

CHATHAM BOROUGH PLANNING BOARD  
January 17, 2018 7:30 p.m.

In Chairman Susan Favate's absence, Vice Chairman Matthew Wagner called this Regular Meeting of January 17, 2018 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	
Council Member Peter Hoffman	X	
Steve Williams	X	
Chrmn. Susan Favate		X
Vice Chrmn. 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	
Dr. Susan Blickstein		X

Administering the Oath of Office

Attorney Loughlin swore in Curt Dawson as a Class 4 Board member of the Chatham Borough Planning Board.

Public Comment

There was none.

Resolution #PB 2018-01

Mayor Harris made a motion to approve the Planning Board minutes from the January 3, 2018 meeting as amended. Mr. Williams seconded the motion. The minutes were approved.

Resolutions

Application PB #17-16

Maria Cambria

14 Cherry Lane

Minor Subdivision

Block 87, Lots: 9 & 10

Mr. Williams made a motion to approve the resolution memorializing the Board's approval of Application PB #17-16: Cambria – Minor Subdivision at 14 Cherry Lane, Block 87, Lots 9 & 10. Mayor Harris seconded the motion. A roll call vote was taken:

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

### Public Hearing

Vice Chrmn. Wagner noted that this public hearing is to determine whether certain properties in the Borough would qualify as non-condemnation areas in need of redevelopment. Vice Chrmn. Wagner introduced Phil Abramson of Topology NJ to present the report prepared by Topology.

Attorney Loughlin introduced John Hague, Esq. who is serving as the Borough's attorney for the redevelopment project.

Phil Abramson was sworn in to testify by Attorney Loughlin. He stated his business address is 60 Union Street, Newark, NJ.

Attorney Hague stated that his law firm Greenbaum, Rowe, Smith & Davis has been appointed Special Counsel to the Borough of Chatham for the Redevelopment Project. This is the second formal step in the Statutory Scheme of Redevelopment. Attorney Hague noted that the Borough Council had referred to the Planning Board, by a resolution in September, asking that a study be done on the specified subject area.

Attorney Hague noted that if the Board wishes to take that recommendation back to the Borough Council, the Council would proceed with an area in need of redevelopment designation. Following that, would be the generation of the Redevelopment Plan and identification of redevelopers.

Attorney Hague clarified that there is no redevelopment plan at this point. This study to be presented tonight is a fresh start for the Board from its April 19, 2017 determination that this area was in need of redevelopment. He noted that Mr. Abramson had gathered a great deal of information from a community visionary session held in June.

Mayor Harris noted that he is recused from this matter.

Mr. Abramson started the slide presentation. The first slide showed the presentation's agenda.

Attorney Hague described the obsolete layout of Post Office plaza. Parking lots exist in that area that no longer make sense in terms of development. An existing gas station on Main Street in that area also no longer makes sense.

Mr. Abramson thanked the Board for their time this evening. He submitted his professional credentials to the Board.

Mr. Abramson noted that this study is under a statute entitled: The NJ Local Housing and Redevelopment Law. This law allows local governments to initiate a process to be much more hands-on and more pro-active with zoning.

Mr. Abramson stated that once the Board agrees that this area in town meets the criteria for redevelopment, the doors will then open up for the rest of the process to unfold.

Mr. Abramson noted that the Board has a resolution before them tonight, memorializing the Board's approval of the Redevelopment Study Area's Determination of Need – Block 121, Lots 10, 11, 12, 13, & 17 and Block 122, Lots 1, 2 & 13, 14, 15, 16, 17 & 18. If the Board approves this resolution tonight, the resolution is forwarded to the Borough Council. The Borough Council can then accept, reject, or modify the Planning Board's recommendations. At that point the subject area is designated as "in need of redevelopment". From a legal standpoint, a redevelopment plan can then be worked on.

Mr. Abramson reviewed what records, documents, and criteria were evaluated for this Redevelopment Study. He explained that Criteria A refers to buildings that are substandard. Criteria D refers to sites without buildings.

Mr. Montague pointed out that there are roadways that run from Bowers Lane to South Passaic Avenue. What are these roadways considered?

Mr. Abramson answered that these roadways exist on Borough land. It's not a right-of-way. This disorganized traffic arrangement is not reflected in the title documents. This particular arrangement has not been officially settled yet.

Mr. Abramson discussed Criteria E: Unproductive and underutilized pieces of land which are included in the Study.

Mr. Montague noted that some of the land along Bowers Lane is for affordable housing. How is that addressed in the Study?

Mr. Abramson answered that some of the land on Bowers Lane was zoned as part of an affordable housing overlay. It is not in itself for deed-restricted Affordable Housing right now. However, ultimately, this land will help meet the Borough's affordable housing obligation. Whatever gets constructed in that location will include a "set-aside" for the Borough's affordable housing.

Mr. Abramson discussed the matter of condemnation versus non-condemnation. He testified that the Council had determined that Post Office plaza would be a non-condemnation redevelopment area.

Mr. Abramson explained Section 3, the definition section of the Statute.

Mr. Abramson discussed a Princeton NJ law case that had to do with surface parking lots. It was determined, in that case, that surface parking lots were obsolete in an area where structured parking has become the standard. Mr. Abramson said he will rely on that particular law case when making tonight's recommendations to the Board.

On the power-point screen, Mr. Abramson showed the Study Area Context – an aerial view of the Study Area - Post Office Plaza, showing some properties fronting on Hillside Ave, and the Chatham Train Station. Mr. Abramson pointed out that the older Post Office Building, now used for sorting, is included in the Study Area.

Mr. Abramson testified that the Study Area consists of 14 lots, 5 ½ acres, and 10 owners (including the Borough of Chatham). The assessed value is \$11 million.

Mr. Abramson pointed out that there are three zoning districts in the Study Area. An affordable housing over-lay exists that includes parcels of land on the east side of Bowers Lane. The remaining zones are designated for commercial.

Mr. Abramson discussed the first parcel of land in the Study Area – the Post Office Plaza itself – Lot 10 and Lot 17. These lots are the Borough's parking lots. Referring back to the Princeton Law case, Mr. Abramson believed this was a surface parking lot, which has become obsolete.

Mr. Abramson brought up Criteria E. He pointed out that the traffic pattern for Post Office Plaza has “no rhyme or reason”. There are almost no recorded easements for the plaza. It is unclear how the garbage dumpsters and pickup occur for these businesses. Because of these unusual conditions, the sites on Post Office Plaza are constrained. Mr. Abramson concluded that this constraint would impede the undertaking of improvements.

Mr. Abramson discussed the area behind the post office sorting building. He would not advise ever installing a loading dock such as the one currently operating behind the post office sorting building. This loading dock and its corresponding mail truck parking lot are both obsolete and unsafe, traffic-wise and pedestrian-wise.

Mr. Abramson discussed the access issues of Glenn's Automotive Garage. If the Borough were to construct a fence around its own property, the only access through this garage would be through the building itself. The building is not situated to handle that maneuver. In this situation, an issue is created by title. It would also discourage the undertaking of improvements.

Mr. Abramson stated that he had made a visit to Cottage Deli, which included inspecting the roof and the basement. He believed the delicatessen had started out as a single unit. Its current front door faces a parking lot belonging to the Borough. The area that the Borough uses as its main egress point, between Glenn's Garage and the Cottage Deli, is Cottage Deli property. The Cottage Deli is in need of repairs. Leaking conditions exist in the building. There is a flooding condition in the basement. Because of these conditions, the Cottage Deli meets Criteria D.

Mr. Abramson discussed the storefronts of South Passaic Avenue. No major issues were found with these stores (Quartet and Design Creations). Mr. Abramson recommended that this building not be included in the Study Area. Mr. Abramson and Board members discussed the parking situation behind these stores.

Mr. Abramson showed photos of Liberty Drug. He noted that the property is in good condition. The site functions correctly. A huge parking surface exists at this location. If additional residential housing were to be constructed along Bowers Lane, further south, perhaps the Liberty Drug parking lot could be shared with these residents. Mr. Abramson recommended that Liberty Drug be included in the Study area, because it is necessary for a contiguous redevelopment including the Exxon property.

Mr. Abramson discussed his findings on Bowers Lane. He found the property at 37 Bowers Lane, a multi-family dwelling, was in good condition. However, Lot 13 could be necessary for the effective redevelopment for the rest of the side of this block. Mr. Abramson testified that Lots 14 through 17, four parcels altogether, belong to Driscoll Real Estate Company. Driscoll rents out furnished apartments on these lots. Major maintenance issues were found in these structures. Mr. Abramson showed photos of the basement conditions of these homes.

Mr. Abramson showed photos of the parking lot of the Driscoll assemblage. A faulty arrangement exists. The circulation is unclear. A mix of commercial and residential parking exists on this section of Bowers Lane. Evidence of dilapidation exists.

Mr. Abramson described the very end of Bowers Lane. This section belongs to the Borough. It appears to be a remnant from before the elevated rail line was constructed. Mr. Abramson believed that this end of Bowers Lane clearly falls within the Criteria C – the lack of means of access. There is literally no access. It's vacant, unimproved land that has remained unimproved for many years.

Mr. Abramson stated that the one parcel that he did not recommend for inclusion in the Study Area was Block 121, Lot 14 on South Passaic Avenue.

Mr. Abramson noted that if Board members were to act favorably on a resolution this evening to designate the redevelopment study area as an area in need of redevelopment, they would be making a recommendation to the Borough Council. A designation will then be made. Then a planning process begins again.

Mrs. Van Wie asked if there would have to be some percentage of approval from the public perspective regarding this project.

Mr. Abramson answered that ultimately the Borough's elected officials will make the final decision. A legal notice for this meeting must be posted. The law requires a public hearing by the Board.

Mr. Abramson further explained that he and Topology put out the parameters and make the necessary request for proposals for the governing body. Developers can then make proposals to

the governing body's steering committee of what they would like to construct within those parameters. Ultimately, the steering committee will relay these recommendations back to the public as a redevelopment plan.

Attorney Hague added that once the redevelopment plan is generated, it returns to the Planning Board for a hearing. Comments from the public would be listened to at this hearing. After this hearing, the Board can submit recommendations to the governing body. Mr. Abramson noted that if a Site Plan is ever proposed for this study area, it will go before the Planning Board.

There were no further questions from the Board.

Vice Chrmn. Wagner asked if the public had any questions for Mr. Abramson.

Council Member Bob Weber noted that the Exxon Station was included in the Study Area. What would be the justification for leaving out the Shell Station, which is seen before the Exxon station, by people entering Chatham Borough.

Mr. Abramson answered that the Borough Council did not ask him and Topology to study the Shell Station. He stated that he would probably have come to the same conclusion if he had been asked to study the Shell station.

Myles Maher, a property manager in Chatham Borough, came forward. He asked if a property owner's interest in being included in the Study, would be related to his interest in selling the property or not?

Mr. Abramson answered that since this area is a non-condemnation redevelopment area, no one here can compel a transaction.

Mr. Maher clarified that he is not interested in selling his property any time soon, however he is interested in being in the redevelopment area. Would that be a conflict?

Mr. Abramson answered that would not be a conflict.

Mr. Engle and Mr. Abramson discussed the exits and entrances of the Main Street businesses on Main Street, close to the redevelopment area. Mr. Abramson stressed that there is no desire to disrupt the appearance of Main Street with this Redevelopment Study.

Council Member Hoffman agreed with Mr. Abramson's point. If Main Street were included, the Historic District, in the Redevelopment Area, it may change the face of the town. The intention of this study was to address a potentially blighted section of town. By cleaning up and improving this area, the Borough would then be supporting Main Street and helping future businesses to flourish on Main Street. Council Member Hoffman stated that if the owners of the Main Street properties wanted to do some kind of redevelopment, that could be explored separately.

Mr. Montague asked if the Main Street businesses have a right to have an access to reach the back parking lot.

Attorney Hague answered that there is no documented right for any of the Main Street businesses, other than Cronheim and the building immediately adjacent to Cronheim to have access to the rear parking lot. When Attorney Hague did a title search this summer, a provision of the deeds revealed that a portion of the alleyway between the Post Office building and those lots was to be a public road.

Mr. Montague noted that members of the public have approached him, wanting to know what are the next steps for this Redevelopment study.

Council Member Hoffman asked Mr. Abramson if he would recommend having a second input session for the public to give their comments.

Mr. Abramson stated that a second input session could be held; however, this session, unlike the earlier public session, will be more narrowed. In the future, the public will hear about the proposed urban designs that could be done in this study area.

Mr. Williams asked Mr. Montague to urge the residents who are asking him questions about the redevelopment area, to attend the public input session.

Council Member Hoffman asked if any property owners, if they were included in the redevelopment area, even though they didn't want to be included, would they be harmed in anyway being located in the redevelopment area?

Mr. Abramson answered no.

Jerry Russano came forward. He stated that he is affiliated with one of the owners of the subject properties. He asked what triggers price point on the properties? Is that involved in the developer's agreement? Would it be fair market value?

Attorney Hague confirmed it would be fair market value.

Council Member Hoffman made a motion to approve the Memorializing Resolution of the Chatham Planning Board for the Planning Board's Approval of the Redevelopment Study Area Determination of Need for the following: Block 121, Lots 10,11,12,13 & 17 and Block 122, Lots 1,2 & 13, 14, 15, 16, 17 & 18. Mr. Williams seconded the motion. A roll call vote was taken:

Council Member Hoffman	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Heap	-	yes
Mrs. Van Wee	-	yes
Mr. Engle	-	yes

Mr. Dawson	-	yes
Vice Charm. Wagner	-	yes

The resolution was approved.

Mayor Harris re-joined the meeting.

The Board decided to cancel their meeting scheduled for February 7, 2018. Vice Chrnm. Wagner reported that Mr. DeNave had informed him that there were no applications deemed complete in time for presentation at the February 7<sup>th</sup> meeting. However, an application will be ready to be heard at the February 21<sup>st</sup> meeting.

Before adjourning, Mayor Harris pointed out that a liaison from the Planning Board is needed for the Borough Sign Committee. There is also a vacancy on the Sign Committee which must be filled by a business owner in the Borough. He asked Board members to keep these openings in mind. Mayor Harris reminded Board members that the Borough Sign Committee holds daytime meetings.

At 8:50 p.m. the meeting adjourned.

The next Planning Board meeting will be held on Wednesday, February 21, 2018, 7:30 p.m., Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler  
Recording Secretary