

The September 24, 2007 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 discussions regarding the Master Plan Land Use Element and proposed Ordinance 2007-15.

Roll Call

Board members present included Mr. Jacobson, Mr. Brower, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Cohn, Mr. Hartford, Mr. Hurring and Mrs. Kenny. Board professionals present included attorney Mr. Robertson and planner Mr. Banisch.

Applications

RexCorp

Mr. Jacobson indicated that while the memorializing resolution for RexCorp was on the agenda, it had been completed at the previous meeting. Mr. Robertson stated that it had been adopted subject to some revisions and the changes had been sent to the Board.

Mr. Brower asked about a sentence in the Resolution, indicating that a fence would be installed if necessary. It was determined that the decision of what type of fencing to be used (perhaps an invisible

fence) would be left with Mr. Ruschke, but the fence would be a requirement. Mr. Robertson stated he would make the modification to the Resolution.

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Majmudar

Mr. Jacobson stated the revised plans for the Majmudar application were received on September 24, 2007 and Mr. Jacobson requested the hearing be postponed until October 15, 2007 to allow the Board and its professionals time to review the plans.

Mr. Jacobson stated the October 1, 2007 meeting would be cancelled. Mr. Robertson reported that he had spoken with Barry Osmun, attorney for the Majmudar application, to advise him to re-notice for the October 15, 2007 meeting.

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Discussions

Mr. Jacobson said that the Township Committee had forwarded the draft of Ordinance 2007-15 to the Planning Board for comments. Mr. Jacobson indicated that Mrs. Kenny had submitted comments and Mr. Jacobson wanted to forge a comment letter to the Committee.

Mr. Jacobson asked Mr. Robertson to explain the purpose of the ordinance and frame the issues of the ordinance for the Board. Mr. Robertson reported that section 40:55D-26 of land use law requires that prior to the adoption of a development regulation zoning ordinance that the governing body shall submit that ordinance to the Planning Board, who will report back to the governing body. Primarily, the governing body is interested in whether or not the zoning ordinance is consistent or inconsistent with the Master Plan. Mr. Robertson stated the ordinance is designed to clarify an existing section of the land use ordinance, Section 30-96.7, which has to do with improvements and alterations to existing dwellings. The intent of the previously existing ordinance was to make it clear that certain pre-existing,

non-conforming structures would be permitted to remain even if restored, repaired or improved. The previously existing ordinance goes on to describe under what circumstances a pre-existing structure may not only be continued but expanded.

Mr. Robertson continued by describing examples of encroachments that could be continued or expanded. Mr. Jacobson stated there were two issues for the Board in terms of recommendations: (1) is the proposed ordinance is difficult to comprehend and to implement; and (2) is the proposed ordinance inconsistent with the Master Plan. Mr. Robertson commented that this is the type of ordinance the Board would not likely see as it is really more pertinent to the Board of Adjustment.

Mrs. Kenny had some comments regarding the proposed ordinance and a draft containing her concerns and comments was distributed to the Board. After review of Mrs. Kenny's comments and Board discussion, it was agreed that a comment letter should be sent to recommend the Committee define the term "dwelling" and "upper floor". Mr. Robertson will draft a comment letter and circulate it to the Board.

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Master Plan Land Use Element Build-Out Analysis

As background, Mr. Browne reminded the Board of the objective, which was to examine and update the Master Plan. In order to complete the re-examination on the Land Use Element, the Board requested Mr. Banisch to prepare a build-out analysis (BOA). The BOA was to be used to estimate possible further growth of residential units in the Township based on current zoning regulations. Mr. Browne reported that Mr. Banisch did that analysis, which was circulated for discussion. Upon review, Mr. Browne noted that there were a number of parcels included that should not have been included and properties that contained environmental constraints or unique features that would make the parcels unlikely for development.

Following the initial review of the draft BOA, the Board asked the Land Use Committee to refine the numbers. Mr. Ruschke was asked to work with Mr. Banisch and the committee to be certain that only the parcels that could be developed were included in the analysis and create a baseline. Mr. Banisch recalculated the numbers and shared the analysis with the heads of all the departments in the municipality to get their input on the analysis. Mr. Browne reported that the Land Use Committee had received very little feedback from the department heads.

Mr. Browne further noted that in a memo to the Township Committee (9/24/07), the Township Engineer identified additional parcels that should not have been included in the analysis. As a result, Mr. Browne stated he felt the study is premature for discussion at this time.

After discussion and public comment, it was determined that the Land Use Committee would meet with Mr. Banisch and Mr. Ruschke to refine the analysis. The Land Use Committee will then contact the municipal department heads for input. Finally, the document will be revised and discussed with the Board.

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COAH/Growth Share

Mr. Hartford brought up the subject of COAH and developer fees. Mr. Jacobson asked Mr. Robertson and Mr. Banisch to review this topic with Mr. Woodward, the Township attorney, to determine how to address the status of the Township growth share ordinance.

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Conservation Easements

Mr. Hartford introduced the subject of recording of conservation easements. Mr. Caprioglio will work with Mr. Robertson to address any outstanding issues.

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The Board went into Executive Session to discuss personnel matters. Following a return from Executive Session, the September 24, 2007 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary