

The April 13, 2009 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 meeting included discussion of the Master Plan and Devco Associates.

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Roll Call

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

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Discussion

Ordinances

Mr. Jacobson referred to documents that were forwarded to Board members regarding two ordinances: 2009-03 and 2009-04. Mr. Jacobson asked Ms. Hagner to update the Board. Ms. Hagner stated that Ordinance 2009-03 was repealing Appendix 4 of the application form. Ms. Hagner stated it would be posted to the website.

Regarding Ordinance 2009-04, Ms. Hagner stated it was regarding COAH and she would report back to the Planning Board at the next meeting.

Morris County Waste Water Management

Mr. Ruschke reported that there are several ordinances that the Township Committee will discuss that are required by the DEP as part of the approval of the waste water management plan. Ordinances refer to protection of the buffer area of a stream, steep

slopes and fertilizer. Mr. Ruschke will work with the Township Committee on these ordinances and will report back to the Planning Board.

NJ DEP

Mr. Jacobson stated a letter was received from the NJ DEP regarding the Green Acres Planning Incentive Program.

Mr. Jacobson stated the current Open Space Plan is dated 1999. Ms. Hagner stated her interpretation is that the NJ DEP wants the plan reviewed and provide assurance that it is accurate. Ms. Hagner suggested the Open Space Committee conduct that review.

Mr. Jacobson had requested Mr. Robertson review the Master Plan Elements to determine what needs to be completed.

Mr. Robertson stated that the 1999 Master Plan was the starting point. In 2005, there was a Re-examination of the Master Plan with a series of recommendations. Going through that, Mr. Robertson continued, the first recommendation was to update the Statement of Goals and Objectives and that was completed and is an appendix to the Re-examination report.

The next item was to update the Open Space Element and Walkway/Bikeway Plan. Mr. Robertson indicated the Walkway/Bikeway Plan is in draft form. Regarding the Open Space Element, the recommendation was to assess the progress of what had been done from the original Master Plan. Ms. Hagner stated it would be discussed at the next Open Space Committee meeting.

Mr. Robertson continued to the Circulation Plan. In looking back at the 1999 Master Plan, Mr. Robertson and Mr. Ruschke felt most of the recommendations are no longer realistic or feasible. Mr. Ruschke stated that the traffic counts that the recommendations

were based on were quite dated and he felt that it could wait until the next Re-examination report.

Regarding the Historic/Landmark Element, Mr. Jacobson said despite discussion, there was not a push for ordinances. Ms. Hagner stated the inventory list would need to be updated. Mr. Robertson will speak with Mr. Banisch about the inventory.

Mr. Jacobson suggested it made sense to look at the permitted uses of the business district. Mr. Robertson added it to the list for consideration.

Shared services initiatives is an ongoing discussion item, mostly for the Township Committee, according to Mr. Robertson.

The co-location for telecommunications towers and antennas has been raised a number of times at the Planning Board and the Township Committee; Mr. Jacobson stated the Board would take a look to see if anything needed to be done with that issue.

Mr. Jacobson concluded by saying that the Land Use Committee, comprised of Mr. Jacobson, Mrs. Chambers, Mr. Robertson and Mr. Banisch, is scheduled to meet in early May. Mr. Jacobson stated that the Bikeway and Land Use Plan Elements and review of the Open Space Plan were the outstanding areas.

Sustainable Jersey

Mrs. Chambers addressed the Board about Chatham Township working towards certification as a sustainable town. This would help save money and make the town a better place. Mrs. Chambers stated that Angela Clerico, an associate of Mr. Banisch brought this to Mrs. Chambers' attention. A certified town can apply for grant money through Wal-Mart.

After discussion, it was agreed that Mr. Caprioglio will coordinate with Mr. Banisch's office and work with the Environmental Commission. Mr. Caprioglio will report back on May 4, 2009.

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Applications

Devco Associates

Mr. Robertson provided background on the Devco Application and developed a draft Resolution. Mr. Ruschke did a site inspection and prepared a memo to the Applicant with recommendations.

Mr. Robertson stated that Mr. Devlin was the contract purchaser of the property located at 7 Sycamore and that the developer/builder went bankrupt when the house was 50% built.

Mr. Devlin's testimony was that when he acquired the property, there was a lot of soil, fill and rocks on the lot and hundreds of truckloads of soil and rocks were removed from the property. There was also soil that was pushed back into an area that was designated as a conservation area. Ultimately, the grading situation that exists now was somewhat different than what was approved in 2001. Steep slopes were created on the property, which were not there previously.

Mr. Ruschke conducted a site inspection of the conservation easement and the property. Mr. Ruschke said there was not a lot of top soil on the property, just fill. Mr. Ruschke stated the property needs to be stabilized.

As all parties had reviewed the Resolution, Mr. Jacobson asked the Board to vote on the Resolution. Mr. Robertson reviewed the document.

Mr. Jacobson opened the meeting to the public. Mrs. Dot Stillinger spoke on behalf of the Environmental Commission and requested the Board consider the installation of a split rail fence at the boundary of the conservation easement. Mrs. Stillinger also stated it was important that the conservation easement is recorded at the Morris County Clerk's office.

After discussion, Mr. Jacobson recommended included a provision to the Resolution to prevent fill from being added to cover existing boundary monuments of the conservation easement; the property owner would be obligated to trim around the monuments so that they are visible.

Mr. Browne made a motion to approve the Resolution as drafted with the additional condition regarding the monuments' maintenance and Mr. Hurring seconded. At roll call vote, all members voted "yes", except for Ms. Hagner who abstained.

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There being no further business, the April 13, 2009 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary

