

The June 7, 2004 regular semi-monthly meeting of the Township of Chatham Planning Board was called to order at 7:30 p.m. by Chairman Bill McCutcheon. The Open Public Meetings Act Statement was read into the record. The agenda included Hyde Watson, Peapack-Gladstone extension, Valle Estates, Rolling Hill at Candace and Hagner/Novick.

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Roll Call

Board members present included Mr. McCutcheon, Mr. Jacobson, Mr. Browne, Mr. Caprioglio, Mr. Cashman, Mr. Ciccarone, Mr. Cohn, Mrs. Chambers and Mrs. Fair. Board professionals present included Donald Malehorn, Esq., Planning Board attorney, Marshall Frost, Planning Board engineer, Michael Bennett, Township engineer and Donna Holmqvist, representative from Burgis Associates.

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Minutes

Mr. Ciccarone moved to approve the minutes from the April 19, 2004 meeting and Mrs. Chambers seconded, with all in favor.

Mr. Browne requested a change on page 4, line 8 of the minutes of May 3, 2004. Mr. Ciccarone moved to approve the amended minutes from May 3, 2004 and Mrs. Fair seconded, with all in favor.

Mr. Ciccarone moved to approve the minutes for the May 17, 2004 meeting and Mr. Caprioglio seconded, with all in favor.

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Hyde Watson

Representatives from Hyde Watson were present to request a TCC meeting. The Board agreed to a meeting on Tuesday, July 13, 2004 at 9:00 a.m.

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Peapack-Gladstone Bank

A letter requesting an extension to June 21, 2004 was received from the applicant. Mr. Cashman moved to grant the extension and Mrs. Chambers seconded, with all in favor.

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Valle Estates

Barry Osmun was present on behalf of the applicant with engineer Susan Berninger to request approval for a temporary sales trailer. Mr. Osmun stated the trailer would also be used by the construction manager. Ms. Berninger was sworn in and qualified and presented a sales trailer layout plan (revision date 4/29/04). Ms. Berninger stated the trailer would be located 200' into the site on Sterling Drive opposite the model building on Spruce Lane. There would be 10 paved parking spaces with the trailer and landscaping. The entire area would be fenced and lighting is proposed. The sales trailer will be eliminated when the model is completed. Ms. Berninger stated the plan had been submitted to Mr. Frost for review.

Mrs. Fair asked if Shunpike Road would be widened first; Mr. Caballero was called to answer and stated that Shunpike Road would be widened before the trailer. Mr. Osmun requested a permit also be included to use the model as a sales office. Mr. Frost confirmed that curbing and paving would go to station 3 + 50. Mr. Frost expressed concern over construction traffic and sales traffic.

Following additional discussion, Mr. Ciccarone moved to approve the request for the trailer subject to site plan approval and conditions including the improvements to Shunpike Road and Sterling

Drive be completed to the curbing and stabilized bases to station 3 + 50 and Mrs. Fair seconded, with all in favor.

Mr. Caballero also presented a status report of the application. Mr. Caballero stated that a complete set of final site plan drawings were submitted to the Board on May 27, 2004 with copies of the Operations and Maintenance Manual. Within the site plan, there were revised landscaping plans. Mr/Caballero testified a memo from Mr. Christenson (Frost Christenson) accepting the landscaping/infiltration plan had been received by the applicant on May 27, 2004. A meeting is scheduled for June 9, 2004 to review the landscaping plan. Mr. Caballero stated Mr. Bennett has reviewed the O&M manual and adjustments will be made. Mr. Caballero testified he understood the treatment works extension was to be finalized this week.

Regarding the Indiana Bat/clearing plan and the construction schedule, the applicant met with Fish and Wildlife on May 28, 2004. Mr. Caballero testified that a policy adjustment had been made regarding granting waivers pertaining to grading and additional surveys were requested and will be provided. Mr. Caballero testified the applicant would adhere to the guidelines and there would be no clearing until October 1. The engineers will discuss options for stabilization to prevent soil erosion and sediment control. Mr. Bennett cautioned on the need for careful planning. Mrs. Fair suggested a full time inspector be present during some phases of the construction of this project.

Chairman McCutcheon asked for questions from the public; there were none. After additional discussion, Mr. Cashman made a motion to grant final site plan approval subject to conditions outlined and Mr. Ciccarone seconded. At roll call, Mr. Browne, Mr. Cashman, Mr. Ciccarone, Mrs. Fair and Mr. McCutcheon voted "yes"; Mr. Jacobson, Mrs. Chambers, Mr. Cohn and Mr. Caprioglio voted "no". With five members in favor and four opposed, the Board directed Mr. Malehorn to draft a resolution of

approval with supplemental conditions to be forwarded by Mr. Frost and then the resolution could be finalized at the June 21, 2004 meeting.

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Rolling Hill at Candace

Mr. Schaeffer was present to make a request of the Board for 2700' sq. ft. to be graded from wooded to a lawn area on Lot 16 (within the proposed conservation easement) with a fence to provide demarcation of the 2700' line. Ms. Berninger was called to address the impact on the run off and water quality with this change; Ms. Berninger testified there was no calculable impact in her opinion. Mr. Caplan made comments relative to the discussion. Mr. Bennett stated his opinion was that the conservation should be contiguous and remain intact. After extensive discussion, the Board was polled and denied this request.

Mr. Malehorn asked about the connection to the storm water easement; Mr. Schaeffer stated his interpretation of the Land Use Law indicated that the Board needed to make that a condition of any approval and the legal action regarding the storm water easement was a separate matter. Mr. Malehorn did not agree with the interpretation of section 4055D-22. The Board expressed the concern that they remain neutral on the court case. Mr. Schaeffer was asked to submit the approval received from the county regarding the storm sewer. Mr. Frost reviewed changes he had to the conditions listed in the draft resolution and listed additional conditions. Mr. Bennett will submit additional conditions to Mr. Malehorn and had some minor changes to the O&M manual.

After discussion, Mr. Ciccarone moved to grant preliminary major subdivision approval with variances in accordance with conditions set forth in the draft resolution that are to be modified and Mrs. Fair seconded. All members present voted in favor of the approval, except for Mr. Jacobson and Mr. Caprioglio who voted "no".

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Hagner/Novick

Donald Daines, attorney for the applicant, was present with engineer Rusty Schommer and presented as Exhibit A12 the response letter (dated 6/7/04) to a letter from Mr. Frost. The memo outlined issues pertaining to variances, lot averaging, slope analysis, drainage, grading, septic, building location and the approval from Morris County (subject to the receipt of site distance lines and submittal of a drainage plan.) The Morris County approval letter suggested a pull off area on the driveway; the applicant showed Exhibit A13, a photo of the driveway, which showed a car parked with space for an additional car to pass.

Applicant Nicole Hagner was sworn in and made comments relative to the application.

The applicant's planner, Mr. Steck was sworn in and summarized his comments and highlighted C-1(hardship) and C-2 (public benefits outweigh detriments) arguments in defense of the application. Planner for the Board, Ms. Holmqvist directed questions to Mr. Steck regarding soils and variances.

Members of the public R. D. Thompson of 33 Huron Drive, Nancy Thompson of 33 Huron Drive and Robert Noelke of 37 Huron Drive were sworn in and made comments relative to the discussion. After discussion by the Board as to the pros and cons of the application, applicant James Novick was sworn in and stated a conservation easement on the steep slopes would be acceptable. Mr. Novick made comments relative to the discussion. There were additional comments from the Board regarding the alternate placement of the dwelling, the impervious coverage, the circular driveway and other concerns.

Mr. Ciccarone made a motion to accept the application with a conservation easement and subject to the conditions that develop and Mr. Cashman seconded. At roll call, Mr. Caprioglio, Mr. Cashman, Mr. Ciccarone and Mr. Cohn voted "yes" and Mr. McCutcheon, Mr. Jacobson, Mr. Browne and Mrs. Chambers voted "no", therefore ending the vote in a deadlock. After an attempt to resolve outstanding

issues to break the deadlock, it was decided that the Board would consider the vote a denial with reconsideration at the June 21, 2004 meeting (beginning at 7:00 p.m.) to provide the opportunity for absent Board members to review the transcripts and cast a vote. Mr. Daines offered copies of the transcripts to the absent Board members. Mr. Daines respectfully requested an extension through June 22, 2004. Mr. Cashman moved to grant the extension and Mr. Jacobson seconded, with all in favor.

There being no further business, the June 7, 2004 meeting of the Township of Chatham Planning Board was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary