

CHATHAM BOROUGH PLANNING BOARD
February 6, 2019 7:30 p.m.

Chairman Susan Favate called the Chatham Borough Planning Board Meeting of February 6, 2019 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Chrnm. Favate announced that all legal notices have been posted for this meeting.

Name	Present	Absent
Mayor Bruce Harris	X	
Steve Williams	X	
Council Member Thaddeus Kobylarz	X	
Chrnm. Susan Favate	X	
Vice Chrnm. Matthew Wagner	X	
H.H. Montague	X	
William Heap	X	
Torri Van Wie	X	
Matthew Engel	X	
Kyle Muir		X
Curt Dawson	X	
Vincent K. Loughlin, Esq.	X	

Also present:
Vincent DeNave, Borough Engineer & Zoning Officer

Public Comment
There was none.

Resolution #PB 2019-11
Mr. Williams made a motion to approve the minutes of the January 2, 2019 meeting. Mr. Heap seconded the motion. A voice vote was taken. The minutes of January 2, 2019 were approved.

New and Returning Applications
Application PB #18-15
Nick Nickolopoulos
28 Watchung Avenue
Change of Permitted Use with Request for Waiver of Site Plan
Block 134 Lot 7

Chrnm. Favate reported that this application will not be carried as stated on tonight’s agenda. We understand that Mr. Nickolopoulos is working on an entirely new application and will return to the Board in the future.

Board Correspondence
Correspondence from Bressler, Amery & Ross

Board members Montague and Dawson recused themselves from this discussion. They left the room.

Attorney Loughlin reported that he had received a letter from Stanley Church's attorney, dated January 15th, asking for an extension of the statutory time period to perfect the minor subdivision approval that the Planning Board had issued in its resolution last year. Stanley Church's attorney, Mark McMenemy, Esq., is present to discuss that request. Attorney McMenemy has subsequently provided a supplemental letter, dated February 5, 2019, that has been distributed to the Board. Attorney Loughlin noted that this letter listed a number of actions that the applicant has undertaken in a period of time that has prevented the filing of the minor subdivision plan and deeds.

Attorney Loughlin explained that the statute allows for an extension. The statute specifies that this must be done within a 190-day period. The statute also provides for an extension that can be applied for after the 190-day period has expired. Attorney Loughlin noted that the extension, if approved, will last until August 2019. Attorney Loughlin believed that the supplemental provided in the February 5, 2019 letter is more than good cause to justify granting an extension. He respectfully recommended the Board grant the extension.

Attorney Mark McMenemy, representing Stanley Congregational Church, came forward. Attorney McMenemy stated that he and his client have done a great deal of work on this application, with more work to be done. The demolition permit will be issued within the next 10 days. Attorney Mark McMenemy felt the biggest hurdle would be is to take the building down and its connector. At that point in time, he believed the subdivision could then be perfected.

Attorney Loughlin confirmed with Attorney McMenemy that Stanley Church will make the requested \$5,000 escrow payment on or before March 1, 2019. Chrmn. Favate appreciated the time-line of activities that Stanley Church has pursued to bring the application to completion.

Mayor Harris noted that certified letters had been sent to homeowners living close to the church property, informing them of the demolition. He asked when the letters were sent and what did they tell the homeowners. Attorney McMenemy answered that the homeowners were notified that demolition to the church school addition will start on or around March 1st. The date of the letter was January 16, 2019.

Charm. Favate stated she had no issue in extending the 190 day extension for the minor subdivision approval.

Mr. Williams made a motion to approve the 190-day extension requested by Stanley Congregational Church for Application PB #17-18. Mayor Harris seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Council Member Kobylarz	-	yes
Vice Chrmn. Wagner	-	yes

Chrmn. Favate	-	yes
Mr. Heap	-	yes
Mrs. Van Wie	-	yes
Mr. Engel	-	yes

The extension was granted.

Attorney Loughlin informed Attorney McMenemy that a formal resolution, memorializing this approval, will be adopted at the next Board meeting.

Mr. Dawson and Mr. Montague returned to the meeting room.

Chrmn. Favate welcomed Council Member Kobylarz as the new Borough Council Liaison to the Planning Board.

Change of Use Applications

Chrmn. Favate noted that this topic had been discussed at one of the Board's fall meetings. One of the changes that was under discussion had been a request to be added to the Application checklist asking applicants to submit a photo-realistic street views of their subject properties. Some applicants have been submitting this material in the hearings; however, these street views should be officially added to the Application checklist.

Mr. DeNave noted that there may be other deficiencies on the checklist. He pointed out that soil logs were not required early enough in the application process with regard to stormwater. Also, Mr. DeNave recommended that the checklist be made very specific about the Shade Tree regulations. He pointed out that on proposed plans, certain trees have sometimes been designated by an applicant to be removed. Mr. DeNave noted that the Planning Board and the Zoning Board do not have the jurisdiction to approve that existing trees be removed. That jurisdiction belongs to the Borough Shade Tree Commission. The Borough recommended that this Shade Tree requirement should be added to the Application Checklist. If this Shade Tree information is not submitted to the Zoning Office, the application will not be deemed complete.

Mr. DeNave also noted that work is being done with the Borough Historic Preservation Commission regarding certain changes being proposed to structures on Main Street. The HPC will be making recommendations for the checklist as well.

Also, regarding the application process, Mr. DeNave said he had been informed by Mrs. Baldwin, his assistant in the Zoning Office, that the money in the escrow accounts have been low. He asked Board members how they felt about raising the escrow fees. With the services of the Board Planner, the escrow money gets eaten up very fast on certain applications. When an applicant has his/her application denied, it's especially difficult for the Zoning Office to collect the escrow fee from them.

Chrmn. Favate asked what a good amount for an escrow fee would be. Mr. DeNave felt that \$1800 made sense. If that full amount doesn't get used, the remaining amount is sent back to the applicant.

The Board indicated they accepted that amount. Mayor Harris felt that the Borough Council may want an analysis done.

Mrs. Van Wie asked if there could be a requirement asking that a conduit be installed in preparation for electrical vehicles becoming a standard in the future. She wasn't sure at what time the Board may want to look in the direction of such conduits.

Mr. DeNave suggested that this suggestion be put in a report. He felt very few buildings would have these conduits for electrical vehicles. Homes will not have these type installments.

Relating to this issue, Mr. DeNave stated that there is a large Site Plan application being submitted to the Zoning Bd. of Adjustment regarding new construction at 246 Main Street. He will check with Mrs. Baldwin to make sure that the Planning Board gets a copy of the Site Plan to review. Mr. DeNave suggested a recommendation, not a requirement, be made to the applicant to install a conduit for electrical vehicles at that site.

Mrs. Van Wie will send this recommendation from the Environmental Commission to the Zoning Bd. of Adjustment, as well as to Mr. DeNave and Ms. Lelie, the Board Planner.

Mayor Harris made a correction in the section of the checklist regarding the Borough Shade Tree Commission. He recommended using the term "Borough tree" instead of "a tree on Borough property". Mr. DeNave agreed to that change.

Mrs. Van Wie asked about the time frame for a soil log.

Mr. DeNave did not think a time frame is necessary for a soil log. Soils don't typically change when digging is involved.

Chrmn. Favate asked Attorney Loughlin if he could put these agreed upon recommendations in ordinance form.

Change of Use Applications

Chrmn. Favate noted that the Board had been asked to look at ways to streamline the process for Change of Use applications, and make them easier for an applicant.

Mr. DeNave reported that he had spoken with Attorney Loughlin and Borough Attorney Lott. The issue is to remove the Change of Use application out of the Land Development Ordinance (LDO). Mr. DeNave recommended that the Change of Use application no longer be a land use application. It should be a Zoning Permit. This application will appear in a different location in the Borough Code, not in the Land Use ordinance. Mr. DeNave is working on the framework for this application.

Mr. DeNave reported that Attorney Lott has him working on the Continued Certificate of Occupancy (CCO) ordinance. He will continue working with Attorney Lott on these recommended changes.

Mr. DeNave reviewed what future applications will be appearing before the Board. Two new businesses, food-related, will be presenting applications, as well as a minor subdivision application on Garden Avenue.

Borough Council Ordinance Amending Chapter 165 Entitled “Guarantees and Inspections”
Chrmn. Favate noted that the Municipal Land Use Law (MLUL) has made a certain amendment. The Borough now has to follow suit.

Mayor Harris reported that the MLUL requirements regarding performance bonds and guarantees has changed. The main issue was that it restricted the ability to seek guarantees for certain types of improvements.

Mr. DeNave explained that in the past this requirement was vague enough that that people would bond for ALL improvements. Now bonds can only be done for public improvements, such as items in the public right-of-way or items for the public good. Bonds cannot be done for private improvements.

Mrs. Van Wie asked if this amendment will affect the infrastructure and sewer of the post office plaza redevelopment.

Mr. DeNave answered that the infrastructure and the sewage would be all a public improvement. There will be plenty of bonding and guarantees on a redevelopment such as post office plaza.

Mr. Wagner made a motion that the Planning Board deems this amendment to Chapter 165 Entitled “Guarantees and Inspections” is consistent with the Master Plan. Mr. Williams seconded the motion. A roll call vote was taken:

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

Attorney Loughlin will prepare a resolution memorializing the Board’s approval that this amendment to Chapter 165 is consistent with the Master Plan. The resolution, when signed by the Chairman, will be forwarded on to the Borough Council.

On other matters, Mr. DeNave reported that the Library of the Chathams is planning an exterior improvement. The improvement is to install a handicap ramp to meet the new building code

requirements. Mr. DeNave asked Attorney Loughlin if the Library should come before the Planning Board with this proposed ramp.

Attorney Loughlin suggested that the Library present this proposal to the Planning Board as a minor site plan amendment, with a waiver of fees.

Regarding future meetings, Mayor Harris note that tentatively the March 20th Planning Board meeting may be a joint meeting with the Borough Council to listen to a presentation on the Post Office Plaza Redevelopment Plan.

At 8:30 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, February 20, 2019, 7:30 p.m., Upper Level, in the Council Chambers.

Respectfully submitted:

Elizabeth Holler
Recording Secretary