

MINUTES

The March 15, 2010 regular meeting of the Planning Board of the Township of Chatham was called to order at approximately 7:30 p.m. by Vice Chairperson Lydia Chambers. The Open Public Meetings Act Statement was read into the record. The agenda included discussion on the continuation on Majmudar, Rolling Knolls and the Land Use Element.

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Roll Call

Board members present included Mr. Brower, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Cohn, Ms. Hagner, Mr. Hurring, Mr. Sullivan and Mr. Furbish. Board professionals present included attorney Bill Robertson, engineer John Ruschke and planner Frank Banisch.

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Minutes

Mr. Brower moved to approve the minutes from the February 8, 2010 meeting and Mr. Caprioglio seconded, with all in favor.

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Master Plan

Mrs. Chambers made an inquiry about the status and timing of the Master Plan being put up on the website and will check with Mr. Ciccarone.

Discussions

Majmudar

Mrs. Chambers asked Mr. Robertson to report on the decision of the Planning Board regarding Majmudar.

Mr. Robertson gave a review of the case's history over the past 20 years. Following the detailed review, Mr. Robertson stated the Board made a determination not to enter into the proposed settlement and that the matter will proceed as it was in the Superior Court, with the litigation that was filed by the Applicant.

Mr. Robertson stated this was public memorialization of the status of the matter. Mrs. Chambers affirmed that that the Board determined not to enter into the proposed settlement and thanked the Board and community for their patience and work with the process.

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Rolling Knolls

Mr. Roberston stated this was not a public hearing for Rolling Knolls. Mr. Robertson said the matter was placed on the agenda to give the Board an update on the status of what is being proposed.

Mr. Robertson reminded the Board that a Resolution was passed by the Township Committee directing the Planning Board to consider a preliminary investigation to determine whether or not the Rolling Knolls property was an area in need of redevelopment.

Subsequent to that, Mr. Robertson continued that Mr. Banisch was authorized by the Board and Township Committee to prepare the preliminary investigation. Mr. Banisch completed a draft report for the Board.

Mr. Robertson stated a date would have to be established for the hearing that would be required. With the notice requirement, the earliest date that Rolling Knolls could be heard would be April 12, 2010.

Mr. Robertson said the local redevelopment and housing law is what sets forth the powers of the Planning Board, with respect to development of an area. The process starts with a referral from the Township Committee, which has happened.

The next step is the scheduling of the public hearing. Mr. Robertson stated that at the public hearing, the planner will present testimony and exhibits and interested parties will have the opportunity to ask questions of the planner or present their own comments or testimony.

At the completion of the public hearing, the Planning Board would then make a finding as to whether or not the property meets the statutory criteria to be identified as an area in need of redevelopment and that determination would be memorialized by a Resolution, which would then be referred back to the Township Committee.

The Township Committee would make the ultimate determination as to whether or not the area should be designated as a redevelopment area. If the Township Committee makes a determination to designate it as such, the Township Committee would then authorize the planner to prepare an actual redevelopment plan. That redevelopment plan would return to the Planning Board for comment and recommendation.

Mr. Robertson stated that it is a property that is designated as a Superfund site and there are potentially responsible parties that have been identified and the potential for litigation.

Mr. Robertson wanted to convey to the Board that during the hearing, there may be questions that come up that may lead to areas of potential litigation that Mr. Robertson may have to preclude.

Mrs. Chambers stated there was a site walk scheduled for the property on April 3, 2010 at 9:00 a.m. and confirmed Planning Board members would be available. Mr. Robertson will inform the Board members regarding protocol to go on-site.

Member of the public Susan Hoag asked if the public could attend; Mr. Robertson stated he would check on public access of the site walk. Mrs. Hoag and resident Margy Caposolatro asked about getting a copy of Mr. Banisch's report; Mrs. Chambers indicated that the final draft would be on file as of April 2, 2010.

Mr. Banisch and Mrs. Chambers suggested Board members should read Mr. Banisch's draft report prior to the site walk. The site walk will be structured by Mr. Banisch to show the Board what he thinks are the things that meet the criteria.

Mr. Browne asked if a finding provides public funding for redevelopment; Mr. Robertson said a finding does not obligate the Township to spend public funds, but also stated that the question is really for the Township attorney, Mr. Woodward, to answer.

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Land Use Plan Element

Mrs. Chambers asked if any Board members needed a copy of the Master Plan; Mr. Furbish and Mr. Sullivan requested copies.

Mr. Banisch gave a broad overview of the Land Use Plan Element. A draft was distributed to Board members.

Mr. Brower asked about the development of the ridgeline; Mr. Banisch indicated soils that erode in the area and would require special treatment in development.

Mr. Brower suggested comments be made to Mr. Banisch. The Board agreed to that and to discuss outstanding items at a Planning Board meeting. Then, the public hearing would be conducted.

Mrs. Chambers opened the meeting to public comment. Resident Abby Fair asked about the status of the EPA investigation of the Superfund site; Mrs. Chambers responded that several rounds of assessments have been done. Mrs. Chambers continued that the EPA was about to begin a pilot study, which studies a remedial solution.

Mrs. Fair asked how the Board could be determine what use is appropriate for the site if the Township does not know what the EPA is going to decide; Mr. Banisch stated the work being done by the Board now is to make a recommendation on whether or not the area is in need of rehabilitation.

Mrs. Hoag asked if members of the Environmental Commission could attend the site walk of Rolling Knolls; Mrs. Chambers said she would let Mrs. Stillinger know.

Mrs. Fair commented that through information from the USGS gauging station, she could report that the most recent storm represented the fourth 100-year-storm in 13 years. Mrs. Fair stated that this was ominous because of storm water issues. Mrs. Chambers asked if the requirements should be adjusted; Mr. Ruschke cited the Residential Site Improvement Standards. Mr. Brower outlined the impracticality of replacing existing smaller pipes with larger ones, which represents a big problem logistically and financially.

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There being no further business, the March 15, 2010 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary