MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
OCTOBER 19, 2026

The Regular Meeting of the Planning Board was called to order by Mrs. Foran at 7:33 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 2026, and January, 2027 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Answering present to the roll call were Mrs. Foran, Mr. Kahn, Mr. Nikolopoulos, Mrs. Rowland, Mrs. Ewald, Mr. Ankel, Mrs. Stillinger and Mr. Tripp.

Mr. Shehady, Mrs. Chang, and Mr. Miller were absent.

Also present were Board Planner Kendra Lelie and Attorney Kelly Carey in place of Board Attorney Steve Warner.

Minutes

Mr. Nikolopoulos moved to approve the minutes of the October 5, 2026 meeting. Mrs. Ewald seconded the motion which carried unanimously.

Resolutions

Resolution: PB-26-015

RESOLUTION PB-26-015
GUIDELINES FOR LIVE STREAMING MEETINGS

WHEREAS, the Chatham Township Planning Board ("Board") has determined that it is in the best interest of the Board and the public to live stream, record, and post for future viewing the official public meetings of the Board with an electronic streaming service such as YouTube; and

WHEREAS, the Open Public Meetings Act ("OPMA") N.J.S.A. 10:4-6 et seq. and Municipal Land Use Law ("MLUL") N.J.S.A. 40:55D-1 et seq, do not require that public meetings be live streamed and the Board will continue to comply with the OPMA and MLUL requirements for its meetings; and

WHEREAS, the intention of the Board is that the live stream meetings will permit the public to watch the Board's activities and be better informed about the Board's process, procedures and the matters the Board addresses throughout the year; and

WHEREAS, Planning Board hearings are quasi-judicial proceedings and the testimony of witnesses, presentation of exhibits, and cross examination of those witness must comport with certain legal criteria, therefore only those persons present in the meeting room at the time of any public hearing will be considered present for the hearing and have the ability to participate in the hearings. There will not be an opportunity for those watching remotely by live stream to participate. Applicants and members of the public who wish to ask questions or present testimony for or against an application must be physically present at the Board meetings to participate; and

WHEREAS, notwithstanding the above the Board may permit its professionals and/or Board members to participate remotely, from time to time, provided that participation can be conducted substantially in compliance with the remote meetings protocol set forth in N.J.S.A. 5:39-1.1 et seq., however, whenever possible the Board's professionals and members should be physically present for the hearings on applications for development; and

WHEREAS, the live steamed video shall not be considered the official record of any Board hearing or meeting and in the event, there is a malfunction of equipment or other circumstance which prevents the live stream or video recording of a meeting on any given night the Board shall proceed with that meeting live and in person as scheduled; and

WHEREAS, the Board shall not be responsible for the quality of live streams, recordings, or any actions, omissions, failures or mistakes of any kind of the, videographer, the equipment, the electronic format or streaming service provider used for the live stream and recording of meetings, and the Board makes no guarantee as to how long videos of past meetings will remain available; and

NOW THERFORE BE RESOLVED, that the Planning Board of the Township of Chatham does here by approve the live streaming, recording, and posting of its public meetings with an online electronic streaming service as follows:

1. The above recitations are incorporated herein as if set forth in full; and
2. The live streaming, recording and posting of meetings shall begin on or about October 19, 2026; and
3. The Board may change its choice of streaming service provider at any time; and
4. The Board may rescind this resolution at any time by a majority vote of its members.

Mrs. Ewald moved to adopt Resolution PB-26-015 to grant the extension. Mrs. Stillinger seconded the motion.

Roll Call: Mrs. Foran, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Aye; Mrs. Rowland, Aye; Mr. Shehady, Absent; Mrs. Ewald, Aye; Mr. Ankel, Aye; Mrs. Chang, Absent; Mrs. Stillinger, Aye; Mr. Tripp, Aye; Mr. Miller, Absent.

Resolution: PB-26-016

RESOLUTION PB-26-016
DENIAL WITHOUT PREJUDICE

WHEREAS, Comfort Trail Development LLC (the "Applicant") has applied to the Planning Board of the Township of Chatham (the "Board") for a two-lot subdivision, bulk variances, and design waivers from the Land Development Regulations of the Township of Chatham, Ch. 30, at property identified as Block 62, Lot 60 on the Tax Map more commonly known as 552 River Road; and

WHEREAS, the application was filed in 2023, but the Applicant has not pursued completion of the required submissions, and no action has been taken on this matter in well over a year. The attorney listed on the application has not responded to attempts by the Township to reach him, and on information and belief the Applicant no longer has any legal interest in the property; and

WHEREAS, in Sansone Oldsmobile-Cadillac, Inc. v. Shrewsbury Borough Bd. of Adj., 211 N.J. Super. 304 (Law Div. 1986), the court concluded that, when an applicant seeks to withdraw a pending application before a land use board without prejudice, the principles of N.J. Court Rule 4:37-1(b) should be applied, such that a request to grant a voluntary dismissal without prejudice during the pendency of an application is within the discretion of the Board and the Board may impose such terms and conditions as it deems appropriate.

WHEREAS, the Board secretary has attempted to reach the Applicant through its attorney for them to request a withdrawal of the application, but has not received a response; and

WHEREAS, the Applicant has abandoned this application, but failed to request withdrawal, and therefore the Board has determined to deny the application without prejudice and to remove it from its calendar; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Chatham, on this 19th day of October 2026, that the application of Comfort Trail Development LLC is hereby denied and dismissed without prejudice, subject to the Applicant's continuing obligation to satisfy all application fees and escrow charges by the Board professionals in connection with this application.

Mr. Kahn moved to adopt Resolution PB-26-016 to grant the extension. Mrs. Ewald seconded the motion.

Roll Call: Mrs. Foran, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Aye; Mrs. Rowland, Aye; Mr. Shehady, Absent; Mrs. Ewald, Aye; Mr. Ankel, Aye; Mrs. Chang, Absent; Mrs. Stillinger, Aye; Mr. Tripp, Aye; Mr. Miller, Absent.

Discussion

Master Plan Re-Examination

Township Planner Kendra Lelie provided an overview of the Master Plan Re-Examination process. She said that it is a checklist review of the existing Master Plan rather than the creation of a new Master Plan. Mrs. Lelie said that per statute, a review needs to be performed every ten

years. She noted that there are some statutory requirements for the re-examination report, and said that the Board can discuss things they want to see added to the Master Plan. Mrs. Lelie said that she reviewed the 2017 Re-examination report in preparation for the current re-examination.

Mrs. Ewald asked whether any Master Plan elements identified for revision during the re-examination would need to be updated by March. Mrs. Lelie explained that the re-examination report is due in March, and any necessary updates to the Master Plan elements would be made over the subsequent ten years.

Mrs. Foran asked if some recommendations made by the Planning Board would be addressed by other bodies. Mrs. Lelie said that some matters could be referred to other bodies such as the Township Committee or the Environmental Commission.

Mrs. Lelie asked if the Board members have any thoughts regarding the Circulation Plan. Mr. Tripp said that certain neighborhoods are very walkable, and others are disconnected. He also expressed concern about the danger of having bicycle traffic on Fairmount Avenue. Mr. Ankel asked how healthy choices related to walking and biking can be promoted.

Mrs. Foran asked about SRTS grants. Mayor Rowland said that the 2014 SRTS project is nearing completion. Mrs. Ewald provided some background on SRTS grants. Mayor Rowland noted that having SRTS opportunities in the Master Plan helps the Township get the grants. Mr. Nikolopoulos asked if it would make sense to separate pedestrian and bicycle traffic. Mrs. Lelie said that the Circulation Plan can have separate sections for each kind of traffic.

Mrs. Lelie asked about studies for historical sites and landmarks. The role of the Environmental Commission was discussed. Mrs. Lelie said she would reach out to Mr. Shehady and the Township Engineer about tracking of conservation easements.

Mrs. Lelie said that the Fair Share Plan has been updated for the current round, and the Township should soon be receiving a final compliance certificate from the Court. She also addressed tree removal and replacement. Mrs. Ewald said that there is currently a tree replacement ordinance, and the Environmental Commission is working on recommendations to make the ordinance more user friendly.

Mrs. Lelie addressed protection of steep slopes and lot size averaging. Mrs. Stillinger expressed concern about excessive building mass on small residential lots.

Mrs. Lelie commented on stormwater regulations, and said she will confirm with the Township Engineer that the Township's ordinance meets the NJDEP requirements. She will also speak with him about protocols for handling construction-generated waste.

Mr. Nikolopoulos asked if affordable housing developers have to conform to the Township's ordinances. Mrs. Lelie said that they need to abide by the particular district's zoning and the general zoning regulations.

Floor-area ratio in the R-4 Zone was discussed. The width of homes in the R-4 was particularly addressed, and Mrs. Kelly explained how width can become an issue in oversized lots despite the setback requirements. She said that it would be possible to have regulations on house width in addition to setback requirements to mitigate the concerns that have been expressed. Mrs. Lelie said that for purposes of the Master Plan Re-examination, the overall concern can be noted. Mrs. Stillinger noted that a goal of the Master Plan is to maintain the character of neighborhoods.

Mr. Nikolopoulos said that concern was expressed at the last meeting about data centers. Mr. Kahn said he is not sure it would even be possible to build a data center in the Township, however he feels the concern should be addressed. Mr. Kahn also asked if AI in general should be addressed in the Master Plan.

Mr. Nikolopoulos asked if the Township has an ordinance pertaining to cell towers. Mrs. Lelie said that there likely is an ordinance on that topic.

Mr. Kahn asked if there are any follow-up items to the Affordable Housing Plan that should be considered in the re-examination. Mrs. Lelie indicated that the Board can consider that there will be a Fifth Round ten years from now, and the Board can plan for the next round using the current round's regulations as a planning tool.

Mrs. Ewald asked if there should be something in the Master Plan about solar panels. Mrs. Lelie said that there could be a section about sustainability, which could be a new element drafted in conjunction with the Environmental Commission.

The BOA Chairman, Environmental Chairwoman and Historical Society Co-Presidents will be invited to the next meeting to provide input.

Mrs. Foran asked about areas for redevelopment and areas for conservation. Mrs. Lelie said that Open Space Plans usually have targeted areas.

Mr. Kahn moved to adjourn at 8:35 PM. Mr. Ankel seconded the motion, which carried unanimously.

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Gregory J. LaConte
Planning Board Recording Secretary