

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
APRIL 7, 2014**

Mr. Thomas Franko 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 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, Mr. Brower, Ms. Hagner and Mr. Travisano. Mrs. Abbott and Mrs. Chambers arrived a few minutes late. Mr. Ciccarone, Mr. McCaffrey and Mr. Saluzzi were absent.

Approval of Minutes

Mr. Travisano moved to approve the minutes of the March 17, 2014 meeting. Mr. Hurring seconded the motion, and it carried unanimously.

Mr. Franko read aloud the minutes of the April 5, 2014 site visit to 88 Longview Avenue. Mr. Hurring moved to approve the minutes of the April 5, 2014 site visit. Mr. Travisano seconded the motion. The motion carried unanimously, with abstentions from Ms. Hagner and Mr. Brower.

Hearings

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

Mr. Schaffer, an attorney representing the applicant, provided a recap of the previous hearing on this application.

Mr. Franko said that there is an extremely steep slope on the rear of the two proposed properties, and he would like to hear the applicant's viewpoint on the need for a conservation easement in that area. Mr. Schaffer said that the easement would be to protect against something that might happen in the future, and he does not believe the process should work that way. However, the applicant will be open-minded about having a conservation easement on the properties.

Mr. Banisch said that the slope is about as severe a slope as can be found in the Township, and he cited a section of the Township Code that when there is a question of the suitability of a lot or lots, the Planning Board may withhold approval such lots or may require conservation easements in environmentally sensitive areas. He added that presently the homeowner could do as it pleased in the area of the slope, ergo the encumbrance of a conservation easement as a condition of a approval of the subdivision may be a benefit of approving the application.

Ms. Hagner said that the steep slope on the property is steep enough that nobody would try to do anything in that area without first coming before the Planning Board or Board of Adjustment. Mr. Banisch said that if there is not language in the deed preventing activity in the steep slope area, it is possible that a future homeowner might go ahead and do something there only to learn later that said activity was regulated.

Mr. Schaffer reiterated a statement he made at the last Planning Board meeting that these lots will not be attractive to people who want their children to be able to play sports in the backyard. However, they will be suitable for people whose expectations are limited to the enjoyment of a deck or back patio.

Mr. Brower raised a concern about fire hazards that could be created as a consequence from a property owner's inability to maintain an easement.

Mrs. Chambers said that the trees on the slope are what is holding the slope in place. Mr. Banisch said that the property has highly erodible soils. Mrs. Abbott also spoke in favor of requiring a conservation easement.

Mr. Ruschke asked if any consideration had been given to the limits of a conservation easement, and made reference to contours shown on a map of the site when suggesting where the conservation easement should be located. There was also discussion of placement of fencing.

Mr. Shaffer said that the steep slope ordinance already protects the area in question, and questioned the need for a fence in addition to a conservation easement. Mrs. Chambers said that steep slopes are sometimes violated.

Mr. Franko opened the floor for the public to ask questions.

1. Dot Stillinger, 216 Noe Avenue, spoke on behalf of the Chatham Township Environmental Commission. She said that the Environmental Commission sent a memo to the Planning Board requesting a conservation easement on the proposed properties, and everyone on the Commission feels strongly that the easement should be placed. Mrs. Stillinger also cited some of the benefits that the conservation easement would offer.

Mr. Franko polled the members of the Planning Board to see how they felt about approving this application with the conservation easement as a condition.

Mr. Robertson reviewed with the Board a resolution that had been prepared in anticipation of the approval of this application, and he said it could be modified as necessary. Mr. Robertson said that the resolution, as amended, could be voted upon at this meeting, and that a revised version can be approved at the next meeting.

Mr. Brower moved to pass the resolution with the inclusion of provisions to require a conservation easement and fencing. Mr. Travisano seconded the motion.

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

Plan: 10-61-10. Bhee Properties, LLC, - 697 Fairmount Ave., Block 61, Lot 10. Request to withdraw the application without prejudice.

Mr. Franko said that Bhee Properties has requested to withdraw their application without prejudice. Mr. Robertson said that he felt it would be appropriate for the Board to pass a resolution approving the withdrawal of the application, and he read aloud the resolution.

Mrs. Chambers moved to pass the resolution to approve the withdrawal of the Bhee Properties application. Mr. Brower seconded the motion.

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

Discussion

Natural Resources Inventory

Mr. Franko said that the Natural Resources Inventory (NRI) is already posted on the Township website, and he has asked Mr. Robertson to comment on what steps need to be taken to add the NRI to the Master Plan. Mr. Robertson said that a hearing date would have to be set and properly noticed. The amendments to the Master Plan would have to be made available for public inspection at least 10 days prior to the public hearing. The Planning Board could then adopt a resolution to amend the Master Plan.

Mr. Travisano provided an overview on the NRI. He said that it offers another layer of information that could be helpful in the Master Plan. Mr. Banisch said that the Environmental Commission is charged by the state to prepare documents such as the NRI. He also said that there will not be the urgency to update this document as there would be with other sections of the Master Plan. Mr. Travisano added that this document was drafted by volunteers, and any updates could also be done by volunteers.

Mr. Franko noted that the Planning Board received a memo from the Environmental Commission asking that the NRI be added to the Master Plan.

Mrs. Stillinger said that the NRI was created digitally. She asked if there needed to be paper copies, or if electronic copies would suffice. Mr. Banisch said that a paper copy would need to be available for the public to review. The Township Clerk indicated that State regulations require that documents be available in a paper format. He said that he could print copies for distribution to surrounding towns.

Mrs. Stillinger said that corrections and updates to the NRI could easily be made.

Mrs. Chambers moved to begin the process to add the NRI to the Master Plan. Mr. Travisano seconded the motion.

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

Mrs. Abbott moved to adjourn at 9:27 PM. Mr. Brower seconded the motion, and it carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary