

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
APRIL 7, 2025**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:33 P.M.

Adequate Notice of the meetings of the Planning Board of the Township of Chatham was given as required by the Open Public Meetings Act as follows: Notice in the form of a Resolution setting forth the schedule of meetings for the year 2025, and January, 2026 was published in the *Chatham Courier and the Morris County Daily Record*, a copy was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Answering present to the roll call were Mr. Sullivan, Mr. Kahn, Mr. Choi, Mrs. Ewald, Mr. Nikolopoulos, Mr. Shehady, Mrs. Stillinger, Mrs. Chang and Mr. Miller.

Mr. Neibert and Mrs. Foran were absent.

Also present were Board Planner Frank Banisch, Engineer Samantha Anello in place of Board Engineer John Ruschke and Attorney Chris Sobieski in place of Board Attorney Steve Warner.

Minutes

Mr. Sullivan moved to approve the March 17, 2025 minutes. Mr. Miller seconded the motion, which carried unanimously with an abstention by Mr. Kahn.

Hearing

PBA-24-005 - Cedar Maple LLC, 23 Cedar Lane, Block: 56 Lot: 2

For the benefit of the public, Mr. Sobieski provided a brief overview of the Planning Board's procedures. He also stated that proper notice was given for this hearing and the Board has jurisdiction to hear the application.

Attorney Rosemary Stone-Dougherty, an attorney representing the applicant, provided an overview of the application. She said that the witnesses to be called this evening are land surveyor Wayne Applegate, architect Hayk Ekshian and planner Alexander Dougherty. Mrs. Stone-Dougherty stated that the applicant's engineer spoke with Mr. Ruschke's office, and they will stipulate to all items in the Board Engineer's review letter.

The Board professionals and the applicant's professionals were sworn in to give testimony.

Mrs. Stone-Dougherty indicated that she did not receive Mr. Banish's review memorandum. A copy was henceforth provided to Mr. Dougherty for review.

Mr. Applegate provided his qualifications and was accepted as an expert. He indicated that he is the surveyor of record for this application.

Mr. Applegate provided a description of the existing conditions on the property. He also provided an overview of the proposed subdivision, stating that one lot would be 50 feet by 125 feet and the other would be 75 feet by 100 feet. He said that the proposed lot sizes are consistent with other lots in the neighborhood.

Mr. Ekshian provided his qualifications and was accepted as an expert.

Exhibit A-1 was entered into the record, which was renderings of the proposed homes. Mr. Ekshian presented the renderings and discussed the features of each proposed house.

Mr. Miller asked about the drainage from the proposed lot on Cedar. Ms. Anello commented on the review that was conducted of the drainage and addressed measures that can be taken to mitigate potential drainage issues.

Mr. Shehady asked about the distance between the two driveways on Cedar. Mr. Ekshian said there will be ten feet of grass between the driveways.

Mayor Choi asked about the setback of the house on the adjacent corner lot. Mr. Ekshian said he does not know how far back that house is set from the side yard. Mayor Choi asked about the proposed building height, as well as the impact of the proposed house on the access of the neighboring home to light and air.

Mrs. Stone-Dougherty addressed the setbacks, and said that the planning testimony will elaborate on how the setbacks fit within the neighborhood.

Mrs. Ewald asked if variances would be needed if they built on the current footprint without subdividing the lot. Mrs. Stone-Dougherty said that variances would be needed in that scenario. She also said that they do not currently need height, building coverage or lot coverage variances. The variances are for lot size, lot width and side yard setbacks.

Mr. Miller asked Mr. Banisch about the attic level and if it counts as a third floor because there is living space and a bathroom. Mr. Banisch said that if they meet the technical definition of a half story, it can be used. Mr. Ekshian addressed the building code and said it would be a half-story.

Mayor Choi asked about the impact of the proposed structure to the property owner to the right regarding open air and light. Mr. Banisch said he would offer an opinion on the question after the applicant has finished presenting their case.

Mrs. Ewald asked about proposed shrubs. Mrs. Stone-Dougherty addressed the shrubs and referred to a page in the plans. She said that any removed shrubs can be replanted if necessary.

Mr. Ekshian said that the shrubs referred to by Mrs. Ewald would remain, and they will provide privacy for the rear yard.

Mrs. Stillinger asked if the house on Cedar could be made smaller to be more conforming. Mr. Ekshian said it is already a small house.

Mrs. Chang asked if there is a purpose to subdividing the property other than to increase the property value. Mrs. Stone-Dougherty said that the Board would not be able to consider the property value, and the applicant's planner will testify on the C(2) criteria for the variance. There was discussion of the impact of using one front facing area of the L-shapes lot for driveway access and the house fronting on the other front facing area.

The Planning Board took a recess at 8:54 PM.
The meeting was resumed at 9:10 PM.

Mr. Sullivan stated that if the hearing has to be continued at a future meeting, the public will be allowed to speak at this meeting.

Mrs. Stone-Dougherty said that the applicant's engineer will testify at the May 5th meeting.

Alex Dougherty, a planner representing the applicant, provided his qualifications and was accepted as an expert witness.

Exhibit A-3, which was a planning exhibit, was entered into the record.

Mr. Dougherty said that Mr. Banisch's memo was spot on. He gave a planning overview of the application. Mr. Dougherty said that C(2) relief is sought and he reviewed the criteria. He also noted that the R-4 Zone is the smallest zone size. Mr. Dougherty further addressed the height of the proposed structures. He commented on the impact on light and space.

Mr. Dougherty said that lot area is the only deficiency for the proposed lots.

Mr. Sobieski asked about a reference in Mr. Ruschke's memo about a design waiver for development within an upstream tributary. Mrs. Stone-Dougherty confirmed that waiver was eliminated by moving the driveway.

Mrs. Ewald asked if many of the properties on Cedar Lane meet the 10,000 square foot minimum. Mr. Dougherty said that about 50% of the properties are below that size.

Mayor Choi asked about the height of a property across the street. Mr. Dougherty addressed the height of that structure.

Mr. Miller asked if variances are requested on Maple for side yard setbacks. Mr. Dougherty said that they are not, and the variances requested are for lot area and lot depth.

Mrs. Stillinger asked how many of the nonconforming lots in the R4 zone were created in the past 20 years. Mr. Dougherty said that as a planner he does not have that information readily available. He suggested that perhaps the engineer could testify on that question.

Mr. Shehady said it would be helpful to hear from Mr. Dougherty after the public has had a chance to speak, as the public may point out detriments not yet addressed. Mr. Shehady asked if Mr. Dougherty could submit a memo that speaks to the C(2) criteria and the benefits of the variance. He also said that some of the benefits addressed could be made without variances. Mrs. Stone-Dougherty addressed the benefits discussed, and discussed the standards that must be met. Mr. Shehady asked how the benefits outweigh the negatives.

Mr. Sobieski said the applicant is trying to demonstrate an entitlement to the C(2) criteria. He clarified the standards that must be met to do so. Mr. Shehady said that he does not think the applicant has demonstrated that the benefits presented by the applicant have substantially outweighed the detriments. Mr. Dougherty said that he does not believe there are any detriments.

Mr. Miller asked Mr. Banisch if the R-4 Zone was rezoned with the knowledge that many of the properties would become preexisting nonconforming lots. Mr. Banisch confirmed that was the case.

Mr. Sullivan opened the floor to the public.

1. Sunil Raval, 23 Cedar Lane, was sworn in to give comments. Mr. Raval addressed the detriments of the application. He also addressed Township ownership of lots on Maple Road, and said that they are preserved to help accommodate stormwater runoff. Mr. Raval also said that the exhibits presented tonight show a retaining wall on his property that does not exist. He also said that his house has a dry basement, and he expressed concern about the potential impact of increased stormwater runoff and drainage. Mr. Raval said that some neighbors have had water in their basements, and his house is the only one not needing a sump pump.

Mrs. Stone-Dougherty said it would be helpful to have the applicant's engineer present to address Mr. Raval's concerns.

Mr. Sullivan said that the Township takes water mitigation very seriously.

Mr. Raval said that there will be detriment to the height of the proposed house on Cedar Lane, noting the slope of the properties.

2. Ana McCormack, 35 Maple Road, was sworn in to give comments. Mrs. McCormack said that the applicant's planner is incentivized to say that the application has a perfect plan. She also stated that she has grave concerns about subdividing the subject property, and she addressed stormwater in the neighborhood.

Mrs. McCormack submitted photographs of her neighborhood as Exhibits O-1 and O-2. She discussed traffic difficulties on Maple Road.

3. Tiffany Ariyaprakai, 80 Long Hill Lane, was sworn in to give comments. Mrs. Ariyaprakai said she is here to support her neighbors. She also said there should be more efficient ways to run Planning Board meetings so the public comment can be made sooner. Mrs. Ariyaprakai also addressed overdevelopment.

Mr. Dougherty said that the Master Plan anticipates population growth, and subdivisions are how that happens.

Mrs. Stone-Dougherty clarified that Mrs. Ariyaprakai was supporting her neighbors rather than providing legal representation.

4. Navin Ariyaprakai, 80 Long Hill Lane, was sworn in to give comments. He said that he will try to be at the next hearing. Mr. Ariyaprakai said that the roads are very narrow in the neighborhood. He said if the project moves forward, it must be done right.

Mr. Dougherty commented on the width of the roads, and said the right-of-way is 50 feet wide.

Seeing no further comment, Mr. Sullivan closed the floor.

Mrs. Stone-Dougherty consented to an extension for the Board to act.

Mr. Sobieski announced that the hearing will be continued at the May 5, 2025 meeting which will be held at 7:30 PM at the Municipal Building. He noted that there will not be further formal notice. Mrs. Ewald said that she will need to participate in that meeting remotely.

Mr. Miller moved to adjourn at 10:30 PM. Mr. Nikolopoulos seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary