

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JANUARY 30, 2023**

Mr. Warner called the Reorganization Meeting of the Planning Board 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. Felice, Mr. Choi, Mr. Shehady and Mr. Neibert were sworn in as members of the Planning Board collectively. The oath was administered by Mr. Warner.

Roll Call

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

Mr. Nikolopoulos and Mr. Kahn were absent.

Also present were Board Attorney Steve Warner, Board Planner Frank Banisch and Board Engineer John Ruschke.

Selection of Chairperson

Mr. Warner opened the floor for nominations for Chairperson for 2023.

Mr. Neibert nominated Kevin Sullivan to serve as Chairperson for 2023. Mr. Miller seconded the nomination, which was approved unanimously.

Selection of Vice-Chairperson

Mr. Neibert nominated Brian Duemling for Vice-Chairperson for 2023. Mr. Miller seconded the motion which was approved unanimously.

Selection of Secretary

Mr. Sullivan nominated Dan Miller to serve as Secretary for 2023. Mr. Duemling seconded the nomination which was approved unanimously.

Resolutions

RESOLUTION PB-23-001

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 2023

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, 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 up to December 31, 2023; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2023; 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 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.

Mrs. Felice noted that the resolution for Mr. Warner's contract should be listed as a Fair & Open contract rather than Non-Fair and Open.

Mr. Miller moved to adopt Resolution PB-2023-001. Mrs. Felice seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Aye; Mrs. Felice, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Absent; Mr. Nikolopoulos, Absent; Mr. Neibert, Aye.

RESOLUTION PB-23-002

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 2023

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, 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 up to December 31, 2023.

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2023; 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 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. Duemling moved to adopt Resolution PB-2023-002. Mr. Miller seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Aye; Mrs. Felice, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Absent; Mr. Nikolopoulos, Absent; Mr. Neibert, Aye.

RESOLUTION PB-23-003
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PLANNING BOARD PLANNING SERVICES WITH FRANK BANISCH OF BANISCH
ASSOCIATES, INC. FOR THE YEAR 2023

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 anticipated term of this contract is up to December 31, 2023.

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 2023; 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-2023-003. Mr. Neibert seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Aye; Mrs. Felice, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Absent; Mr. Nikolopoulos, Absent; Mr. Neibert, Aye.

RESOLUTION PB-23-004

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

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 the Board for the period commencing January 1, 2023 and ending December 31, 2023.

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 January 1, 2023 and terminating December 31, 2023.
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-23-005

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, 2023 and ending December 31, 2023.

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, 2023 and terminating December 31, 2023; 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.
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 23-006

**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 2023**

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 2023 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 2023, 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 2023, and revisions thereof, and notices of Planning Board meetings during the calendar year 2023 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-23-007

**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 2023 AND JANUARY 2024**

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 2023, and January 2024 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 2023 – 2024

	Meeting (1st Monday 7:30 pm)	Regular Meeting (3rd Monday 7:30 pm)	TCC Meeting (2nd Thursday 9:00 am)
2023	February 6 March 6 April 3 May 1 June 5 July 10 August 7 September 11 October 2 November 6 December 4	February 27 March 20 April 17 May 15 June 19 July 24 August 21 September 25 October 16 November 20 December 18	February 9 March 9 April 14 May 11 June 8 July 13 August 10 September 14 October 12 November 9 December 7
2024	January 8	January 22	January 11

Formal action may be taken at either of the Monday meetings listed above. During the calendar year 2023 and January 2024, 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)

2023	February 4 March 4 April 1 May 6 June 3 July 8 August 5 September 9 October 7 November 4 December 2
2024	January 6

RESOLUTION 2023-008

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. Miller moved to adopt Resolutions PB-2023-004 through PB-2023-008. Mr. Neibert seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Aye; Mrs. Felice, Aye; Mr. Shehady, Aye; Mr. Choi, Aye; Mr. Kahn, Absent; Mr. Nikolopoulos, Absent; Mr. Neibert, Aye.

Minutes

Mr. Neibert moved to approve the minutes of the December 19, 2022 meeting. Mr. Miller seconded the motion which carried unanimously with abstentions by Mrs. Felice and Mr. Shehady.

Request for Extension of Time to Act

PB-22-004 Vesta Projects, LLC, 552 River Road, Block: 62 Lot: 60

Mr. Warner stated that a request has been received to carry the Vesta Projects application to the February 27th meeting, which will be at 7:30 PM in the Municipal Building. Re-notice is required.

Resolutions

PBA-22-008 Southern Boulevard Urban Renewal, LLC, 411 Southern Boulevard, Block: 48.16 Lot: 117.28

Mr. Warner stated that comments were received from the applicant's counsel shortly before the meeting. So that the Board can have time to review the resolution before adopting it, the matter will be placed on the next meeting agenda.

PBA-22-010 Chatham Emergency Squad, INC., 45 Spring Street, Block: 102.11 Lot: 2

Mr. Warner noted an amendment to the draft resolution.

Mr. Sullivan moved to adopt the resolution. Mr. Choi seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Duemling, Aye; Mr. Miller, Aye; Mrs. Felice, Abstain; Mr. Shehady, Abstain; Mr. Choi, Aye; Mr. Kahn, Absent; Mr. Nikolopoulos, Absent; Mr. Neibert, Aye.

Discussion

Stormwater Management Plan

Mr. Ruschke commented on State regulations that the Township has to comply with regarding stormwater management planning. An ordinance regulating major developments is required.

Master Plan elements are supposed to be updated every ten years, and Mr. Ruschke noted that there have been some recent updates to State regulations. As such, the Township's plan needs to be updated.

Mr. Ruschke noted that the focus of the plan would not be to consider infrastructure.

Mr. Warner said that a public hearing can be held at the next meeting. He also addressed the requirement for Master Plan reviews and the Township's compliance therewith.

Mr. Ruschke noted that the Township Committee has already adopted the requisite ordinances required by the State.

Mr. Choi said that some towns are adopted more robust standards to deal with runoff, and asked if that would be a worthwhile discussion for the Township. Mr. Ruschke discussed the high standards that the Township already requires. Mr. Choi noted that sometimes the stormwater infrastructure is too antiquated to handle heavy storms. Mr. Ruschke addressed the need to make some improvements to the system.

Mr. Ruschke addressed improvements to stormwater management that result from redevelopment. Mr. Miller noted that drywells work, and he also addressed the need for the Township to improve its own infrastructure. Mr. Shehady noted that standards change over time.

The Stormwater Plan will be further discussed at the next meeting on February 27th. A public hearing will be held so that the Plan can be adopted.

Mr. Miller warned against overregulating stormwater management.

Mr. Sullivan moved to adjourn at 9:00 PM. Mr. Choi seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary