

MINUTES

The December 1, 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 Memorialization of Resolutions for the Merrel Application and the Southern Boulevard Firehouse Application and the Pellegrin Application.

Roll Call

Board members present included Mr. Jacobson, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Cohn, Ms. Hagner, Mr. Hurring and Mrs. Kenny. Board professionals in attendance included engineer John Ruschke, planner Frank Banisch and attorney Bill Robertson.

Minutes

Mrs. Chambers moved to approve the minutes from the November 3, 2008 meeting and Mr. Hurring seconded, with all in favor.

Memorialization of Resolutions

Merrel

Mr. Robertson reviewed the Resolution for the Board. Following a review of the Resolution, Mr. Hurring moved to approve the Resolution and Mrs. Chambers seconded. At roll call vote all eligible members voted, “yes” and the Resolution passed.

Southern Boulevard Firehouse

Mr. Robertson reviewed the Resolution for the Board. Mr. Robertson stated that the Resolution is in the form of a recommendation to the governing body, as this is a capital project.

Mr. Robertson said three recommendations were included: the project be constructed consistent with the engineering and architectural plans that were presented to the Board; the Applicant make every effort to minimize the impact on the residential neighbors to the north; and the township engineer investigate the feasibility of installing a rain garden as part of the storm water mitigation plan.

Following discussion, it was determined that the Applicant would investigate the feasibility of installing the rain garden. Mr. Ruschke will follow up with the arborist independently in response to a memo that indicated trees needed to be removed for safety purposes.

Ms. Hagner moved to approve the Resolution and Mr. Hurring seconded. At roll call, all members voted “yes” and the Resolution passed.

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Housing Element and Fair Share Plan

Mr. Jacobson asked if any further action was required by the Planning Board; Mr. Robertson indicated the work of the Planning Board was complete. Ms. Hagner stated the document was on the agenda for the December 4, 2008 meeting of the Township Committee. Mr. Banisch, or his designee, will be present to review the document.

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Applications

Pellegrin

Applicant Timothy Pellegrin was present to request a change of lot line on the properties known as 42 Rose Terrace/40 Rose Terrace and was sworn in.

Mr. Robertson stated that Mr. Pellegrin was requesting a minor subdivision. Mr. Pellegrin stated he purchased the property at 40 Rose Terrace in September 2007. Mr. Pellegrin referred to the survey and stated the back yard is a bit odd in shape and narrows toward the rear.

When the house at 42 Rose Terrace went up for sale, Mr. Pellegrin approached the neighbor and asked if he would be amenable to selling some portion of their backyard to eliminate the odd narrowing of the yard of 40 Rose Terrace. Mr. Pellegrin stated the neighbor's lot is fairly wooded in back, where the Pellegrin lot is more open because of a lot grading plan that was implemented this year.

The neighbor, Mr. Grobert, was agreeable and Mr. Pellegrin had surveyor Andrew Clarke complete a survey (dated 7/22/08) to determine how much was allowable. Mr. Pellegrin and Mr. Grobert negotiated an agreement.

Mr. Robertson asked how much square footage Mr. Pellegrin would be acquiring and Mr. Pellegrin responded that he would gain 1,350 square feet of property. Mr. Robertson asked if any new variances would be created; Mr. Pellegrin stated there was one existing, non-conforming condition that would be slightly improved by the minor subdivision/lot line change.

Mr. Banisch did confirm that the existing, non-conforming condition would be slightly improved and the change of lot line would make a more regular lot.

Mr. Ruschke stated he had sent a memo to the Applicant dated October 16, 2008 requesting minor clarifications to the subdivision plan. Mr. Pellegrin presented a response memo from the surveyor dated November 24, 2008. The surveyor's memo was reviewed by the Board and Mr. Ruschke. Mr. Ruschke stated the memo indicated that there were no objections to Mr. Ruschke's requests. Prior to filing the deed, the deed should be reviewed by Mr. Ruschke and Mr. Robertson.

Mr. Robertson stated there would be a condition in the Resolution of approval that the Applicant must comply with Mr. Ruschke's October 16, 2008 memo. Mr. Pellegrin stated he had no objections.

Mr. Hurring made a motion to approve the Application subject to the adoption of a memorialization resolution at a subsequent meeting and Ms. Hagner seconded. At roll call vote, all members voted “yes” and the motion passed.

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Rosepond, LLC

Attorney Barry Mandelbaum was present on behalf of the Applicant who is developing townhouses next to Drug Fair on Shunpike Road to request an amended site plan to allow construction vehicles to enter the site from Green Village Road.

Mr. Mandelbaum stated there was no restriction in the Resolution granting preliminary and final site plan approval with respect to the current request. According to Mr. Mandelbaum, there was a notation on the map that was signed by the municipal officials which stated that during the construction phase of this townhouse project, all construction vehicles would ingress and egress off of Shunpike Road and onto what is called Sterling Drive.

Mr. Mandelbaum stated the reason the Applicant was before the Board was because the construction is in the rear of the property and moving the entrance would be beneficial for safety and esthetic reasons for the twenty homeowners who reside near the Shunpike Road entrance.

Mr. Jacobson asked Mr. Ruschke if he understood why the condition was imposed; Mr. Ruschke stated he did not know the specific details.

Mr. Mandelbaum presented engineer Rocco Palmieri who was sworn in. Mr. Palmieri was the engineer on the original application.

Mr. Palmieri referred to Exhibit A1, which was a Colorized Rendering of Sheet 2 of 2, with additional information highlighted, that showed a status report of the Rosepond development. Mr. Palmieri described the development with Sterling Drive, an approved street through the development,

from Shunpike Road exiting onto Green Village Road. Improvements were made to Shunpike Road, Sterling Drive and Green Village Road as part of the approvals.

As it presently exists today, six of the 13 buildings are complete and partially occupied. Building 7 is in the framing condition and Building 9 will begin framing. The last five buildings (shown in yellow) remain to be constructed and are situated close to Green Village Road. Mr. Palmieri said this was why they were requesting permission to access the development from Green Village Road. The majority of the site improvement work, including the installation of utilities, curbing and preliminary base construction of the roadways and drainage improvements for the onsite retention basin and the improvements to the stream channel are all complete. The majority of the work that needs to be completed is the construction of five units and the removal of excess materials. Mr. Palmieri stated they have reduced the amount of traffic entering the site.

Mr. Palmieri stated that most of the trucks to date have come from the northwest and entered the site by way of Shunpike Road into the main driveway. Mr. Palmieri stated the request is to allow the trucks to continue to access the primary site from the same northerly direction, but to continue past Sterling Drive to go through the first traffic signal, continue to the second traffic signal at Green Village Road and make a left turn and then a left turn into the site. The truck would exit the site in the same fashion. This is a total of 1,400 linear feet of extended travel way.

Mrs. Chambers asked about the numbers of trucks going through the intersection of Shunpike Road and Green Village Road. Mr. Palmieri stated there would be peak traffic when any one of the five remaining buildings is under construction. Mr. Palmieri continued that the operations that require a major amount of trucks would be the excavation of the basements for the new units. Each building takes approximately 75 truckloads of material taken out of the site. Approximately a week to ten days before construction would start, the site for each building would be prepped and there would be 15-20

truckloads per day for a 5-10 day period before construction started. Once construction begins, there would be 12 truck loads of concrete in one day. For the foundation work, 30 trucks of concrete would be needed that day. This outline is for each of the five remaining buildings. Three to four truckloads per day relate to framing and 10-15 truckloads a day on an as needed basis for site improvements.

Mr. Jacobson asked about the hours for the truck traffic; Mr. Palmieri said it was in compliance with the Township's code.

Mr. Ruschke stated there was no question there will be an impact on the intersection, but he did not feel it would impact the level of service so substantially that it would warrant prohibiting the request. Mr. Ruschke stated the majority of the site work is done.

Mr. Browne asked about an alternate consideration so that the traffic would not be coming through a shopping center and would not need to make left turns to access the site; Mr. Palmieri stated the alternate was a primarily residential area.

Joseph Forgione, member of Rosepond LLC, was sworn in and commented on the direction of the arrival of the trucks. Mr. Forgione testified that the concrete would be coming from County Concrete in Morristown and the building materials come from all over and will not be coming east to the site.

Mrs. Chambers asked if this amended application opened Rosepond up to a development fee; Mr. Robertson stated he would look into it, but did not think it would apply.

Mr. Jacobson opened the meeting to the public. There were no comments.

Ms. Hagner made a motion to approve the request to eliminate the condition imposed on the site plan to only use shunpike Road as an entrance and to allow use of the entrance on Green Village Road and Mr. Browne seconded. At roll call vote, all members voted "yes" and the motion passed.

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Other Business

On behalf of the Open Space Committee, Mrs. Chambers asked about the status of the walkway/bikeway plan. Mr. Jacobson stated that after the first of the year, a schedule will be developed for a public hearing.

There being no further business, the December 1, 2008 meeting of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary