

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE AGENDA**  
**NOVEMBER 8, 2018**  
November 2, 2018 Draft

**Meeting Called to Order**

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 5, 2018; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 5, 2018; and notice was filed with the Township Clerk on January 5, 2018.

**Flag Salute**

**Roll call**

**Approval of Agenda**

**Reports:**

**Hearing of Citizens/Petitions** Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

**Introduction of Ordinances**

1. Ordinance 2018-22 Adopting Redevelopment Plan
2. Ordinance 2018-23 Phasing of Market to Affordable Units

**Public Hearing/Final Adoption of Ordinances**

1. Ordinance 2018-21 Specifying Open Space Purposes of Block 62, Lots 93 & 94

**Consent Agenda** (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

1. Resolution 2018-183 Payment of Bills
2. Resolution 2018-184 Receipt of Reports
3. Resolution 2018-185 Approving Meeting Minutes
4. Resolution 2018-186 Approving Executive Session Minutes
5. Resolution 2018-187 Release of Escrow Balances
6. Resolution 2018-188 Approving Change Order – House Demolition Project
7. Resolution 2018-189 Approving Sewer Connection for 20 Club Road
8. Resolution 2018-190 Budget Transfers

**Discussion: possible ordinance or resolution**

1. Prohibiting Smoking and Vaping Shops

**Hearing of Citizens** (Time Permitting)

**Executive Session\*** – Resolution 2018-P-14

1. Personnel
2. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
3. Litigation: Fair Share Housing Center v. Township of Chatham  
Docket No. MRS-L-000234-18

**Adjourn**

\*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

**ORDINANCE 2018-21**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY SPECIFYING THE OPEN SPACE PURPOSES FOR WHICH BLOCK 62, LOTS 93 AND 94 AS SHOWN ON THE TOWNSHIP TAX MAP ARE DEDICATED**

**WHEREAS**, on September 28, 2017, the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, adopted Ordinance 2017-12, a Bond Ordinance titled “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS” (“Bond Ordinance”); and

**WHEREAS**, Ordinance 2017-12 authorized the acquisition of Block 62, Lots 93 and 94 for Township open space purposes (“Property”); and

**WHEREAS**, the Township acquired the Property by deed dated December 21, 2017 and recorded on January 26, 2018 in Morris County Deed Book 23286, Page 1191 under File #2018005727 (“Property Deed”); and

**WHEREAS**, the Bond Ordinance authorized the issuance of bonds based on general Township revenue, not revenue derived from the Township’s open space tax or other funds restricted for open space purposes; and

**WHEREAS**, the Property Deed does not contain restrictions limiting the future use of the Property to open space purposes; and

**WHEREAS**, it is the Township’s intention to seek reimbursement from the State of New Jersey, Department of Environmental Protection, Green Acres Program (“Green Acres”), for a portion of the purchase price of the Property; and

**WHEREAS**, prior to the adoption of Ordinance 2017-12, the Township was also in discussions with Green Acres about the need to provide compensation, in the form of replacement land, for past diversions of parkland at Colony Pool and Esternay Field (“the Outstanding Diversions”); and

**WHEREAS**, in advance of seeking reimbursement for the purchase of the Property from Green Acres, the Township Committee desires to clarify that at the time of acquisition of the Property, it intended that a portion of the Property be available as potential replacement property for the Outstanding Diversions, as allowed by *N.J.A.C. 7:36-26.10(d)2ii(3)*; and

**WHEREAS**, the Township wishes to memorialize that it will not seek Green Acres reimbursement for an undivided portion of the Property consisting of approximately 0.83 acres (“the Replacement Property”), or such other amount of replacement land as may be required by the DEP Commissioner and the State House Commission, in order to preserve the eligibility of the Replacement Property as compensation for the Outstanding Diversions; and

**WHEREAS**, the undivided remainder of the Property will be utilized for general open space purposes; and

**WHEREAS**, if accepted by the DEP Commissioner and the State House Commission, the Replacement Property will be utilized for general open space purposes.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. The purpose of this Ordinance is to specify the open space purposes for which the Property may be dedicated.

Section 2. An undivided portion of the Property consisting of approximately 0.83 acres, or such other amount as may be required by the DEP Commissioner and the State House Commission with the consent of the Township, is designated as Replacement Property to serve as compensation associated with past diversions of parkland at Colony Pool and Esternay Field and will be designated for general open space purposes upon approval of the Township's diversion application, with the undivided remainder of the Property also utilized for general open space purposes, all in accordance with Chatham Township Green Acres Project #1405-98-003-12.

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect in accordance with law.

Introduced: October 25, 2018

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: \_\_\_\_\_  
Curt Ritter, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of an ordinance adopted by the Township Committee of the Township of Chatham at a regular meeting held on October 25, 2018.

Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Township Clerk

**ORDINANCE 2018-22**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
ADOPTING A REDEVELOPMENT PLAN FOR A 3.8 ACRE PORTION OF BLOCK  
48.16, LOT 117.27 FOR THE DEVELOPMENT OF LOW AND MODERATE INCOME  
HOUSING AND REPEALING SECTION 30-79.1 TITLED “PURPOSE”, SECTION 30-  
79.2 TITLED “PERMITTED USES”, AND SECTION 30-79.3 TITLED “REQUIRED  
CONDITIONS FOR RESIDENTIAL DEVELOPMENT” OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF CHATHAM**

**WHEREAS**, on October 12, 2017, the Township Committee of the Township of Chatham adopted Resolution 2017-183 designating a 3.8 acre portion of Block 48.16, Lot 117.27 (“Redevelopment Area”) as shown on the Township of Chatham Tax Map as an area in need of non-condemnation redevelopment for the development of low and moderate income housing; and

**WHEREAS**, on October 26, 2017, the Township Committee adopted Resolution 2017-187 clarifying Resolution 2017-183; and

**WHEREAS**, it is the purpose of this Ordinance to adopt the attached Redevelopment Plan (“Redevelopment Plan”) which will supersede the underlying AH Affordable Housing Zone and which Plan will set forth specific Land Use and Building Standards (use, bulk and design requirements) for the development of twenty-four (24) low and moderate income housing units within the Redevelopment Area.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Section 30-79.1 titled “Purpose”, Section 30-79.2 titled “Permitted Uses” and Section 30-79.3 titled “Required Conditions for Residential Development” of the Revised General Ordinances of the Township of Chatham are hereby repealed.

Section 2. The Redevelopment Plan for a 3.8 acre portion of Block 48.16, Lot 117.27 as shown on the Township Tax Map and attached is hereby adopted.

Section 3. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 4. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Committee, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: November 8, 2018

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: \_\_\_\_\_  
Curt Ritter, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**ORDINANCE 2018-23**

**ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER XXX, TITLED “LAND DEVELOPMENT”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM, SECTION 30.78, TITLED “R-RESIDENCE DISTRICTS,” SUBSECTION 30-78.13, TITLED “REQUIREMENTS FOR ONE-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS IN THE R-6C DISTRICT” TO AMEND SECTION 30-78.13(g)(1) THE DEFINITION OF BUILDING HEIGHT, TO ADD A NEW SECTION 30-78.13(k)(7) PROVIDING FOR ADDITIONAL LANDSCAPE BUFFER, TO AMEND SECTION 30-78.13(n)(1) TO PROVIDE FOR CONSTRUCTION PHASING OF MARKET TO AFFORDABLE UNITS**

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Chatham, in the County of Morris and State of New Jersey as follows:

**SECTION 1.** Chapter XXX, titled “Land Development” of the Revised General Ordinances of the Township of Chatham, Section 30.78, titled “R-Residence Districts,” Subsection 30-78.13, titled “Requirements for One-Family Dwellings and Multi-Family Dwellings in the R-6C District,” is hereby amended as follows:

“30-78.13 Requirements for One-Family Dwellings and Multi-Family Dwellings in the R-6C District.

(a) Permitted Principal and Accessory Uses

1. Principal uses - One-family dwellings and multifamily dwellings or any combination thereof.
2. Accessory Uses – Indoor and outdoor recreation facilities, including clubhouse, meeting areas and active and passive recreation.

(b) Area and Density Requirements.

1. Minimum Area. Each development shall have a minimum tract area of thirty (30) acres. Public or private roads, easements or rights-of-way shall not be deemed to divide acreage of a development.
2. Maximum Density. Two (2) dwelling units/acre, not to exceed a total of fifty-four (54) units, except as provided in Section 30-78.13(n).1 below.
3. Minimum Lot Size Per Dwelling. A minimum lot size per dwelling of 1,200 square feet shall be required for all fee simple dwelling units.

(c) Maximum Building Coverage

1. The total ground floor area of all buildings shall not exceed fifteen (15%) percent of the lot area of the development.

(d) Maximum Impervious Coverage

1. The total area of all impervious surfaces shall not exceed thirty (30%) percent of the lot area of the development.

(e) Setback Requirements.

1. No principal building shall be located within fifty (50) feet of a public street or exterior property line of the tract nor within twenty (20) feet of any internal roadway.

2. No dwelling structure shall have more than two (2) continuous attached dwelling units with the same front building line, and variations in the building line shall be at least four (4) feet.

(f) Distance Between Buildings. Minimum distances as specified below shall be maintained between principal buildings:

Positions of Building Walls	Minimum Distance Between Buildings at Any Point
Front facing front	50'
Front facing rear	50'
Front facing side	25'
Rear facing rear	50'
Rear facing side	30'
Side facing side	15'

(g) Building Requirements.

1. Height. No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is lesser, except that existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use. Building height shall be the vertical distance measured from the average post-development ground elevation as measured from the four corners of the building to a horizontal plane projected from the highest point of the roof. However, for locations in which the elevation is, for reasons of topography, one full story or less lower at the rear of the building than at the front, the height shall be measured from an average of the front two elevations only, provided that neither of the elevations at the rear two corners of the building are more than ten feet below the front two corners of that building.
2. Units Per Building. No building shall contain more than four (4) dwelling units.

h) Dwelling Unit Requirements.

1. Each dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bath, a room for storage and utilities, and a kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.
2. Minimum Floor Area. Each dwelling unit shall have a minimum floor are, as “floor area” is defined in Article 2 of this chapter, in accordance with the following schedule:

Number of Bedrooms	Minimum Required Floor Area Per Dwelling Unit (in Sq. Ft.)
1	900
2	1,150
For each additional	200 additional

3. No basement shall contain a bedroom.
4. Each dwelling unit shall have at least two (2) private outside entrances.
5. Each dwelling unit shall contain its own heating plant and system and shall constitute a separate, independent unit for metering and all other purposes with respect to all required utilities and similar conveniences. No central or common laundry or similar facilities intended for two (2) or more units shall be permitted.
6. Each dwelling unit shall have at least one (1) individual private yard area, open patio or court adjoining the unit and having a width of at least fifteen (15) feet and an area of at least one hundred fifty (150) square feet. Each private yard area, patio, court or deck shall be effectively screened in order to provide a reasonable degree of privacy.
7. In addition to the above requirements, a storage space with separate access and containing a minimum of eighty (80) square feet of floor area shall be provided for each dwelling unit in the basement of the building in which the unit is located or in the garage serving the unit. Storage space located in a garage shall not encroach upon or be located above a minimum area of ten feet by twenty (10’ by 20’) feet for the parking of a motor vehicle..
8. The layout and arrangement of buildings and their design shall incorporate energy saving and green design features where practicable.

(i) Accessory Buildings.

1. Setbacks. Accessory buildings shall meet the street, property line and internal roadway setbacks of the principal buildings and shall be at least twenty-five (25) feet from a principal building and fifteen (15) feet from another accessory building. Detached garages shall be at least fifteen (15) feet from a principal building or from any other garage or accessory building. Clubhouses, swimming pools and recreation facilities shall be at least one hundred (100) feet from a property line.
2. Height. The maximum height of an accessory building shall be fifteen (15) feet except for clubhouses which shall not exceed twenty-eight (28) feet in height.

Existing buildings in excess of the permitted number of stories or height may be re-used for any permitted principal or accessory use.

3. When a clubhouse or other accessory building is attached to a building containing a permitted principal use, the bulk requirements for the permitted principal use shall apply.
4. Design. Architectural design and materials used in the construction of accessory buildings shall conform to or complement those used in the construction of principal buildings.
5. Except to the extent inconsistent with the specific provisions of this subsection, the provisions of subsection 30-96.13 shall be complied with.
6. Signs. The provisions of Section 30-98 shall be complied with.

(j) Off-Street Parking and Internal Roadways. Off-street parking and internal roadways shall conform to the provisions of subsection 30-64.2, and, in addition, the following requirements shall be met:

1. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with Township of Chatham road specifications; provided, however, that, upon recommendation of the Township Engineer, the requirement of curbing may be waived or modified when found not to be needed for control of storm water, protection of pavement and similar purposes.
2. Parking areas shall be located at least five (5) feet from a building and twenty-five (25) feet from a development property line.
3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, internal roadways shall be at least twenty-four (24) feet in width for two (2)-way traffic and twelve (12) feet in width for one (1)-way traffic and shall not enter a street within fifty (50) feet of an existing intersection. Drives leading from internal roadways to parking areas shall be at least twenty (20) feet in width. Parking on internal roadways and drives shall be prohibited.
4. The arrangement and location of garages, parking areas and internal roadways shall be subject to approval of the Planning Board and shall be designed to insure maximum safety, proper circulation and maximum convenience for residents and their guests.
5. Sidewalks shall be provided along at least one side of any internal road serving the development.
6. A public trail network shall be provided around and through the site and shall be designed to connect with any nearby public trail or sidewalk system.
7. Unless otherwise provided in the New Jersey Residential Site Improvements Requirements, minimum requirements for off-street parking spaces shall be as follows for low and moderate income housing units:

8.

1 bedroom or efficiency unit	1.75 parking spaces
2 bedroom unit	2.0 parking spaces
3 or more bedroom unit	2.5 parking spaces

(k) Landscaping and Common Open Space.

1. There shall be provided a minimum of forty (40%) percent of the entire tract for common open space, which shall be deed restricted against future development and managed by the homeowners association. Said open space shall not contain any impervious surfaces, detention facilities or other structural or infrastructure improvements.
2. The common open space, where improved, shall be attractively landscaped with varieties of flowering plants, grasses, trees and shrubs that will serve to minimize water use. Provision shall be made for the protection and preservation of existing trees and the prominent hedgerow along Hillside Avenue as well as natural features including those in designated critical areas.
3. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, sidewalks or walkways constructed in accordance with the Township specifications shall be provided in such locations and of such widths as required and approved by the Planning Board to insure safe and convenient pedestrian traffic.
4. A naturalized trail around the perimeter of the property shall be constructed by the developer and maintained and repaired by the HOA and such trail may be surfaced with wood chips or other suitable surface and need not be paved. A public access easement shall be provided allowing public access across the perimeter trail.
5. Effective screening by a fence or wall no less than five (5) feet nor more than seven (7) feet in height shall be provided to shield parking areas and other common facilities from view of adjoining residential properties, provided, however, screening by hedge or other natural landscaping may be substituted for the required fence or wall if approved by the Planning Board as part of the site plan.
6. Lighting. Adequate artificial lighting shall be provided in parking areas and along sidewalks, walkways and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential property.
7. Additional Landscape Buffer. A landscape buffer from the adjacent property shall be provided where the physical height of the structure (post grade to highest point) exceeds thirty-five (35) feet. The buffer shall consist of plants that will screen the structure from neighboring properties year-round. The buffer shall be a combination of deciduous and conifer trees and shrubs.
8. Landscape Standards:
  - a. Deciduous trees shall have a minimum caliper of 3 to 3.5 inches. Species of trees shall be native to the region and shall have a mature height of 40 feet and up. Trees shall be planted a minimum of 15 feet from the building structure.
  - b. Conifer trees shall have a minimum height of 6 feet at the time of installation, with a mature height of 30 feet and up. Species of conifer trees shall be native to the region and shall be planted a minimum of 10 feet from the building structure
  - c. Shrubs shall be native to the region with a combination of heights to sufficiently screen the building.

- d. All plant materials must meet minimum standards as set forth in the American Association of Nurserymen, Inc.
  - e. A sufficient number of trees and shrubs shall be provided to adequately shield the lower portion of the structure creating the height to exceed thirty-five (35) feet.
9. Landscape Plan. The site plan shall include a landscape plan which shall be prepared by a landscape architect or other professional thoroughly familiar with landscape plant materials and design. Said plan shall include and show, at a minimum:
- a. Existing tree survey.
  - b. All trees proposed for removal.
  - c. All proposed vegetation with a planting schedule with the following information: species, size, and method of planting; with a distinct plant schedule for the planting for the building height variance buffer.
10. Guarantee. All elements of the landscape buffer shall be guaranteed by the applicant for the life of the development.
11. Maintenance. Any approved landscape plans are subject to being constructed and maintained as was presented for approval. This includes, but is not limited to, replacing dying or dead trees or shrubs, weeding landscape areas, mowing, etc.

(l) Utilities.

1. Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.
2. All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
3. Fire Hydrants. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the dwelling units. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.
4. Solid Waste, Including Recyclable Materials. Suitable provision shall be made for the orderly deposit and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of the Township Recycling Ordinance as well as the following:
  - a. Each receptacle shall be located in a completely enclosed building.
  - b. Buildings used solely for the purpose of housing receptacles shall be located at least five (5) feet from an internal roadway and shall otherwise meet the requirements for accessory buildings
  - c. Buildings used to house receptacles shall be so located as to permit convenient vehicular access.

(m) Roads on Master Plan

If a proposed road shown on the Township Master Plan is located on any property intended to be used for the development, the Planning Board may require that provision shall be made for the dedication and improvement of that portion of said road located within the property in question in accordance with Township road specifications. The area within the right-of-way of any such road may be included in the gross acreage of the property for the purpose of determining maximum density.

(n) Developer's Obligation to Provide Affordable Housing Development.

1. Prior to the issuance of any construction permit, or as a condition precedent to the grant of any approval of a development application by the Planning Board, Board of Adjustment or Zoning Officer, as applicable, a developer shall be required to enter into an agreement with the Township Committee to construct 24 low and moderate income, rental housing units at another site within the Township. The maximum number of market rate units on the site shall not exceed 54 units. At least 50% of the rental units shall be available to low income households with the remainder available to moderate income households. The required agreement shall make provisions for the developer's obligation to construct the affordable units at the other site and the phasing of construction of market units on the site shall provide for the construction of the affordable units in tandem with the market units according to the following phasing schedule: (a) the developer must submit a building permit application for the affordable housing at the other site by the time the first certificate of occupancy is issued for the market rate units on the site; (b) the developer must complete the foundation for the affordable housing at the other site by the time forty (40%) percent of the market rate units on the site are completed; (c) the certificate of occupancy for the affordable housing at the other site must be issued by the time seventy (70%) percent of the market rate units on the site are completed.

(o) Adaptive Reuse of Building.

1. The adaptive reuse of the existing residential structure shall meet the following standards to the maximum extent possible.
2. The existing residential structure has unique architectural features which shall be preserved through adaptive reuse of the structure.
3. The adaptive reuse of the structure shall consist of incorporating up to four (4) individual residential units on the second and third floors. The first floor of the structure shall be repurposed as a clubhouse.
4. The original elements of the front facade of the structure may not be substantially altered in size or appearance. Rehabilitation shall include restoring the building's front exterior facade to its original profile to the maximum extent reasonably feasible. Repairs should involve the least intervention possible, concentrating specifically on areas of deterioration. When repair is not possible, replacement in-kind is encouraged, reproducing by new construction the original feature exactly, including the original materials, finish, detailing and texture.
5. Remediation of hazardous material such as asbestos and lead, if present, shall be mitigated in accordance with federal and state requirements. The mitigation measures

must incorporate the restoration of existing architectural features to pre-existing conditions to the maximum extent possible.

**SECTION 2.** All other Ordinances, part of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

**SECTION 3.** Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

**SECTION 4.** The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

**SECTION 5.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**SECTION 6.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 7.** This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: November 8, 2018

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

BY: \_\_\_\_\_  
Curt Ritter, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**ORDINANCE 2018-24**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
AMENDING CHAPTER XXX, ARTICLE 2, SECTION 30-6, TITLED “DEFINITIONS”,  
TO ADD “SMOKE SHOP” AND “VAPE SHOP” AND ARTICLE 7, TITLED “ZONING  
REGULATIONS”, SECTION 30-96.9, TITLED “PROHIBITED USES”, OF THE  
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM  
PROHIBITING SMOKING AND VAPING SHOPS**

**WHEREAS**, the Township of Chatham has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

**WHEREAS**, the Township Committee of the Township of Chatham believes that it is in the best interest of the health, safety and welfare of its residents that Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 2, Section 30-6 titled “Definitions”, be amended to add definitions of smoke shop and vape shop, and Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, be amended to prohibit smoking and vaping shops in all zone districts.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 2, Section 30-6, titled “Definitions”, is hereby amended to add the following:

“Smoke Shop” shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia, including providing an area for smoking tobacco products, but excluding any grocery store, supermarket, convenience store or similar retail use that sells tobacco products shall not be included within the definition of smoke shop. An area for “smoking” shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

“Vape Shop” shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of electronic smoking devices, liquid nicotine, liquid nicotine containers or vapor product as defined by N.J.S.A. 26:3D-57, N.J.S.A. 2A:170-51.9(a)(2), N.J.S.A. 2A:170-51.9(a)(3) and N.J.S.A. 2A:170-51.9(a)(4), including an area for vaping. An area for “vaping” shall mean the inhaling or exhaling of smoke or vapor from any electronic smoking device.

Section 2. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, is hereby amended to add a new subsection c as follows:

30-96.9 Prohibited Uses

- a. Where a use is not specifically permitted in a zone district, it is prohibited.

- b. Marijuana cultivation facilities, marijuana production or manufacturing facilities, marijuana testing facilities, and retail marijuana stores are prohibited in all zone districts.
- c. Smoke and vape shops are prohibited in all zone districts.

Section 3. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 4. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: November 8, 2018

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: \_\_\_\_\_  
Curt Ritter, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2018-183**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES**

**BE IT RESOLVED** that bills in the total amount of \$930,568.38 and the prior month's payroll of \$392,081.76 Current Fund, \$46,266.33 Sewer No. 1, \$10,541.38 Sewer No. 2, and \$22,425.87 Police Private Employment be paid.

**BE IT FURTHER RESOLVED** that taxes due to the School District of the Chathams, for the month of November 2018, in the amount of \$3,141,155.00 be paid.

**BE IT FURTHER RESOLVED** that taxes due to the County of Morris, for the Fourth Quarter of 2018, in the amount of \$2,460,141.45 be paid.

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By: \_\_\_\_\_  
Curt Ritter, Mayor

**RESOLUTION 2018-184**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

CFO – October  
Construction Official – October  
Police Department – October

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By: \_\_\_\_\_  
Curt Ritter, Mayor

DRAFT

**RESOLUTION 2018-185**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM APPROVING MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on October 25, 2018.

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Curt Ritter, Mayor

DRAFT

**RESOLUTION 2018-186**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on October 25, 2018.

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By: \_\_\_\_\_  
Curt Ritter, Mayor

DRAFT

**RESOLUTION 2018-187**

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES**

**WHEREAS**, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

**WHEREAS**, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
John & Kimberly Polivko 150 Woodland Ave Summit, NJ 07901	BOA 02-53-19 3 Long Hill Lane	7200038949	\$120.00
James MacGill 39 Edgewood Road Chatham, NJ 07928	BOA 14-90-2	7763179388	\$240.00
Bhee Properties PO Box 132 Fanwood, NJ 07023	PlanBd 13-61-10	7760011299	\$205.00
Barbara Landy 513 Green Village Road Green Village, NJ 07935	BOA 16-48.21-176	7763180153	\$3.60
Bednar Landscape SVC PO Box 135 Boonton, NJ 07005	RO 16-85-28	7763280187	\$888.89
Charles Louis Custom Homes 106 Lincoln Ave Florham Park, NJ 07932	RO 2017-47	7764128582	\$666.00

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By: \_\_\_\_\_  
Curt Ritter, Mayor

**RESOLUTION 2018-188**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH IBN CONSTRUCTION CORP FOR HOUSE DEMOLITION PROJECT**

**WHEREAS**, the Township Committee of the Township of Chatham awarded a contract to the lowest responsible bidder, IBN Construction Corp, with address at 49 Hermon Street, Newark, NJ 07105 for the House Demolition Project in the amount of \$48,945.00;

**WHEREAS**, the final as-built cost of the project is \$34,945.00, \$14,000.00 less than the original Contract amount;

**WHEREAS**, the project was substantially complete on or about October 29, 2018;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves a Contract reduction of \$14,000.00 to reflect the as-built cost of the House Demolition Project.

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Curt Ritter, Mayor

**RESOLUTION 2018-189**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING SEWER CONNECTION FOR 20 CLUB ROAD**

**WHEREAS**, the Township Engineer has certified that all applications requirements for 20 Club Road, Block 15, Lot 7 including the payment of the administrative review fee have been met and that sewer capacity is available; and

**WHEREAS**, in a memo dated October 30, 2018 the Township Engineer outlined various conditions for the approval of a sewer connection for 20 Club Road, Block 15, Lot 7;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that it hereby, approves the issuance of a sanitary sewer permit for 20 Club Road, Block 15, Lot 7 subject to the conditions set forth by the Township Engineer.

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By: \_\_\_\_\_  
Curt Ritter, Mayor

**RESOLUTION 2018-190**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING BUDGET TRANSFERS**

**WHEREAS**, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2018 municipal budget, are not sufficient to meet anticipated expenses; and

**WHEREAS**, N.J.S. 40A: 4-58 authorizes the transfer from appropriations where excess exists to other appropriations that are anticipated to be insufficient.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris that the following transfers are hereby affected:

**Current Fund**

Appropriation	To	From
General Administration OE	\$13,500	
General Engineering	\$60,000	
Police OE	\$12,000	
Assessment of Taxes OE	\$10,000	
Social Security	\$ 6,000	
Vehicle Maintenance	\$ 7,000	
Fire Other Expenses	\$ 5,000	
Water	\$ 4,500	
Telephone	\$ 3,000	
Road Repairs OE		\$21,000
Colony Pool OE		\$10,000
Colony Pool S&W		\$70,000
Recreation S&W		\$10,000
Recreation OE		\$10,000
Current Fund Total	\$121,000	\$121,000

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By: \_\_\_\_\_  
Karen M. Swartz, Deputy Mayor

**RESOLUTION 2018-P-14**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE  
PUBLIC EXCLUDED**

**WHEREAS**, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Personnel
  - b. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
  - c. Litigation: Fair Share Housing Center v. Township of Chatham Docket No. MRS-L-000234-18
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: November 8, 2018

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By: \_\_\_\_\_  
Curt Ritter, Mayor