

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JANUARY 8, 2024**

The Reorganization Meeting of the Planning Board was called to order 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 2022, and January, 2023 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.

Oaths of Office

Mrs. Ewald, Mr. Choi, Mr. Shehady, Mrs. Stillinger and Mrs. Foran were sworn in as members of the Planning Board collectively. The oath was administered by Mr. Flynn.

Roll Call

Answering present to the roll call were Mr. Sullivan, Mr. Duemling, Mrs. Ewald, Mr. Choi, Mr. Shehady, Mr. Nikolopoulos, Mr. Kahn, Mr. Neibert, Mrs. Stillinger and Mrs. Foran.

Mr. Miller was absent.

Also present was Attorney Matt Flynn in place of Board Attorney Steve Warner.

Selection of Chairperson

Mr. Flynn opened the floor for nominations for Chairperson for 2024.

Mr. Neibert nominated Kevin Sullivan to serve as Chairperson for 2024. Mr. Duemling seconded the nomination.

Roll Call: Mr. Sullivan, Recused; Mr. Duemling, Aye; Mr. Miller, Absent; Mrs. Ewald, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Aye; Mr. Neibert, Aye; Mrs. Stillinger, Aye; Mrs. Foran, Present.

Selection of Vice-Chairperson

Mr. Choi nominated Michael Neibert for Vice-Chairperson for 2024. Mr. Duemling seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Absent; Mrs. Ewald, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Aye; Mr. Neibert, Aye; Mrs. Stillinger, Present; Mrs. Foran, Present.

Selection of Secretary

Mr. Neibert nominated Matt Kahn to serve as Secretary for 2024. Mrs. Ewald seconded the nomination.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Absent; Mrs. Ewald, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Aye; Mr. Neibert, Aye; Mrs. Stillinger, Present; Mrs. Foran, Present.

Resolutions

RESOLUTION PB-24-001

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PLANNING BOARD LEGAL SERVICES WITH STEVEN K. WARNER, ESQ., OF SAVO, SCHALK, WARNER, GILLESPIE, O’GRODNICK & FISHER P.A. FOR THE YEAR 2024

WHEREAS an RFQ for Municipal Legal Services was issued on November 2, 2023;
and

WHEREAS, the Planning Board of the Township of Chatham has a need to acquire the legal services for the Chatham Township Planning Board as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, proposals were received and publicly opened on Tuesday, December 5, 2023 at 12:00 PM, prevailing time; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

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

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2024; and

NOW THEREFORE, BE IT RESOLVED that the Township of Chatham hereby appoints Steven Warner of SAVO, SCHALK, WARNER, GILLESPIE, O’GRODNICK & FISHER P.A as the Planning Board Attorney and authorizes the Mayor and Clerk to enter into a contract with SAVO, SCHALK, WARNER, GILLESPIE, O’GRODNICK & FISHER P.A. as described herein; and,

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

RESOLUTION PB-24-002

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PLANNING BOARD ENGINEERING SERVICES WITH JOHN K. RUSCHKE, P.E. OF MOTT MAC DONALD FOR THE YEAR 2024

WHEREAS an RFQ for Municipal Legal Services was issued on November 2, 2023;
and

WHEREAS, the Planning Board of the Township of Chatham has a need to acquire the engineering services for the Chatham Township Planning Board as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, proposals were received and publicly opened on Tuesday, December 5, 2023 at 12:00 PM, prevailing time; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year, and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2024; and

NOW THEREFORE, BE IT RESOLVED that the Township of Chatham hereby appoints, John K. Ruschke, of Mott MacDonald as the Planning Board Engineer and authorizes the Mayor and Clerk to enter into a contract with Mott MacDonald; as described herein; and,

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

RESOLUTION PB-24-003

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PLANNING BOARD PLANNING SERVICES WITH FRANK BANISCH OF BANISCH ASSOCIATES, INC. FOR THE YEAR 2024

WHEREAS an RFQ for Municipal Legal Services was issued on November 2, 2023;

and

WHEREAS, the Planning Board of the Township of Chatham has a need to acquire the planning services for the Chatham Township Planning Board as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, proposals were received and publicly opened on Tuesday, December 5, 2023 at 12:00 PM, prevailing time; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year, and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2024; and

NOW THEREFORE, BE IT RESOLVED that the Township of Chatham hereby appoints, Frank Banisch, P.P. of Banisch Associates, Inc; as the Planning Board Planner and authorizes the Mayor and Clerk to enter into a contract with the Banisch Associates, Inc., as described herein; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

RESOLUTION PB-24-004

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KALI P. TSIMBOUKIS AS MANAGER FOR THE PLANNING BOARD FOR THE YEAR 2024

WHEREAS, the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Kali P. Tsimboukis as Manager for 2024.

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

1. Kali P. Tsimboukis is hereby appointed as Manager for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for the term commencing one year.
2. The compensation to be paid to Kali P. Tsimboukis for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham;

3. This Resolution shall take effect upon adoption.
4. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

RESOLUTION PB-24-005

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J. LACONTE AS
TRANSCRIBING SECRETARY FOR THE PLANNING BOARD**

WHEREAS, the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Gregory J. LaConte as transcribing for 2024.

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

1. Gregory J. LaConte is hereby appointed as Transcribing Secretary for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing one year.
2. The compensation to be paid to Gregory J. LaConte for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham.
3. This Resolution shall take effect upon adoption.
4. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

RESOLUTION PB 24-006

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY
OF MORRIS, STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS AND FIXING
CHARGES FOR NOTICES OF PUBLIC MEETINGS FOR THE YEAR 2024**

WHEREAS, the "Open Public Meetings Act," N.J.S.A. 10:4-6, and following, requires that notification be given of meetings of public bodies as therein defined and in the manner therein set forth; and

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

1. The Chatham Courier and the Morris County Daily Record are hereby designated for the calendar year 2024 as the two newspapers to receive notice of meetings of the Planning Board as required by any and all sections of the Open Public Meetings Act, it is appearing that these newspapers are most likely to inform the local public of such meetings; and
2. The Chatham Courier and the Morris County Daily Record are hereby designated as the official newspapers of the Township in which to publish legal notices regarding matters and applications before the Planning Board; the Township Committee having previously designated the Chatham Courier and the Morris County Daily Record as the Official Newspapers of the Township; and
3. The public place for the posting of notices of meetings of the Planning Board for the calendar year 2024, and revisions thereof, shall be the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham, New Jersey; and
4. The sum of \$35.00 is hereby affixed as the fee to be paid by any person requesting that copies of any regular meeting schedule of the Planning Board for the calendar year 2024, and revisions thereof, and notices of Planning Board meetings during the calendar year 2024 not included in such schedule, or revisions thereof, be mailed to such persons as specified in N.J.S.A. 10:4-19,

provided, however, that no charge shall be made to any news media requesting the mailing of notices to its business office; and

5. This Resolution shall take effect upon adoption.
6. A certified copy of the Resolution shall be mailed by the Secretary of the Board to the Chatham Courier and the Morris County Daily Record, and a certified copy shall be filed with the Clerk of the Township of Chatham and the Secretary of the Planning Board.

RESOLUTION PB-24-007

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING A REGULAR MEETING
SCHEDULE FOR THE PLANNING BOARD DURING 2024 AND JANUARY 2025**

WHEREAS, The “Open Public Meeting Act,” N.J.S.A.10:4-6 and following requires that public bodies provide adequate notice of meetings.

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

During the calendar year 2024, and January 2025 public meetings (work meetings, regular meetings, and technical Coordinating Committee (TCC) meetings), will be held by the Planning Board at the Municipal Building, 58 Meyersville Road, Chatham Township, on the following dates and at the following times:

MEETING DATES 2024-2025

Meeting (1st Monday 7:30 pm)	Regular Meeting (3rd Monday 7:30pm)	TCC Meeting (2nd Thursday 9:00am)
2024 February 5	February 26	February 8
March 4	March 18	March 14
April 1	April 15	April 11
May 6	May 20	May 9
June 3	June 17	June 13
July 1	July 15	July 11
August 5	August 19	August 8
September 9	September 23	September 12
October 7	October 21	October 10
November 4	November 18	November 14
December 2	December 16	December 12
2025 January 6	January 27	January 9

Formal action may be taken at either of the Monday meetings listed above. During the calendar year 2024 and January 2025, additional public meetings will be held by the Planning Board for purposes of site inspections at 9:00 am prevailing time, starting at the Municipal Building, 58 Meyersville Road, Chatham, or such other locations as announced by the Board, on the following dates:

Site Visits

(1st Saturday 9:00 am)

2024	February 3
	March 2
	April 6
	May 4

June 1
July 6
August 3
September 7
October 5
November 3
December 7

2025

January 4

The Secretary of the Planning Board shall cause the Resolution to be published in both the Chatham Courier and the Morris County Daily Record, posted on the bulletin board in the main hallway of the Municipal Building 58 Meyersville Road, Chatham Township, New Jersey, and a copy filed with the Township Clerk.

RESOLUTION 2024-008

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING THE TOWNSHIP WEBSITE AS THE OFFICIAL ELECTRONIC MEDIUM FOR THE POSTING OF NOTICES OF THE TOWNSHIP

BE IT RESOLVED by the Planning Board of the Township of Chatham in the County of Morris, New Jersey, that the Township website, <https://chathamtownship-nj.gov/> is hereby designated as the official electronic medium for public notices and other official documents.

Mr. Duemling moved to adopt Resolutions PB-2024-001 through PB-2024-008. Mr. Neibert seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Absent; Mrs. Ewald, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Aye; Mr. Neibert, Aye; Mrs. Stillinger, Recused; Mrs. Foran, Present.

Minutes

Mr. Sullivan moved to approve the minutes of the November 20, 2023 meeting. Mr. Neibert seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Abstain; Mr. Miller, Absent; Mrs. Ewald, Aye; Mr. Shehady, Abstain; Mr. Choi, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Abstain; Mr. Neibert, Abstain; Mrs. Stillinger, Present; Mrs. Foran, Present.

Extension of Time to Record Subdivision Deeds for PSEG Approval Case # PBA 23-001

**RESOLUTION PB-2024-009
PUBLIC SERVICE ELECTRIC & GAS CO. ("PSE&G")
Block 48.21, Lots 174 & 180
533 Green Village Road, Green Village, New Jersey
Case No. PBA-23-001**

WHEREAS, PUBLIC SERVICE ELECTRIC & GAS CO. (the "Applicant") has made application to the Chatham Township Planning Board (the "Board"), for an extension of time, pursuant to

N.J.S.A. 40:55D-47(g), to perfect the subdivision deeds related its approved minor subdivision of properties within the R-1 (Residence) Zone, identified as Lots 174 and 180 within Block 48.21 on the Official Tax Map of the Township of Chatham, with Lot 174 being more commonly known as an unaddressed parcel along Green Village Road, and Lot 180 being more commonly known as 533 Green Village Road, both within Green Village, New Jersey (the "Property"); and

WHEREAS, the Applicant received approval from the Board for its minor subdivision application, with associated bulk variance, "planning" variance, and subdivision design waiver relief, on May 1, 2023, with same being memorialized by way of a Resolution of Approval adopted by the Board on June 12, 2023 (the "Approval"); and

WHEREAS, the Approval permitted the Applicant to subdivide the Property into three (3) resulting lots (the "Proposal"); and

WHEREAS, the Applicant's Proposal also concerned two (2) lots situated in the neighboring municipality of the Township of Harding, identified on the Official Tax Map of the Township of Harding as Lots 3 and 4 within Block 12.01, more commonly known, respectively, as 11 and 4 Meyersville Road, Green Village; and

WHEREAS, pursuant to N.J.S.A. 40:55D-47(d) and Section 30-61.2(d) of the Township of Chatham Land Development Ordinance (the "Ordinance"), the Applicant would have had until December 19, 2023 (190 days subsequent to the adoption of the Resolution of Approval) to have the minor subdivision deeds associated with the Approval (i) signed by the Board Chairperson and Board Manager, and (ii) filed with the recording officer of Morris County, Engineering Department of the Township of Chatham, and the Tax Assessor of the Township of Chatham; and

WHEREAS, pursuant to N.J.S.A. 40:55D-47(g), the Board shall extend the 190-day period for filing a minor subdivision plat or deed, as required by N.J.S.A. 40:55D-47(d) and Section 30-61.2(d) of the Ordinance, if a developer proves to the reasonable satisfaction of the Board that (i) the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (ii) the developer applied promptly for and diligently pursued the required approvals; and

WHEREAS, by letter dated December 15, 2023 and sent by the Applicant's Attorney, the Applicant requested an extension of time, pursuant to N.J.S.A. 40:55D-47(g), to perfect the subdivision deeds associated with Approval, and in such letter explained that (i) the Applicant sought and obtained approval for the Proposal from the Planning Board of the Township of Harding, with said approval being memorialized by way of resolution adopted by the Township of Harding Planning Board on July 24, 2023, and (ii) since obtaining approvals from both the Board and the Planning Board of the Township of Harding, the Applicant has diligently pursued, but encountered delays in, perfecting the subdivision deeds associated with the Approval; and

WHEREAS, the Board, by a vote of 7 to 0, finds that the Applicant has demonstrated, to the reasonable satisfaction of the Board, that good cause and sufficient reason exists, as required by N.J.S.A. 40:55D-47(g), for the grant of an extension of time to file the subdivision deeds pertaining to the Approval, since the Applicant was barred or prevented, directly or indirectly, from proceeding with the project because of delays beyond the control of the Applicant, and the Applicant applied promptly for and diligently pursued same approvals;

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Chatham, on this 8th day of January 2024, that the application of PUBLIC SERVICE ELECTRIC & GAS CO., for an extension of time to perfect the subdivision deeds pertaining to the Approval is heretofore granted, with said extension to expire on December 19, 2024, one (1) year subsequent to the expiration of the Approval, and with such extension to be subject to all of the same conditions as are set forth in the Board's Resolution of Approval adopted on June 12, 2023.

Mr. Flynn explained that the MLUL provided the applicant with 190 days to record the deeds, however approval from an adjacent municipality was also needed. He also said that the Planning

Board can grant an extension for the filing of the deeds provided that they can demonstrate that they have outside approvals that held up their ability to file the deeds on time.

Mr. Sullivan noted that the subject property is the Ferber Farm, which is accessed through Harding Township. As such, approvals were needed from the Harding Planning Board. Mr. Sullivan noted that approvals are still needed from the BPU.

Mr. Neibert moved to adopt Resolution PB-2024-009. Mr. Kahn seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Absent; Mrs. Ewald, Aye; Mr. Shehady, Abstain; Mr. Choi, Aye; Mr. Kahn, Aye; Mr. Nikolopoulos, Aye; Mr. Neibert, Aye; Mrs. Stillinger, Recused; Mrs. Foran, Present.

Other Business

Mr. Sullivan welcomed Mayor Ewald back to the Planning Board, and commented that it is important to have the Mayor serve on the Board.

Mr. Sullivan congratulated and recognized Mr. Nikolopoulos for a recent life saving measure he took while serving in his capacity as a firefighter.

Mr. Sullivan said that the January 22nd meeting will probably be cancelled. He said that the Planning Board has been asked to conduct a concept review on a property on Mountainside Drive. This will likely be heard at the February 5th meeting.

Mr. Sullivan also said that there have been ongoing discussions about standalone garages, and more have been built recently. He asked that new Board members send any thoughts they have on the topic to Mr. Banisch. Mr. Sullivan said that the Board is attempting to formalize an opinion to be presented to the Township Committee if any ordinance updates should be made.

Mr. Sullivan further stated that Hillside Avenue has been an ongoing discussion topic. He said the Board has discussed whether a cul-de-sac should be built at the municipal boundary, and noted recent affordable housing developments on the Borough side of the municipal boundary.

Mr. Kahn moved to adjourn at 7:50 PM. Mr. Duemling seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary