

The August 18, 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 Dudley Application.

Roll Call

Board members present included Mr. Jacobson, Mr. Brower, Mr. Browne, Mr. Cohn, Ms. Hagner, Mr. Hurring and Mrs. Kenny. Planning Board attorney William Robertson was also present.

Minutes

After discussion, Mr. Browne moved to approve the minutes of the June 16, 2008 meeting and Mr. Brower seconded, with all in favor.

Discussion

Ms. Hagner commented that the proposed Ordinance 2008-09 changes were not adopted. The Township Committee asked Mr. Ruschke to supply additional information and the Committee will consider the ordinances at a later date.

Executive Session

Mr. Jacobson moved to adjourn to Executive Session to discuss matters of litigation. Mr. Brower seconded, with all in favor.

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Applications

Attorney Mr. Cooper was present on behalf of the Applicant, Estate of Hazel Dudley.

Mr. Robertson stated he received an email from John Ruschke, Planning Board engineer, requesting additional information regarding storm water and, therefore, Mr. Robertson had made a change to the Resolution.

Mr. Robertson reviewed the Resolution with the Board and described the property at 130 Meyersville Road that consists of almost 15 acres in total size. Mr. Robertson stated it was a bit unusual because it is a split-zone case: a portion of the property that fronts on Meyersville Road is located in the R-3 zone; at the rear of the property, the bulk of the property, is in the R-1A zone.

Mr. Robertson stated the Applicant is proposing to carve out to create a lot of almost 33,000 square feet, which would meet all of the requirements of the R-3 zone. The proposal is to create a new residential building on the lot. The remainder lot, which would contain the vast majority of the property, over 600,000 square feet, would continue to contain the existing residential dwelling, a garage to the rear and wetlands. There would be one newly created lot that will contain a residence that will meet all the zone requirements and the existing house will remain; the bulk of the property will be encumbered with a Township conservation easement and a NJ DEP conservation easement.

There was one slightly unusual variance that was required because of the property being split by two zones. The lot that contains the existing house would meet all of the bulk requirements of the R-3 zone, but the rear portion which will have no dwelling on it is in the R-1A zone and there is a depth or measurement requirement on it. Technically, there is a variance required.

Mr. Robertson stated that a large tree was identified on the property line between the subject property and the adjacent neighbor. The Applicant stated there would be no construction near that tree and that the tree would be preserved.

Mr. Robertson stated that the Board made a determination that the minor subdivision with the variance could be granted.

Mr. Robertson reviewed the conditions of the approval.

Mr. Jacobson asked for questions from the Board. Mr. Brower asked if the Applicant knows about the requirement to monument the easement; Mr. Cooper acknowledged this requirement.

Ms. Hagner clarified the time period for filing the conservation easement, 190 days. Ms. Hagner took issue with condition of no further subdivision. Ms. Hagner stated that the Applicant has established that no development is proposed and development is not possible in the easement portion. Ms. Hagner stated she felt that anyone could come back at any time and ask for variances. Mr. Brower agreed.

Mr. Robertson pointed out that there were two reasons for the condition: one is that the representation of the Board entertaining this subdivision was that one new lot was being created and there would be no other changes. The other big remainder lot that could not be developed because of environmental restrictions was a consideration and basis for granting approval and the variance. Another concern, according to Mr. Robertson, is that larger lots like this are occasionally divided up slowly piecemeal and create a major subdivision through a series of minor subdivisions. Mr. Jacobson determined there would be a vote on this aspect of the Resolution.

Mr. Jacobson asked Ms. Hagner or Mr. Brower if they would like to make a motion to eliminate Condition #4 of the Resolution (no further development on the remainder lot); Ms. Hagner made the motion and Mr. Brower seconded. At roll call vote, Mr. Jacobson, Mr. Cohn and Mr. Hurring voted,

“no” and Mr. Browne, Mr. Brower and Ms. Hagner voted, “yes”. The motion did not pass, so Condition #4 will remain in the Resolution.

Mr. Brower moved to approve the Resolution with the changes Mr. Robertson noted and Mr. Cohn seconded. At roll call vote all eligible members voted, “yes”, and the motion passed.

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Public Comment

Mr. Jacobson opened the meeting to the public. Donald Dudley asked the Board about the possibility of donating the property to the Great Swamp or to the Open Space Committee. After discussion, it was determined that Mr. Dudley could come to the Board for a modification of the condition so the land could be donated.

Rick Sloane, resident of Meyersville Road, and adjacent property owner to the Dudley estate wanted to correct a statement he made earlier regarding the maple tree on the property line. Mr. Sloane stated the maple tree is actually 67” in diameter. Mr. Sloane expressed concern about the protection of the tree.

Ms. Hagner stated there is a revised Tree Ordinance in the Township and as part of the ordinance, an arborist will be hired. The arborist will help with tree protection on building sites. Mr. Jacobson also stated that the Resolution just approved by the Board requires protection of the tree.

Don Dudley asked about the placement of environmental monuments; Mr. Brower and Ms. Hagner indicated the monuments would be placed at the corners of the easement. Mr. Cooper stated the property was irregular in shape. Mr. Cooper stated there was a metes and bounds description for the deed; Mr. Cooper was advised to speak with the engineer.

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Other Business

Ms. Hagner noted that Kevin Sullivan has been appointed as an alternate to the Planning Board.

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There being no further business, the August 18, 2008 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary