter Hoffman	X	
Vincent Loughlin, Esq.	X	

Also present:  
Vincent DeNave, Borough Engineer and Zoning Officer

Public Comment

There was none.

Resolution #PB 2018-24

Mr. Williams made a motion to approve the October 17, 2018 meeting minutes. Mr. Montague seconded the motion. A voice vote was taken. The minutes were approved.

Resolutions

Application PB #18-09

Gravity Vault

40 Watchung Avenue

Final Site Plan

Block 134, Lot 28

Mr. Williams made a motion to approve the resolution memorializing the Planning Board's approval of Application PB #18-09: Gravity Vault – 40 Watchung Avenue, granting their Final Site Plan. Mr. Montague seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes

Mr. Montague	-	yes
Mr. Engel	-	yes
Mr. Dawson	-	yes
Councilman Hoffman	-	yes
Vice Chair Wagner	-	yes

#### New and Returning Applications

##### Application PB #18-01: Main Street Development Group, LLC

Will be carried to the December 5, 2018 Planning Bd. Meeting

##### Application PB #18-10

##### Inner Grace, LLC

##### 166 Main Street

##### Change of Permitted Use

##### Block 55, Lot 28

Constance Jesse, 42 Red Road, was sworn in to testify.

Mr. DeNave noted that Inner Grace was before the Board six years ago. Ms. Jesse is now applying to use the store unit two doors down from where her dance studio currently operates. Unfortunately, nine months ago a fire damaged that particular building. As a result, Ms. Jesse's dance studio was shut down for some time. One store unit, the Eclectic House, will not be re-opening. Ms. Jesse is proposing to use this space.

Mr. DeNave stated that 166 Main Street is in the B-3 District. Ms. Jesse's use is in the category of educational instruction. This is a permitted use. The applicant is seeking a Waiver of Site Plan/Change of Permitted Use. Ms. Jesse is proposing to move just two doors down from where her dance studio currently operates. This new space will be slightly larger.

Vice Chrmn. Wagner confirmed with Ms. Jesse that she had only three people on staff and that there were no parking problems for the staff. Also, there were no drop-off problems with parents dropping off their children for classes.

Mr. Engel confirmed with Ms. Jesse that she will not be physically connecting the old dance studio with the new dance studio.

Mr. DeNave and Ms. Jesse reviewed the line of businesses at 166 Main Street. Ms. Jesse stated that the flooring business will not be re-opening at 166 Main Street.

Mr. DeNave then concluded with Ms. Jesse that she will then have plenty of parking spaces for her clients.

Mr. Heap reported that he has seen the dance studio in operation every Saturday, around 10 a.m., when he drops off his dry cleaning at the cleaners at 166 Main Street. He asked how many students Ms. Jesse had in a class.

Ms. Jesse answered that at 10 a.m. on Saturday there would be six or seven students. There may be five students from the 9 a.m. class who may be leaving the premises a little after 10 a.m. Mr. Heap surmised that there probably is enough parking available. It just takes a little jockeying with vehicles when classes are changing. Some parking spaces are available on North Hillside Avenue.

Vice Chrmn. Wagner asked if Ms. Jesse had any problems with her request that her clients use the back door of her store unit. Ms. Jesse answered no.

There were no further questions from the Board.

There were no questions or comments from the public.

Mr. Williams made a motion to approve Application PB #18-10: Inner Grace, LLC, 166 Main Street, for a Change of Permitted Use. Mrs. Van Wie seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Heap	-	yes
Mr. Muir	-	yes
Mrs. Van Wie	-	yes
Mr. Dawson	-	yes
Mr. Engel	-	yes
Council Member Hoffman	-	yes
Vice Chrmn. Wagner	-	yes

Application PB #18-10: Inner Grace, LLC – 166 Main Street, was approved.

#### Public Hearing

This hearing is being held to investigate and determine whether certain properties within the Borough of Chatham qualify as a non-condemnation “area in need of redevelopment”. The subject properties are located in the southern end of the Borough of Chatham east of the NJ Transit Morris & Essex Line at the intersection of River Road and Watchung Avenue, Block 135, Lots 9, 10 and 11.

Philip Abramson, an urban planner and principal of Topology, 60 Union St., Newark NJ, was sworn in to testify.

Attorney Loughlin confirmed with Mr. Abramson that the Board has received copies of Topology’s report, River Road North Planning Study. He also confirmed with Mr. Abramson that his testimony will be related to the substance of this report, and the findings and conclusions thereof.

Mr. Abramson discussed the function of the NJ Local Housing and Redevelopment Law. This law allows a municipality to use planning and financial tools to remove deleterious conditions and make redevelopment feasible.

Mr. Abramson reviewed the Redevelopment Process that a municipality undertakes. Chatham Borough approved an Initial Resolution when the Governing Body authorized a preliminary investigation regarding the area for redevelopment on August 13, 2018. A Preliminary Investigation was done to analyze the study area and the recommended course of action. The Planning Board votes on a resolution with their recommendations to the Borough Council. The Borough Council votes on a resolution that accepts, rejects or modifies the recommendations made by the Planning Board. Policy and regulatory framework for redevelopment is then formed. An ordinance then adopts the Plan for Redevelopment Area as an amendment to the Zoning plan.

Mr. Abramson noted that River Road is a non-condemnation redevelopment area. Any of the properties in this area, if they were to participate in any sort of redevelopment process, it would be on a voluntary basis.

Mr. Abramson testified that the existing conditions of these properties were documented. He and his associates walked each of the River Road sites. As well as looking at the exterior conditions of these properties, they looked at tax data, fire department records, and any violations issued from the Zoning Officer.

Mr. Abramson reviewed the Statutory Analysis that considers substandard, unsafe, unsanitary, dilapidated or obsolescent buildings, abandoned buildings.

Mr. Abramson showed an aerial map of the River Road Study Area. He discussed the three parcels of land, one block in from the Passaic River. Mr. Abramson felt that River Road changes in character as a person travels down it, the road starts on the industrial side and gradually turns into countryside. The parcels of land in the study are located at the back of the NJ Transit's Morris & Essex train tracks. These parcels are on the edge of the Borough and have an industrial character in nature.

Mr. Abramson discussed in detail the three parcels of land in the Study Area – Block 135, Lots 9, 10, and 11. He reviewed the many permitted uses in the M-3 Industrial District in the Study Area. Mr. Abramson also reviewed the permitted uses of the Gateway Overlay District.

Mr. Abramson described the Crown Oil property on Block 135, Lot 9. He felt it was a “purpose-filled property”. It is intended to distribute liquids, like fuel oil. He and his associates, when inspecting this property, saw evidence of recurring code violations. They have since been resolved. However, this property had had a history regarding property maintenance issues.

Mr. Engel asked Mr. Abramson if he had investigated any leakages into Crown Oil's property.

Mr. Abramson answered that typically Topology doesn't undertake environmental testing on properties. However, after visiting the property, Mr. Abramson felt these issues of leakage could

exist on this property. He had looked for any OSHA violations on this property, but did not find any.

Mr. Heap pointed out that the next property, had an open DEP situation. He asked Mr. Abramson if he knew what the DEP situation was on that property. Mr. Heap also asked if the Crown Oil property had any DEP cases.

Mr. Abramson answered that particular property is the only property in the Study Area that had an open DEP case.

Mr. Abramson discussed the Burling Instruments property, Block 135 Lot 10. He believed there was an issue about the ingress and egress. Mr. Abramson believed that this particular property impacts the movements and the safety along River Road. No sidewalks exist on this property. Informal storage is kept throughout the parking lot. The site has overgrown landscaping.

Mr. Abramson reviewed the National Manufacturing site – Block 135 Lot 11. He had concerns about the unsafe conditions for loading and unloading. Mr. Abramson had observed a cross access situation going on between National Manufacturing and Bauer Automotive. In researching the deeds, Mr. Abramson found no recognized easement between the two properties. He also discovered that National Manufacturing informally accesses the back of Burling Instruments. Mr. Abramson noted that arrangement was never legal formalized. This site has no sidewalks.

Mr. Abramson reviewed his Summary Chart of the three subject parcels – Block 135 – Lots 9, 10 and 11. The buildings on these parcels have outlived their useful lives. The world has changed around them.

Mr. Abramson discussed where to go from here with the River Road Study Area. The Planning Board can forward a resolution on to the Borough Council with recommendations on this Study Area. Mr. Abramson can present tonight's slide presentation to the Mayor and Borough Council. The governing body can then vote on a resolution that accepts, rejects or modifies recommendations regarding this Study Area.

Mr. Heap noted that National Manufacturing, Criterion D, a NJDEP cleanup is mentioned. He asked Mr. Abramson if he had noticed anything that led him to believe such a clean-up was needed?

To help Mr. Abramson answer this question, Mr. DeNave, the Borough Engineer and Zoning Officer, reported that both the Bauer site and the National Manufacturing site need a joint cleanup done. They have a DEP case number. A previous owner of the site, Wilkinson Sword Company, had deposited some cleaning fluids years ago that seeped over to the National Manufacturing site. A major soil clean-up had been done in the late 1980s or early 1990s. The clean-up was completed, so the property owners are waiting for the official letter stating this completion. Mr. DeNave pointed out that petroleum-based surface oils had been cleaned up at the Crown Oil site. However, A DEP clean-up would still need to be done.

There were no questions or comments from the public for Mr. Abramson.

Mr. Engel made a motion that the Planning Board forward their recommendations on to the Governing Body regarding the River Road North Planning Study and that they may take appropriate action on the testimony given tonight on the River Road North Planning Study. Mrs. Van Wie seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Heap	-	yes
Mr. Muir	-	yes
Mrs. Van Wie	-	yes
Mr. Dawson	-	yes
Mr. Engel	-	yes
Council Member Hoffman	-	yes
Vice Chrmn. Wagner	-	yes

#### Miscellaneous

Mr. DeNave reported that Main Street Development Group, LLC -20 Coleman Avenue West will be returning to the Board soon. He has spoken with both the developer and Ogden Church. There had been an issue about the existing pathway that the church wants to keep.

At 8:20 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, December 5, 2018, 7:30 p.m., in the Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary