

The November 7, 2005 semi-monthly 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 meeting included Novick/Hagner, Housing Element and ordinances.

Roll Call

Board members present included Mr. Jacobson, Mr. Brower, Mr. Browne, Mr. Caprioglio, Mrs. Chambers, Mr. Cohn, Mr. Hartford, Mr. McCutcheon, and Mr. Miller. Board professionals in attendance included Board attorney Donald Malehorn and Board planner Frank Banisch.

Novick/Hagner

Mr. Jacobson and Mr. Malehorn introduced a draft form of the resolution approving the Novick/Hagner application and settling the pending litigation.

Mr. Malehorn requested clarification regarding the Board's position on trees. Two issues were identified: trees removed for the purpose of construction and trees removed once the project was completed. Mr. Malehorn interpreted the discussion from the previous meeting to mean that the applicants must comply with the Township's tree ordinance, as well as the approval conditions imposed by the Board. Mr. Banisch stated the driveway was considered a structure for purposes of the tree

replacement requirements. Mr. Hartford stated that in the future, in the dark green area on the site plan, any tree over 18” that is removed must be replaced on the property. After discussion, the Board was satisfied that the draft resolution accurately reflected the Board’s decision regarding the replacement of trees to be removed on the property.

There was discussion as to the size of any accessory structure allowed on the property. The applicants’ attorney expressed concern over the limited space allowed for accessory structure. The Board decided to continue to limit the size of any accessory structure or additional impervious coverage to 100 square feet.

The accessibility to the house by fire trucks and emergency vehicles was discussed and it was determined that the Fire Department had submitted a letter stating the house could be reached.

Ms. Studholme raised the issue of the fees to be paid by the applicant. Mr. Jacobson said he would speak with the Planning Board Manager to make sure that only fees related to the original application and the amended application were charged to the applicant.

After discussion, it was concluded that the required minor modifications to the draft resolution did not affect the original vote to approve the application.

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Other Business

Mr. McCutcheon asked about the landscaping at Sterling, as it was not was agreed to in the plans. Mr. McCutcheon stated he would follow up with Mr. Ruschke.

Landscaping at the Hickory Tree Shopping Center was also discussed.

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Housing Element

Mr. Jacobson asked Mrs. Chambers to report on the Housing Element. Mrs. Chambers stated the plan was to review the Fair Share Plan outlined and the proposed draft ordinance in preparation for meeting the obligation and presentation at the public hearing.

Mr. Banisch stated the governing body needed to endorse the final proposed plan by affirmative vote at a public meeting, including potential ordinances. Mr. Malehorn stated public notice would be given.

Mr. Banisch gave a brief overview of the Council for Affordable Housing (COAH) history and the development of the formula for housing obligations through the year 2013. Mr. Banisch stated the Township has a 16-unit surplus, after meeting the predicted growth share. Mr. Banisch stated that the Township has come to this point by creating 8 RCA units, 6 group home units, (which count as 12 credits) and 75 units at Chatham Glen. Should more of an obligation occur, the obligation would be a burden to the tax payer, unless other methods like a developer fee ordinance, (1% of the assessed value of the dwelling or 2% of the assessed value of non-residential floor area) or a growth-share fee ordinance are adopted.

The Board asked about the conversion of the Chatham Glen units to fair market value units; Mr. Banisch reviewed the options at time of conversion. Mr. Hartford also expressed interest in meeting local needs, as well as satisfying requirements; Mr. Banisch stated he understood that.

Mr. Banisch reviewed the required rules by COAH under the Fair Housing Act as part of the Housing Plan, which includes a summary of housing and demographic characteristics and the growth share forecast. Mr. Banisch continued that the proposed Fair Share Plan enables a variety of approaches. Mr. Banisch stated the Fair Share Plan first paragraph states that the plan meets the obligation by applying the credits from past housing production. The Housing Plan subcommittee expressed a desire to go beyond that requirement.

There was discussion of the vacant developable land in the Township. It was determined that non-residential development (i.e., Reckson) could create a need for a significant number of additional affordable units (90) and the existing surplus (16) would not cover that. The growth share ordinance would come into play at this time.

Mr. Banisch presented a draft of the growth share ordinance. The discretionary items were reviewed. After discussion, it was determined that the document presented tonight, with minor suggested changes, would be available for public inspection in advance of the public hearing scheduled for November 21, 2005. Following the public hearing, the Housing Plan Element would be voted on by the Planning Board.

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Tree Ordinance

Mr. Hartford stated the Township Committee did pass the new Tree Ordinance. However, he stated there was a commitment made to address the deficiencies of the ordinance. Mr. Hartford stated there was some discussion at the Committee meeting about the Land Use Ordinance, which incorporates the landscape requirement. Mr. Hartford stated the landscape requirement is weak and needs to be filled out and then referenced in the Tree Ordinance to prevent the eradication of trees by developers building new homes in the place of teardowns. Mr. Hartford stated the Mayor's time frame for follow up of the Tree Ordinance was February.

Mr. Hartford continued stating another deficiency within the Tree Ordinance was the requirement of buffers. Mr. Hartford stated that while there is a general provision, which talks about protecting buffers, there is nothing specific. Mr. Hartford suggested the Planning Board consider this topic. Mr. Jacobson and Mr. Malehorn concurred that the Tree Ordinance had not been sent to the Planning Board for review. Mr. Jacobson commented that it was important for a short list of prioritized

ordinances to be developed by the Committee, so that the Planning Board uses its time wisely. Mr. Jacobson confirmed the process that sample ordinances are presented to the Planning Board planner and then to the Township Committee, once direction was received from the Committee. Mr. Brower stated he would ask the Committee to prioritize the ordinance requests of the Planning Board and the Board would work on them sequentially.

Mr. Jacobson recognized the need for a subcommittee to address the Tree Ordinance and Landscape Ordinance.

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There being no further business, the November 7, 2005 minutes of the Planning Board of the Township of Chatham was adjourned.

Respectfully submitted,

Katherine T. Hollerith
Recording Secretary