

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
FEBRUARY 7, 2022**

Mr. Sullivan called the Regular 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.

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

Mr. Duemling was absent.

Also present was Board Attorney Steve Warner.

Approval of Minutes

Mrs. Felice moved to approve the minutes of the January 10, 2022 meeting. Mr. Miller seconded the motion which carried unanimously. Mr. Hoffmann abstained.

Resolutions

Mr. Sullivan stated that the Annual Notice resolution previously adopted had not made mention of the meetings being made publicly available through Zoom. Mr. Sullivan also asked the Board for opinions on having meetings go back to being in person starting with the March 7th meeting. Mr. Hoffmann suggested that a Zoom option be retained in case the COVID recommendations require additional space. Mr. Sullivan noted that either the Community Room or the Courtroom could be used initially so that there is enough space. Mr. Warner stated that pursuant to the DCA regulations the board can have remote meetings or hold the meetings in person, and an amended annual schedule under the OPMA would need to be sent to the newspapers in the event of any changes from remote meetings to in person meetings. Mr. Warner noted that new applicants would also need to be informed so that MLUL notices can have correct information.

Mr. LaConte noted that the Health Officer indicated that room occupancy restrictions are likely to be reduced soon, further facilitating in person meetings.

Mrs. Felice asked if Board members would be able to participate via Zoom on a case by case basis if one of them got sick. Mr. Warner stated that there has already been a provision in the MLUL for electronic participation by a Board member as long as they can fully participate in the proceedings. Mr. Sullivan said that meetings can be moved from in person to remote as long as

there is adequate OPMA and MLUL notice. Mr. LaConte stated that it is an easy process to have a Board member participate remotely.

Mr. Miller opined that having meetings be either all in person or all remote would be easier than a hybrid solution.

Mr. Hoffmann noted the number of public participants at this meeting, and speculated that hybrid solutions may be necessary at some point. Mr. Warner stated that the meeting rooms at the Municipal Building have always had occupancy limits under the Fire Code.

RESOLUTION PB-22-009

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. In order to comply with the Executive Orders signed by the Governor, and in an effort to follow best practices recommended by the CDC, the following meetings will be held virtually for all Board members, Board professionals, the Applicant, the Applicant’s professionals, interested parties and members of the public.

Meeting	Regular Meeting	TCC Meeting
(1st Monday 7:30 pm)	(3rd Monday 7:30pm)	(2nd Thursday 9:00am)
2022 February 7	February 28	February 10

Please click the link below to join the webinar: <https://us02web.zoom.us/j/81393937545>

Or One tap mobile : US: +13017158592,,81393937545# or +13126266799,,81393937545#

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or
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Webinar ID: 813 9393 7545

International numbers available: <https://us02web.zoom.us/j/81393937545>

For Phone Users, to Raise Hand during Public Hearing, press*9

Meeting documents are available during business hours, 9:00 AM – 2:00 PM, by contacting Board Manager Kali Tsimboulis – Ktsimboulis@Chathamtownship.org

Links to ALL the applicants’ documents and exhibits to be used during the meeting can be found at <https://chathamtownship-nj.gov/boa>

For the balance of 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 (1st Monday 7:30 pm)	Regular Meeting (3rd Monday 7:30pm)	TCC Meeting (2nd Thursday 9:00am)
2022	March 7 April 4 May 2 June 13 July 11 August 1 September 12 October 3 November 14 December 5	March 21 April 18 May 16 June 20 July 25 August 15 September 26 October 17 November 21 December 19	March 10 April 14 May 12 June 9 July 14 August 11 September 15 October 13 November 10 December 8
2023	January 16	January 30	January 12
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 locations as announced by the Board, on the following dates:			

**Site Visits
(1st Saturday 9:00 am)**

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

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. Miller moved to adopt Resolution PB-2021-009, as amended, to provide for in person meetings commencing with the March 7 meeting. Mrs. Felice seconded the motion.

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

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 announced that the hearing is being adjourned at the request of the applicants through their counsel, to the February 28th meeting. He also stated that the application has been heard via Zoom thus far, and the meeting on February 28th will continue to be by Zoom.

Mrs. Ozdemir asked why there is an adjournment. Mr. Sullivan stated that there have been questions about potential recusals, and the topic is under legal review.

Mr. Warner stated that the hearing is being continued to February 28th at 7:30 PM via Zoom without further notice, and the applicant's attorney will be asked to submit confirmation in writing that the applicant consents to extend the time for the Board to act to March 1st.

Mr. Sullivan stated that flexibility is also being given to allow new and absent Planning Board members to listen to recordings of prior meetings at which this application was heard.

Mrs. Felice asked if she could address a letter that was sent to the Planning Board about this application. Mr. Warner advised that the substance of the hearing should not be discussed at this time since the application has been adjourned to the next meeting. He also said that determinations need to be made as to who needs to recuse themselves and who does not, in the interim. Mr. Warner advised that potential recusals should not be discussed at this time.

Mr. Miller asked if anyone in the community has the right to serve as an elected official. Mr. Warner stated that they have to be 18 or older and live in the Township. Mr. Miller asked if anyone who lives in the Township can serve on the Planning Board. Mr. Warner advised that a Class II Planning Board member is not required to reside in the Township; however, the Class I, Class III and Class IV members would need to reside in the Township.

Mr. Sullivan said that potential recusals will be addressed prior to February 28th.

Mr. Sullivan said that the Chatham Family Apartments application will be moved to the March 7th Agenda. Mrs. Tsimboukis stated that the applicant will be informed that they can send out the appropriate notices.

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

Gregory J. LaConte
Planning Board Recording Secretary