

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JANUARY 9, 2012**

Mrs. Lydia Chambers called the Reorganization Meeting of the Planning Board to order at 7:32 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 2011 and January, 2012 was published in the Chatham Courier and the Morris County Daily Record, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

Answering present to the roll call were Mrs. Chambers, Mr. Browne, Mr. Cohn, Ms. Hagner, Mr. Caprioglio, Mr. Hurring, Mr. Ciccarone, Mr. Brower and Mr. Furbish. Mr. Sullivan and Mr. Franko were absent.

Selection of Chairperson

Mr. Caprioglio nominated Lydia Chambers to serve as the Chairperson of the Planning Board for the year 2012. Mr. Hurring seconded the nomination, and the motion carried unanimously with one abstention.

Selection of Vice-Chairperson

Mrs. Chambers nominated Jonathan Cohn to serve as Vice-Chair. Mr. Ciccarone seconded the nomination, and the motion carried unanimously.

Selection of Secretary

Mrs. Chambers nominated Jack Hurring to serve as the Planning Board Secretary. Mr. Ciccarone seconded the nomination, and the motion carried unanimously.

Resolutions

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PLANNING BOARD LEGAL SERVICES WITH WILLIAM P. ROBERTSON, ESQ. OF
MILLER, ROBERTSON AND RODGERS, P.C. FOR 2012**

WHEREAS, the Planning Board of the Township of Chatham has a need to acquire the legal services for the Chatham Township Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year, and

WHEREAS, Miller, Robertson and Rodgers has completed and submitted a Business Entity Disclosure Certification which certifies that Miller, Robertson and Rodgers has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the Miller, Robertson and Rodgers from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2012; and

NOW THEREFORE, BE IT RESOLVED that subject to the Planning Board's review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with William P. Robertson, Esq. with the Miller, Robertson and Rodgers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a "Professional Service" in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

Mr. Ciccarone moved to approve the resolution appointing William Robertson as Planning Board Attorney at a salary consistent with the written contract. Mr. Furbish seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PLANNING BOARD ENGINEERING SERVICES WITH JOHN K. RUSCHKE, P.E. OF HATCH MOTT MAC DONALD FOR 2012

WHEREAS, the Planning Board of the Township of Chatham has a need to acquire the engineering services for the Chatham Township Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Hatch Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Hatch Mott MacDonald has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the Hatch Mott MacDonald from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2012; and

NOW THEREFORE, BE IT RESOLVED that subject to the Planning Board's review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and

Clerk to enter into a contract with John K. Ruschke, with the Hatch Mott MacDonald as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a “Professional Service” in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

Mr. Ciccarone moved to approve the resolution appointing John Ruschke as Planning Board Engineer. Mr. Caprioglio seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PLANNING BOARD PLANNING SERVICES WITH FRANK
BANISCH, P.P OF BANISCH ASSOCIATES, INC. FOR 2012**

WHEREAS, the Planning Board of the Township of Chatham has a need to acquire the planning services for the Chatham Township Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Banisch Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Banisch Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Chatham in the previous one year, and that the contract will prohibit the Banisch Associates, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are or will be available upon adoption of the budget for year 2012; and

NOW THEREFORE, BE IT RESOLVED that subject to the Planning Board’s review and approval of the Contract for Professional Services the Township of Chatham authorizes the Mayor and Clerk to enter into a contract with Frank Banisch, P.P., with the Banisch Associates, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded without formal competitive bidding as a “Professional Service” in accordance with 40A: 11-5 (1) (a) of the Local Public Contracts Law because the services required are those of a recognized profession for which bid specifications are not appropriate or required; and

BE IT FURTHER RESOLVED that a copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Township of Chatham; and

BE IT FURTHER RESOLVED that a notice of this resolution shall be printed as provided by law in the Chatham Courier.

Mrs. Chambers asked about the meeting rate. Mr. Banisch clarified the modification of the billing rate.

Mr. Hurring moved to approve the resolution appointing Frank Banisch as Town Planner. Mr. Furbish seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING GREGORY J.
LACONTE AS RECORDING SECRETARY FOR THE PLANNING BOARD**

WHEREAS, the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Gregory J. LaConte as Recording Secretary for the Board for the period commencing January 1, 2012 and ending December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Gregory J. LaConte is hereby appointed as Recording Secretary for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing January 1, 2012 and terminating December 31, 2012.
2. The compensation to be paid to Gregory J. LaConte for services rendered to the Board shall be in accordance with the salary Ordinance of the Township of Chatham. Services to be rendered and encompassed by said annual salary shall include attendance at work, regular and special meetings of the Board and submission of written minutes summarizing events occurring at each Board meeting.
3. The amount of compensation for attendance at special meetings of the Board shall be in the amount as stipulated.
4. This Resolution shall take effect upon adoption.
5. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Ms. Hagner moved to approve the resolution appointing Gregory J. LaConte as recording secretary. Mr. Caprioglio seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS AND
FIXING CHARGES FOR NOTICES OF PUBLIC MEETINGS OF SAID PLANNING
BOARD DURING 2012**

WHEREAS, THE “Open Public Meetings Act,” R.S. 10:4-6 “and following, requires that notification be given of meetings of public bodies as therein defined and in the manner therein set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, as follow:

1. The Chatham Courier and the Morris County Daily Record are hereby designated for the calendar year 2012 as the two newspapers to receive notice of meetings of the Planning Board as required by any and all sections of the Open Public Meetings Act, it appearing that these newspapers are most likely to inform the local public of such meetings.
2. The Chatham Courier and the Morris County Daily Record are hereby designated as the official newspapers of the Township in which to publish legal notices regarding matters and applications before the Planning Board; the Township Committee having previously designated the Chatham Courier and the Morris County Daily Record as the Official Newspapers of the Township.
3. The public place for the posting of notices of meetings of the Planning Board for the calendar year 2012, and revisions thereof, shall be the bulletin board in the main hallway of the Municipal Building, 58 Meyersville Road, Chatham, New Jersey.
4. The sum of \$ 35.00 is hereby affixed as the fee to be paid by any person requesting that copies of any regular meeting schedule of the Planning board for the calendar year 2012, and revisions thereof, and notices of Planning Board meetings during the calendar year 2012 not included in such schedule, or revisions thereof, be mailed to such persons as specified in R.S. 10:4-19, provided, however, that no charge shall be made to any news media requesting the mailing of notices to its business office.
5. This Resolution shall take effect upon adoption.
6. A certified copy of the Resolution shall be mailed by the Secretary of the Board to the Chatham Courier and the Morris county Daily Record, and a certified copy shall be filed with the Clerk of the Township of Chatham and the Secretary of the Planning Board.

Ms. Hagner moved to approve the resolution appointing Kali Tsimboukis as Planning Board Manager. Mr. Brower seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING A REGULAR MEETING SCHEDULE FOR THE PLANNING BOARD DURING 2012 AND JANUARY 2013

WHEREAS, The “Open Public Meeting Act,” R.S.10:4-6 and following requires that public bodies provide adequate notice of meetings.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. During the calendar year 2012, and January 2013, public meetings (work meetings, regular meetings and Technical Coordinating Committee(TCC)meetings), will be held by the Planning Board at the Municipal Building, 58 Meyersville Road, Chatham, Township, on the following dates and at the following times:

	MEETING DATES 2012 – 2013	
WORK MEETING	REGULAR MEETING	TCC MEETING 2011

(1 st Monday, 7:30 p.m.)	(3 rd Monday, 7:30 p.m.)	(2 nd Thursday, 8:00)
February 6	February 27	February 9
March 5	March 19	March 8
April 9	April 23	April 12
May 7	May 21	May 10
June 4	June 18	June 14
July 2	July 16	July 12
August 6	August 20	August 9
September 10	September 24	September 13
October 1	October 15	October 11
November 5	November 19	November 8
December 3	December 17	December 13
2013 January 7	January 28	January 10

Formal action may be taken at either the work or regular meetings listed above. During the calendar year 2012 and January 2013, additional public meetings will be held by the Planning Board for purposes of site inspections at 9:00 a.m, prevailing time, starting at the Municipal Building, 58 Meyersville Road , Chatham, or such other location as announced by the Board, on the following dates:

SITE VISITS 9:00 A.M

First Saturday

- February 4
- March 3
- April 14
- May 5
- June 2
- July 7
- August 4
- September 8
- October 6
- November 3
- December 1

2013 January 5

The Secretary of the Planning Board shall cause the Resolution to be published in both the Chatham Courier and the Morris County Daily Record, posted on the bulletin board in the main hallway of the Municipal Building 58 Meyersville Road, Chatham Township, New Jersey, and a copy filed with the Township Clerk.

The Planning Board reviewed the proposed meeting schedule and made some changes.

Mr. Ciccarone moved to approve the resolution as amended. Mr. Browne seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, APPOINTING KALI P. TSIMBOUKIS AS MANAGER FOR THE PLANNING BOARD

WHEREAS, the Planning Board of the Township of Chatham, County of Morris ,State of New Jersey, desires to appoint Kali P. Tsimboukis as Manager for the Board for the period commencing January 1, 2012 and ending December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Kali P. Tsimboukis is hereby appointed as Manager for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing January 1 , 2012 and terminating December 31, 2012.

The compensation to be paid to Kali P. Tsimboukis for services rendered to the Board shall be in accordance with the salary Ordinance of the Township of Chatham..

This Resolution shall take effect upon adoption.

A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Mr. Hurring moved to pass the resolution designating official newspapers. Mr. Cohn seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

Approval of Minutes

Mr. Brower moved to approve the minutes of the December 19, 2011 meeting. Mr. Hurring seconded the motion, and it carried unanimously with two abstentions.

Hearings

PLAN:11-54-2.01&2.02 (December 9, 2011)EAST PARK BUILDERS, LLC, 37 & 31 MOUNTAINVIEW ROAD, BLOCK: 54 LOTS: 2.01 & 2.02. Amendment to its approved minor subdivision. (Continuation / Memorialization)Escrow#92651

Mr. Robertson reviewed with the Planning Board a draft resolution approving the East Park application. Mr. Brower raised some concerns about the second property in this subdivision. Mr. Ruschke suggested that the lots be bifurcated so that the applicant can proceed to get a certificate of occupancy on the first lot with the second lot to be dealt with later. Mr. Robertson suggested that formal action be taken at a future meeting when the applicant has his attorney present.

Mr. Browne moved to authorize a revised resolution to be presented at the next meeting. Mr. Brower seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Abstain; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

Discussion

Conditional Use Draft Ordinance

Mr. Ciccarone asked if the draft ordinance had been deemed consistent with the Master Plan, and Mrs. Chambers said that it has been so deemed. Mr. Ciccarone suggested that the term “holidays” be defined or clarified, since holidays are not always universal. Hours of operation on Sundays was also discussed, as well as the operation of irrigation pumps.

Regarding the provision regarding livestock and poultry, Mr. Ciccarone suggested that the prohibition be limited to commercial purposes since owners of properties having more than 5 acres can get a zoning permit to keep such animals for non-commercial purposes. Square footage of temporary structures was discussed, as well as setbacks. Mr. Brower suggested that a provision referencing fruit trees be changed to simply reference trees. Mr. Ciccarone further suggested that removing the reference to livestock would solve the issue of having it be a prohibited commercial activity.

Mrs. Chambers opened the meeting to the Public.

1. Dan Miller, 465 Green Village Road, asked about setback requirements and equipment storage. He also asked about mowing one’s lawn on holidays. Mr. Miller also presented an aerial map showing the distance of his property to those owned by residents who object to market gardens.
2. Margy Capecelatro, 30 Britten Road, suggested that when contiguous properties are pooled for an application, it should be a requirement that they be owned by the same owner. She also asked that a provision be added to prohibit stack housing. Mr. Ciccarone explained how housing code would come in to play on that matter. Ms. Capecelatro also asked about the provision regarding predators. She also raised a concern about a provision that references rules promulgated by the DEP and the New Jersey Agricultural Development Committee. Ms. Capecelatro further inquired about the number of properties that would be affected by this ordinance. The limitations regarding accessory structures were also discussed.
3. Jessica Lakin, 485 Green Village Road, asked about the notification of neighbors when an application is submitted. She also reiterated the request that farms on multiple contiguous lots should have a sole owner. Ms. Lakin also inquired if granting a conditional use for a property would allow for that use in perpetuity. There was a discussion about what sort of tree growing would be allowed. Ms. Lakin also asked about on-site composting and if manure could be brought in from outside sources.
4. Rich Templin, 480 Green Village Road, suggested that a provision be added to require applicants to certify that they would not seek Right to Farm Act protection. Mr. Robertson said that such a provision could not be added, because a Board cannot take away someone’s rights. Mr. Templin asked if the Planning Board is convinced that this ordinance would not allow the Right to Farm Act to be invoked. Mr. Ciccarone said that

he is not convinced that such protection could not be invoked. Mr. Templin also asked about the setbacks for farming activity, and suggested that tractors and equipment be required to be stored in a building, and added safety concerns regarding the operation of farm equipment. He also alleged that there are unauthorized activities occurring at 461 Green Village Road.

5. Dan Miller addressed Mr. Templin's safety concerns regarding the proximity of farming to property lines. He also said that it would be extremely difficult to meet the criteria for Right to Farm protection.

Seeing no further comment, Mrs. Chambers closed the Public Hearing.

Mrs. Chambers asked the Planning Board if they wanted to move forward with recommending that ordinance to the Township Committee. Some members of the Board were uncomfortable voting on the draft before the changes are made.

Mr. Browne moved to authorize modifications to be made to the draft, and for the draft to be reconsidered at a future Planning Board meeting. Mr. Brower seconded the motion.

Roll Call: Mrs. Chambers, Aye; Mr. Browne, Aye; Mr. Cohn, Aye; Ms. Hagner, Aye; Mr. Caprioglio, Aye; Mr. Hurring, Aye; Mr. Sullivan, Absent; Mr. Ciccarone, Aye; Mr. Brower, Aye; Mr. Furbish, Aye; Mr. Franko, Absent.

Mr. Ciccarone moved to adjourn at 10:37 PM. Mrs. Chambers seconded the motion, and it carried unanimously.

Gregory J. LaConte
Planning Board Recoding Secretary