

**TOWNSHIP OF CHATHAM**  
**TOWNSHIP COMMITTEE MEETING MINUTES**  
**APRIL 24, 2008**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:36 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 4, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2008; and notice was filed with the Township Clerk on January 4, 2008.

Mayor Tubbs led the flag salute.

**Roll Call**

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

**Approval of Agenda**

Mayor Tubbs said that the annual report of the Colony Pool Advisory Committee would be held toward the end of the meeting. Committeewoman Hagner asked that the discussion of the Tree Ordinance revisions be the first discussion item.

Deputy Mayor Brower moved to approve the agenda as amended. Committeeman O'Connor seconded the motion, and it carried unanimously.

**Reports**

Committeeman Gallop reported that a meeting was held with representatives from PSE&G regarding possible use of the high-tension easements for the bike path. He also reported that he received an e-mail from Superintendent of Schools Jim O'Neill to set up a meeting regarding a bike path linkage that might include school property. Furthermore, Angela Clerico from Banisch Associates supplied Committeeman Gallop with a timeline for submitting the bike path plans to the Planning Board. Committeeman O'Connor reported that the new members of the Board of Education would be sworn in at their next meeting. Mayor Tubbs added that the annual Riverside Cleanup was held on April 19, 2008 and it was successful. Furthermore, the Electronics Recycling Event will be held on May 3, 2008. Deputy Mayor Brower updated the Township Committee on the outdoor sign that will be provided by Madison Honda for the Senior Center of the Chathams. The sign will be made out of high density plastic, and will be placed up on the building. Committeewoman Hagner reported that the Township received equipment funds from Comcast, and she will be meeting with Tom Salvias to discuss the next steps. Committeewoman Hagner also reported that a recent fire on Park View Road drew attention to the fact that there are not enough fire hydrants on the street. She has spoken with Fire Official Barry Howard, who will consult with Chief Burke and Chief Doherty and provide a recommendation. Furthermore, there will be an opening day ceremony at Castle Park on May 3, 2008 from 9:00 AM to 11:00 AM. There are some drainage issues that still need to be addressed at Castle Park, and Committeewoman Hagner asked whether or not Public Works should work overtime to fix the problems before opening day. A guardrail is also needed between the parking lot and the playground. Deputy Mayor Brower suggested that so long as the park is presentable and safety issues have been adequately addressed, it would be ok to hold the opening day ceremony as planned. Assistant Public Works Director John Pacelli said that the main risk at present are trip hazards, and warning signs and a snow fence could be posted at the site. Mayor Tubbs suggested pulling Department of Public Works personnel from other projects to focus on Castle Park to ensure that safety issues are addressed. Mayor Tubbs reported that both the Library Board of Trustees and the Colony Pool Advisory Committee have met, and there are no significant issues. He also attended a recent Morris County League of Municipalities meeting, and recycling enforcement was discussed. Deputy Mayor Brower asked about possible fines for non-compliance. Mayor Tubbs said that residents need to be better educated about recycling

issues. He also reported that a letter was received from a recent intern at the Chatham Township Police Department. Engineer Ruschke reported that Officer Curtis evaluated the intersection of Noe Avenue and Southern Boulevard, and he does not feel that there is any need to reconstruct the intersection at this time. Engineer Ruschke also plans to have the Shunpike Field application submitted to the DEP next week. Deputy Mayor Brower reported that PSE&G is performing maintenance on the utility right-of-ways, and he would like to have the Department of Public Works monitor the work.

### **Hearing of Citizens/Petitions**

Mayor Tubbs opened the Hearing of Citizens.

1. Ronald Gunn, Madison resident, built a new home at 47 Ormont Road and is seeking a temporary certificate of occupancy for the property. He gave a history of the construction of the house and the violations that have held up the issuance of a certificate of occupancy. Mr. Gunn said that the potential buyer of this property was asked to sign an acknowledgement that they would be responsible for any summonses and violations regarding the site, and he feels that this was an unfair request. Mr. Gunn also provided pictures of the site. Mayor Tubbs asked Mr. Gunn when he became that there were violations at the site. Mr. Gunn said that he was informed back in November. Mayor Tubbs also asked what has been done to address the violations since Mr. Gunn became aware of them. He also asked what was done that caused the property to not be in compliance. Mr. Gunn explained that a landscaping wall was put in, and the wall was not a part of the approved site plan. Attorney Woodward said that a memo was sent to Mr. Gunn in September stating that he must go back to the Planning Board for approval. He also explained that the Township wants to ensure that the potential buyer of the property is aware that the Planning Board might not approve the landscaped wall. Furthermore, the buyer needs to be aware that once title is transferred, there is no legal requirement that Mr. Gunn perform the work unless they enter into a private arrangement.
2. Barbara Veeder, River Road resident, is the realtor representing the potential buyer of 47 Ormont Road. She explained that the family is currently in temporary housing, and needs to vacate the temporary housing on April 29, 2008. Mrs. Veeder also asked if the acknowledgement of responsibility would be an assumption of responsibility. Attorney Woodward explained that the responsibility would be with the buyer once ownership of the property is transferred, but added that they would have access to the \$50,000 bond as reimbursement for any work that needed to be performed. Mrs. Veeder asked if it would be possible to issue a temporary certificate of occupancy to Mr. Gunn, in which case he could continue to own the property and rent it to the potential buyer until such time as the violations are resolved. Attorney Woodward said it would be possible, and that transfer of title would not be possible until after the Planning Board had rendered a decision and any work to be done was completed. Deputy Mayor Brower asked if it would become possible for the buyer to apply for a variance to allow for the second wall. Attorney Woodward explained that a variance was already required for the initial retaining wall, and the application would be for the extension of the existing variance.

Seeing no further comment, Mayor Tubbs closed the Hearing of Citizens.

### **Public Hearing/Final Adoption of Ordinances**

#### **ORDINANCE 2008-06**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING FEES FOR USAGE OF THE POLICE FIRING RANGE**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995 are amended to establish fees for use of the Police Firing Range by outside law enforcement agencies as follows:

1. Section 2-81.2, Police Firing Range Fees, is hereby added as follows:

The following fees for usage of the Police Firing Range at Police Headquarters by law enforcement agencies are hereby established:

1-9 times per year: \$200

10-24 times per year: \$500

25 times per year or more \$600

Each law enforcement agency shall supply a certified range master for each use of the range.

No other entity or individual other than the Chatham Township Police Department or other law enforcement agency shall use the Police Firing Range without the prior approval of the Township Committee.

2. This ordinance shall take effect as provided by law.

Mayor Tubbs opened the Public Hearing on Ordinance 2008-06.

Hearing none, Mayor Tubbs closed the Public Hearing on Ordinance 2008-06.

Deputy Mayor Brower pointed out that Ordinance 2008-06 was prepared in conjunction with the Public Safety Committee and Chief Goeckel. Furthermore, he suggested that the issue be revisited to add a per person fee rather than a group rate. He also asked if a provision could be developed to allow legitimate gun clubs to use the range. Attorney Woodward said that there already is a provision that would allow such clubs to use the range if they first obtain permission from the Township Committee.

Deputy Mayor Brower moved to adopt Ordinance 2008-06. Committeeman O'Connor seconded the motion.

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

### Consent Agenda

#### **RESOLUTION 2008-077**

#### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIREWORKS FOR FAIRMOUNT COUNTRY CLUB FAMILY DAY EVENT**

**WHEREAS**, state regulations require municipal governing body approval for the use of fireworks displays; and

**WHEREAS**, the Township has received an application to conduct a fireworks display by the Fairmount Country Club on June 7, 2008 for a Family Day event to take place at Fairmount Country Club, 400 Southern Blvd., Chatham, New Jersey; and

**WHEREAS**, the Township wishes to permit the applicant to conduct this fireworks display in accordance with all applicable laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that it hereby approves the Fairmount Country Club Fireworks Application contingent upon the payment of all required fees, posting of appropriate insurance certificates, and compliance with all state and local laws and regulations.

#### **RESOLUTION 2008-091**

#### **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 – February, March

Municipal Court – March

Construction Official – March

Animal Control – March  
 Public Works – March  
 Fire Official – March  
 Chatham Emergency Squad – March  
 Registrar – 1<sup>st</sup> Quarter Payment  
 Licensing Official – 1<sup>st</sup> Quarterly Report 2008

**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:

Chatham Joint Recreation Advisory Committee – March  
 Open Space Advisory Committee – February

**RESOLUTION 2008-092**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING THE CHATHAM TOWNSHIP FIREFIGHTERS BENEVOLENT FUND REQUEST**

**WHEREAS** the Chatham Township Firefighters Benevolent Fund of the Chatham Township Volunteer Fire Department will be holding it's annual pig roast at Fire Headquarters on River Road on Saturday, June 7, 2008, from 4:00 –11:00 p.m. and

**WHEREAS** due to limited parking in and around the firehouse, the Chatham Township Firefighters Benevolent Fund has requested permission from the Township Committee of the Township of Chatham to close the South Side of River Road and to authorize Police Officers to help provide proper and safe traffic management during this event;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that approval is hereby granted to the request of the Chatham Township Firefighters Benevolent Fund;

**BE IT FURTHER RESOLVED** that the Township Clerk forward a copy of the Chatham Township Firefighters Benevolent Fund request and a copy of this resolution to the Police Department prior to the event.

**RESOLUTION 2008-093**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING RAFFLES FOR CHATHAM DAY SCHOOL, INC.**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham that casino night raffles to be conducted by Chatham Day School, Inc. on May 31, 2008, at Chatham Day School, 700 Shunpike Road, Chatham Township, are hereby approved.

**RESOLUTION 2008-094**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES**

**WHEREAS**, due to inadvertence, error, tax appeal settlement or judgement, an overpayment of property taxes has been made for the following property; and

**WHEREAS**, the Tax Collector has recommended the refund of such overpayment,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
56	15	Gorman, John E. & Michele A. 24 Long Hill Lane Chatham, NJ 07928	\$651.26

**RESOLUTION 2008-095**

**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 10, 2008.

**RESOLUTION 2008-096**

**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>
Elaine Ferrara 51 Buxton Road Chatham, NJ 07928	7760011152	\$120.50
Richard & Pamela Theonnessen 155 Meyersville Road Chatham, NJ 07928	7760011149	\$1511.25

Deputy Mayor Brower moved to adopt the Consent Agenda. Committeeman Gallop seconded the motion.

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

**Reports by Subcommittees**

Colony Pool Advisory Committee

Terry Santora presented the annual report of the Colony Pool Advisory Committee. Mrs. Santora reported that the Community Pass system was instituted for online registration for activities. The biggest accomplishment in 2007 was the resurfacing of the Colony Tennis Courts, which resulted in increased tennis membership. A new slide was also installed at the Colony Pool. In 2008, Mrs. Foot will be teaching fitness classes for Colony Pool members. They are also looking to install a water volleyball net. There has also been discussion as to what they would like to do with the yellow house on the Colony Pool property. Mayor Tubbs indicated that the house will need to be demolished, and it is currently used for restroom facilities and storage. He has asked the Colony Pool Advisory Committee to discuss what to do with the space occupied by the house, and consideration will need to be given to the residents in the neighborhood. Deputy Mayor Brower asked about the property behind the yellow house. He indicated that the family who donated the property was supposed to have been memorialized for having donated the land, and he also suggested studying how to maximize the long-term use of the land. Mrs. Santora also reported that there was some major tree trimming at Colony Pool, as there were some unsafe trees near where the gate guards sit. Deputy Mayor Brower suggested installing lightning arresters in some of the trees to make the pool safer.

**Discussion**

Tree Ordinance Revisions

Committeewoman Hagner reported that the Tree Protection Committee has met with an arborist, and he has been helping to develop a tree protection philosophy. She also discussed tree density standards, and the replacement guidelines. Mayor Tubbs warned that the tree ordinance should not have too much of a gray area. Attorney Woodward said that any ordinance would have to include sufficiently precise standards. Deputy Mayor Brower suggested that specimen trees should be identified. He also discussed protection of tree roots, and pointed out that there are enforcement issues. Committeeman Gallop warned about giving too much discretion to the arborist. Attorney Woodward said that the level of discretion would have to be carefully evaluated, but the arborist would need some level of discretion. Mary Olmsted from the Tree Protection Committee addressed trees with contagious diseases. She said that they can legally be taken down, and she suggested that there should be a replacement requirement for such trees.

Recycling Ordinance Amendments

**ORDINANCE 2008-08**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REVISING THE MANDATORY RECYCLING ORDINANCE, CHAPTER 18-1 OF THE TOWNSHIP CODE**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Section 18-1, Mandatory Recycling Program, of the Township Code is hereby amended to delete existing Sections 18-1.1 through 18-1.10, to renumber Section 18-1.11, Fees Charged to Commercial Handlers of Recyclable Material, as 18-1.12, and to adopt new sections 18-1.1 through 18-1.11 as follows:

**1. 18-1. Municipal Source Separation and Recycling**

**18-1.1 Definitions**

*Commingled* - means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling;

*Designated recyclable materials* - means those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

Aluminum Cans - Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

Glass Bottles and Jars - Bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

Plastic Bottles (coded 1 and 2) - Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.



PETE



HDPE

Steel (Tin) Cans - An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

- Newspaper - A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time.
- Corrugated Cardboard - Shipping containers made with kraft paper linerboard and corrugated medium.
- Mixed Paper - Various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.
- Leaves - Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.
- Grass Clippings - Vegetative material generated when grass (lawns) are cut.
- Brush - Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.
- Natural Wood Waste - Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.
- Oil-Contaminated Soil - Non-hazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be non-hazardous in accordance with the standards set forth in N.J.A.C. 7:26.
- Used Motor Oil - Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.
- Lead-Acid Batteries - Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.
- Hazardous Dry Cell Batteries - Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are non-rechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc non-rechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.
- Metal Appliances - Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.
- Whole Tires\* - Tires that are whole, not chipped into small pieces.
- \*Tires are allowed to be recycled and/or incinerated for energy recovery.;

*Electronic waste* - means a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones;

*Multifamily dwelling* - means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under

subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 (C.55: 13A-1 et seq.);

*Municipal Recycling Coordinator* - means the person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore.

*Municipal Recycling Enforcement Coordinator* – means the person or persons named by the municipality who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment Section 8.6. This person may be the same person designated as the Municipal Recycling Coordinator.

*Municipal solid waste (MSW) stream* - means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Chatham which is not bulky waste or construction and demolition debris;

*Recyclable material* - means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

*Source-separated recyclable materials* - means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

*Source separation* - means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

### **18-1.2 Source Separation; Exemption from Source Separation Requirements**

- A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Chatham, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township.
- B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

### **18-1.3 Acceptance of the Municipal Solid Waste Recycling Goal**

As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), the Township of Chatham accepts the goal of 50% recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.

### **18-1.4 Collection of Recyclable Materials**

The collection of recyclable material shall be in the manner prescribed as follows:

- A. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 PM of the day immediately preceding the day of collection, but no later than 6:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.
- B. All receptacles or dumpsters shall be maintained in accordance with the Health Code of the Township of Chatham.

**18-1.5 Residential Dwelling Compliance Requirements**

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

**18-1.6 Non-Residential Establishment Compliance Requirements**

- A. All non-residential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. All non-residential facilities shall report on an annual basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

**18-1.7 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties**

- A. Any application to the planning board of the Township, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:
  - 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and

- 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- B. Prior to the issuance of a Certificate of Occupancy by the Township, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

**18-1.8 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials**

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

**18-1.9 Enforcement**

The Code Enforcement Official, the Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Housing Officer, the Chatham township Police Department and the Morris County Office of Health Management are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

**18-1.9 Penalty for Non-compliance with Source Separation Requirement**

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1,000. Each day for which a violation of this Ordinance occurs shall be considered a separate offence. Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program.

**18-1.10 Scavenging Designated Recyclable Materials Prohibited**

All designated recyclable materials placed for collection or delivered to the Township Recycling Center are the property of the Township, and no person who is not authorized by the Township shall appropriate any such materials.

**18-1.11 Severability, Effective Date**

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in

effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

2. This ordinance shall take effect as provided by law.

Mayor Tubbs indicated that Ordinance 2008-08 would bring the Township into compliance with Morris County's requirements. Deputy Mayor Brower raised a concern about disposal of fluorescent light bulbs. Attorney Woodward said that the problem with fluorescent light bulbs is that they contain mercury, and they should be disposed of as hazardous waste. Mayor Tubbs pointed out that the only places to bring fluorescent light bulbs are the various county facilities for hazardous waste, none of which are convenient for Township residents when dealing with single bulbs. He suggested that perhaps the Township could collect the bulbs at the recycling center, and that maybe Morris County could then pick up the bulbs. Committeewoman Hagner pointed out that there is a similar issue with batteries. Committeewoman Hagner asked if it would be worthwhile to indicate in the ordinance that the Township does not collect all items listed as recyclables. Attorney Woodward suggested introducing Ordinance 2008-08 as written so as to satisfy Morris County's requirements.

Committeeman O'Connor moved to introduce Ordinance 2008-08. Deputy Mayor Brower seconded the motion.

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

Public Hearing for Ordinance 2008-08 will be scheduled for May 8, 2008.

#### Zoning Ordinance Amendments

### **ORDINANCE 2008-09**

#### **AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, REVISING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF CHATHAM, CHAPTER 30 OF THE TOWNSHIP CODE.**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Chapter XXX, Land Development Regulations, of the Code of the Township of Chatham, is hereby amended as follows:

1. Section 30-6, Definitions, is amended to provide the definition of *garage* as follows:

*Garage* shall mean a detached accessory structure or a portion of a main structure for the parking or temporary storage of automobiles of occupants of the main building.

2. Section 30-78.11, Maximum Coverage in Residence Districts. The last sentence of this subsection is amended to read as follows:

As used in this subsection, the maximum coverage of the principle structure shall include all area under the roofed portion of such structure.

3. Section 30-96.13, Accessory Structure, is amended to modify the following subsections:

- a.5. Accessory structures located in side yards shall meet the sideyard setback requirements for principal structures. Except for structures, such as fences, which are regulated elsewhere in this chapter, accessory structures other than buildings shall not be located closer to a side property line than the height of the structure. No patio shall be located closer to the side property line than the sideyard setback for the principle structure.

- a.6. Accessory structures located in rear yards shall not be located closer to a property line than the minimum sideyard requirement for a principal structure. Except for

structures, such as fences, which are regulated elsewhere in this chapter, accessory structures other than buildings shall not be located closer to a property line than the height of the structure, provided that no patio shall be located closer to the rear property line than the sideyard setback for the principle structure.

4. Section 30-96.14.e, *Projections into Required Yards*, is amended to read as follows:

Notwithstanding any other provision of this section, the following may project into any front, side or rear yard required in the various zones: uncovered steps leading to the first floor of a building; chimney; 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. A landing with stairs to the first floor of the structure may project three (3) feet into a required yard, provided that the stairs do not project into the yard farther than the landing.

5. Section 30-96.20, Lot Grading Plans, is amended to add a new subsection 96.20c.4(m) to read as follows:

(m) The lot grading plan shall show sufficient details to determine whether wetlands are present on the lot.

6. Section 30-96.24, Steep Slopes. Subsections a.2 and a.3 are amended to read as follows:

a.2. Not more than twenty (20%) percent of slopes ranging from twenty (20%) percent to twenty-five (25%) percent shall be disturbed and the area of disturbance of such slope area shall not exceed five (5%) percent of the total lot area, provided that this subsection shall not apply to such steep slopes with a total slope area of 500 square feet or less.

a.3. Not more than thirty (30%) percent of slopes ranging from fifteen (15%) percent to twenty (20%) percent shall be disturbed and the area of disturbance of such slope area shall not exceed ten (10%) percent of the total lot area, provided that this subsection shall not apply to such steep slopes with a total slope area of 500 square feet or less.

7. This ordinance shall take effect as provided by law.

Attorney Woodward reviewed the amendments made by Ordinance 2008-09. Deputy Mayor Brower asked for clarification regarding accessory structures on properties where the house is at a preexisting nonconforming distance from the sideyard setback. Attorney Woodward explained the relationship between the height of accessory structures and their setback requirements. Deputy Mayor Brower pointed out that people could still apply for variances. In the steep slope section, Engineer Ruschke suggested that the ordinance apply to areas greater than 500 square feet.

Committeeman O'Connor moved to introduce Ordinance 2008-09. Deputy Mayor Brower seconded the motion.

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

Public Hearing for Ordinance 2008-09 will be scheduled for June 12, 2008.

### **Hearing of Citizens/Petitions**

Mayor Tubbs opened the Hearing of Citizens.

1. Ella Ackerman, Terrace Drive resident, said that she lives in a second floor condo, and she has a problem with second hand smoke coming into her condo from the communal front porch. Furthermore, the condo association only restricts indoor smoking. Attorney Woodward suggested that Ms. Ackerman try to have the condo association mandate that smoking may not occur within a certain number of feet from the units. Ms. Ackerman said that there is a website called <http://www.njgasp.org/> that discusses the NJ Smoke-Free Air Act, and the website provides guidance as to how local governments can

enhance the state regulations. Attorney Woodward said that he would review the website and see if there is anything that the Township Committee could do. Mayor Tubbs requested that the topic be added to the agenda for the May 8, 2008 meeting. Deputy Mayor Brower suggested that a giant fan be placed on the porch to blow the smoke away from the units. Chief Goeckel suggested that perhaps the condo association could designate a smoking area to help alleviate the problem. Committeeman O'Connor suggested appealing to the condo association to enact a regulation, and if they do not regulate smoking, then demand that they install a fan.

Seeing no further comment, Mayor Tubbs closed the Hearing of Citizens.

Committeewoman Hagner moved to adjourn at 10:05 P.M. Committeeman Gallop seconded the motion, and it carried unanimously.

---

Gregory J. LaConte  
Deputy Municipal Clerk