

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
JUNE 16, 2025**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:36 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 2025, and January 2026, 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 Mr. Sullivan, Mr. Kahn, Mr. Choi, Mr. Shehady, Mrs. Ewald, Mr. Nikolopoulos, Mrs. Stillinger, Mrs. Chang, and Mr. Miller.

Mrs. Foran was absent.

Also present were Attorney Matt Flynn in place of Board Attorney Steve Warner, Affordable Housing Attorney Jessica Almeida, Affordable Housing Planner Kendra Lelie, and Board Engineer John Ruschke.

**Selection of Secretary**

Mrs. Ewald nominated Nick Nikolopoulos for Secretary for 2025. Mr. Miller seconded the motion.

**Roll Call:** Mr. Sullivan, Aye; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Shehady, Aye; Mrs. Ewald, Aye; Mrs. Foran, Absent; Mr. Nikolopoulos, Aye; Mrs. Stillinger, Aye; Mrs. Chang, Aye; Mr. Miller, Aye.

**Public Hearing**

**4<sup>th</sup> Round Housing Element & Fair Share Plan**

Kendra Lelie, the Township's Affordable Housing Planner, was sworn in to give testimony. Mrs. Lelie provided her qualifications and was accepted as an expert witness.

Mrs. Lelie gave a presentation on the proposed Housing Element & Fair Share Plan which her office prepared. She provided an overview of those elements that go into a Fair Share Plan. Ms. Lelie also provided an overview of the Affordable Housing qualification requirements for Region 2. Mrs. Lelie further provided background on the Mount Laurel Doctrine. She also

addressed the Township's Affordable Housing obligation. A review of the Township's Third Round compliance was provided. The measures proposed to meet the Township's Fourth Round obligation were addressed. Mrs. Lelie explained how rehabilitation units work into the Affordable Housing obligation. Mrs. Almeida noted that the rehabilitation projects can be made to be anonymous to protect resident privacy. The Realistic Development Potential ("RDP") was addressed.

Mrs. Lelie presented the proposed units to be built at the Skate Park site to address the RDP. Mr. Miller asked about the relaxation of DEP regulations to develop that site. Mrs. Lelie said that the DEP does not relax regulations to allow for affordable housing development. Mr. Sullivan expressed concern about children playing in the DPW yard.

Mrs. Lelie addressed the unmet need and discussed a proposed overlay district to zone for the unmet need. The properties where the overlay zone is proposed are commercial properties on Shunpike Road. Mr. Miller expressed concern about creating an overlay zone near Green Village. Mrs. Lelie explained that an overlay to address unmet need must be in an area with a reasonable potential for redevelopment as per statute. Mr. Miller expressed his displeasure that some areas of the Township can redevelop their properties while Green Village does not have sewer service.

Mrs. Stillinger commented on the impact on parking availability if residential units are added to the current retail sites. Mr. Miller commented on overflow parking from current affordable housing.

Mr. Sullivan asked if there could be higher density in the overlay zone. Mrs. Lelie said that any builder would need a variance for that. Mrs. Almeida said as long as the Township remains compliant with an approved Fair Share Plan, the builders remedy lawsuit immunity would remain.

Mrs. Lelie said that the HEFSP protects public health and safety and promotes the general welfare. She also commented on how it conforms with the Fair Housing Act. Mrs. Lelie further commented on the next steps that need to be followed to remain in compliance.

Mr. Nikolopoulos asked what would happen if a commercial tenant wants to keep their lease. Mrs. Lelie said she is not familiar with the specific tenant agreements, but the landlord would probably have to buy them out of their lease. She also said that the overlay creates an opportunity rather than requiring development. Mr. Nikolopoulos also asked if any remaining unmet need would have to be addressed in the Fifth Round. Mrs. Lelie said that it is possible the Fifth Round methodology could address that. Mr. Shehady noted that the overlay zoning would not expire at the end of the round, and the opportunity would remain.

Mr. Kahn noted the uproar in the Third Round when the Municipal Building was identified as a site for Affordable Housing. He also said that the area near ShopRite was preferred for Affordable Housing as there are services nearby. Mr. Kahn further pointed out that if the Township does nothing, the Courts will gain control over the Township's zoning regarding Affordable Housing.

Mr. Sullivan commented on differences between ownership and rental units and asked if the Board can require that market rate units be owner occupied rather than rental units. Mrs. Lelie said that the Board cannot make that sort of requirement, however the density can be addressed. The Township's liability for funding cost shortfalls was discussed. Mrs. Lelie noted that there is less of a focus in the Fourth Round than there was in the Third Round.

Mr. Miller asked if the Township has the maximum amount of housing for special needs people that can be credited toward affordable housing. Mrs. Lelie said that there is not a limit on housing for those with special needs so long as the family unit requirements are met.

Mr. Sullivan opened the Public Hearing.

1. Michael Kelly, Mountain Avenue, was sworn in. He complimented the Board on the HEFSP. Mr. Kelly said he has been waiting for this discussion to happen and asked if the Board has addressed the plan prior to this meeting. Mrs. Lelie explained the process by which the Affordable Housing Committee drafted the plan. She also said that the topic was discussed at a Planning Board meeting in April. The timeframe for the Township Committee to endorse the plan was discussed. Mr. Kelly commented on the potential layout for the affordable housing to be built at the Skate Park site. He also commented on setbacks. Mr. Kelly asked if the mixed-use properties will have a requirement for a certain percentage of retail use. Mrs. Lelie said there would not be a required percentage. Mr. Kelly also asked about parking requirements. He also commented on the disbursement of high density development around the Township.
2. Stewart Carr, Crestwood Drive, was sworn in. Mr. Carr recommended that the affordable housing plans in neighboring communities be considered in the planning process. He also suggested that market to affordable conversion be considered. The amount of public input was discussed, and Mrs. Almeida addressed the compressed timeline. Mr. Carr asked if the Township Committee could have answered questions on this topic. Mr. Flynn said that nothing would have precluded the Township Committee from discussing this matter after the Planning Board had discussed it. Mr. Carr asked about the Environmental Commission's ability to respond to matters before the Planning Board. Mr. Flynn said that there is nothing precluding the Environmental Commission members from responding, however they may decline to do so. Mr. Carr asked if the Township will be locked into the plan, or if substitutions can be made. Mrs. Lelie said that what has been presented is the plan, and she said the plan would need to be amended to make substitutions. Mr. Carr asked when substitutions could be made. Mrs. Lelie said it would need to follow the Judgment of Compliance and Repose. She also said the plan cannot contain a menu of options. Mr. Carr asked about a Mercer County decision on June 11<sup>th</sup>. Mrs. Almeida said that there was a decision stating that there is not a requirement for Fair Share to sign off on plans. Mr. Carr requested that the Planning Board have their meetings televised. Mr. Shehady said that this meeting is being broadcast on Zoom. Mr. Sullivan offered his opinion that the Planning Board does not need every meeting to be televised.

Mr. Kahn asked how the Township could make changes to the HEFSP. Mrs. Lelie said that some tweaks can be made now so long as the substance is not changed. Mr. Miller asked if Planning Board action would be needed to make changes. Mrs. Lelie described the process for reviewing any ordinances adopted by the Township Committee.

3. Mark Lois, Gates Avenue, was sworn in. He asked about special rules for Affordable Housing. He also commented on Chatham Borough's plans to address Affordable Housing. Mr. Lois asked how the Township will limit the overlay to 10 units per acre when Cornerstone is over 20 units per acre. He further asked how the coefficient was calculated. Mrs. Lelie explained that the coefficient was based on how many units are needed. She further commented on the rationale for the density.

Mr. Choi addressed the Cornerstone development and pointed out that it was built according to the needs at the time. He said that the current plan is based on current needs, and the density of 10 units per acre is legitimate.

Mr. Miller asked about preservation of the gas stations.

Mrs. Ewald reminded the Board that during the Third Round, an overlay was created for Fairmount Commons, and that has not been redeveloped.

Mr. Nikolopoulos asked what happens if the Board does not approve the plan at this meeting.

4. Mr. Carr asked a series of hypothetical questions about affordable housing. Mrs. Lelie said that various options are possible, and hypothetical situations cannot be addressed at this time.
5. Mr. Kelly said that the Township does not want to drive ShopRite, Ace Hardware, and the two gas stations out of business. He said that raising the density higher would make that a greater danger.

Mr. Sullivan asked about potentially amending the plan at this meeting. Mrs. Almeida said that it would depend on the type of amendment that was made. Mrs. Almeida said that the RDP has to be on land that the Township already owns, and there are not many options available. Mr. Flynn said that switching property designations may be a substantive change which would require re-notice, and his recommendation is that the Board take action tonight. Mrs. Chang asked about the Board's ability to control design standards. Mrs. Lelie noted the planning aspects which the Board can control.

Mr. Nikolopoulos said he cannot support a plan that does not make sense to him, and he does not want to approve the best of a bad set of options. Mr. Kahn addressed the need to adopt a plan. Mr. Choi spoke in favor of the plan. Mrs. Stillinger said that changes might be hard to make, but they can be made if needed.

Mr. Sullivan lamented that a portion of the affordable housing cannot be prioritized for volunteers. He also expressed a hope that the Township will retain control over zoning.

Seeing no further public comment, Mr. Sullivan closed the Public Hearing.

Mrs. Ewald moved to adopt Resolution PB-25-12 to adopt the 4<sup>th</sup> Round Housing Element & Fair Share Plan. Mr. Kahn seconded the motion.

Mr. Miller said he is disillusioned with the process that was imposed upon the Township. He said that while he understands the need to preserve immunity from builders' remedy lawsuits, he cannot support the plan. He further expressed his gratitude for the work that went into developing the plan.

**Roll Call:** Mr. Sullivan, Nay; Mr. Kahn, Aye; Mr. Nikolopoulos, Nay; Mr. Choi, Aye; Mr. Shehady, Aye; Mrs. Ewald, Aye; Mrs. Foran, Absent; Mrs. Stillinger, Aye; Mrs. Chang, Aye; Mr. Miller, Nay.

Mr. Shehady acknowledged the work that Mrs. Lelie and Mrs. Almeida put into the plan.

Mr. Miller moved to adjourn at 11:13 PM. Mr. Shehady seconded the motion, which carried unanimously.

---

Gregory J. LaConte  
Planning Board Recording Secretary