

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
MARCH 2, 2026**

The Regular Meeting of the Planning Board was called to order by Mrs. Foran 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 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, Mr. Rowland, Mr. Shehady, Mrs. Ewald, Mr. Ankel, Mrs. Stillinger, and Mr. Miller.

Mrs. Chang was absent.

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

Resolutions

**RESOLUTION PB-26-003
RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES
CONTRACT FOR PLANNING SERVICES WITH KENDRA LELIE, P.P., OF KYLE &
MCMANUS ASSOCIATES FOR THE YEAR 2026**

WHEREAS, the Planning Board of the Township of Chatham has a need to acquire professional planning services for the Chatham Township Planning Board and is familiar with Ms. Lelie from her work as Affordable Housing Planner for the Township in 2025 and is satisfied that her work is of good quality; and

WHEREAS, the Planning Board, pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i) ("LPCL"), is authorized to enter into contracts for professional services without public advertising for bids and bidding therefore; and

WHEREAS, Kendra Lellie, P.P., of Kyle & McManus Associates desires to provide planning service to the Planning Board for an estimated total amount not to exceed \$25,000; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Kyle & McManus Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Kyle & McManus Associates has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the Kyle & McManus Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for 2026; and

WHEREAS, the Planning Board at its reorganization meeting on January 12, 2026, voted unanimously to appoint Kendra Lelie, P.P., of Kyle & McManus Associates to perform the professional service of Board Planner pursuant to the provisions of the LPCL, and this resolution constitutes a memorialization of that action of the Board.

NOW THEREFORE, BE RESOLVED that, the Planning Board of the Township of Chatham hereby memorializes the appointment of Kendra Lelie, P.P., of Kyle & McManus Associates as the Planning Board Planner and authorizes the Mayor and Clerk to enter into a contract with Kyle & McManus Associates, as described herein; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be placed on file with the Clerk of the Township of Chatham.

Mr. Shehady moved to adopt Resolution PB-26-003. Mrs. Ewald seconded the motion.

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

Master Plan Consistency Review

Mrs. Lelie provided an overview of the Township's Affordable Housing Plan and steps being taken to comply with the Fair Housing Act. She said that on June 16th 2025 an updated Housing Element and Fair Share Plan was adopted, and was then submitted to the Affordable Housing Dispute Resolution Program for review. The vacant land analysis, realistic development potential and unmet need in the Township's plan was challenged by the Fair Share Housing Center. Mrs. Lelie noted that vacant land is a scarce resource in Chatham Township, and there is not enough to meet the obligation. She further noted that the Township's plan complies with the Fair Housing Act, and the Program recommended provisional certification of the Township's plan and dismissed the Fair Share Housing Center's challenge. The Program is recommending to the Superior Court that there be a conditional compliance certification, and the ordinances on tonight's agenda for Master Plan consistency review are one of the conditions of compliance. Mrs. Lelie said that the Township is on a stringent schedule to comply with the deadlines of the Fair Housing Act.

Mrs. Lelie reviewed the present need obligation and the prospective need obligation. She said that the Township is required to implement meaningful zoning to meet at least 25% of the unmet need. The RDP for the Fourth Round is satisfied through a 3-unit rental project on municipal property next to the Arbor Green site, which is addressed by Ordinance 2026-06. The unmet need is being addressed through an overlay zone created by Ordinance 2026-07, which will be concurrent with the B-1, P-1 and PI-2 districts. Mrs. Lelie provided an overview of the overlay district.

Mr. Nikolopoulos asked about the option for rehabilitation of units. Mrs. Lelie described the program, and said the Township has a program in place. She noted that the program offers forgivable loans for qualifying repairs to homes owned by applicants who meet the income criteria, and there is a provision for loans to be repaid if the owner sells the property in less than ten years.

Mr. Miller asked about the challenge to the vacant land assessment. Mrs. Lelie said that challenge was dismissed. Mr. Miller asked if there is an opportunity for there to be an additional challenge of what is considered vacant land. Mrs. Lelie said that the Superior Court will hold a compliance hearing, and there could be an opportunity for the Fair Share Housing Center to make arguments at that time. She also said that the Superior Court is holding the recommendations of the Program at a high standard. Mr. Miller asked if this ruling would hold for future rounds. Mrs. Lelie said that the ruling holds through the Fourth Round, and the next round will follow the same process unless the Fair Housing Act is further amended. Mr. Miller asked if there is any threat to Green Acres properties or recreation facilities. Mrs. Lelie said that properties on the ROSI are not included in the vacant land analysis.

Mrs. Lelie provided an overview of Ordinance 2026-05. She said that it is an administrative ordinance, and the State has required municipalities to adopt their model ordinance to comply with the provisions of the amendments to the Fair Housing Act. Mrs. Lelie explained that Ordinance 2026-06 establishes an AHO-1 zone, which is in the former Skate Park area. Ordinance 2026-07 established the AHO Zone, and is in regards to the overlay in the B-1 and P-1 and PI-2 zones. Mrs. Lelie noted that 20% of the housing in this area would need to be designated affordable if a developer chose to use the overlay zoning

Mrs. Lelie offered her professional opinion that the three ordinances are substantially consistent with the Master Plan.

Mr. Kahn asked if the building and design standards for Ordinance 2026-07 would involve the normal site plan approval process. Mrs. Lelie said that applicants would need to submit the usual site plan approval application to the Planning Board.

Mr. Miller asked if the owners of the properties in the overlay district are bound to build residential units, or if they can maintain their current state. Mrs. Lelie said that they do not need to do anything, and the overlay district provides them an option to redevelop if they choose to. Mr. Miller asked if the property owners would come before the Planning Board if they meet all the zoning regulations. Mrs. Lelie said that for commercial or mixed use properties, they would need a site plan approval from the Planning Board. The Zoning Board would only be involved if a use variance was requested.

Mr. Nikolopoulos asked if there is anything preventing a developer from asking to develop fewer than 20% affordable housing units on a property. Mrs. Lelie said that a variance would be required, and the Township would likely be subject to a lawsuit if such a variance was granted.

Mr. Ankel asked for clarification that an additional opportunity is being offered in the overlay zone that did not previously exist, and they can continue the current use if they so choose. Mrs. Lelie confirmed that Mr. Ankel was correct.

Mrs. Carey stated that this is a Master Plan Consistency Review. She said that the ordinances have been introduced by Township Committee, and will be before the Township Committee

again for public hearing and final adoption following this review. Mrs. Carey noted that this review is not a public hearing, and the public can ask questions of the Township Committee when they hold the second reading of the ordinances.

Mr. Kahn asked about the deadline for the adoption of the ordinances. Mrs. Carey said that the Township Committee has to adopt the ordinances by March 15th. Mr. LaConte said that the public hearing on the ordinances has been scheduled for March 10th.

Mr. Miller asked about the eligibility of the Board members to vote on the Consistency Review. Mrs. Carey said all members are eligible.

Mr. Nikolopoulos asked how many affordable units might be created by the overlay district. Mrs. Lelie said there is a potential for 35 units, which is compliant with the Affordable Housing Plan.

Mrs. Carey thanked Mrs. Lelie for her presentation this evening. She said the Board should vote on the resolutions in the agenda packet.

RESOLUTION PB-26-010
FINDING THAT ORDINANCE NO. 2026-05, AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING AFFORDABLE HOUSING PROGRAM REQUIREMENTS AND ADOPTING REGULATIONS GOVERNING THE ADMINISTRATION OF VERY LOW-, LOW-, AND MODERATE-INCOME HOUSING UNITS IS CONSISTENT WITH THE TOWNSHIP'S MASTER PLAN

WHEREAS, on February 24, 2026, at a duly noticed and constituted public meeting, the Township Committee of the Township of Chatham (the "Township Committee") introduced, on first reading, proposed Ordinance No. 2026-05 (the "Proposed Ordinance"), amending Chapter 29, of the Township Code to update Affordable Housing, Development Fee, Mandatory Set-Aside and other provisions of the Township Code in compliance with the Amended Fair Housing Act; and

WHEREAS, after introduction, the Township Committee referred the Proposed Ordinance to the Planning Board of the Township of Chatham (the "Board") for Master Plan consistency review, pursuant to N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

WHEREAS, on March 2, 2026, at a duly noticed and constituted public meeting, the Board considered the testimony of the Board Planner and determined that the Proposed Ordinance is consistent with the Township's Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full;

Section 2. The Board hereby finds and determines that Ordinance No. 2026-05, which is attached hereto as **Exhibit A**, is consistent with the Township's Master Plan;

Section 3. The Recording Secretary of the Board shall forward a copy of this Resolution with the attached Ordinance to the Township Committee. This Resolution shall serve as the report to the governing body in accordance with N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

Section 4. This Resolution shall take effect immediately.

Mrs. Ewald moved to adopt Resolution PB-26-010. Mr. Kahn seconded the motion.

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

RESOLUTION PB-26-011
FINDING THAT ORDINANCE NO. 2026-06, OF THE TOWNSHIP OF CHATHAM TO AMEND
CHAPTER 30 “LAND DEVELOPMENT”, TO ADD THE AH-1 AFFORDABLE HOUSING 1
ZONE IS CONSISTENT WITH THE TOWNSHIP’S MASTER PLAN

WHEREAS, on February 24, 2026, at a duly noticed and constituted public meeting, the Township Committee of the Township of Chatham (the "Township Committee") introduced, on first reading, proposed Ordinance No. 2026-06 (the "Proposed Ordinance"), amending Chapter 30, Land Development Regulations, by adding the AH-1 (Affordable Housing) Zone District in partial compliance with the Township’s affordable housing obligations and its Housing Element and Fair Share Plan; and

WHEREAS, after introduction, the Township Committee referred the Proposed Ordinance to the Planning Board of the Township of Chatham (the "Board") for Master Plan consistency review, pursuant to N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

WHEREAS, on March 2, 2026, at a duly noticed and constituted public meeting, the Board considered the testimony of the Board Planner and determined that the Proposed Ordinance is consistent with the Township’s Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full;

Section 2. The Board hereby finds and determines that Ordinance No. 2026-06, which is attached hereto as **Exhibit A**, is consistent with the Township’s Master Plan;

Section 3. The Recording Secretary of the Board shall forward a copy of this Resolution with the attached Ordinance to the Township Committee. This Resolution shall serve as the report to the governing body in accordance with N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

Section 4. This Resolution shall take effect immediately.

Mrs. Foran moved to adopt Resolution PB-26-011. Mrs. Ewald seconded the motion.

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

RESOLUTION PB-26-012
FINDING THAT ORDINANCE NO. 2026-07, TO AMEND THE CODE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY BY AMENDING CHAPTER 30,
LAND DEVELOPMENT REGULATIONS, ADDING THE AHO (AFFORDABLE HOUSING

OVERLAY ZONE) OPTION IN THE B-1 AND PI-2 ZONE DISTRICTS IN THE TOWNSHIP OF CHATHAM IS CONSISTENT WITH THE TOWNSHIP'S MASTER PLAN

WHEREAS, on February 24, 2026, at a duly noticed and constituted public meeting, the Township Committee of the Township of Chatham (the "Township Committee") introduced, on first reading, proposed Ordinance No. 2026-07 (the "Proposed Ordinance"), amending Chapter 30, Land Development Regulations, by adding the AHO (Affordable Housing Overlay Zone) option in the B-1 and PI-2 Zone Districts in partial compliance with the Township's affordable housing obligations and its Housing Element and Fair Share Plan; and

WHEREAS, after introduction, the Township Committee referred the Proposed Ordinance to the Planning Board of the Township of Chatham (the "Board") for Master Plan consistency review, pursuant to N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

WHEREAS, on March 2, 2026, at a duly noticed and constituted public meeting, the Board considered the testimony of the Board Planner and determined that the Proposed Ordinance is consistent with the Township's Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full;

Section 2. The Board hereby finds and determines that Ordinance No. 2026-07, which is attached hereto as **Exhibit A**, is consistent with the Township's Master Plan;

Section 3. The Recording Secretary of the Board shall forward a copy of this Resolution with the attached Ordinance to the Township Committee. This Resolution shall serve as the report to the governing body in accordance with N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and

Section 4. This Resolution shall take effect immediately.

Mrs. Foran moved to adopt Resolution PB-26-012. Mr. Kahn seconded the motion.

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

Minutes

Mrs. Foran moved to accept the minutes of the January 12, 2026 meeting. Mrs. Ewald seconded the motion which carried unanimously.

Discussion

Detached Garages & Detached Structures

Mrs. Foran asked that this topic be removed from upcoming agendas.

PSE&G/Farber Farm

Mrs. Carey provided an update on the Ferber Farm. She stated that she reviewed the approval resolution, and spoke with the applicant's attorney. The latest update is they are still before the BPU awaiting approval.

Broadcast of Planning Board Meetings

Mr. Shehady reported that the Township Committee received a request from a resident that Planning Board meetings be broadcast on television or YouTube. He recommended that if the Board wants to move forward with the suggestion, the Board Attorney should do a review for any considerations on how Board members and/or the public could participate during hearings, as they often involve presentation of exhibits.

Mrs. Carey noted there is a concern regarding the quasi-judicial nature of the Planning Board and having testimony presented through remote access.

Mr. Miller asked what would happen if a resident watching remotely comes to a meeting to participate live after a witness has already left. Mrs. Carey said that anyone who is really interested in an application should show up to the meeting rather than watching remotely. Mr. Miller suggested that time limits be considered.

Mrs. Foran said that the Board will further consider this after guidance has been provided.

Mr. Kahn asked about best practices seen in other municipalities. Mrs. Carey provided commentary on what she has seen done in other municipalities.

Mrs. Ewald noted that the Board usually separates public questions from public testimony.

Mr. Shehady said that the Township will need to see if the camera operator is available on the nights that the Planning Board meets, and also budget to pay her. He noted that a live feed is made available for other meetings on YouTube.

Mr. Miller asked if the Planning Board needs other approvals to broadcast meetings. Mr. Shehady said the Board can make the determination on their own.

Mr. Miller moved to adjourn at 8:24 PM. Mrs. Foran seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary