

The February 2, 2004 regular semi-monthly meeting of the Township of Chatham Planning Board was called to order at approximately 7:30 p.m. by Chairman Bill McCutcheon. The Open Public Meetings Act Statement was read into the record. The agenda for the work meeting included requests for extensions from Rolling Hill and Valle Estates, Oak Knoll, Valle Estates discussion, AT&T Cell Tower and Bernardo.

Roll Call

Those present were Mr. McCutcheon, Mrs. Twomey, Mr. Caprioglio, Mr. Ciccarone, Mrs. Chambers, Mrs. Fair and Mrs. Hoag. James McCreedy, Esq., (Planning Board attorney) was present as was Mr. Frost, Planning Board engineer.

Minutes

Mrs. Twomey moved to accept the minutes from the December 15, 2003 meeting and Mrs. Chambers seconded, with all in favor.

Mrs. Twomey moved to accept the minutes from the January 12, 2004 meeting and Mr. Caprioglio seconded, with all in favor.

Oak Knoll

Mr. McCutcheon asked about Oak Knoll and the issue of the fence; Mr. Osmun answered that a revised site plan and a revised landscape plan including sidewalks were to be submitted and a hearing requested in the near future. Mrs. Hoag asked that the Tree Committee receive the information for review.

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Rolling Hill at Candace

The applicant requested an extension through February 28, 2004. Mr. Frost suggested that if the perc tests have not been completed, the applicant would probably need additional extensions through April, to allow time for the ground to thaw. Mrs. Chambers moved to grant the extension through February and Mr. Caprioglio seconded, with all in favor.

Sterling Properties/Valle Estates

Mrs. Fair moved to grant an extension to Sterling Properties/Valle Estates through March 26, 2004 and Mrs. Hoag seconded, with all in favor.

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Discussions

Sterling Properties/Valle Estates

Barry Osmun, Esq. was present to discuss a proposed alternate landscape plan in response to the DEP's decision not to allow landscaping on the dam structure. Mr. Steven Borghi, landscape architect from Schoor DePalma, was introduced to present the proposed landscape plan. Chairman McCutcheon stated to Mr. Osmun that this was not a formal hearing.

Mr. Borghi reviewed the trees scheduled to be removed on the approved preliminary site plan. Mr. Borghi stated 3 evergreens and 2 shade trees were to be removed from the dam area and 6

evergreens from the overflow spillway, a total of 11 trees. With the newly proposed landscape plan, (in accordance with the DEP), 16 evergreens and 4 shade trees in the dam area and 6 trees in the spillway would be removed, making a total of 26 trees slated for removal. Mr. Borghi reviewed a plan which showed an enhancement of the front area showing plantings of evergreens and shade trees; 95 in total. The trees range in size from 2-1/2" calipers to 6'-8' evergreen in the buffer areas and 8'-10' in the upland area. The relocated passive area has trees and benches and additional plantings. Mrs. Fair asked to see the pedestrian pathway; Mr. Borghi indicated the circular path. Mrs. Twomey asked about the material of the path and Mr. Borghi replied it would be wood chips. The only vegetation on the interior slope of the "old dam" and the exterior will be grass. Mr. Ciccarone asked if the grass would have to be maintained; Mr. Palmieri (engineer for the applicant) stated it would have to be maintained. Mr. Palmieri stated the existing dam was to be rebuilt or rehabilitated with an embankment slightly upstream as per the DEP. The DEP required grass as the roots from other vegetation could potentially undermine the structure, in their opinion.

Mr. Borghi showed photographs of trees on the property that were proposed to be removed and described them as spindly with few branches. There was discussion of the trees in the wetlands that would remain and views from Shunpike Road were reviewed. Mrs. Chambers asked if there were trees impacted in the wetlands and Mr. Palmieri stated Laura Newgard of EcolSciences was consulted and that only the buffer area will be affected. There was discussion about the widening of the road (a requirement of the county) and the affect on the trees due to the widening. Mr. Palmieri calculated that with the road widening, curbing and sidewalk, it was approximately 25' – 30' from the edge of pavement to the back of the rite of way line. Mrs. Twomey requested the applicant stake out the property to show the affect of the proposed road widening; Mr. Palmieri stated the staking would be completed this week.

The Board expressed concern about viewing the property from the road and the need for a visual buffer. Mr. Palmieri indicated a 100' wide area that is wetlands that no landscaping was indicated but native vegetation could be added with consultation from the wetlands specialist, Ms. Newgard. Mrs. Fair asked if the wetlands permit included the 25' wide road widening and if so where was the transition area; Mr. Palmieri said it was included but there was no transition area as it was a linear redevelopment. Mr. Palmieri reminded the Board that the applicant received a fresh water individual permit as opposed to a general permit and all aspects of the plan were taken into consideration and approved by the DEP.

Mr. Frost stated that at the conclusion of the conference call with the DEP, Mr. Palmieri was requested to submit a plan with a totally independent dam and how it could be built and this was not submitted. Mr. Palmieri stated that had not been designed. Mr. Frost stated that Mr. Bennett's review outlined the need for additional trees to be added throughout the project and suggested Mr. Bennett review the alternate plan. Mr. Palmieri stated he was looking to the Board for direction in terms of the landscaping plan being agreed upon instead of the redesign of the dam and the impact on the obtained permits.

Mrs. Twomey asked Mr. Frost about his concerns; Mr. Frost stated his concern was that from Shunpike Road and the residences, the view will be a grassy knoll when the original intent was a landscaped amenity. Mr. McCutcheon asked if it was possible to graphically show what will be seen from the road; Mr. Borghi thought it was possible. However, the Board decided a site walk would be helpful with the limits of disturbance marked. Mrs. Fair stated the concern was for the future residents of the development and Mr. Palmieri stated that 70% or more of the pond area would be landscaped. Mr. Ciccarone asked about the elevation of the embankment and the road; Mr. Palmieri noted the elevation of the embankment was 292' and the elevation of Shunpike varied between 278' and 280'. Mr. Ciccarone asked how far in from the road the dam is; Mr. Palmieri responded that the dam was

approximately 250' in from Shunpike; the end of the wetlands is about 200'. The Board members agreed to examine the property at the scheduled site walk on February 6, 2004.

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AT&T Cell Tower

Mr. McCutcheon stated that representatives from AT&T were scheduled for a hearing on March 15, 2004 to discuss the application to install an antenna and ground equipment at the established cell tower behind the Department of Public Works and Mr. Frost was asked to give a brief overview of the history of the cell tower and the application. Mr. Frost stated SMSA was the first tenant, then Sprint and now there are two sets of antennae and two sets of ground equipment. With this most recent applicant, the access will remain the same as will the utility and the tower was designed to accommodate a total of five tenants. Mr. Frost stated his question to the applicant would be about the cellular communication plan for the future in this area; Mr. McCutcheon stated he would call the contact person at AT&T and inform them of this.

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Public Comment

Chairman McCutcheon opened the meeting to public comments. Mr. Bailey Brower expressed concern about the signage at the Hickory Tree Shopping Center; the Board responded that the shopping center management had been receiving advice and encouragement from the Board and have not as yet submitted an application.

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Bernardo

Mr. Osmun, Mr. Bernardo and Ken Newman were present to review this issue for newer Board members. Mr. Osmun stated this application originated in 1988 for a minor sub-division for two lots

and was denied by the Planning Board and an appeal was taken to the Superior Court Judge Stanton who reversed the 1989 decision. The property had an existing home that was sold off. Variances were required for ordinances that had taken effect between 1988 and the time the application was reviewed again. One variance was for the driveway which exceeded 150' and this driveway is proposed at 205'. The other variances were for steep slope and retaining walls. When the applicant came before the Board, neighbors also attended the meeting. One neighbor was concerned about the width of the proposed driveway (18') and the effect on the drip lines of his trees. The Board denied the application. The appeal was again taken to Judge Stanton who suggested trying to sell off the property to the neighboring residents. An appraiser was retained and appraised the land in the amount of \$115,000; there was one offer for \$25,000 and one for \$35,000, which were not acceptable. Judge Stanton required the applicant return to the Board and attempt to work out an acceptable plan.

Ken Newman, engineer, reviewed the revised plan. Mr. Newman showed the width of the driveway changed to 12' from 18' and shifted to minimize damage to the neighbors' trees drip lines. Mr. Newman stated the new plan eliminated the need for the southerly retaining wall as there is more room to grade back and indicated there were gentle grades that would allow for a pullover for emergency or service vehicles. Overall, according to Mr. Newman, it is the previous lay out with pending technical issues that would be answered.

Mr. Frost also gave a brief history of the Bernardo property. Mr. Frost described a through lot that fronts on the same road twice. Mr. Frost stated the Board determined in 1987 that the application could continue with several conditions including the installation of a fire hydrant, widening of Mountain Avenue slightly, removal of an existing garage, requirements to a then-approved drainage discharge and a conservation easement established. There were variances needed for the 200' driveway and for the retaining walls that are too close to the property line. Mr. Frost also pointed out that all the lot except

for the “staff,” is in steep slopes, much of which is the 25% slope. Mr. Frost issued a memo in July 1991 with a lot grading plan outlining many concerns including the need for the apron to rise to provide for the drainage; a wider throat of 15’ at the top of the driveway; dry wells for runoff; surface drainage from other properties; relocation of a domestic water line on an adjacent property; and damage to trees. Mr. Frost also remarked that the Board was concerned about emergency vehicles reaching the house.

Mr. Bernardo asked for a decision to be made as to whether or not this application could go forward. The Board stated that it would go into Executive Session to discuss the issue and would report back.

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Mr. Ciccarone made a motion to go into Executive Session to discuss matters of litigation and Mrs. Hoag seconded, with all in favor.

After going back into public session, Mrs. Fair updated the Board on the Township’s cross acceptance efforts dealing with the state’s Smart Growth proposal. She indicated that much of the Township’s effort would be in verifying the accuracy of the state’s various maps.

There being no further business, the February 2, 2004 meeting of the Township of Chatham Planning Board was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary