

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
AUGUST 4, 2014**

Mr. Thomas Franko called the Regular Meeting of the Planning Board to order at 7:35 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, Ms. Hagner, and Mr. Travisano. Mr. Brower, Mr. Ciccarone, Mr. McCaffrey and Mr. Saluzzi were absent.

Also present were Mr. Shaw and Mr. Banisch. Mr. Ruschke was represented by Larry Plevier, PE from Hatch Mott MacDonald.

Approval of Minutes

Mr. Travisano moved to approve the minutes of the June 16, 2014 meeting. Mr. Hurring seconded the motion, which passed unanimously with one abstention by Ms. Hagner.

Mr. Travisano moved to approve the minutes of the July 21, 2014 meeting. Mr. Hurring seconded the motion, which passed unanimously.

Hearing

**Plan: 14-37-12-14 Innovative Construction & Design, LLC, 51 Mountain Avenue, Block: 37
Lots: 12 & 14. (April 22, 2014) Minor Subdivision w/front yard setback variances.**

Mr. Brian Burns, an attorney representing the applicant, introduced Michael Lanzafama, a PE, land surveyor and planner, to give testimony. Mr. Lanzafama was sworn in, provided his qualifications, and was accepted as an expert.

Mr. Lanzafama presented a minor subdivision plat for the site, showing the limits of the property, where the new lot line would be placed and what the frontage of the lots would be. They also clearly outlined the buildable area. The two lots are located in the R3 zone, and would be consistent with the 25,000 square feet required in that zone after the lot line is adjusted. Mr. Lanzafama also addressed lot width at the street frontage on lot 14. Tree removal was also addressed. Mr. Lanzafama also said that the driveways would be located in such a way as to improve visibility for motorists.

In addition to the variance requested for lot frontage on lot 14, there are two design waivers requested. One is for the size of the building envelopes, as they are proposed to be under the 7,000 square foot requirement. The other design waiver is for the 5-foot easement for the roadway right-of-way. Mr. Franko asked for clarification as to the difference between an easement and a dedication. Mr. Lanzafama said that by using an easement, that portion of the lot could still count toward setback requirements. Stormwater management methods were further discussed, including the proposed installation of a super silt fence during construction.

Ms. Hagner asked about the possibility of separating the drywells as not to concentrate all the stormwater management in one area.

Mr. Hurring opined that if the soil testing shows substantial changes, the Board should be able to comment.

Mrs. Abbott commented on the character of Mountain Ave as a country road, and said that an effort should be made to keep it that way. She suggested that the Planning Board follow a suggestion made in a letter from the Environmental Commission that a conservation easement be placed on the property. Mr. Burns said that the area where the conservation easement would be placed is a 25% slope, and is therefore not developable and the presence of said easement would not impact the overall develop-ability of the property.

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

1. Mike Kelly, 67 Mountain Ave, commented on the character of the neighborhood, and asked the Planning Board to consider the needs of the neighborhood. Mr. Kelly also asked how the underground drainage system works. Mr. Lanzafama described how the drainage tanks work. Mr. Kelly expressed a concern that the amount of additional runoff will increase by 450%. He also said that the plan calls for the elimination of half of the trees on the property, and asked if the Planning Board could require tree replacement. Ms. Hagner noted that the plan as written conforms to the Township's tree ordinance. Mr. Banisch said that the application proposes permitted uses for the property.
2. Daniel Bernstein, representing the Kennedy family, said that the property was understood to be two lots, and taxes were paid for two lots. He also said that the Berkeley Heights land use boards rely on the opinions of their professionals.
3. Chris Kane, 764 River Road, said that he is concerned about the impact on drainage that this application would have. He asked what recourse he would have if the project was run according to code and his property experiences a negative impact. Mr. Shaw said that the municipality would be immune from liability, and there might be action that could be taken against the developer if a change in condition could be proven. Mr. Banisch said that if the professionals do their jobs well, then Mr. Kane should not see an increase in flooding, but he did also say that indeed there will be more volume of runoff. Mr. Plevier said that measures would be taken to control the rate of flow, and there is a high standard.

There being no additional public comment, Mr. Franko closed the Public Hearing.

Mr. Burns said that the concerns discussed are legitimate, and the applicant wants to play by the rules.

A poll was taken of the Planning Board members to see if the Board should vote on this matter at this meeting. Consensus was to move forward.

Mrs. Abbott moved to approve the application with conditions to be set forth in the Memorialization resolution. Mr. Hurring seconded the motion.

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

Executive Session

The Planning Board entered Executive Session at 9:35 PM to discuss candidates for the position of Planning Board Attorney.

The Planning Board returned from Executive Session at 9:50 PM.

Ms. Hagner moved to pass the resolution appointing Steve Warner as Planning Board Attorney. Mr. Hurring seconded the motion.

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

Ms. Hagner moved to adjourn at 9:51 PM. Mr. Travisano seconded the motion, and it carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary