

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JANUARY 10, 2022**

Ms. Wolfe called the Reorganization Meeting of the Planning Board to order at 7:32 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 2021, and January, 2022 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

Ms. Wolfe administered the oaths of office.

Answering present to the roll call were Mrs. Felice, Mrs. Ozdemir, Mr. Kahn, Mr. Choi, Mr. Hamilton, Mr. Sullivan, Mr. Miller, Mr. Neibert and Mr. Duemling.

Mr. Hoffmann, was absent.

Also present were Township Planner Frank Banisch, Board Engineer John Ruschke and Attorney Amanda Wolfe filling in for Board Attorney Steve Warner.

Selection of Chairperson

Ms. Wolfe acted as temporary chairman during the process of Selection of Chairperson.

Mr. Miller nominated Kevin Sullivan to serve as Chairperson of the Planning Board for the year 2022. Mrs. Felice seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Abstain; Mr. Choi, Abstain; Mr. Hamilton, Aye; Mr. Sullivan, Abstain; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

Selection of Vice-Chairperson

Mr. Sullivan nominated Michael Choi to serve as Vice- Chairperson of the Planning Board for 2021. Mr. Duemling seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Abstain; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

Selection of Secretary

Mr. Hamilton nominated Deniz Ozdemir to serve as the Planning Board Secretary. Mrs. Felice seconded the nomination.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Abstain; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

Resolutions

Mr. Sullivan asked if the resolutions can be acted on collectively through one motion. Ms. Wolfe stated she prefers that resolutions be acted upon individually.

RESOLUTION PB-22-001 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PLANNING BOARD LEGAL SERVICES WITH STEVEN K. WARNER, ESQ., OF VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C FOR A 90 DAY PERIOD

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 non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 initial appointment shall be for a period of 90 days, which period the Board may extend, by resolution, through December 31, 2022, at any time prior to the expiration of said 90 day period without the need for Requests for Qualifications or Requests for Proposals; and

WHEREAS, VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. 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 VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. 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 year 2022; and

NOW THEREFORE, BE IT RESOLVED that subject to the Planning Board's review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of

the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; 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.

Mr. Miller moved to adopt Resolution PB-2022-001. Mrs. Felice seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

RESOLUTION PB-22-002

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PLANNING BOARD ENGINEERING SERVICES WITH JOHN K. RUSCHKE, P.E. OF MOTT MAC DONALD FOR 90 DAY PERIOD

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 non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 initial appointment shall be for a period of 90 days, which period the Board may extend, by resolution, through December 31, 2022, at any time prior to the expiration of said 90 day period without the need for Requests for Qualifications or Requests for Proposals; and

WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald 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 Mott MacDonald 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 year 2022; and

NOW THEREFORE, BE IT RESOLVED that subject to the Planning Board's review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with John K. Ruschke, with Mott MacDonald as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; 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.

Mr. Hamilton moved to adopt Resolution PB-2021-002. Mrs. Ozdemir seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

RESOLUTION PB-22-003
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PLANNING BOARD PLANNING SERVICES WITH FRANK
BANISCH OF BANISCH ASSOCIATES, INC. FOR 90 DAY PERIOD

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 non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 initial appointment shall be for a period of 90 days, which period the Board may extend, by resolution, through December 31, 2022, at any time prior to the expiration of said 90 day period without the need for Requests for Qualifications or Requests for Proposals; and

WHEREAS, Banisch Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Banisch Associates, Inc. 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 Banisch Associates, Inc. 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 year 2022; and

NOW THEREFORE, BE IT RESOLVED that, subject to the Planning Board's review and approval of the Contract for Professional Services, the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Frank Banisch, P.P., with the Banisch Associates, Inc., as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; 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.

Mr. Miller moved to adopt Resolution PB-2022-003. Mr. Kahn seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

RESOLUTION PB-22-004

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KALI TSIMBOUKIS
AS MANAGER FOR THE PLANNING BOARD**

WHEREAS, the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Kali Tsimboukis as Manager for the Board for the period commencing January 1, 2022 and ending December 31, 2022; 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. Kali Tsimboukis is hereby appointed as Manager for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for the period commencing January 1, 2022 and terminating December 31, 2022; and
2. The compensation to be paid to Kali Tsimboukis for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham; and
3. This Resolution shall take effect upon adoption; and
4. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Mr. Hamilton moved to adopt Resolution PB-2021-004. Mrs. Ozdemir seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

RESOLUTION PB-22-005

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J.
LACONTE AS RECORDING 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 Recording Secretary for the Board for the period commencing January 1, 2022 and ending December 31, 2021; 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. Gregory J. LaConte is hereby appointed as Recording Secretary for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing January 1, 2021 and terminating December 31, 2022; and

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. Services to be rendered and encompassed by said annual salary shall include attendance at work, regular and special meetings of the Board and submission of written minutes summarizing events occurring at each Board meeting; and
3. The amount of compensation for attendance at special meetings of the Board shall be in the amount as stipulated; and
4. This Resolution shall take effect upon adoption; and
5. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Mrs. Felice moved to adopt Resolution PB-2021-005. Mr. Miller seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

RESOLUTION PB-22-006
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 2022

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.

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 2022 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 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 2022, 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 2022, and revisions thereof, and notices of Planning Board meetings during the calendar year 2022 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.

Mr. Duemling moved to adopt Resolution PB-2021-006. Mr. Neibert seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

RESOLUTION PB-22-007

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 2022 AND JANUARY 2023

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:

1. During the calendar year 2022, and January 2023 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 2022 – 2023

	Meeting (1st Monday)	Regular Meeting (3rd Monday)	TCC Meeting (2nd Thursday)
2022	February 7	February 28	February 10
	March 7	March 21	March 10
	April 4	April 18	April 14
	May 2	May 16	May 12
	June 13	June 20	June 9
	July 11	July 25	July 14
	August 1	August 15	August 11
	September 12	September 26	September 15
	October 3	October 17	October 13
	November 14	November 21	November 10
	December 5	December 19	December 8

2023

January 16

January 30

January 12

2. Formal action may be taken at either of the Monday meetings listed above. During the calendar year 2022 and January 2023, 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 location as announced by the Board, on the following dates:

**Site Visits
(1st Saturday)**

2022

February 5

March 5

April 2

May 7

June 4

July 9

August 6

September 10

October 1

November 5

December 3

2023

January 7

3. 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.

Mr. Hamilton asked if there are any conflicts of the dates with Township Committee meetings. Mrs. Tsimboukis stated that the dates were reviewed with the Township Clerk. Mrs. Felice noted that the Township Committee meets on Tuesday, and the Planning Board meetings are scheduled for Mondays.

Mrs. Felice moved to adopt Resolution PB-2021-007. Mr. Miller seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

RESOLUTION PB-22-008

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF 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 Resolution PB-2021-008. Mr. Neibert seconded the motion.

Roll Call: Mrs. Felice, Aye; Mrs. Ozdemir, Aye; Mr. Hoffmann, Absent; Mr. Kahn, Aye; Mr. Choi, Aye; Mr. Hamilton, Aye; Mr. Sullivan, Aye; Mr. Miller, Aye; Mr. Neibert, Aye; Mr. Duemling, Aye.

Approval of Minutes

Ms. Wolfe stated that only Mrs. Ozdemir and Mr. Neibert are eligible to make the motion and second on the approval of the minutes of the December 6, 2021 meeting.

Mr. Neibert moved to approve the minutes of the December 6, 2021 meeting. Mrs. Ozdemir seconded the motion which carried unanimously.

Request for Adjournment

**PBA-21-003 (Received 5-7-2021) Created from Zoning Board App. ZBA-20--010
(September 23, 2020) Mark & Nicole Lois, 15 Gates Avenue, Block: 108 Lot: 30 Requesting
variance for subdividing one large lot into (2) smaller, nonconforming lots less than 10,000 sf**

Mr. Sullivan stated that the request for adjournment came from the applicant's counsel, and the adjournment will carry the hearing to the February 7, 2022 meeting. The applicant has consented to an extension to act through the month of February.

Rosemary Stone-Dougherty, the attorney for the applicant, confirmed that the applicant requests to carry the hearing to February 7th with no further notice. She also stated that she thinks the consent to extend the hearing was through February 15th, and the extension can be revisited at a later time if needed.

Other Business

Mr. Sullivan stated that work has been underway to make updates to the Master Plan. He also stated that the Planning Board will be addressing the Master Plan, and some elements of the Master Plan are in need of update. Mr. Sullivan asked Mr. Banisch to give an overview of the reexamination that has already happened in 2017 and what that means.

Mr. Banisch said that most important question seems to be which portions of the Master Plan are out of date and need to be updated. He stated that the benchmark of that is whether or not a reexamination report has been performed, and if the Master Plan has been reviewed to see if the issues it addresses are still relevant and if policies and regulations have changed. The presumption of validity of zoning regulations is based on the Master Plan, and the review procedure was performed in 2017. The Township's Master Plan is presumed valid until 2027. He also stated that changes need to be made to the Land Use Plan related to threats and vulnerabilities due to climate. Mr. Banisch stated that the whole Master Plan does not need to be reexamined.

Ms. Wolfe stated that Master Plan reexaminations are done in accordance with Section 89 of the Municipal Land Use Law, which is N.J.S.A. 40:55D-89.

Mr. Hamilton moved to adjourn at 8:05 PM. Mrs. Felice seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary