

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
OCTOBER 15, 2018**

Mr. Jack Hurring called the Regular Meeting of the Planning Board to order at 7:30 P.M.

Adequate notice of the meetings of the Planning Board of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2018, and January, 2019 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Answering present to the roll call were Mr. Hurring, Mrs. Swartz, Mr. Brower, Mr. Franko, Mr. Nelson, Mr. Sullivan and Mr. Tarasca. Ms. Hagner, Mr. Ciccarone, Mr. Travisano and Mr. Nevin were absent.

Also present was Attorney Amanda Wolfe, substituting for Board Attorney Steve Warner.

Mr. Franko made a motion to excuse the absences from this meeting. Mr. Hurring seconded the motion, which carried unanimously.

Approval of Minutes

Mr. Franko moved to approve the July 16, 2018 minutes as written. Mr. Nelson seconded the motion, which carried unanimously.

For the minutes of the September 12, 2018 joint meeting with the Zoning Board of Adjustment, Mr. Brower suggested that the minutes include a comment from the presenter that the Township has very good insurance coverage. Mr. Franko said that the draft minutes refer to "Township board members," and said that the minutes should specify which boards were present.

Resolution of Withdrawal

PB: 15-135-24&25 Superior Builders LLC – 255 Green Village Road (Block 35, Lots 24 & 25)

Mr. Hurring said that the request for withdrawal is for the Exxon Station at the corner of Green Village Road and Shunpike Road. Mr. Sullivan asked if the Board should discuss how long an application can sit on an agenda. Mr. LaConte noted that the request for withdrawal has taken this long because the applicant owed escrow money.

It was discussed that the applicant wanted to convert the repair bays to retail space, but did not know what sort of retail use they wanted to have.

Mr. Franko moved to adopt the resolution approving the withdrawal of the application. Mrs. Swartz seconded the motion.

Roll Call: Ms. Hagner, Absent; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Mr. Franko, Aye; Mr. Sullivan, Aye; Mr. Nelson, Aye; Mr. Travisano, Absent; Mr. Nevin, Absent; Mr. Tarasca, Aye.

Mr. Brower commented that the application had been unusual, and that the retail shop would have been difficult with the gas pumps on site.

Ms. Wolfe commented that the withdrawal is without prejudice.

Master Plan Consistency Review

Mr. Hurring said that the Planning Board has been asked to conduct a Master Plan Consistency Review on Ordinance 2018-18. He said that the ordinance was introduced by the Township Committee in response to changes in State law. Mr. Hurring also noted that a memorandum was received from Mr. Banisch indicating that the ordinance is not inconsistent with the Master Plan.

Ms. Wolfe said that the Municipal Land Use Law was changed regarding performance bonding to include two new guarantees, and the Township can only benefit from the new bonding if the Township Code is updated. The two new bonds are a Safety and Stability Bond and a Temporary Certificate of Occupancy Bond.

Mr. LaConte noted that surrounding municipalities are adopting similar ordinances.

Mr. Franko moved to accept that the ordinance is not inconsistent with the Master Plan. Mr. Nelson seconded the motion.

Roll Call: Ms. Hagner, Absent; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Mr. Franko, Aye; Mr. Sullivan, Aye; Mr. Nelson, Aye; Mr. Travisano, Absent; Mr. Nevin, Absent; Mr. Tarasca, Aye.

Ms. Wolfe said that she will follow up with Mr. Banisch regarding a memorandum to be sent to the Township Committee.

Discussion

Mr. Brower asked if Mr. Warner had been in touch with the Township Attorney about regulating vacant houses. Ms. Wolfe said it was her understanding that the Township Committee, in consultation with the Township Attorney, was considering the issue and the possible introduction of an ordinance to address the same. Mr. Brower also said that builders should not be allowed to start projects without finishing them. Mr. Sullivan asked about having different requirements for builders and private homeowners, and Mrs. Swartz said that the rules cannot discriminate based on type of property owner.

Mr. Brower asked about legal action against a builder. Mrs. Swartz said that Mr. Ruschke has issued summonses to a builder working on Woodlawn Drive, and the matter has been discussed by the Township Committee in Executive Session.

Mr. Hurring asked for a report from a subcommittee for potential ordinance updates. Mr. Sullivan said that the subcommittee is discussing several items, and they are looking to address various concerns in such a way that will hold up in court. Mr. Hurring asked that recommendations be ready for an upcoming meeting.

Mr. Brower asked about a recent vote by the Township Committee for a grant application for sidewalks, and asked if the Planning Board should weigh in on such applications before the Township Committee takes action. Mr. Sullivan said that the Township Committee could request input. Mr. Nelson asked if the Township had to choose between sidewalks or paving. Mr. Sullivan said that the Township Committee could have submitted applications for both, and the Township Engineer's recommendation was to choose one or the other.

Mr. Brower asked about a recent proposal for jitney service to the local train stations, and noted that the jitney service previously offered was a disaster. He also noted a survey that is being conducted regarding jitney service. Mr. LaConte suggested that Mr. Brower bring his concerns to the attention of Mayor Ritter, who is spearheading the current push for jitney service.

Mr. Franko moved to adjourn at 8:08 PM. Mr. Nelson seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary