

MINUTES

The April 14, 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 meeting included the Majmudar and Hocko Applications and a report of the Chatham Township Environmental Commission.

Roll Call

Board members present included Mr. Jacobson, Mr. Brower, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Ciccarone, Mr. Cohn, Ms. Hagner and Mrs. Kenny. Board professionals present included attorney Bill Robertson, engineer John Ruschke and planner Frank Banish.

Applications

Majmudar

Attorney Barry Osmun was present on behalf of the Applicant Kaushal Majmudar regarding the property located at 55 Mountain Avenue.

Mr. Osmun presented planner Michael Tobia, who was previously sworn in. Mr. Tobia referred to memos submitted by Mr. Osmun (dated 4/7/08) and Mr. Robertson (4/11/08). Mr.

Tobia stated that the memos did not change his opinion given during his testimony. Mr. Tobia and Mr. Osmun concluded that, in their opinion, there was no connection between the proposed 1,500 sq. ft. footprint and the variances being requested.

Following Mr. Tobia's testimony, Board members directed questions to Mr. Tobia, followed by a summary of the history of the Application by Mr. Robertson. Mr. Tobia agreed with Mr. Robertson's review of the Application. Mr. Ciccarone reminded the Board that the 1,500 sq. ft. footprint was part of a negotiated settlement of an appeal. Mr. Osmun agreed that the 1,500 sq. ft. footprint was burdensome to the Applicant.

Mr. Jacobson opened the meeting to the public for comment. Residents Mr. Bernard Kelly of 51 Mountain Avenue, Mr. Michael Kelly, Mr. Paul Payton of Candace Lane, Mr. Donald McNally of 62 Mountain Avenue and Mrs. Joanne Kennedy of 51 Mountain Avenue made comments relative to the discussion. Mrs. Kennedy also presented 2 sheets of photographs (total of 10 photos), which were marked *Kennedy Exhibit 1 and 2*. The members of the public noted that the property has significant steep slopes and expressed concerns regarding increased storm water run-off, total height of the building above grade and the fact that the 1,500 s.f. condition was a negotiated settlement. The neighbors also expressed concern that the increased size of the dwelling was out of character for the neighborhood. Mrs. Dorothea Stillinger, resident and chairperson of the Chatham Township Environmental Commission, read a letter from the Commission into the record.

Mr. Robertson noted that the transcripts of earlier hearings submitted by Mr. Osmun would be included in the record as were the prior Resolutions relating to the subject property.

Mr. Jacobson closed the hearing.

Mr. Jacobson requested discussion by the Board regarding the Application. The Board members discussed whether the Application was barred by principles of res judicata and collateral estoppel and the fact that the 1,500 sq. ft. limitation on the building footprint was part of a negotiated settlement. The Board also discussed whether the Applicant had presented changes or compelling circumstances that would warrant the modification of the condition. Mr. Ciccarone disagreed with the Applicant's argument that a 1,500 sq. ft. building footprint was unduly burdensome and noted that as Township Administrator, he was familiar with recent building permits for houses smaller than proposed by the Applicant. Mr. Jacobson, Mrs. Chambers, Mr. Ciccarone, Mr. Caprioglio, Mrs. Kenny and Mr. Browne indicated that they would vote against approval of the Application and outlined their concerns. Ms. Hagner stated she had not yet made her decision and Mr. Brower stated he was not opposed, nor in favor.

Mr. Ciccarone made a motion to deny the Application for an amendment of the condition of the 2004 Resolution restricting the size of the footprint of the dwelling to 1,500 sq. ft. (feet) and minor variance relief, including front yard setback, length of driveway and a net increase in steep slope disturbance. Mr. Caprioglio seconded. At roll call vote, Mr. Jacobson, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Ciccarone, Mr. Cohn and Mrs. Kenny voted "yes" to deny the Applicants; Mr. Brower and Ms. Hagner abstained. The motion carried and the Application was denied.

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Hocko

James W. Hocko, the Applicant, was present to request Amended Site Plan Approval to retain a shed in its existing position. Mr. Hocko was sworn in.

Mr. Hocko stated that he had bought the subject property at 449 River Road approximately 4-5 years ago. Prior to that time, Mr. Hocko rented the property for 20-25 years. Mr. Hocko stated that when he first moved in, he built a gazebo and shed on the property. After the land was subdivided by former owner, Mr. Racioppi, Mr. Hocko removed the gazebo and put an addition on to his house. Mr. Hocko would like to retain the shed.

Mr. Ruschke stated that in reviewing the property history, he had spoken with Mrs. Susan Hoag who was a Planning Board member at the time of the subdivision application. Mrs. Hoag's recollection was that the former owner wished to subdivide the property and sell the smaller parcel (now Mr. Hocko's) and convey the larger parcel to the Township. The former owner was clearing the property of structures other than the house in anticipation of the subdivision.

After discussion, Mr. Brower moved to approve the Application with the condition that the shed maintains its current use with no change and Mr. Jacobson seconded, with all in favor.

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Other Business

CTEC Presentation

Patricia Collington of the Chatham Township Environmental Commission was on hand to present a draft of an Application Handout regarding land use ordinances. Mrs. Collington asked the Planning Board for input on the draft.

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There being no further business, the April 14, 2008 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary