

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
MARCH 17, 2014**

Mr. Thomas Franko called the Regular Meeting of the Planning Board to order at 7:31 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 2014 and January 2015 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. Franko, Mr. Hurring, Mrs. Swartz, Mrs. Abbott, Mrs. Chambers, Ms. Hagner, Mr. Travisano and Mr. Saluzzi. Mr. McCaffrey arrived a few minutes late. Mr. Brower and Mr. Ciccarone were absent.

Approval of Minutes

Mr. Hurring and Mrs. Abbott both noted typographical errors in the minutes of the January 27, 2014 meeting.

Mr. Travisano moved to approve the minutes as amended. Mr. Hurring seconded the motion, and it carried unanimously.

Hearing – Plan 14-9-1 Block 9, Lot 1: 88 Longview Ave Minor Subdivision

Mr. Schaffer, an attorney representing the applicant, said that this application is for a minor subdivision adjacent to a recently approved Highgate subdivision. The two additional lots from the minor subdivision would become part of the recent subdivision. Each lot would comply with the minimum lot size. The lot is currently developed, and there are not any wetlands issues on the site. The application does not have any deviation from the Township's steep slope ordinance, and it complies with impervious coverage standards, height requirements, setbacks and grading. The existing structure would be demolished to create two fully conforming lots.

Mr. Schaffer said that there are not any variances being requested, but the applicant is requesting some design exceptions. Mr. Franko asked Mr. Schaffer to explain the difference between a variance and a design exception. Mr. Schaffer said that design exceptions are not part of the zoning bulk requirements, and have a lower burden of proof. Mr. Robertson added that variances refer to zoning regulations, and design exceptions are waivers from other sections of the Township's land use regulations. Mr. Schaffer noted that although design exceptions do not require that neighbors within 200 feet be noticed of this hearing, his applicant sent out notice upon the recommendation of Mr. Robertson.

Robert Moshello, an engineer representing the applicant, was sworn in to give testimony. Mr. Moshello provided his qualifications, and was accepted as an expert. Mr. Moshello presented an

aerial view exhibit of the neighborhood. The property is located in the R-3 zone and borders Long Hill Township's conservation zone. Mr. Moshello commented on the improvements to be made to Mountainside Drive. He also submitted information on the slopes on the property and indicated that this application does not include any steep slope disturbance.

Mr. Moshello and Mr. Schaffer indicated that a design waiver granted in the previous subdivision for the roadway right-of-way on Longview Ave would no longer be needed if this application is approved, as the application would allow for compliance with the 50-foot right-of-way requirement. The Mountainside Drive right-of-way will also be expanded from 40 feet to 45 feet, bringing it closer into compliance.

Mr. Moshello also presented a mockup of the two lots each with model homes to demonstrate that the lots would be able to accommodate houses with minimal grading. The driveways would grade toward Longview Avenue. The lots can also accommodate side-entry garages. The final house designs would depend on what the buyer would want.

Mr. Moshello said that an analysis was also performed on the number of trees that would be removed, and they anticipate that 10 trees would be removed during construction. The number of trees remaining would still exceed those required by the Township's tree ordinance.

Mr. Hurring asked if a dark green area on the exhibit represented the steep slope area. Mr. Moshello said that it represents a wooded area. He also noted that this application includes planting of street trees along Longview Avenue on the proposed properties, which they were unable to do in the prior subdivision when they had no control over this property.

Mr. Moshello also presented an exhibit that showed a delineation of the proposed area of disturbance. He also addressed stormwater management measures and controls will be installed in accordance with Township regulations. Each lot will have a drywell to mitigate the runoff from impervious coverage, and there is ample room for each drywell. Mrs. Abbott asked if the lot proposed to be subdivided would have been used for drainage had it been available when the Highgate application was being made. Mr. Moshello said that the lot would have been subdivided as proposed in this application. He also said that the runoff from the rear of the homes will discharge through a drainage pipe into Mountainside Drive into the drainage system approved in the Highgate application. The overflow from the drywells will also drain into the basin approved in the Highgate subdivision. Mr. Ruschke noted that the applicant would need DEP approval as part of adding the properties to the sanitary sewer system.

Mr. Moshello described a retaining wall proposed to be installed along Mountainside Avenue. The retaining wall is modified from the wall approved in the Highgate subdivision. Mr. Hurring said that a memo from Mr. Banisch listed some of the soil at the site as highly erodible, and asked if it could be graded. Mr. Ruschke said that it could be graded to the slopes proposed. Mr. Banisch said that the more trees that remain on the property, the more the erosion would be avoided.

Mr. Moshello addressed bulk standards and lot coverage. He also said that steep slope variances are not being sought. The first design waiver being sought is for minimum lot depth on one of

the lots. The corner lot is irregularly shaped, and the lot depth can be calculated from two spots. When measured from Longview Drive, the lot depth would be compliant. Mr. Schaffer said that the houses would face toward Longview Avenue. However, a design waiver is requested for the lot depth as measured from Mountainside Drive. Mr. Robertson said that the lot depth is supposed to comply from both sides on a corner lot, and the waiver is being requested on the basis on the hardship created by the irregular shape of the lot.

The second design waiver relates to usable lot area. The requirement is for 7,000 ft² of unconstrained land for the building envelope. However, the lots as proposed would have 6,038 ft² and 5,930 ft² respectively. Mr. Moshello added that the development would occur on the flatter portion of the property which has already been disturbed. He also said that ample-sized homes can be built within those envelopes. The existing swimming pool will be removed, and one of the houses will be on that location.

Mrs. Chambers asked about the intent of the 7,000 ft² requirement. Engineer Ruschke said that usable lot area would be for not only a house and a driveway but also an established yard, and this application has less usable yard space.

Mr. Travisano asked about the conservation zone on the adjoining property in Long Hill Township. Mr. Moshello said that he has not read Long Hill Township's ordinance, but his interpretation is that the land is to be preserved as open space.

The final design waiver requested is from the requirement for a 50-foot right-of-way on Mountainside Drive, as they are only able to have a 45-foot right-of-way. He noted that the application would bring the Highgate subdivision into compliance with the 50-foot right-of-way requirement along Longview Ave.

The applicant applied to the Morris County Planning Board, and it issued a No Jurisdiction letter. Soil Erosion Sediment Control plan certification will be necessary and individual lot grading plans will be submitted.

Ms. Hagner asked if the applicant considered requesting a variance to move the houses closer to Longview Ave so as to have more of a backyard on the lots, and if that would affect the usable lot area. Mr. Moshello said that they did not request a variance in this application. Mr. Schaffer said that these lots would appeal to people who are more inclined to foliage in their backyard.

Mrs. Chambers asked if the Highgate subdivision showed the houses' locations and shapes. Mr. Moshello said that the Highgate plan had the conceptual shapes. Mrs. Chambers asked if the house locations as shown are where the actual houses will be located. Mr. Moshello said that what is shown is the size of what would be built.

Mr. Travisano asked about an Environmental Impact Study. Mr. Schaffer said that it would be the same impact as the Highgate subdivision. A letter has also been submitted that there are not any wetlands present on the site. Mrs. Chambers asked about soil borings. Mr. Moshello said that borings were not performed on this property, and they anticipate the same soils as on the rest of the Highgate subdivision.

Mrs. Abbott asked if the Board could see a layout of what trees would remain and what would be removed. Mr. Moshello said that a tree survey would be performed as part of the lot grading application. Mr. Ruschke said that the survey would only be for the area of disturbance.

Ms. Hagner asked if the Board had any choice but to approve an application that did not have any variances, and how the design waivers factor in. Mr. Robertson said that a design waiver requires a showing of some unusual condition that would justify relief of the subdivision standards. However, the applicant does not have to prove the negative criteria that are required for a variance.

Mr. Banisch suggested that a conservation easement in the rear of the subdivided properties would be appropriate, as future property owners might want to disturb the wooded area in the backyard.

At the request of Mr. Schaffer, the Planning Board took a 5-minute recess from 8:45 PM to 8:50 PM.

Mr. Schaffer said that his client is amenable to the Planning Board's suggestion for a variance to move the houses closer to the front yard setback. By moving the house up 20 feet, there would still be a 30-foot setback.

Mrs. Chambers suggested that some extra trees be left in the backyard to help further stabilize the slope.

Mr. Ruschke's review memo regarding this application was addressed by Mr. Moshello, and he said that the applicant will comply with Mr. Ruschke's comments.

Michael Tobia, a public planner representing the applicant, was sworn in to give limited testimony. Mr. Tobia provided his qualifications and was accepted as an expert.

Mr. Tobia addressed the front yard setback. He said that moving the house forward would allow for more usable backyard space. Mr. Tobia also indicated that it would not create front yard crowding due to the cul-de-sac bulb on Longview Avenue. Mr. Tobia also noted that the conservation area in Long Hill Township is zoned as publicly owned land, and will not be developed.

Mr. Moshello pointed out to the Board the limits of the area of disturbance. Mr. Tobia said that the applicant would use super silt fences during development. Mr. Ruschke said that the applicant has agreed to all of his comments, and he described the super silt fence.

A site visit for this application was scheduled for April 5th, and the hearing was carried to the April 7th meeting.

Mr. Hurring moved to authorize a draft resolution with the change to the front yard setback and to encompass the comments from Mr. Ruschke and Mr. Banisch. Ms. Hagner seconded the motion.

Roll Call: Mr. Franko, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mrs. Abbott, Aye; Mr. Brower, Absent; Mrs. Chambers, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Aye; Mr. Travisano, Aye; Mr. Saluzzi, Aye; Mr. McCaffrey, Aye.

Discussion

Circulation Plan Updates

Mr. Franko said that Mr. Banisch has recommended a service called Vertices for a Public Participatory GIS (PPGIS) system in which the public would be able to submit issues they feel need to be addressed in the Circulation Plan updates.

Mr. Banisch gave a presentation on the ideas discussed by the subcommittee. Several project areas were identified. Mr. Banisch also gave an overview of the uses of PPGIS. Mr. Franko asked if a contract is required for use of the PPGIS system. Mr. Banisch said that it is open software. He said that he would reach out to Vertices regarding Mr. Franko's concerns regarding intellectual properties. There was also discussion regarding any liability that the Township might face as problem areas are posted on the PPGIS. Mr. Robertson suggested that the Township Attorney review any legal concerns.

Other Business

Mr. Travisano said that he would like for the Planning Board to discuss the idea of adding the Natural Resources Inventory to the Master Plan at some future meeting.

Mrs. Chambers moved to adjourn at 9:59 PM. Mr. Travisano seconded the motion, and it carried unanimously.

Gregory J. LaConte
Planning Board Recoding Secretary