

CHATHAM BOROUGH PLANNING BOARD

May 16, 2018

7:30 p.m.

Chairman Susan Favate called this Regular Meeting of the May 16, 2018 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mrs. Favate 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	
H.H. Montague	X	
William Heap	X	
Vice Chairman Wagner	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 and Zoning Officer

Public Comment

No one came forward.

Resolution #PB 2018-18

The meeting minutes were not ready for approval tonight.

Resolutions

Application PB #18-02

Menza & Beissel Communities, Inc.

27 North Summit Avenue

Minor Subdivision

Block 55 Lot 39

Mr. Williams made a motion to approve the Resolution memorializing the Planning Board's approval of Application PB #18-02: Minor Subdivision for Menza & Beissel at 27 North Summit Avenue, Block 55, Lot 39. Vice Chrmn. Wagner seconded the motion. A roll call vote was taken:

Mayor Harris	-	yes
Mr. Williams	-	yes
Mr. Montague	-	yes
Mr. Heap	-	yes

Vice Chrmn. Wagner	-	yes
Mr. Engel	-	yes
Mr. Muir	-	yes
Mr. Dawson	-	yes
Chrmn. Favate	-	yes

The resolution was approved.

New and Returning Applications

Chrmn. Favate announced that Application PB #17-18: Stanley Congregational Church: 94 Fairmount Avenue will carry to the June 6, 2018 Planning Board meeting.

Application PB #18-08

Travis & Andrea Mara

64 River Road

Change of Permitted Use with Waiver of Site Plan

Block 136, Lot 3

Travis and Andrea Mara, the applicants, were sworn in to testify.

Mr. Mara testified that he and his wife purchased 64 River Road. They are seeking to have 64 River Road officially recognized by the Borough as a two-family dwelling.

Mr. DeNave explained that when someone comes to Borough Hall to review the zoning of a property, particularly in a multi-family situation, a review will be done on the property's record cards. A determination will be made as to what the property was classified by a tax stand-point. Sometimes a property morphs into its present use without the proper permissions from the Borough.

Mr. DeNave noted that 64 River Road currently presents itself as a two-family dwelling. However, when he looked back in the records, there was an indication that 64 River Road was a single-family home the last time an assessment company had inspected the dwelling. Mr. DeNave felt it would be beneficial for Mr. and Mrs. Mara to come before the Planning Board to seek its consideration, before the house is deemed a two-family dwelling. Mr. DeNave pointed out that two-family dwellings are permitted in the M-3 Zone. He did not believe Mr. and Mrs. Mara were proposing any exterior changes to the building. Mr. DeNave noted that this application is proposing a Change of Permitted Use.

Attorney Loughlin stated that the Zoning Board of Adjustment has the authority to hear appeals and to issue certificates of non-conformity, not the Planning Board. He believed that the Planning Board had no jurisdiction for this application. If the applicants are seeking confirmation that this a multi-family home, and the Borough records indicate a single-family, the Planning Board does not have the authority to issue the needed approval. The Planning Board cannot establish the legality of the use. This application should go before the Zoning Board of Adjustment, should the applicants choose to pursue it.

Mr. DeNave pointed out that no one is currently in the house.

Attorney Loughlin answered that fact didn't matter.

Mr. DeNave noted that nowhere on the Borough records does it state that the dwelling is a two-family house.

Attorney Loughlin answered that it didn't matter whether it was a two or three family dwelling. The Planning Board does not have jurisdiction with use variance relief.

Mr. DeNave stated that the applicant is seeking to have a conforming two-family house.

Attorney Loughlin explained that the Planning Board does not have the authority to deem whether a use is lawful or unlawful. The Planning Board has the authority to resolve applications. Attorney Loughlin pointed out to Mr. DeNave if he as the Zoning Officer, determines that something like this use exists, then it does.

Mayor Harris asked if the Zoning Officer had the power to declare that this dwelling is a two-family house?

Attorney Loughlin answered yes.

Mayor Harris asked if the applicant would then not have to go before the Zoning Board of Adjustment.

Attorney Loughlin answered not necessarily; however, he emphasized that this matter is not handled by the Planning Board. If Mr. DeNave decides this is a two-family use, then that's the way it is. If Mr. DeNave decides that this dwelling is not a two-family use, the applicant may appeal Mr. DeNave's decision by going before the Zoning Board of Adjustment.

Mr. DeNave and Mr. and Mrs. Mara accepted Attorney Loughlin's explanation. Mr. and Mrs. Mara thanked the Board for their time and departed.

Miscellaneous

Chrmn. Favate noted that Stanley Church will be submitting additional material at their next hearing before the Board on June 6th.

Mayor Harris brought up the sub-committee that was to review the Change of Permitted Use/Waiver of Site Plan procedures. He asked Chrmn. Favate if anyone had volunteered to serve on this subcommittee.

Chrmn. Favate answered no.

Mr. Dawson volunteered to serve on the sub-committee.

Chrmn. Favate will work with Mr. Dawson on the sub-committee.

Mayor Harris suggested they review past applications for a Change of Permitted Use/Waiver of Site Plans. He is willing to serve on the sub-committee also.

Mr. Engel asked if there had been any progress on the Post Office Plaza Redevelopment Plan.

Mr. Williams reported that the Borough has received an updated Request For Qualifications (RFQ) that he and Mr. DeNave need to review with Topology, Inc. The updated Request For Qualifications will then go out wide to developers.

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

The next Planning Board meeting will be held Wednesday, June 6, 2018, 7:30 p.m., Council Chambers, Chatham Borough Hall.

Respectfully submitted:

Elizabeth Holler
Recording Secretary