

CHATHAM BOROUGH PLANNING BOARD  
November 3, 2021 7:30 p.m.

In the absence of Chairman Susan Favate and Vice Chrmn. Wagner, Board Secretary Steve Williams called this Regular Meeting of the Chatham Borough Planning Board to order at 7:30 p.m. Mr. Williams announced that all legal notices have been posted for this meeting. Board members, Attorney Loughlin, and other participants were all present by way of Zoom.

Name	Present	Absent
Mayor Thaddeus Kobylarz	X – arrived 7:35 p.m.	
Steve Williams	X	
Council Member Truilo	X	
H.H. Montague	X – arrived 8:10 p.m..	
Matthew Wagner		X
Curt Dawson	X	
Chrmn. Susan Favate		X
Bill Heap	X	
Torri Van Wie		X
Joseph Mikulewicz	X	
Gregory Xikes		X
Attorney Vincent Loughlin	X	

Also present:

Kendra Lelie, professional planner for the Board

Public Comment

There was none.

Resolution #PB 2021-01

Council Member Truilo made a motion to adopt the following meeting minutes of the Chatham Borough Planning Board as submitted:

June 2, 2021

August 18, 2021

Mr. Heap seconded the motion. A voice vote was taken. All Board members present voted aye. The meeting minutes were approved as submitted.

New and Returning Applications

Application PB 21-005

Terry & Joes Corp

232 Main Street

Block: 56 Lot: 16

Change of Use/Site Plan Waiver

Terry McCabe introduced himself as the owner of Scoops, the Chatham Creamery, at 228 Main Street.

Attorney Loughlin swore in Mr. McCabe.

Joan Pinaire, Esq. was also present and identified herself as the attorney for Mr. McCabe.

Mr. McCabe testified that the store unit next door to Scoops has become available. This attached store unit used to be Robbins Instruments. The present Scoops store unit does not have the space to sell birthday cakes, pies, etc. Mr. McCabe stated that an exact replica of Scoops will be created in this attached store unit. A large diner window will be cut into the wall between the two store units. This will allow for easy access for items. Juices, coffees and smoothies will also be sold in the new unit, using this proposed window. This new store unit will just be an expansion of Scoops.

Attorney Pinaire and Mr. McCabe clarified that the window will feature a walk-thru door for the Scoops employees. This walk-thru area/door will be behind the counter. The public won't be using this walk-thru.

Mr. McCabe stated that his store has received a larger demand for birthday cakes and to-go orders than was originally anticipated. Also, additional room is needed for the store's display cases.

Council Member Truilo asked about the existing front door of the proposed store unit. Will it be closed off?

Mr. McCabe clarified that the public will only be able to enter the existing front door. There will be no go-between for the public.

Mayor Kobylarz told Mr. McCabe that he is thrilled about the store's proposed expansion. It indicates that the business is doing well. This expansion will be a terrific boon for downtown Chatham.

Mr. Williams confirmed with Mr. McCabe that he will obtain the required approvals from the Borough committees regarding the signage. Mr. McCabe also understood that this requirement will be specified in the resolution if this application was approved.

Mr. Williams asked Ms. Lelei, the Board's planner, if she had any questions or comments for Mr. McCabe.

Ms. Lelie reminded the Board that Mr. McCabe is requesting A Waiver to a Site Plan. Mr. McCabe's store unit is in the B-4 Zone. The business use being proposed is a permitted use in the B-4 Zone. Ms. Lelie reviewed the required documents that Mr. McCabe has submitted to the Borough for this application.

Answering Ms. Lelie's inquiry, Mr. McCabe clarified that he is the owner of the business under discussion; however, he is not the property owner.

Ms. Lelei believed that Mr. McCabe has met all the requirements for the Board to grant a Waiver of Site Plan. The submission is sufficient.

Mr. Heap reported that he had taken a recent tour of the Scoops premises. He believed Mr. McCabe's proposal will be a great addition to Main Street.

Council Member Truilo agreed with Mr. Heap's comments. He pointed out that the tenants have changed quickly over the years in that particular store unit. Mr. McCabe's expansion will give a sense of stability for that unit.

Mr. Dawson made a motion to approve Application PB 21-005: Terry and Joes Corp. 232 Main Street, Block: 56 Lot: 16 granting a Change of Use/Site Plan Waiver. Mr. Heap seconded the motion. A voice vote was taken. All Board members present voted aye.

Attorney Loughlin will have the resolution approving this application ready for the next Planning Board meeting.

Resolution of the Borough Council #21-352: Authorizing the Planning Board to Consider Whether Certain Areas Qualify as an "Area in Need of Rehabilitation" under the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 Et Seq.

Resolution of the Borough Council #21-352: Authorizing the Planning Board to Consider Whether Certain Areas Qualify as an "Area in Need of Rehabilitation" under the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 Et Seq.

Mr. Williams noted that there was someone from the public, at this time, who may want to speak.

Valerie Clark, 21 Fern Ave., stated that she was shocked at the few Board members were in attendance tonight, especially with Borough Council Resolution #21-352 on the agenda.

Mr. Williams answered that a quorum of Board members was present tonight. The Board is able to conduct business with a quorum. Unfortunately, the Teachers Convention is also taking place right now, and at least two Board members are attending this event. However, the Board can still accomplish this agenda item tonight.

Mr. Williams noted that the planner from DMR is supposed to join the Board meeting by Zoom at 8 p.m. Mr. Williams will text him and tell him the Board is ready for his presentation.

Attorney Loughlin said that he had recently emailed Mr. Hauben, of DMR, that tonight's agenda is moving along rapidly, and that the Board is ready to hear from him.

The Board decided to take a break and wait for Mr. Hauben's response.

At 7:53 p.m. a break was taken in the meeting.

At 8:00 p.m. the meeting resumed.

Dan Hauben, the planner for DMR Associates, was now present. He placed on the Zoom screen his report: "Investigation of an Area in Need of Rehabilitation" dated November 14, 2021.

Mr. Hauben noted the portion of this report to be discussed tonight involves the designation of areas in need of rehabilitation. This area outlined in yellow is the area in need of rehabilitation according to State statute.

Mr. Hauben recalled that back in August, the Chatham Borough Mayor and Council adopted two resolutions authorizing the Borough Planning Board and DMR Architects to carry out an investigation which included all of the area shown on the Zoom screen, which is outlined in red and blue as possible areas in need of rehabilitation and redevelopment. Neither of those designations would involve condemnation.

Mr. Hauben noted that DMR's investigation report involved researching Building, Fire, Police Department, and Tax Assessor records. Also, site visits and visual inspections were done by DMR. On August 18, 2021, the area that DMR recommended for redevelopment was approved by the Planning Board. The resolution memorializing this approval was sent to the Mayor and Council. This designation is now pending approval by the Mayor and Council.

Mr. Hauben explained the difference between rehabilitation and redevelopment. Redevelopment starts with the Planning Board. Rehabilitation starts with the Borough Council.

Mr. Hauben reviewed the criteria for rehabilitation. He stated that DMR believes that a majority of the water and sewer infrastructure in the delineated area (as shown on the Zoom map) is at least 50 years old and is in need of repair or substantial maintenance. More than half of the housing stock in the delineated area is at least 50 years old. DMR believes that a program of rehabilitation may help to prevent further deterioration and promote the overall development of the community. Mr. Hauben reviewed the definition for rehabilitation.

Mr. Hauben reviewed the three step redevelopment process as outlined on the Zoom screen. He pointed out that anyone who would want to do any redevelopment or rehabilitation projects in the designated area, based on the rehabilitation plan, would still have to go through a review and approval process that is required anywhere in the Borough.

Mr. Hauben brought up the question of what happens if the subject properties are designated for rehabilitation and redevelopment. No change will be made to the zoning designation. No effect will be made on the businesses existing in the area. The Borough is not permitted to use condemnation to take any property in order to effectuate any sort of vision for the area.

Mr. Hauben stated that the basis for DMR's finding that this area meets the rehabilitation criteria is the condition of the sewer system. He showed photos of the aging sewer system that exists. The Chatham DPW has informed DMR that the sewer system in the particular area require frequent repairs and significant maintenance. The infrastructure records for the Borough indicate that the sewer system is more than 50 years old. This designated area for rehabilitation will not

conflict with the redevelopment designation area being considered by the Mayor and Council. The two areas will not conflict each other.

Mr. Hauben asked if Board members had any questions.

Council Member Truilo asked Mr. Hauben for an overview of the area that is being considered for rehabilitation. What is that site currently being used for?

Mr. Hauben put the slide up on the Zoom screen and indicated that the rehabilitation area is highlighted in yellow. It would be from the north area of Watchung Avenue down to the south of Bonnell Street. Mostly older industrial uses exist in this area, as well as some retail uses. Mr. Hauben believed there was quite a mix of uses in this particular area.

Referring to Mr. Hauben's report, Mr. Williams asked if the information was current as far as the rehabilitation goes.

Mr. Hauben answered that he was not aware of any substantial sewer repair or overhaul occurring in the rehabilitation area.

Council Member Truilo asked Mr. Hauben if there were any environmental issues that he was aware of in this area.

Mr. Hauben stated that in his report there is a map showing the contaminated sites throughout the area. Contamination plumes exist in the area; however, they did not meet a level substantial enough to meet the criteria of environmental contamination that would discourage improvement and investment in the area.

Mr. Heap asked what would be the "carrots and sticks" that would go along with the designation of rehabilitation.

Mr. Hauben answered that there weren't so many "sticks" involved. The "carrots" are smaller than the "carrots" for redevelopment. The "carrot" for redevelopment would be the 30-year payment in lieu of taxes which is substantially less to the developer over a 30-year period than taxes he would otherwise pay to the county, municipality and school board. Mr. Hauben also discussed the tax abatement situation.

Mr. Williams stated for the record that Mr. Montague has joined this presentation.

Mr. Heap asked if owners desired to remain on their properties and conduct their businesses, no one will chase them out.

Mr. Hauben agreed. He pointed out that the redevelopment designation, by decision of the Mayor and Council, will not involve them being able to use condemnation.

Mr. Dawson brought up that some of the area along the riverfront in the rehabilitation/redevelopment is designated as a conservation area. Does this designation make it any easier to do development in that area?

Mr. Hauben explained that most, if not all of those properties which are publicly owned, are on the Green Acres Register of Recreation and Open Space. The properties on this register have restrictions on what can be done on them. Some development of recreational purposes may be allowed; however, it would be difficult for someone to develop those conservation properties for anything else.

Mr. Dawson brought up the areas north of Watchung Avenue, where piles of mulch/soil and parking of vehicles go on. He believed that north and south of Watchung Ave. are being treated differently with regard to rehabilitation and redevelopment. What is the rationale for that?

Mr. Hauben answered that the development patterns in those particular areas are newer and much more heavily developed. These areas may seem less likely to be redevelopment candidates because of the nature of what's on those properties.

Mr. Dawson asked Mayor Kobylarz if he had any reasons for why those properties north and south of Watchung Ave. were not considered for redevelopment and rehabilitation.

Mayor Kobylarz agreed with Mr. Hauben's points. He noted that the southern tier, if any redevelopment were to occur, it would probably happen south of Watchung Avenue.

Mr. Hauben noted that the property being used for the landscaping yard was almost entirely encumbered by the overhead powerlines of JCP & L. Not much could really be done with that property.

Mr. Mikulewicz brought up a section on the map south of Watchung Ave. that is shown as being exempt from rehabilitation/redevelopment.

Mr. Hauben agreed, stating that section is totally unaffected by this particular designation. It is a separate designation. Mayor Kobylarz added that this section is the B & E redevelopment project. He believed the remediation for that area is under way.

For the benefit of Mr. Montague who was absent from the August 18th Board meeting, Mr. Williams explained that DMR, who had been hired by the Borough, had prepared and presented this investigative study for Rehabilitation and Redevelopment to the Board. Mr. Montague had questions about how all this had begun.

Attorney Loughlin recalled that also at the August 18<sup>th</sup> meeting, the Board had accepted the report and submission made by the planner and had made a recommendation to the Mayor and Council that it would qualify, in the judgement of the Planning Board, as an area in need of redevelopment under the redevelopment law. The Board also recommended it to the Mayor and Council for further proceedings.

Mayor Kobylarz pointed out that rehabilitation is a very useful tool, especially for existing property owners when they want to make improvements. It motivates them to do so on their existing properties. Mr. Hauben agreed, noting that the primary intent of the rehabilitation designation is to incentivize the rehabilitation of properties.

The Board had no further questions for Mr. Hauben.

Mr. Williams noted that there is a member from the public who has a question.

Valerie Clark, 21 Fern Ave., brought up the Conservation area, including the whole right side of the red area shown on Mr. Hauben's map. She asked shouldn't this area be included in either the rehabilitation or the redevelopment designation. Ms. Clark pointed out the area under the high tension wires cannot be redeveloped. That area does not use sewers. Ms. Clark pointed out the existing Conservation area does not allow for walking. Much of it is under water. She noted that Block 134 Lot 2 also has high tension wires running overhead. Ms. Clark said she was baffled this section was included in the Redevelopment designation.

There were no other comments from the public.

Mr. Williams thanked Ms. Clark for her comments. He asked Attorney Loughlin how the Planning Board should proceed.

Attorney Loughlin suggested the Board could hold a discussion as to whether a resolution should be adopted accepting the reports submitted by Mr. Hauben this evening and then make a recommendation, by way of a resolution, stating that the Board believes that the area in question tonight would qualify as an area in need of rehabilitation. The resolution containing this recommendation can be forwarded on to the Mayor and Council. Attorney Loughlin indicated that he had a resolution prepared if the Board wanted to take such action. He will give the resolution, if it was approved, to the Board's Secretary tomorrow.

Council Member Truilo made a motion to accept DMR's recommendation for the area of rehabilitation as presented this evening and that a resolution be enacted this evening giving this recommendation from the Planning Board to the Mayor and Council. Mr. Heap seconded the motion. A voice vote was taken. All Board members present voted aye, except for Mr. Montague. Mr. Montague abstained.

Mayor Kobylarz and Mr. Williams thanked Mr. Hauben for all his work on this project.

Before adjourning, Mr. Heap asked if there were any future plans for in-person meetings.

Mr. Williams answered yes, possibly in December or January the Board may return to in-person meetings. The Board of Health gives advice on this situation.

Mayor Kobylarz reported that the Chair of the Environmental Commission has just come down with Covid. He believed that a genuine risk still exists of Covid being spread. Mayor Kobylarz

noted that the Borough Health Officer will give guidance for when in-person meetings would be acceptable.

At 8:54 p.m. the meeting adjourned.

The next Chatham Borough Planning Board meeting will be held on Wednesday, December 1, 2021, 7:30 p.m.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary