

The November 3, 2008 meeting of the Planning Board of the Township of Chatham was called to order by Chairperson Joel Jacobson at approximately 7:30 p.m. The Open Public Meetings Act Statement was read into the record. The agenda for the meeting included the Merrell Application, the Recycling Plan Element and the Amended Housing Element and Fair Share Plan and Executive Session.

Roll Call

Board members present included Mr. Jacobson, Mr. Brower, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Ciccarone, Ms. Hagner, Mr. Hurring, Mrs. Kenny and Mr. Sullivan. Board professionals present included attorney Bill Robertson, planner Frank Banisch, engineer Peter Turk.

Minutes

Mr. Robertson had re-reviewed the minutes from July 7, 2008 and August 18, 2008 and deemed them consistent. Mr. Browne moved to approve the July 7, 2008 minutes and Mr. Ciccarone seconded, with all in favor. Mrs. Chambers moved to approve the August 18, 2008 minutes and Mr. Hurring seconded, with all in favor.

Applications

Merrell

Applicant Keith Merrell of 656 Fairmount Avenue was present to request a Minor Subdivision for the purpose of amending the lot line for Block 17, Lot 79 and 79.01.

Mr. Merrell stated that his engineer was not present, but had prepared a report that had been submitted to the Board. Mr. Merrell stated that his Application was a land swap with his neighbor. Mr. Merrell said that a 15' piece of property behind Mr. Merrell's house was the subject of the swap.

Mr. Jacobson stated that there were variances required and that testimony should be presented. Mr. Merrell indicated that his Application was complete and he did not realize there were additional steps. Mr. Banisch stated that in review of the Application, it appeared that the variances pertained to existing, non-conforming conditions; Mr. Robertson agreed and stated none of the variances were being increased in any way. Mr. Robertson explained the need for the formality of the process, but it was agreed that the Board would hear Mr. Merrell's testimony. If additional testimony is needed, it would be requested and the Board agreed.

Mr. Robertson described the property under consideration and said that there is a long strip along the rear of one of the lots and the Applicant wants to make the two lots more regular, so the Applicant is looking for minor subdivision to modify the lot lines. The variances for rear and side yard setback are not being increased in any way; the rear yard set back is closer to more conforming, Mr. Robertson stated. Mr. Robertson said he felt a record could be created using the Plan of Minor Subdivision (Lapatka Associates, Inc. dated 4/16/08; revised 8/22/08) that shows the lot line adjustment that was prepared by the Applicant's engineer; there is also a steep slopes map that the Planning Board engineer can refer to; and the Applicant could provide testimony to the Board explaining exactly what is being proposed and why it is being proposed.

Mr. (Keith) Merrell was sworn in and explained that the Lot 79 is irregular and triangular in shape. Mr. Merrell testified that his house was built in 1934 and used to comprise the piece of land that is the focus of the Application. Mr. Merrell testified that he maintains the land currently. Mr. Merrell stated he purchased the home in 1991 and was given a credit from the attorneys to straighten the lot line

situation out. Mr. Merrell testified that the land swap was acceptable to his neighbor. Mr. Merrell stated he wished to complete the land swap as he wants to fence in the yard. Mr. Merrell testified that he is giving his neighbor 15' of property that is 18' wide at its widest. The net result is to eliminate the long strip along the rear of the property; Mr. Merrell would own the whole triangular piece.

Mr. Robertson asked Mr. Merrell if he had reviewed the reports that were prepared by the Planning Board's engineer and planner; Mr. Merrell answered that he had. Mr. Merrell stated he would have to move the shed on the property that will no longer be in compliance and he would comply. Mr. Ciccarone asked about the maintenance of the strip of land; Mr. Merrell felt that it was originally part of the right of way. Mr. Merrell continued that when Karlin Court was developed, one of the developers gave the land to Francis Amato, Mr. Merrell's neighbor at Lot 79.01. Mr. Merrell stated that he has no plans to expand the house.

Engineer Peter Turk referred to a five point bullet list of items that can be conditioned at approval. The Applicant agreed to comply.

Regarding a man-made pond on the property, Mr. Turk stated that Mr. Ruschke inspected the pond and said it appeared to be a man-made pond. Mr. Merrell testified that there is an artesian well feeding the pond. Mr. Turk stated that because it is a man-made pond, Mr. Ruschke was in favor of the waiver of an LOI. Mr. Banisch was in favor of the Application.

Mr. Jacobson opened the hearing to the public. Mrs. Dot Stillinger asked about how the pond discharges; Mr. Merrell stated it discharged underground. Mrs. Stillinger asked if the property behind his house was Township property; Mr. Merrell stated, to his knowledge, it was the right of way for PSEG and owned by PSEG.

Mr. Brower made a motion to approve the Application, subject to a memorializing Resolution and Mr. Ciccarone seconded. At voice vote, all Board members voted "yes". Mr. Robertson advised

Mr. Merrell that his attorney would have to prepare a deed for minor subdivision that would need to be filed within 180 days of approval.

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Discussions

Recycling Plan Element

Mr. Jacobson noted that Mr. Robertson had determined that the Board needs to amend the Recycling Plan Element of the Master Plan to be consistent with the county and state. Mr. Robertson stated that he and Mr. Ruschke have been reviewing the ordinance that brings the Recycling Plan Element into conformity with the county requirements. Mr. Ruschke has prepared a draft of the amended element that was forwarded to the Board. Mr. Robertson advised the Board to consider the Recycling Plan Element at the same time as the Amended Housing Element and Fair Share Plan.

Mr. Ciccarone moved to consider the Recycling Plan Element on November 17, 2008 and Mr. Brower seconded, with all in favor.

Amended Housing Element and Fair Share Plan

Mr. Banisch presented a proposed draft housing element and fair share plan for discussion.

As set forth in the draft plan, Mr. Banisch advised that the third round obligation (net) for the Township would be 117 affordable units. Mr. Banisch recommended that the Township address the obligation by providing 19 rehabilitation units, 10-11 accessory apartments, 7 market to affordable units, 75 units extended affordability controls (Chatham Glen), 19 group home (which includes 12-unit credit from prior round).

Following the discussion, Mr. Ciccarone made a motion for Mr. Banisch to prepare the final version of the Housing Element and Fair Share Plan for Public Hearing on November 17, 2008 and Mrs. Chambers seconded, with all in favor.

The Board adjourned to Executive Session to discuss matters of litigation. Following Executive Session, there was no further business and the November 3, 2008 Planning Board meeting of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary