

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
SEPTEMBER 22, 2025**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:37 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. Choi, Mrs. Ewald, Mr. Nikolopoulos, Mrs. Chang and Mrs. Stillinger.

Mr. Kahn, Mr. Shehady, Mrs. Foran and Mr. Miller were absent.

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

Minutes

Mrs. Ewald moved to adopt the minutes of the August 18, 2025 meeting. Mr. Choi seconded the motion which carried unanimously with abstentions from those who were absent.

Resolutions

PBA-25-003-Chatham Family Apartments LLC, 522 Southern Blvd., Block:128 Lot: 2

Mr. Sullivan provided some brief background on the application.

Mrs. Ewald moved to adopt the resolution to memorialize the approval. Mrs. Stillinger seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Choi, Aye; Mr. Shehady, Absent; Mrs. Ewald, Aye; Mrs. Foran, Absent; Mrs. Stillinger, Aye.

Hearings

PBA-24-003 - 50 MTN AVE. LLC, 50 Mountain Avenue, Block: 39 Lot: 21

Mrs. Ewald asked if this application is starting again from the beginning. Mr. Deluca said that because this hearing needed to be re-noticed, the testimony given at the last meeting should not be considered by the Board in rendering any decisions on the application.

Jonathan Clemente, an attorney representing the applicant, asked if the Planner's testimony whereby he could provide some introductory planning testimony prior to the Engineer's testimony. The Planner would then be recalled to give he remaining planning testimony. There were not any objections.

Exhibits A-1 and A-2 were entered into the record.

Matthew Flynn, a planner representing the applicant, was sworn in to give testimony. He provided his qualifications and was accepted as an expert witness

Mr. Flynn presented Exhibit A-1, which included current photos of the site as it presently exists. He also described the neighborhood.

Mr. Nikolopoulos asked if the new lot would have a Mountain Ave or a Candace Lane address. Mr. Flynn said that the lots would have Mountain Avenue addresses, as they do not front on Candace Lane.

Catherine Mueller, an engineer representing the applicant, was sworn in to give testimony. Ms. Mueller provided her qualifications and was accepted as an expert witness.

Ms. Mueller presented Exhibit A-2 which was updated engineering plans for the application. Ms. Mueller described the existing conditions at the site, and said that the proposed lots are in the R-3 Zone. The setbacks of the existing house were addressed.

Ms. Mueller said that conceptual development is shown in the application to demonstrate that both of the proposed lots are developable.

Mrs. Ewald asked why concepts are being presented, and said she would prefer to review what will actually be built. Ms. Mueller said that she is demonstrating that the lots can be developed without extreme measures. Mrs. Ewald opined that it is a waste of time to have only a concept of the development.

Ms. Mueller discussed the proposed conceptual development. She also discussed the steep slope disturbance and the grading of the proposed lots. Ms. Mueller further touched on stormwater management. She also discussed the utilities. She said the current lot is served by a well, and one of the lots will continue to have a well.

Mrs. Ewald asked if the retaining walls and drywells are also conceptual. Ms. Mueller confirmed they are conceptual. Mr. Banisch said that lot grading plans will be required before the properties are developed.

Mr. Clemente addressed the need for the property to be redeveloped. Mr. Choi asked if it is fair to make the Board to make a determination on variances for a house that has not been designed. Mr. Flynn said that the variances are for concept dwellings. He also said that the Board can bifurcate the application and vote on the subdivision separately. Mr. Clemente further addressed

the need to redevelop the property, and said that variances would be needed to build the structure as it exists today.

Mr. Sullivan opined that the current state of the property is not a good argument in favor of a subdivision.

Usable lot area was discussed. Mr. Banisch commented on the need for the Board to know what they are approving.

Availability of water service from NJ American Water was discussed. The need for the site to be secured was also discussed.

Mr. Flynn was recalled to give planning testimony. He addressed the lot depth variance request. Mr. Flynn also discussed the context of how the property fits in the neighborhood. He also addressed the C (1) criteria for the variance request. Mr. Flynn further stated that there is not any substantial detriment from the application.

Mrs. Stillinger said that the lot above the proposed lot 21.01 is a large lot with a conservation easement. She suggested a conservation easement on a portion of lot 21.01. The concept of a conservation easement was discussed. Mr. Deluca said that any deed restrictions would have to be described as a condition in the resolution.

Mrs. Stillinger commented on the potential for endangered species on the property. She also asked about having an environmental impact study on the property.

Mrs. Ewald asked about the conceptual stormwater management measures. Ms. Mueller addressed the stormwater controls in Chatham Township and said that the Township is strict.

Extension of the water utility was discussed.

Mr. Choi commented on property rights, however he expressed concern regarding the granting of steep slope relief when it is unknown what will be built on the site. He asked if there was an assessment on how many trees would need to be removed. Ms. Mueller said that 22 trees would be removed, and she described the tree sizes. She further commented on the Township's tree removal and density requirements that would be reviewed as part of the lot grading process.

Mr. Choi asked how it could be handled if the Board grants relief and at some future date a developer requests additional relief. Mr. Deluca said that the Board can maintain jurisdiction with the hope that there would be some continuity of membership.

Mr. Sullivan opened the floor to the public.

1. Lisa McHugh, Ormont Road, spoke on behalf of the Environmental Commission. Mrs. McHugh asked how design waivers are different from variances. She also asked about the usable lot area. Mr. Flynn commented on the usable lot area.

Seeing no further public comments, Mr. Sullivan closed the floor.

Ms. Mueller commented again on the stringent stormwater management regulations in Chatham Township.

Mrs. Ewald asked why usable lot area needs to be calculated for a conceptual plan. Mr. Banisch said it is to ensure that the lot can be developed.

A brief recess was taken at 10:12 PM.
The meeting was resumed at 10:18 PM.

Mr. Deluca reviewed the various conditions that were discussed.

There was discussion of bifurcating the application to separate the subdivision from the variances. Ms. Mueller said that the upper lot would not be developable without variances.

Ms. Mueller commented on the proposed sewer line. She also addressed easements for sewer lines.

Mr. Nikolopoulos asked about the negatives about the steep slope variance. He also asked about the easements.

Mr. Nikolopoulos made a motion to approve the application with the stated conditions of approval. Mrs. Stillinger seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Kahn, Absent; Mr. Choi, Nay; Mr. Shehady, Absent; Mrs. Ewald, Nay; Mrs. Foran, Absent; Mr. Nikolopoulos, Aye; Mrs. Stillinger, Aye; Mrs. Chang, Nay; Mr. Miller, Absent.

Mr. Choi said that entitlement for lot 21.02 to run an uphill sewer line through lot 21.01 is an issue, as an easement is needed. Mr. Clemente said that the applicant agrees to the easement, and he said that setback relief is needed. He also said that the subdivision can be granted with a requirement that whoever buys the lot would have to return to the Planning Board for the bulk relief being sought.

Mrs. Ewald said that she understands the need for steep slope disturbance for the easement and driveway. However she is not convinced that disturbance is needed on the rear of the property. Mr. Choi suggested that the Board authorize the disturbance on the front of the property but not the rear of the property.

Mr. Clemente requested that the Planning Board consider approving the application subject to the conditions outlined, granting the relief variances for slope disturbance for the driveway and the easement, and retaining jurisdiction for a future application for the building of a structure on Lot 21.01. If the house remains, then the subsequent application would not be necessary.

Mr. Nikolopoulos made a motion to approve the subdivision relief to grant the variance for minimum usable lot area on both lots, minimum lot depth on 21.02, minimum lot depth on 21.01 of 130, minimum front yard for lot 21.01 at 45.8 feet, minimum rear yard on 21.01 of 42.9 feet, and all steep slope variances for the easement and driveway, excluding anything on the northwest corner of lot 21.01, subject to the conditions that a sewer access easement be executed, resolve the attractive nuisance issue, execute and record a deed restriction conservation easement on the northwest corner subject to the approval of the Township Engineer, any clearing of the property will comply with timing restrictions to protect endangered species (specifically the Indiana bat), the Board will retain jurisdiction over any future application for these lots to the extent permitted by the MLUL, and construction or snow fencing will be placed along the conservation easement by a licensed surveyor prior to clearing of the lot. Mrs. Chang seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Kahn, Absent; Mr. Choi, Aye; Mr. Shehady, Absent; Mrs. Ewald, Aye; Mrs. Foran, Absent; Mr. Nikolopoulos, Aye; Mrs. Stillinger, Aye; Mrs. Chang, Aye; Mr. Miller, Absent.

Mrs. Ewald moved to adjourn at 10:56 PM. Mr. Choi seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary