

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
September 12, 2016**

Mr. Jack Hurring called the 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 2016 and January, 2017 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.

Roll Call

Answering present to the roll call were Mr. Hurring, Mrs. Swartz, Mr. Brower, Ms. Hagner, Mr. Travisano, Mr. Nelson and Mr. Murray. Mr. Franko, Mr. Ciccarone and Mr. Sullivan were absent.

Also present were Township Engineer John Ruschke, Township Planner Frank Banisch and Amanda C. Wolfe, Esq.

Approval of Minutes

Mr. Travisano moved to approve the minutes of the August 15, 2016 meeting as amended. Mr. Brower seconded the motion, and it carried unanimously.

Hearing

PLAN: 16-9-1 (March 21, 2016) LONGVIEW AT CHATHAM, LLC, LONGVIEW AVE, BLOCK 9, LOTS 1 & 1.01, BLOCK 32 LOT 2, BLOCK 33 LOTS 1, 1.01, 1.02, 14, 14.01, 17 & 20. Variance relief from certain conditions contained in June 4, 2012 Prior Planning Board Approval and Engineering conditions detailed in review dated January 29, 2016. Complete 4/8/16. Escrow #80012

Mr. Schaffer, representing the applicant, discussed where the application stands procedurally. He said that the typical procedure for a board application is for approval of an application to be voted upon at one meeting, and for the memorialization of a resolution to be voted upon at a subsequent meeting. Mr. Schaffer noted that the Municipal Land Use Law allows for an application and a resolution to be voted upon at the same meeting. He also said that the Board has had an opportunity to review the resolution prior to this meeting, and comments have also been provided by himself and Mr. Ruschke. Mr. Schaffer also said that the current draft is subject to some engineering details.

Mr. Schaffer said that the original subdivision was approved in 2012, and an additional lot was subdivided and incorporated into the project in 2014. Mr. Schaffer said that the current application is due to various mistakes which were made by the contractor.

Mr. Murray asked about a reference in the resolution to the applicant's escrow account, and asked if the account is deficient. Mr. LaConte said that he recalls Mr. Gunn making a payment for the escrow account. Mr. Gunn said that funds were deposited into the escrow account to cover recent bills from Mott MacDonald.

Mr. Murray also asked about conditions 17A and 17B in the resolution, and if the applicant will be able to meet the dates. Mr. Gunn said that he has a landscaper lined up to install the 51 soldier trees. The suppliers of the trees are L. Statile Landscape Designer in Springfield, NJ and Dobbs Nursery in Lebanon, NJ. Mr. Gunn also indicated that the trees will be planted by October 1st. Mr. Gunn also addressed the GeoWeb work to be performed on Mountainside Drive prior to October 15th. He said that materials will soon be ordered, and the materials should arrive in time for the work to be complete by October 15th.

Mr. Travisano asked what work has been performed on the site since the last Planning Board meeting. Mr. Gunn said that milling work will be performed on September 13th. The delivery of rub rail is expected, and should be installed next week. Since the last meeting, work has been done to coordinate various calculations required by Mr. Ruschke.

Mr. Schaffer noted that a foundation was permit was issued for lot 14.01, and the work would have continued if additional permits were issued. He also said that he is unsure what construction would have been advisable over the past three weeks. Mr. Ruschke said that additional building permits will not be issued until an amended developer's agreement is in place, and the amended agreement cannot be approved until the Planning Board takes action on the application. Mr. Schaffer said that the amended developer's agreement has been tentatively approved by the Township Attorney, pending the Planning Board's approval of the application. The Township Committee is anticipated to approve the amended agreement at a regular meeting on September 22nd.

Mr. Ruschke said that if the applicant does not follow the conditions of the proposed resolution, then the matter would come before the Planning Board again. He also indicated that the applicant has testified that he is getting prices on trees to be planted at the site, and yet he does not yet have an approved landscaping plan.

Mr. Banisch noted that in condition #9 of the resolution, there should be more specification of the size of the allowable machinery, as lawnmowers come in different sizes. He also stressed that the correction detention basin is more critical than the planting of trees. Mr. Hurring asked about Mr. Ruschke's monitoring of the work on the detention basin. Mr. Ruschke said that stop work orders can be issued if the applicant fails to comply with deadlines.

Mr. Travisano asked if there would be any harm to the public if the Planning Board were to tell the applicant to rebuild the detention basin to the originally approved specifications. Mr. Ruschke said that what currently needs to be done is substantial, and to meet the original specifications would involve more rock excavation. He also noted that the drainage system leading to the basin has already been installed. Mr. Schaffer added that there have not been any runoff issues from the detention basin. Mr. Travisano asked if it would be feasible to have the

detention basin reconstructed to original specifications within the current deadline. Mr. Ruschke said that it could be done. He also said that the sediment concern from the detention basin relates more to discharge into the Passaic River than into neighboring properties.

Mr. Brower said that he thinks the detention basin should be constructed as originally intended. Mr. Hurring said that the mitigation of the detention basin is adequate, even if it is not preferable.

The floor was opened to the public to make comments.
There being none, the floor was closed to the public.

Mrs. Swartz thanked Mr. Schaffer for his patience and pleasant demeanor during this application process.

Ms. Wolfe noted that some editorial changes may be made to the resolution. Mr. Travisano asked if the detention basin is being bifurcated. Ms. Wolfe said that the application as a whole is being considered.

Ms. Hagner moved to approve the application. Mr. Nelson seconded the motion.

Roll Call: Mr. Franko, Absent; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Aye; Mr. Sullivan, Absent; Mr. Travisano, Nay; Mr. Nelson, Aye; Mr. Murray, Aye.

Ms. Hagner moved to memorialize the resolution, pending any grammatical edits. Mr. Nelson seconded the motion.

Roll Call: Mr. Franko, Absent; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Aye; Mr. Sullivan, Absent; Mr. Travisano, Nay; Mr. Nelson, Aye; Mr. Murray, Aye.

Mr. Travisano asked that in the future, that the Board memorialize resolutions at a meeting following the approval of an application.

Mr. Nelson moved to adjourn at 8:24 PM. Mr. Hurring seconded the motion, and it carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary