

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
APRIL 22, 2010

Mayor Hagner called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:32 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 8, 2010; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2010; and notice was filed with the Township Clerk on January 8, 2010.

Mayor Hagner led the flag salute.

Roll Call

Answering present to the roll call were Committeeman Gallop, Committeeman O'Connor, Committeeman Brower, Deputy Mayor Tubbs and Mayor Hagner.

Approval of Agenda

Mayor Hagner moved to approve the Agenda. Deputy Mayor Tubbs seconded the motion, and it carried unanimously.

Proclamation

Mayor Hagner read aloud the attached proclamation proclaiming the week beginning May 9, 2010 as National Nursing Home Week. Micheline Hill from the King James Care Center was present to receive the proclamation. Mrs. Hill thanked the Township Committee for the proclamation.

Reports by Subcommittees

Chatham Township Environmental Commission

The Annual Report of the Chatham Township Environmental Commission (CTEC) was presented by Dot Stilling. Mrs. Stilling gave some background about CTEC, and listed the names of the members. The most significant accomplishment of 2009 was the attainment of Sustainable Jersey Certification, which makes the Township eligible for grants and other State services. Mrs. Stilling also listed several events and campaigns that were spearheaded by CTEC, and she thanked those organizations that provide assistance with the annual Riverside Cleanup event. Mrs. Stilling further listed various events and programs that will be conducted in 2010. CTEC is also working on lawn pesticide education, and they would like to see Colony Pool be pesticide-free. Mr. Steve Carroll from CTEC's Green Team gave some information about Sustainable Jersey. He also asked that the Township Committee pass a resolution authorizing membership in the Community Partners Initiative. Deputy Mayor Tubbs praised the Environmental Commission for their success with the Riverside Cleanup event, and asked about opportunities for grants. Mr. Carroll said that Wal*Mart ran a grant program last year, and may issue grants this year as well. PSE&G may also be running a grant program. Mayor Hagner addressed pesticides at Colony Pool, and said that they would not be used. She also asked about a \$5000 grant from NJ American Water. Mrs. Stilling said that the grant would be used for Outreach & Education programs.

Reports

Committeeman O'Connor reported that applications to the County Open Space Committee need to be made by mid-July. Deputy Mayor Tubbs reported that on April 29, 2010 there will be a shared services seminar at Union County College. He also thanked the fire departments, DPW and Police Department for their efforts during a recent house fire. Committeeman Brower reported that deer culling has been successful. He also addressed some of his concerns regarding

the transfer of the General Assistance Program to Morris County, and he has been in touch with local clergy about ways to identify people in need and how to get them help. Mayor Hagner reported that Comcast has a scholarship foundation, and they awarded a \$1000 scholarship to a Chatham High School student. She also mentioned that on May 1, 2010 the Green Village Fire Department will be holding their Steak and Lobster event. Committeeman O'Connor added that on May 8, 2010 an electronics recycling event will be held. Mayor Hagner further reported that paving on Lafayette Avenue would take place in June. The Southern Boulevard Firehouse is also still on schedule for its opening on May 15, 2010. Bid documents are being prepared for various energy upgrades. Mayor Hagner also reported that Administrator Ciccarone is still investigating if a joint court with Madison will be an option. Administrator Ciccarone reported that construction at Shunpike Field is underway, and Castle Park is only open on weekends and days when construction is not taking place. Mayor Hagner further reported that interviews have taken place for the position of Recreation Director, and she hopes to propose a candidate for appointment at the next meeting.

Hearing of Citizens/Petitions

Mayor Hagner opened the Hearing of Citizens.
Hearing none, Mayor Hagner closed the Hearing of Citizens.

Consent Agenda

RESOLUTION 2010-088 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS AND MINUTES FROM VARIOUS BOARDS AND COMMITTEES

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

Tax Collector – March
Fire Official – January, February, March
Municipal Court – March
Construction Official – March
Animal Control – March
Public Works – March
Licensing Official – First Quarter
State Training Fees – First Quarter
Registrar – First Quarter

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:

RESOLUTION 2010-089 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on April 8, 2010.

RESOLUTION 2010-090 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on April 8, 2010.

RESOLUTION 2010-091 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR KIWANIS CLUB OF THE CHATHAMS

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by the Kiwanis Club of the Chathams for cash prizes (50/50) of less than \$400.00 at Charlie Brown's Steakhouse, 522 Southern Boulevard are hereby approved on the following dates:
2010 – May 18, 25; June 15, 22, 29; July 20, 27; August 17, 24, 31; September 21, 28; October 19, 26; November 16, 23, 30; December 21, 28.

2011 – January 4, 11, 18, 25; February 1, 8, 15, 22; March 15, 22, 29; April 19, 26.

**RESOLUTION 2010-092
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING RAFFLES FOR MAKE A WISH FOUNDATION OF NJ**

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by Make A Wish Foundation of NJ on June 7, 2010, at Fairmount Country Club, 400 Southern Boulevard, Chatham Township, are hereby approved.

**RESOLUTION 2010-093
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY MORRIS, STATE OF NEW
JERSEY RELEASING THE SURETY BOND FOR BLOCK 36, LOTS 16 AND 16.04**

WHEREAS, the Planning Board has granted subdivision approval for a project located on Candace Lane, Block 36, Lots 16 and 16.04 (the subject properties); and
WHEREAS, said approvals and subsequent site improvements in the field required the posting of a surety bond for the installation of monuments, which was posted by the developer; and
WHEREAS, as set forth by the Township Engineer, John Ruschke, P.E., in his report dated April 14, 2010, the installation of monuments has been completed so that the surety bond may be released;
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the surety bond posted by the developer is in the amount of \$10,449.00, the cash portion of said surety bond in the amount of \$1,161.00, in accordance with the report of John Ruschke, P.E., dated April 14, 2010, for the subject properties are hereby released and may be returned to the developer.

**RESOLUTION 2010-094
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY
SPECIAL PERMIT FOR LIQUOR LICENSE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Chatham Township Volunteer Fire Department	June 5, 2010	Chatham Township Volunteer Fire Department Headquarters 495 River Road Chatham, NJ 07928

**RESOLUTION 2010-095
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF
MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT
AND/OR PERFORMANCE BOND BALANCES**

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and
WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Taner Aral 22 Runnymede Road Chatham, NJ 07928 Re: BOA 08-48.02-22	7760011234	\$60.00

**RESOLUTION 2010-096
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
SUPPORTING PARTICIPATION IN THE COMMUNITY PARTNERS INITIATIVE**

WHEREAS, the Township Committee of the Township of Chatham has passed Resolution 2009-075, which supports participation in the Sustainable Jersey Municipal Certification Program; and

WHEREAS, the Community Partners Initiative provides an entry point for local governments and its residents and businesses to gain access to valuable technical and financial assistance; and

WHEREAS, Sustainable Jersey will grant certification points to municipalities which meet Community Partners Initiative Participation Targets;

NOW, THEREFORE, BE IT RESOLVED that to continue to focus attention within the Township of Chatham, the Township Committee wishes to join and participate in the Community Partners Initiative.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Chatham that we do hereby authorize the Environmental Commission/Green Team to complete the application for the Community Partners Initiative and to designate one of its members as contact and Outreach Coordinator for the energy and outreach incentive programs of the Community Partners Initiative.

A resolution supporting participation in the Community Partnership Initiative was added to the Consent Agenda. Committeeman Brower asked about the process for approval of raffles, and if the process could be simplified. Administrator Ciccarone explained that raffles are regulated by the State, and registered organizations are required to apply to municipalities for licenses. Deputy Mayor Tubbs added that some municipalities do not allow raffles, hence why some organizations seek licenses in Chatham Township.

Committeeman O'Connor moved to approve the Consent Agenda. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Discussion

Length of Driveways

ORDINANCE 2010-08

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30 (ZONING) OF THE MUNICIPAL CODE AS RESPECTS LENGTH OF DRIVEWAYS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

1. Chapter 30, Land Development, §30-96.19, *Garages, Carports and Driveways for One (1)–Family Residences*, is hereby amended at §30-96.19a to read as follows:

30-96.19. Garages, Carports and Driveways for One (1)-Family Residences.

- a. A garage or carport and driveway shall be constructed for each one (1)-family residence, and such garage or carport shall be connected by a driveway to the abutting street. The garage or carport and driveway shall be located on the same lot as the principal use to which the garage or carport and driveway are accessory. No required garage or carport space shall be converted to another use unless a new garage or carport space is provided. The grade of any driveway shall not exceed fifteen (15%) percent. Not more than one (1) commercial vehicle of a rated capacity not exceeding three-fourths (3/4) ton owned or used by a resident of the premises may be garaged on the premises. In the R-3 Residence District only, no driveway shall exceed one hundred fifty (150) feet in length, as measured from the street right-of-way line to a point one hundred fifty (150) feet perpendicular to the street right-of-way line
2. All other provisions of §30-96.19 shall remain unchanged.
3. This ordinance shall take effect in accordance with applicable law.

Attorney Woodward explained that the current limit for driveway length in the R-3 Zone is 150 feet. The Zoning Board has indicated that there is some confusion in the interpretation of how driveways should be measured, and this ordinance would clarify the process. Committeeman Brower asked about the parking of boats on driveways, and Administrator Ciccarone indicated that parking of boats is regulated elsewhere. Attorney Woodward added that this particular ordinance deals with commercial vehicles rather than recreational vehicles.

Committeeman O'Connor moved to introduce Ordinance 2010-08. Committeeman Brower seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Public Hearing for Ordinance 2010-08 will be scheduled for June 10, 2010.

Projections into Required Yards

ORDINANCE 2010-09
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 30 (ZONING) OF THE MUNICIPAL CODE AS RESPECTS PROJECTION INTO REQUIRED YARDS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham is hereby amended as follows:

1. Chapter 30, Land Development, §30-6, *Definitions* is hereby amended to add the definition of "portico" as follows:

Portico shall mean a porch or walkway with a roof supported by columns, often leading to the entrance of a building.

2. Chapter 30, Land Development, §30-96.14, *Yards*, is hereby amended at §30-96.14e, *Projections into Required Yards*, to read as follows:

e. Projections into Required Yards. Notwithstanding any other provision of this section, the following may project into any front, side or rear yard required in the various zones: chimneys; and portions of a building including but not limited to eaves, bay windows, oriels, balconies, overhangs and coverings over steps, provided that no such portion of a building shall project more than three (3) feet into any required front, side or rear yard. Porticos and uncovered landings or entryways may project into the front yard not more than six (6) feet, and providing further that the portico or uncovered landing does not exceed fifty-four (54) square feet in lot coverage within the front yard setback except in the R-4 Residential District wherein such projection may not exceed five (5) feet, and providing further that the portico or uncovered landing does not exceed forty five (45) square feet in lot coverage within the front yard setback.

3. All other provisions of §30-96.14 shall remain unchanged.

4. This ordinance shall take effect in accordance with applicable law.

Committeeman Brower moved to introduce Ordinance 2010-09. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Tubbs, Aye; Mayor Hagner, Aye.

Public Hearing for Ordinance 2010-09 will be scheduled for June 10, 2010.

Steep Slopes

Attorney Woodward explained that the step slope ordinance requires some clarification, and some of the regulations need to be made consistent. Last year the Township Committee considered some water quality management ordinances so as to comply with DEP regulations, including an ordinance regarding steep slopes. Attorney Woodward said that he attempted to draft an ordinance that would combine elements of the existing Township ordinance and the DEP's model ordinance. However there were several issues that prevented the merging of the two documents. As a result, Attorney Woodward is going to modify the DEP's model ordinance to suit the needs of the Township, and it will be ready for consideration at the next meeting. Despite the suggestions of the Board of Adjustment, according to State regulations a variance would be required for any disturbance greater than 20%. Deputy Mayor Tubbs asked if the Township Committee has to adopt any new regulations regarding steep slopes. Attorney Woodward said that a new ordinance would have to be adopted to bring the Township into compliance with the State's water quality planning regulations.

Reports of Subcommittees

Tree Protection Committee

The Annual Report of the Tree Protection Committee was presented by Mary Olmsted. Mrs. Olmsted said that she conferred with the arborist, and he reported to her that there are sometimes disputes between neighbors regarding trees that neighbors feel are dangerous. Per the tree density requirements, Mrs. Olmsted said that people can find out their lot size online, which can help people determine the required tree density for their property. Mrs. Olmsted also said that she and June Tullman are planning on producing a short film about trees, and they would welcome any ideas for projects. Committeeman O'Connor asked if having a tree arborist on staff has had a positive or negative effect on tree protection. Mrs. Olmsted said that it has been positive, and that residents have an expert to call to ask questions about various tree related issues. Committeeman O'Connor said that clear-cutting is still an issue. Mayor Hagner asked if the fees collected for permits are covering costs. Mrs. Olmsted said that the Land Use Office should be collecting fees for site plan reviews. Administrator Ciccarone added that it was known at the time that the current tree protection ordinance was adopted that costs would not be covered by tree permit fees. Mrs. Olmsted pointed out that the ordinance allows a \$90/hour charge when a tree removal permit is issued in connection with a lot-grading, building permit or site plan. Committeeman Brower asked how the tree density calculation was derived. Mrs. Olmsted said that the tree density requirement is based on an average. Mrs. Stillinger from the Environmental Commission asked if the arborist would be available to offer an opinion if a tree is dead or dangerous. Mayor Hagner indicated that people would have to apply for a permit before the arborist would make an inspection. Committeeman Brower raised an issue about neighbors who encroach on trees on their neighbors properties.

Hearing of Citizens/Petitions

Mayor Hagner opened the Hearing of Citizens/
Seeing none, Mayor Hagner closed the Hearing of Citizens.

New Business

Committeeman Brower asked about the white sidelines on a section of Southern Boulevard. Chief Paton said he would contact the County to take a look at the striping.

Committeeman O'Connor moved to adjourn at 8:58 PM. Deputy Mayor Tubbs seconded the motion, and it carried unanimously.

Gregory J. LaConte
Deputy Municipal Clerk