

The September 22, regular semi-monthly meeting of the Township of Chatham Planning Board was called to order at approximately 7:30 p.m. by Chairman Bill McCutcheon. The Open Public Meetings Act Statement was read into the record. The agenda included SABE, Rolling Hill at Candace, Parisi/River Road, Bernardo, Sterling and the proposed site plan waiver procedure.

Roll Call

Those present were Mr. McCutcheon, Mrs. Twomey, Mr. Ciccarone, Mr. Cashman, Mrs. Chambers, Mrs. Hoag and Mr. Jacobson. Mr. Connelly, Mr. Caprioglio and Mrs. Fair were absent. Also present were Planning Board attorney Donald Malehorn and Planning Board engineer Marshall Frost.

Minutes

Mrs. Hoag moved to approve the minutes from the August 4, 2003 meeting and Mr. Cashman seconded, with all in favor.

Two changes were made to the September 8, 2003 minutes and included:

Page 6, paragraph 3, line 3 should conclude with, “ *...settle for larger houses.*”

Page 10, paragraph 1, last bullet item should include “*Mr. Caprioglio*”.

Mrs. Hoag moved to accept the September 8, 2003 minutes as amended and Mr. Cashman seconded, with all in favor.

Applications

SABE

A letter was received requesting a hearing after October 14, 2003. The Board agreed to move this applicant to October 20, 2003 and will notify the applicant that if they anticipate being heard on that date, documentation must be sent to the Board ten days prior to the hearing.

- - -

Rolling Hill at Candace

Mr. Schaeffer was present on behalf of the applicant for preliminary and final major subdivision. Mr. Schaeffer reviewed the status of the application and stated that storm water management was an integral part of the application and testimony had been presented at two previous hearings on the subject. Mr. Schaeffer stated a variance would be needed for the driveway on two lots because with the turnaround area the length exceeds the ordinance requirements. Two slope variances were also needed and testimony had been presented at past hearings – the ordinance states that no more than 500 square feet can be disturbed of a 25% or greater slope and the applicant’s plan proposes a disturbance of 1,065 square feet; on the 15-20% slopes the ordinance does not allow more than a 10% disturbance and the applicant proposes an 11.5% disturbance.

Mr. Schaeffer continued that the storm water management plan had been redesigned to accommodate the maximum permitted impervious coverage in response to comments from Mr. Frost. Mr. Schaeffer reported that in response to a request from the Board for a conservation easement in the rear of lots 16, 16.01 and 16.02 on Candace Lane, the applicant proposed a 20’ conservation easement. Township engineer Michael Bennett requested Ms. Berninger, engineer for the applicant, to analyze and confirm that the existing county system can accept the storm water from the subdivision; Mr. Schaeffer reported that the applicant had re-filed with the county and received approval from the county dated

September 17, 2003 and that Ms. Berninger will complete the requested analysis. Mr. Schaeffer stated that the storm water plan calls for the storm water to discharge into the Great Swamp through private property of the Fridas to the west. Mr. Schaeffer has drafted an easement, which has been forwarded to the property owner's attorney. Mr. Frost stated that the subdivision plan did not reflect the easements; Mr. Schaeffer stated there was a separate exhibit.

Mr. Schaeffer presented Marc Bricker, land surveyor, who was previously sworn in and qualified. Mr. Bricker referred to Sheet #4 of the plans (marked Exhibit A8 – a blowup of the grading plan), which showed the proposed easements for storm water management and swales needed to direct the water. The easement on Lot 16 has a distance of 75' and on Lot 16.01 the distance of the easement is 150'. On Lot 16, the easement consists of a proposed inlet, headwall and swale and the width of the easement is a minimum of 20'. Mr. Bricker reviewed the swales/inlets on the plan and Mr. McCutcheon asked about the clean out access of the system; Ms. Berninger, also previously sworn in, stated there was manhole access. Mrs. Hoag asked about a maintenance access easement; Ms. Berninger responded that the driveway on lot 16.02 provided access. Mr. Frost indicated there would need to be a contraction and maintenance access easement on that driveway. Mrs. Twomey asked about the physical markings for owners to understand the location of swales; Mr. Frost stated that all easements would have to be monumented. Mrs. Hoag and Mr. McCutcheon felt the conservation easement should be more than 20'. Mr. Schaeffer responded that the applicant did not want to restrict the purchasers' use of the property and felt that a 20' easement would restrict future subdivision, including combining the back lots with an adjacent lot on Meyersville Road which is currently for sale.

Mr. Bricker was asked to review the useable lot area. The ordinance requires a minimum useable lot area of 7,000 square feet. Mr. Bricker testified that the lot area analysis showed Lot 16 contains 15,320 sq. ft.; Lot 16.01 contains 17,769 sq. ft.; Lot 16.02 contains 16,249 sq. ft. and Lot 16.04

contains 7,125 sq. ft. Mr. Frost requested the applicant submit of map; Mr. Bricker agreed. Mrs. Twomey questioned the meaning of “contiguous” in accordance with the ordinance. Mr. Frost indicated that useable lot area should exclude easements. These matters will be considered in preparing the map the applicant will provide Mr. Frost.

Ms. Berninger then presented testimony using Exhibit A10 “Plan Rolling Hills” (dated 9/18/03), showing a rough version of the site layout with two sections drawn in: section A drawn through the underground storm water management system and section B which is drawn through the four proposed houses to show how they terrace down the hill. Exhibit A11 shows Section AA through the storm water management system in the backyards starting at the uphill property line, the first house on Lot 16. The existing grade was shown in a dashed line and the proposed grading shown in a solid line. The exhibit showed the retaining walls and the swales that channel the water to the underground system, which ranges from 2’ underground to 12’ underground to the top of the system.

Exhibit A12, (dated 9/22/03), Section BB, shows a profile all the way down through the houses. Starting to the left of the exhibit, Ms. Berninger indicated the grading, retaining walls, drops and swales for each lot. The retaining walls vary in height from 2-3’ approximately. Mr. Jacobson asked for the total drop of elevation; Ms. Berninger replied it was about 58’. Mrs. Twomey asked about the drop for the first three houses on Candace; Ms. Berninger replied it was about 38’.

Mr. Frost asked about the need for variances for some of the retaining walls because of their proximity and location to the property line. Mr. Caplan made some comments relative to the walls. Mr. Bricker testified there is only one wall that could fall on a neighbor’s property and that is the uppermost wall on Lot 16 and is 6’ from the property line and is 3’ in height. The wall on Lot 16.04 would require a variance as there is a 3’ maximum on the easterly side and it falls 4-1/2’ from the property line, but can be moved dependent on the design of the house. Mr. Frost stated a subdivision plot is needed and that it

needs to be made clear as to whether or not they are requesting a variance. Specifically, the updated plans should include any wall variances being requested, the conservation easement and all easement required to implement the storm water management plan, including the driveway. Mr. Schaeffer agreed to send updated plans and a useable lot area plan by September 29, 2003 and respectfully requested an extension to October 30, 2003 with a hearing on October 20, 2003. Mrs. Hoag moved to grant the extension and Mr. Cashman seconded, with all in favor.

- - -

Parisi/River Road

Barry Osmun, Esq. and Thomas Olenick, engineer, were present with the applicant for the minor subdivision on River Road, Block 63, Lot 9, which created two lots. Mr. Osmun reviewed the application history citing the Board had declined to take action at the June meeting as the applicant had not received approval from the DEP approval regarding the transition area waiver averaging plan. The approval has been received and was dated June 30, 2003.

Mr. Olenick testified to the location of the transition areas and the changes made to the plans (revision date 6/13/03). Mr. Olenick indicated the proposed conservation easement, which was shifted a bit as DEP did not require the original buffer zone. The adjustment of the easement provides for more buildable space. Mr. Frost requested a metes and bounds description on the map; Mr. Osmun agreed to satisfy the request. Mr. Agavino, who was previously sworn in, testified that a foundation could be placed no closer than 20' to the edge of transition area line or to the wetlands; in this case there is a swale that has no transition area and therefore a house may be placed up to 20' from the edge of that swale. Mrs. Twomey asked about the swale and buffer lines and where it was referenced in the DEP documentation; Mr. Osmun said the plans were submitted with a stamp of approval from the DEP. Mr.

Agavino stated the DEP made two or three trips to the site to make determinations. Mrs. Twomey clarified that the foundation would remain 35' from the transition areas; Mr. Agavino concurred.

Following additional discussion, Mr. Ciccarone moved to grant minor subdivision approval pending Mr. Frost's review of the map and his satisfaction and Mr. Jacobson seconded. At voice vote, all members present voted "yes", except for Mrs. Hoag, who abstained. After a favorable review of the elevation of the proposed structure and that of the flood hazard line, Mr. Ciccarone moved to grant a development permit and Mr. Jacobson seconded, with all in favor.

- - -

Bernardo

Mr. Osmun informed the Board that the applicant's engineer would review the plans to gain access over slopes via a switchback driveway. He also indicated that the neighbors were not prepared to combine their offers to purchase the property, and that, in any event, a combined effort was still below the asking price. Mr. Osmun will report back to the Board as developments occur.

- - -

Sterling

Mr. Osmun reported that the final permit outstanding from the DEP is for the dam itself; it has been reviewed and comments made to which the applicant has responded and receipt of the permit is anticipated within the next week. Mr. Osmun indicated that he believes the applicant will be ready for a hearing on the final site plan approval in November.

- - -

Proposed Site Plan Waiver Procedure

After lengthy discussion by all Board members, it was decided that Mr. Jacobson would compose a memo for the next work meeting. The Board will review the ordinance and determine the authority of the zoning officer and where the Planning Board needs to take over.

Other Business

Mr. McCutcheon stated there would be a TCC meeting on October 14, 2003 at 8:00 a.m. and that the Peapack-Gladstone Bank was on the agenda.

There being no further business, the Township of Chatham Planning Board Meeting of September 22, 2003 was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary