

The March 21, 2005 semi-monthly meeting of the Township of Chatham Planning Board was called to order at approximately 7:30 p.m. by Chairman Joel Jacobson. The Open Public Meetings Act Statement was read into the record. The agenda for the evening included discussion of training seminars, storm water management regulations, The Darcy School, Parisi, Hickory Tree Shopping Center, Conservation Plan Element, Oak Knoll and Fairmount Country Club.

Swearing in of New Members

New members Diana Martinez and Daniel Miller were sworn in to serve on the Planning Board. Chairman Jacobson welcomed the new members.

Roll Call

Board members present included Mr. Jacobson, Mr. Browne, Mrs. Chambers, Mr. Cohn, Mr. Brower, Mr. Caprioglio, Mr. Hartford, Mr. McCutcheon, Mr. Miller and Ms. Martinez. Also present were Planning Board attorney Donald Malehorn, Planning Board planner Frank Banisch, Planning Board engineer John Ruschke and Township engineer, Michael Bennett.

Minutes

Mr. Brower requested a change on page 6 to reflect that he raised the issue of a payment by the Darcy School in lieu of real estate taxes.

Mr. Malehorn stated the minutes should state, “The Board directed Mr. Malehorn to prepare a resolution setting terms...” on page 6, line 3.

Mrs. Chambers moved to accept the minutes with these changes and Mr. Caprioglio seconded, with all in favor.

Lyons

Patrick Lyons was present to request the deed for the property located at 296 Lafayette Avenue that needed to be signed. Mr. Jacobson gave Mr. Lyons the deed and reserved a copy for Mrs. Tsimboukis, Planning Board Manager.

Training Seminars

Mr. Jacobson reported to the Board that Mr. Banisch and Mr. Ruschke volunteered to present a training seminar for Planning Board members. Mr. Banisch and Mr. Ruschke will email possible dates and content to Board members and Board members should provide feedback on topics of interest.

Municipal Storm Water Management Plan

Michael Bennett was present to discuss the storm water management plan. Mr. Bennett stated he had presented the new requirements the State has provided at a past meeting and reminded the members that the Board is required to adopt a municipal storm water management plan element of the Master Plan by April 1, 2005.

Mr. Jacobson asked Mr. Bennett if it would work to hold a public hearing for both the storm water management plan and the Conservation Element of the Master Plan; Mr. Bennett stated that was appropriate as long as the Conservation Element did not slow down the work on the storm water management plan, as there is a deadline in place.

Mr. Bennett continued to state the new requirements apply to the entire Township, however, the areas that would be most affected would include non-residential development outside the Great Swamp Watershed – predominantly the area between Long Hill and the Passaic River. Mr. Bennett distributed copies of the draft of the new plan for Board members to review. Mr. Bennett will email members bullets of highlights of his recommendations beyond the boilerplate/required data. Mr. Bennett summarized that this is required, it is not going to change much of what is being done on review of applications; where it does change it is an area that is zoned mostly residential so there will not be much change at all. There will be additional discussion at the April 4, 2005 meeting to consider approval of the document for a public hearing. There was discussion regarding the notice requirements and the possible dates for a public hearing, (either April 18, 2005 or May 2, 2005), will be determined at the April 4 meeting.

Mr. Brower expressed concern about the rush to complete this project; Mr. Bennett indicated extensions would not be given. Mr. Jacobson reminded Board members that the professionals have stated the issues for this plan were narrow and would potentially be straightforward to resolve. Mr. Jacobson asked the Board to review the document for the next meeting.

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Applications

The Darcy School

Chairman Jacobson notified the Board that this application is to be continued as there were a number of issues discussed at the last meeting and it was determined the professionals should have suitable time to review the new plans. Issues included the new drawings, a proposed conservation easement, fencing, a contribution in lieu of real estate taxes, offsite parking for special events, use of the pool and the need for possible Board of Health approval for the pool. Mr. Ruschke had submitted a memo dated March 21, 2005 to both the applicant and the Board with his comments. A site visit has been scheduled for April 2, 2005 at 9:00 a.m.

Parisi

Mr. Malehorn reviewed the memorializing resolution for an extension for the Parisi property. Following discussion, Mr. Brower moved to approve the resolution and Mr. McCutcheon seconded, with all in favor.

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Hickory Tree Shopping Center

Mr. Jacobson asked Mr. Ruschke to lead the completeness discussion with Hickory Tree Shopping Center. Mr. Ruschke had distributed a memo dated March 18, 2005 and had finished the completeness review and deemed the application incomplete. Mr. Ruschke stated there were issues regarding waivers that could be discussed for the Board's consideration; other issues he felt would be more appropriate discussing with the applicant so the application could be deemed complete. Mr. Ruschke recommended a waiver of the applicant posting a performance guarantee, with respect to declaring the application complete only. The guarantee would be needed for soil erosion and sediment control, which are matters of public interest. Mr. Ruschke stated a property survey was needed from the applicant. This being a pre-existing development with modifications to the parking area, Mr. Ruschke did recommend waivers for EIS, NRI and

constraint provision calculations. Regarding impervious coverage, Mr. Ruschke requested the applicant have the calculations re-done. If the coverage is increased, Mr. Ruschke will ask for recharge on site; applicant Mr. Davino indicated there was shale beneath the drive and would be difficult for recharge areas. Regarding the provision for topography within 200', Mr. Ruschke wants the features shown in the county rites of way.

Regarding Mr. Ruschke's memo, there was discussion about a number of the items:

Item #4: Mr. Ruschke explained that the lighting plan needs to show the lighting that exists.

There was discussion as to what type of lighting was to be used.

Item #21: Mr. Ruschke referred to the traffic patterns and stacking and asked the applicant to provide a traffic study; after discussion, it was determined that Mr. Ruschke should speak directly with former Planning Board engineer Marshall Frost for additional information about the placement of the driveway. Mr. Davino stated the county had approved this driveway although he feels the location is improper. Mr. Malehorn asked if there was a formal report from the county; Mr. Davino's attorney stated there was nothing in writing beyond a verbal acceptance.

Item #12: Mr. Davino stated he could not satisfy the 80% outflow level; Mr. Ruschke indicated he would adjust the figure to the DEP-acceptable 50% rate.

Item #16: Mr. Ruschke mentioned the loss of trees on Shunpike and asked the planner to consider this.

Item #35: Mr. Ruschke addressed the crosswalk on Southern Boulevard; Mr. Hartford interjected that he was interested in a crosswalk on the interior of the site, to which Mr. Davino agreed.

Item#24: Mr. Davino stated there was no soils report.

Item #32: Mr. Ruschke asked the applicant to recalculate the impervious coverage. Mr. Ruschke also stated an additional inlet may be required.

Mr. Jacobson outlined the process, which will include discussions amongst the professionals, the plans resubmitted, completeness determined and a hearing scheduled. A site walk is schedule for April 2, 2005 at 9:30 a.m.

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Conservation Plan Element

Mr. Banisch told the Board he recognized that they had just received the document and had not had time to review it. Mr. Bansich commented that the language from the Environmental Commission was retained unedited and underlined so the document could stand clearly for the Board. Mr. Banisch thought the recommendations were consistent with the longstanding goals of the Master Plan. Mr. Banisch did state some explaining would be required for some areas, like the part discussing scenic vistas. Mr. Banisch also mentioned the policy recommendations of neighboring Bernards Township might be considered and he would email those recommendations to the Board for consideration. Regarding the summary of conservation factors, Mr. Banisch stated he tried to synthesize a great deal of well-written information. Mr. Banisch recommended including version 2 New Jersey landscape mapping to the critical habitat discussion on page 8, or some other suitable location. The only other aspect added by Mr. Banisch was on page 14 and 15 and is original text he provided to end the document.

Mr. Jacobson expressed concern as to how some of the strategies would be implemented in the “real” world and the effect of the strategies. Mr. Caprioglio summarized that there were issues in the Conservation Element that could have real impact in the way ordinances were written or in the way the land use laws are interpreted and perhaps Mr. Ruschke could bring his

expertise to the discussion. Mr. Browne asked about the purpose of the characterization section of the document; Mr. Banisch stated it provided a base and from that decisions are made as to what important strategies and policies are needed to protect against the damage that would occur if limitations are not respected on the special features of the area. Mr. Banisch will provide a reader who did not read the details of the NRI with an understanding of the geologic history and the sensitivity of the area and the protection of the areas. The concept of overlay zoning was discussed.

It was determined that the Board should review the document and conduct a thorough discussion at the May 2, 2005 meeting. It was also determined that it was not necessary to maintain the Storm Water Management Plan and the Conservation Plan Element jointly. Mr. Banisch was asked to provide information on proportionality at the next discussion.

Member of the public, Dot Stillinger, made comments relative to the discussion.

Other Business

Oak Knoll

Mr. Brower brought up the subject of a letter sent from Mr. Ruschke placing restrictions on use of the Oak Knoll Fields; Mr. Ruschke stated the purpose of the letter sent from his office was to encourage them to move on outstanding issues that had a February deadline. Mr. Hartford stated direction was given to Mr. Ruschke at the last Committee meeting that supported his letter. Mr. Ruschke commented that the Oak Knoll special event would not be prevented, although the documentation must be submitted by Oak Knoll. Mr. Jacobson interjected that this was not the Planning Board's jurisdiction. Mr. McCutcheon pointed out that Oak Knoll also had a responsibility to its neighbors, regarding the water situation.

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Fairmount Country Club

Mr. Caprioglio asked about the lighting in the Fairmount Country club lot; Mr. Jacobson expressed doubt if it was a Planning Board matter. Mr. Ruschke stated if they were repairing the lighting, they are not required to return to the Planning Board. If new lighting is proposed, the site plan approval would have to be amended. Mr. Malehorn did not recall any indication of lighting changes during site plan review. Mr. Ruschke will follow up. There was also discussion about the removal of the trees that previously had screened the property. Mr. Ruschke stated landscaping was still an open issue.

There being no further business, the March 21, 2005 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary