

CHATHAM BOROUGH PLANNING BOARD  
February 6, 2008 7:30 p.m.

Chairman H.H. Montague called the Chatham Borough Planning Board meeting of February 6, 2008 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mr. Montague announced that all legal notices have been posted for this meeting.

Members Present:

Chairman H. H. Montague, John Hague, Alison Pignatello, Thomas Sennett, James Mitchell, Alan Pfeil\*, Donna Cali-Charles, John Bitar\*\*, Vincent DeNave, Councilman Bruce Harris, Mayor V. Nelson Vaughan.

\*arrived at 7:35 p.m.

\*\*arrived at 7:33 p.m.

Charles W. Foster, Esq., attorney for the Board, was present.

Members Absent:

none

Application for Waiver of Formal Site Plan Review

Powerflow Yoga – Moore/LePore – 254 Main Street

Brett Moore, Esq., attorney for the applicant, Powerflow Yoga. He noted that Erin Moore, the applicant and her husband, is present. Mrs. Moore is one of the principals of Powerflow Yoga. Mr. Moore stated that the applicant is seeking a change of a permitted use. He clarified that the applicant is actually Powerflow Yoga, which will be the tenant at 254 Main Street. The two principals are Erin Moore and Jerry LePore.

Erin Moore was sworn in to testify. She stated her business address is 254 Main Street, Chatham.

Mrs. Moore testified that she is proposing to open a yoga studio at 254 Main Street. No exterior changes will be made. For the interior, a couple of rooms will be constructed. An existing bathroom will remain. An additional bathroom and two showers will be installed. The proposed rooms will be a large yoga room, a small private yoga room, a changing area for clients. The front section will be a check-in/retail area. She submitted a survey to the Board from her landlord.

Mr. Foster and Mrs. Moore discussed the rear parking situation. Mrs. Moore testified that her landlord informed her that two cars from her yoga studio staff may park at this rear gravel area. No parking spaces will be added. Mrs. Moore stated that two full time staff members, herself and another instructor, will be working at the studio every day. They will be using those spaces. She reviewed the daily schedule of her yoga business. Her clients will be asked to park either on the street or in a nearby municipal lot. Her studio should finish daily operations by 8:30 p.m. Mrs. Moore described the items she will be selling in the front reception area. No retail signs will be put up for these items.

Mr. Foster noted the applicant would not be adding any FAR to the premises. Mrs. Moore confirmed with Mr. Montague that she has to obtain a sign permit. Mr. Montague asked Mrs. Moore to follow the Borough Sign Committee's guidelines for business signs in the Historic District.

Mrs. Cali-Charles and Mrs. Moore discussed the new color for the sign. Mrs. Moore said she will keep the new color similar to the existing door color. Also, when yoga classes are going on the front door will be locked.

Lisa Cappabianca, 57 Washington Ave., asked Mrs. Moore to "describe the burden" of increased parking she will be putting on the town beyond what the prior retail establishment that operated at that location.

Mrs. Moore answered that she did not know how much parking the previous tenant had generated. She testified that her yoga business enrolls 10 to 15 clients per class; therefore, up to 15 parking spaces will be used. She felt the only time this would make an impact on town parking would be between 9 a.m. and 11 a.m. Mr. Foster assured Ms. Cappabianca if this yoga business appeared to generate a substantial increase of parking in the center of town, the Board could reject the waiver of site plan review and require the applicant to return to the Board for full site plan review.

Mrs. Pignatello made a motion to grant the waiver as requested with the condition the applicant follow the Borough and the Historic Preservation Commission's guidelines for signage. Mrs. Cali-Charles seconded the motion. A roll call vote was taken:

Mr. Hague	-	yes
Mrs. Pignatello	-	yes
Mr. Mitchell	-	yes
Mrs. Cali-Charles	-	yes
Mr. Bitar	-	yes
Mr. DeNave	-	yes
Councilman Harris	-	yes
Mayor Vaughan	-	yes
Chrmn. Montague	-	yes

#### Old/New Business

Mr. Foster gave an update on the Shailja (Dunkin' Donuts) litigation. The judge has upheld the decision made by the Planning Board. The plaintiff has a right to appeal; however has a limited number of days to appeal. If the plaintiff does not file an appeal with the Appellate Court there will be a complete termination of this litigation.

Mr. Foster discussed the two conditions the Board still needs to settle:

- 1) The access of Hedges Ave.
- 2) Environmental clean-up

Mr. Foster noted that the Board was concerned that they wouldn't be sure that all of the polluted soil had been removed from the premises until the existing building on the premises was removed and the soil underneath tested. The Board still needs to work out this issue with the applicant.

Mr. Foster believed the two conditions should be resolved before the applicant can proceed with a building permit.

Mr. Montague and Mr. DeNave discussed what had to be done for the demolition permit. Mr. DeNave reported that he had met Cheryl Ehrgott, Esq. of the law firm representing Shailja. Mr. DeNave stated he wanted to bring the DEP into this process before Shailja obtains a demolition permit. If any contamination is discovered under the old gas station building after demolition, there will be a halt in operations. A clean bill of health would be needed from the DEP. Mr. DeNave said Ms. Ehrgott had given him the impression there would no longer be a Baskin Robbins on the site, only a Dunkin' Donuts business. Because of this latest omission, the revised signage would have to be reviewed by the Sign Committee and the HPC. The Board would have to review any changes made to the interior of the building. These particular changes may influence the number of parking spaces.

Mr. Montague said this matter will be put on the agenda of the next Board meeting. The public will be notified. Mr. Foster will ask Brian Burns' office (attorney for Shailja) to have a representative present at the meeting.

#### Planner Letter and Board Engineer Letter

Mr. Montague asked Board member to e-mail him any comments they may have on the drafts of these letters. Mr. Montague will eventually approach the Mayor and Council, on behalf of the Board, with the final letter requesting the hiring of these two professionals.

The Board discussed whether they should have an engineer and a planner present for the Romano subdivision application to be heard at next week's meeting. Mr. Hague noted that a temporary resolution could be adopted to appoint these professionals. Mr. DeNave reported that he has submitted five names of engineers for the Board's consideration. He suggested each candidate be given an application to demonstrate his/her competence to the Board. Mr. Montague said he will meet with Mr. DeNave tomorrow and decide which engineering candidate to advise the Board on the Romano application.

Mr. Foster read the resolution approving a closed session during the February 6, 2008 public meeting. The Board will discuss the following matter:

Interviews of candidates for the position of Planning Board Attorney.

Councilman Harris made a motion to approve this resolution, seconded by Mrs. Pignatello. The motion was unanimously approved.

At 8:28 p.m. the Board went into closed session.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary