

MINUTES

The June 19, 2006 meeting of the Planning Board of the Township of Chatham was called to order at approximately 7:30 p.m., by Chairman Joel Jacobson. The Open Public Meetings Act Statement was read into the record. The agenda for the evening included the Community Character Ordinance, Rolling Hill at Candace, Rynearson, A&F Realty and Omnipoint Communications.

Roll Call

Board members in attendance included Mr. Jacobson, Mr. Browne, Mr. Brower, Mr. Caprioglio, Mr. Ciccarone, Mr. Cohn and Mr. Hartford. Mrs. Chambers and Ms. Martinez arrived later. Attorney Donald Malehorn, planner Frank Banisch and engineer John Ruschke were also present.

Discussions

Community Character Ordinance

Mr. Jacobson reported that he, Mrs. Chambers and Mr. Ciccarone attended the Township Committee work session June 8, 2006 to report on the recommendations of the Planning Board as to the side yard setback requirement limitations under the proposed Community Character Ordinance. Mr. Ciccarone commented that he had reservations about the "Millburn model", which has a 15' side yard setback for the first floor and then a 25' setback for the second floor. Mr. Ciccarone stated he had no concerns about the 70' building width. Board members discussed the hardships for homeowners and the overall concept. Mr.

Jacobson said he was in the process of providing the Township Committee with some background regarding the thought process behind the Board's recommendations. Mr. Ciccarone and Mr. Hartford stated that the proposed ordinance would be introduced at the June 22, 2006 Township Committee meeting, with a public hearing in July 2006.

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Rolling Hill at Candace

Attorney Steven Schaeffer was present with the applicant, Harvey Caplan, for a brief, conceptual hearing for improvements/changes to a previously approved major subdivision at Candace Lane and Meyersville Road (2005). Mr. Jacobson applauded the communication between the applicant and the Board, but stated the Board would not be able to provide meaningful comments without an application.

Mr. Caplan was sworn in and stated that the drainage system was in on the 4-lot subdivision. Mr. Caplan stated in the proposed plan, the conservation easement would remain intact and the houses would be built 20% smaller (on the actual footprints; approximately 5,000 sq. ft.) and moved closer to the street. A split rail fence was proposed to border the conservation easement. Mr. Caplan said he felt the backyards would be useable under the proposed plan and that the only negative element would be an increase disturbance of steep slopes. Mr. Caplan stated that the drainage system was in the ground and was oversized for the new plan.

Kevin Page, engineer for the applicant, was sworn in and reviewed the formerly approved project. Mr. Page stated that the lot lines, the conservation easement and the underground drainage do not change with the newly proposed concept and the houses are slid forward on their respective lots. Mr. Page stated that the steep slopes near the road are a

result of the development of the road. There was discussion about the changes to the steep slopes, the sizes of the houses under the proposed concept and the decrease in impervious coverage, because of shorter driveways. Mr. Banisch supported the concept presented.

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Applications

Rynearson

Mr. Malehorn stated that Barry Osmun, attorney for applicant Greg Rynearson, had submitted a letter dated June 8, 2006 withdrawing the Rynearson application.

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A&F Realty

Board members Bailey Brower and Diana Martinez recused themselves from the application.

Steven Schaeffer, attorney for A&F Realty, was present on behalf of the applicant. Mr. Schaeffer stated revised plans were submitted to the Board and would be used as exhibits, showing revisions to engineering and tree diameter calculations. Mr. Schaeffer also stated there was a memo from Tree Tech, consulting arborist, submitted regarding "legacy" trees and a copy of a case regarding encroachment trees, root systems and canopies.

John Hansen, engineer for the applicant, was presented and was reminded he was under oath. Mr. Hansen stated that he had met with Mr. Ruschke and had re-engineered the plans accordingly. The volume of the infiltration system was enhanced and the drainage area was split up and an extra analysis was done on three points. The dry well system was raised 2' above the regional water table and there was an analysis of ordinance requirements and minor construction details.

Mr. Schaeffer asked about the existing drainage patterns; Mr. Hansen stated that the existing patterns had been maintained. Mr. Hansen noted that the retaining wall on Lot 2.02 has been eliminated. Mr. Hansen testified that the dry wells had been moved to be outside any of the root systems of trees on adjoining properties or of trees that would remain on the subject property. Mr. Hansen testified a storm water management report had been submitted and presented a 'conservative' approach, and therefore, no negative impact on the neighboring properties.

Mr. Jacobson asked Mr. Ruschke to comment. Mr. Ruschke agreed that the storm water does mimic the existing storm water and is controlled for no net increase of water leaving the site. Mr. Ruschke had questions about the gravel trench along the driveway and wanted the gravel to wrap around the end of the driveway to prevent a shallow concentrated flow from occurring and flowing offsite. Mr. Ruschke expressed concern that the tree protection fencing and silt fencing must be shown on the soil erosion and sediment control plan, so accidents do not occur in the field. Mr. Ruschke stated there needed to be testimony from the arborist that once the project is built out, whether there will there be negative impact on both onsite and offsite trees.

Mr. Browne asked about the storm water management and the conservative nature of the system. Mr. Browne asked about the models used to create the calculations; Mr. Hansen explained TR55 SES model, which is more exact, was used on this site. Mr. Hansen testified that this was very detailed for this size of site.

Mr. Jacobson asked Mr. Malehorn if by approving this application, is the applicant locked in to the footprint or architectural style. Mr. Malehorn commented that the applicant seemed to be representing that, although that is generally not the case. Mr. Schaeffer added

that while the drainage plans will not change, the applicant could not say that this is the exact house, but does expect it to be very close. Mr. Schaeffer stated the dwellings would be traditional, center hall colonial style homes. Mr. Jacobson expressed concern about the impact of the project on the appearance of the neighborhood. There was also discussion about the listing of the property in the Master Plan and whether or not that gives the Planning Board any guidance on deciding on this application; Mr. Malehorn stated there were no ordinances to protect the house. Mr. Ruschke asked if the proposed Community Character Ordinance would apply; Mr. Malehorn stated that it would depend on the date of approval versus adoption of the ordinance. Mr. Malehorn stated the applicant was aware of the 70' width maximum and had agreed to comply with that aspect of the proposed ordinance. Mr. Hartford asked about the concerns of neighbors regarding storm water; Mr. Ruschke stated there was still going to be storm water, but there will be no net increase.

Mr. Jacobson opened the meeting to the public. Residents Craig Kaisand, Bailey Brower and Michael Stern asked questions of the witness. Following public comment, it was determined that the driveways would be curbed.

Mr. Schaeffer stated that the applicant will provide a 1 to 1 tree replacement (which exceeds the ordinance) on the property where possible. Arborist Jon Rafalowski of Tree-Tech was presented and reminded that he was under oath. Mr. Rafalowski referred to a memo he prepared and submitted to the Board. Mr. Rafalowski testified that he re-measured all the trees and bushes on the property. The scale of the radius of the drip lines was re-scaled by the engineer and the table was updated. There was a discussion about the placement of replacement trees; whether they would be replaced on or off site. Mr. Ciccarone commented that it is preferred to replace the trees onsite.

Discussion continued about how far the Board should go to impose conditions as a result of a design waiver, although the design waiver allows for the property to be made into two lots. Mr. Jacobson summarized that the problem lies in the fact that people like the neighborhood as it is. Mrs. Chambers called attention to an email from the Tree Committee, which commended the applicant for offering the 1:1 tree replacement. Mrs. Chambers stated the Tree Committee suggested the 20 trees being taken down probably act as a sight and sound barrier; Mr. Rafalowski reviewed each and every tree on the site and pointed out that some of those trees were dead or in decline and needed to be removed for safety. Mr. Rafalowski stated the trees along the county rite of way were slated to stay, as per a meeting with Mr. Hansen and the County. Mr. Rafalowski indicated other trees slated to stay that would assist in providing screening. Mr. Hartford and Mr. Caprioglio asked more detailed questions about the trees scheduled for removal and for an opinion of the likelihood of survival for some trees on the property that could not be thoroughly fenced. Mr. Rafalowski reviewed the precautions that would be in place for the care of the trees during construction. Mr. Rafalowski described the fencing and special nutrient application. Mr. Hansen described the process of hand raking delicate areas, as in the removal of the gravel driveway, to prevent damage to the roots of the trees.

Mr. Jacobson opened the meeting to the public for questions of this witness. Residents Bailey Brower, Michael Stern and Diana Martinez made comments relative to the discussion. Following the questions, it was determined that a portable chain link fence would be installed around the copper beach tree that is located on an adjacent lot and has roots into the subject property.

Mr. Jacobson closed the public hearing and directed Mr. Malehorn to draft a resolution for the Board's consideration and an extension was requested to July 10, 2006.

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Omnipoint Communications

Attorney David Solloway was present on behalf of the applicant, Omnipoint Communications, requesting Preliminary and Final Site Plan and Conditional Use to co-locate 6-panel antennas on an existing 130' lattice tower at 401-405 Southern Boulevard. The property is owned by the Township and the antennas will be located at 98' on the existing tower. Mr. Solloway continued that the tower houses three other carriers: Verizon Wireless, Sprint Spectrum and AT&T Singular. Mr. Solloway stated that while it is difficult to determine accurately whether or not the property is in a flood plain, the applicant intends to assume it is in the flood plain and place the installation on a 2' raised platform, similar to the Sprint equipment. Mr. Solloway stated the cellular towers are permitted as a conditional use in this zone.

Mr. Solloway introduced engineer Gregory Nowak, who was sworn in and qualified. Mr. Nowak presented plans dated 2/9/06 and a set of drawings dated 6/19/06 that addressed some of the comments made by Board professionals. The drawings (6/19/06) were marked Exhibit A1. Mr. Nowak testified that Omnipoint would install a 6-panel antenna and 3 equipment panels at the subject location. The 3 equipment cabinets would be mounted on a steel frame 2' off the ground and are within an existing fenced compound and the size of the antenna will comply with requirements. Mr. Nowak stated that the applicant will repair or replace the fence area as identified by Mr. Banisch.

Mr. Nowak introduced Exhibit A2, dated 6/5/06, which showed photos of the tower and the proposed installation. Mr. Nowak testified that there would be no lights, water, sewer or generator. Mr. Nowak stated there would no increase in noise. Mr. Hartford, Mr. Browne and Mr. Brower asked about the change in noise level with additional equipment; Mr. Nowak testified by adding the units to what is currently there, it will not be distinguishable from what there is now. Mr. Nowak was requested to provide data to support his claim of no increase in noise level.

After additional discussion of radio frequency and noise levels, a review of Mr. Ruschke's 4/12/06 memo were found his recommendations to be resolved. Mr. Jacobson asked the applicant's representatives to return to present testimony regarding sound measurement and radio frequency. An extension was requested and granted to July 10, 2006.

There being no further business, the June 19, 2006 meeting of the Planning Board of the Township of Chatham, was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary