

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JUNE 17, 2024**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:35 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 2024, and January, 2025 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. Neibert, Mr. Duemling, Mrs. Ewald, Mr. Choi and Mr. Miller.

Mr. Shehady, Mr. Nikolopoulos, Mr. Kahn, Mrs. Stillinger and Mrs. Foran were absent.

Approval of Minutes

Mrs. Ewald moved to approve the minutes of the May 20, 2024 meeting. Mr. Choi seconded the motion which carried unanimously with an abstention by Mr. Sullivan.

Resolution

Resolution: PB-24-010 – Application: PBA-22-009

Mr. Warner said that the resolution will be ready for next month's meeting or the meeting in August. He said the applicant's counsel reached out that they are not pushing for the resolution to be adopted as soon as possible.

Discussion

Potential Conditional Use Ordinance for Block 48.21, Lots 174 and 180

Mr. Banisch said that the subdivision of the Ferber Farm will bring forward an application for a change in use of the farm house. He said that he has suggested to the Board that they get ahead of the use variance application process by recommending a conditional use zoning ordinance so that the neighborhood and the property owner can know what the requirements will be. Mr. Banisch said that he hopes that such an ordinance could be in place by the time that the subdivision process is complete. He further said that a site plan will be needed for the conditional use, which will include submission of a survey and a plan showing what will change.

Mr. Warner said that Mrs. Stillinger has recused from this discussion. He also said that the zoning change would affect the whole R-1 Zone. Mr. Warner further said that it is his understanding that there are not any Board members living within 200 feet of the subject property. He further noted the process for adoption of such an ordinance by the Governing Body, which would include a Master Plan Consistency Review by the Planning Board.

Mr. Warner said that if the Great Swamp Watershed Association had to go before the Zoning Board, they would be applying for a D variance.

Mr. Miller said that the neighbors have a right to know what sort of activity to anticipate when the use changes. He said that if the regulations are not spelled out in an ordinance, then both the Watershed and the residents are left in the dark as to what might be allowed. Mr. Miller also said that an ordinance helps better define for the future.

Mr. Banisch described the types of activities usually conducted by watershed associations. He also read the proposed conditions from the memorandum distributed at the last meeting.

Mr. Neibert asked about the overflow parking for events at the site. Mr. Banisch asked that Sally Rubin, the GSWA Executive Director, be invited to join the conversation at this time. Mrs. Rubin and Mr. Miller said that they anticipate a maximum of about 60 cars for events. Mrs. Rubin said that they would have a maximum of one school bus at a time, and she also described the area that is planned to be a parking area. Mrs. Rubin discussed fundraising events that are held by the GSWA, and said they are not huge events.

Mr. Sullivan asked about staffing levels and how often school programs would be held at the site. Mrs. Rubin said that there are 11 employees, and generally not all of them would be on site all the time except for when they have staff meetings. Mrs. Rubin also described the outdoor programs that the GSWA offers. She said that with their current facilities, programs have to be canceled when it rains, and the site in Green Village would offer a backup location for indoor programs to avoid rain cancellations. Events would usually be held in September, October, November, April, May and June. Sometimes camps bring kids in the summer, but not often. Mrs. Rubin also said that they require a minimum of one chaperone to every ten students.

Mr. Warner addressed the proposed conditions, and said that the condition regarding submission of a list of types of activities and anticipated attendance, it seems more like a special use permit requirement. Mr. Banisch agreed, but said that if the information is not presented when they get site plan approval, it would not be submitted at all. Mrs. Rubin asked what usually triggers a special use permit, and asked how it would be handled if they wanted to have a special event that would not be covered by the site plan approval. Mr. Warner said that would need to be handled carefully, because a violation of any of the conditions of the conditional use would require a D use variance. He also addressed the need for quantifiable standards. Mr. Warner asked about the split rail fence, and asked if the requirement might be just as warranted if the events were taking place outdoors. Mrs. Rubin said she would prefer to install the fence when the barn is renovated. Mr. Banisch said that having the fence as a condition of approval would help delineate the property line. The fencing was further discussed. Mrs. Rubin expressed concern about not wanting to have to put up a fence as soon as they close title on the property.

Mr. Neibert asked if there should be an overlay ordinance instead of a conditional use ordinance. Mr. Choi said that an overlay could have more specificity than a conditional use ordinance would allow, as the conditional use ordinance would need to be general enough to apply to all properties in the zone. Mr. Warner noted that an overlay zoning ordinance may eliminate the need for variance relief if the applicant adheres to the requirements of the overlay zoning ordinance. He noted that the need for a bulk variance would still keep the application before the Planning Board. Mr. Choi said that the overlay would standardize municipal processes, and would still require a board application if there is a deviation. Mr. Warner said that there are differences between a special use permit and a conditional use. He also said that conditional use ordinances generally apply more broadly.

Mrs. Rubin asked about the process if the GSWA wanted to expand their programs in the future. Mr. Banisch said that it would come to the Planning Board if the use is a permitted use and no conditions were violated.

Mr. Sullivan asked if any precedent would be set by the Board's actions. There was discussion on how to define a watershed association. Mr. Sullivan asked if the overlay zoning would be a better option than a conditional use. Mr. Banisch said that either option could be used to permit the use.

Mr. Banisch said that he and Mr. Warner can draft a proposed ordinance for the next meeting. Mr. Warner said that the closer the Board can come to a complete draft ordinance, the more helpful it will be to the Township Committee. Mr. Sullivan asked that the draft be ready for the August 5th meeting.

Mr. Neibert moved to adjourn at 8:58 PM. Mr. Miller seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary