

MINUTES

The February 4, 2008 meeting of the Planning Board of the Township of Chatham was called to order at approximately 7:30 p.m. by Chairperson Joel Jacobson. The Open Public Meetings Act Statement was read into the record. The agenda for the evening included the Majmudar Application.

Roll Call

Board members present included Mr. Jacobson, Mr. Brower, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Cohen, Mrs. Kenny and Mr. Hurring. Board professionals present included attorney, William Robertson, planner, Frank Banisch and engineer, John Ruschke.

Minutes

Mrs. Kenny made corrections to the January 7, 2008 minutes. Mr. Browne moved to approve the Minutes as amended and Mrs. Kenny seconded, with all in favor.

COAH

After discussion, Mr. Banisch stated he would put together a document with recommendations regarding COAH for the next Planning Board meeting on February 25, 2008.

Mr. Banisch and Mr. Robertson plan to review the impact of the revised rules with the Board. Following this presentation, a comment letter will be sent to COAH. The deadline for comments is March 20, 2008.

Mrs. Chambers brought up the issue of a developer's fee ordinance. Mr. Banisch and Mr. Robertson will draft an amended growth share ordinance for the February 25, 2008 meeting. Mr. Brower pointed out that two houses were close to completion; Mr. Robertson recommended collection from these properties and others like them, based on the existing ordinance. Mr. Robertson stated he would check on other properties in similar standing.

Peapack-Gladstone Bank

Board members expressed concern about lighting and icing at Peapack-Gladstone Bank. Mr. Rucshke will look into it.

Majmudar

Mr. Osmun was present on behalf of the Applicant. Mr. Robertson gave a summary of the history of the property. Mr. Osmun stated that the Applicant was seeking an amendment to a condition of the existing resolution limiting the size of the building footprint to 1,500 square feet. The current application seeks approval for a footprint of 2,649 sq. ft.

Mr. Jacobson asked Mr. Robertson to identify exactly what Mr. Osmun has to show from a legal standpoint. Mr. Robertson reviewed the history of prior Resolutions and Court Orders. Mr. Robertson stated that the legal issue regarding a modification of a condition involves whether there has occurred a significant change in the application itself or the conditions surrounding the property to warrant entertainment of the matter

again. Mr. Roberson suggested the Board focus on whether the application shows changed circumstances or other good cause.

Mr. Osmun concurred with Mr. Robertson's opinion. Mr. Osmun argued that if the condition doesn't offend any provision of the zoning ordinance and is unnecessarily burdensome to the Applicant, it may be reconsidered.

Mr. Jacobson stated this was different because the 2004 Resolution involved settlement of litigation. The Board was concerned about the size of a footprint of a house on this lot because it is a constrained lot. Mr. Jacobson continued that the Applicant must show that a new plan has some benefits that the old plan did not.

The Applicant's engineer, Michael Textores, introduced Exhibit A-3 (Preliminary Site Plan, last revised 10/26/07) to demonstrate a comparison between the approved building footprint, impervious coverage and steep slope disturbance and the proposed plans. Mr. Textores testified that in 2004, the area of disturbance was 15,807 sq. ft., and in the plans dated 10/26/07, the proposed area of disturbance is 15,846 sq. ft.

According to Mr. Textores, in the 0-15% range, there is a reduction in disturbance. In the 15-19.99% category, there is an increase in the disturbance. In the 20-25% category, there was a decrease in disturbance, and in the greater than 25% category there was also a reduction in the disturbance. Mr. Textores also testified that the proposed plans included a dry well to the west of the proposed dwelling to mitigate any increased storm water run-off. Mr. Textores stated that it would be possible to relocate the dry well behind the garage and reduce the area of disturbance or do a different type of system and put the dry well underneath the driveway, in an area that has already been

disturbed. No soil testing has been done behind the garage or under the driveway. There was additional discussion of soil testing, piping system and the sequence of construction.

Mr. Osmun asked Mr. Textores if he had compared the building footprint and impervious coverage. Mr. Textores testified that the building footprint on the 2004 plan is shown as 1,670 sq. ft., which was reduced to 1,500 sq. ft. by the Resolution. The 2007 plan calls for a footprint of 2,754; an increase in building footprint (based on the 1,500 sq. ft.) of 1,257 sq. ft. Regarding the impervious coverage, Mr. Textores testified that the 2004 plan shows coverage of 5,295 sq. ft. and the 2007 plan shows coverage of 5,940 sq. ft., or an increase of 645 sq. ft. and below the ordinance requirement. Mr. Brower pointed out, however, that represented an 84% +/- increase.

Mr. Jacobson referred to Mr. Ruschke's Memo of November 9, 2007. Mr. Jacobson asked if there were substantive issues. Mr. Ruschke noted his concern about capturing the 100-year-storm run-off and recommended the need for sequence of construction and performance bonds for soil erosion and recommended proactive periodic inspections. Mr. Jacobson asked if the Applicant were to satisfy all the requirements of the November 9, 2007 Memo, would that deal with all the engineering differences between the approval application and application being submitted. Mr. Ruschke stated it would be better with more control and more restrictions, although there were many details to work out.

Mrs. Chambers brought up the concerns of the Environmental Commission including the soil type's limited capability for holding storm water. Mr. Textores stated that the Applicant would have to conduct soil testing to determine the exact soil conditions. Mr. Ruschke noted that the 2004 storm water management plan required less

storm water detention than recommended by his November 9, 2007 Memo. After being sworn in, Mr. Ruschke also testified regarding the cost and timing of the soil testing recommended by his Memo. There was a discussion regarding whether the Applicant should be required to complete the soil testing and demonstrate successful water detention before proceeding with the application. A discussion ensued about the expense and detail of this kind of testing.

Members of the public were invited to ask questions of Mr. Textores. Bill Sullivan, 55 Mountain Avenue, Bernard Kennedy, Donald McNally, 62 Mountain Avenue, Paul Peyton, 67 Candace Lane, Joanne Kennedy, 51 Mountain Avenue, Jim DiTizio, 9 Mountain Avenue, and Joseph Kelly asked questions of the witness. The witnesses questioned Mr. Textores regarding the storm water run-off, dry wells and required road widening.

Mr. Osmun called architect Stephan Majewski who was sworn in and qualified. Mr. Majewski introduced Exhibit A4, which is the copy of the architectural rendering of the dwelling which was submitted with the application. A new set of plans dated December 26, 2007, Exhibit A5, was prepared following the last meeting.

Mr. Majewski stated he met with Mr. Banisch following the last meeting and made certain changes.

Mr. Majewski testified that he had revised the design to diminish mass, including the following: the addition of a hip-roofed structure; the sidewalls of the second floor were dropped; the garage was angled; modulated features were added to the back wall and increased in detail; earth and more plantings were added around the basement; the height of the garage was diminished; a portico was added to the front of the house; the

first floor was reduced by 146 sq. ft.; the size of the master bedroom was decreased; the size of the basement was decreased; and the dormers from the roof were removed. The total square footage of the house proposed would be 6,287 sq. ft., including basement.

Following a discussion of neighborhood character and the history of the application, Mr. Jacobson opened the meeting to members of the public to ask questions of Mr. Majewski. Mr. Peyton, Mr. Kennedy, Mrs. Kennedy and Mr. Michael Kelly asked questions. In particular, Mr. Majewski was questioned regarding the height of the building and given the steep slope from the building, the total height from grade at lower Mountain Avenue.

Mr. Majewski testified that the structure would be 33 feet in height from grade to the top of the roof and that there was a 28 foot difference in elevation from lower Mountain Avenue to the grade at the base of the house.

Following additional discussion, it was determined the hearing would be carried to February 25, 2008, with no further notice. Mr. Brower moved to grant an extension to February 25, 2008.

There being no further business, the February 4, 2008, meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary