

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JANUARY 25, 2021**

Mr. Franko called the Regular Meeting of the Planning Board to order at 7:30 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 2021, and January, 2022 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

Answering present to the roll call were Mr. Franko, Mr. Nelson, Mrs. Ozdemir, Mr. Coviello, Mrs. Ewald, Mr. Hoffmann, Mrs. Ness, Mr. Sheth, Mr. Kahn and Mr. Choi.

Mrs. Abbott arrived a couple minutes late.

Also present were Township Planner Frank Banisch, Engineer Dan Honoshowsky in place of Board Engineer John Ruschke and Board Attorney Amanda Wolfe.

Approval of Minutes

Mr. LaConte noted that a revised draft of the January 11, 2021 minutes were distributed to the Planning Board earlier in the day.

Mr. Hoffmann moved to approve the minutes of the January 11, 2021 meeting. Mr. Sheth seconded the motion, which carried unanimously with an abstention by Mr. Coviello.

Hearings

PBA-20-004 STERLING/SUN AT CHATHAM, LLC, 344 HILLSIDE AVE., BLOCK 67 LOTS 17 & 17.01

The Hearing for Application PBA-20-004 was adjourned until the February 1, 2021 meeting. Mr. Flannery, an attorney representing the applicant, asked that it be confirmed on the record that no additional notice is required, and Ms. Wolfe agreed. Mr. LaConte noted that February 1, 2021 is one week away.

PBA-21-002 SOUTHERN BOULEVARD URBAN RENEWAL, LLC Arbor Green at Chatham – Lots 117.27 & 117.28, Block 48.16 Application for Temporary Use

Mr. Flannery, an attorney representing the applicant, noted that the hearing has been properly noticed, and asked that the Board take jurisdiction to hold this hearing. Ms. Wolfe concurred that adequate notice was given and the Board has jurisdiction.

Mr. Flannery said that the application is for the site of the Arbor Green Affordable Housing development pursuant to the Township's Affordable Housing Declaratory Judgment settlement.

He said that the Board approved the preliminary and final major site plan, minor subdivision and variances for the site in October 2019. The subdivision approval was subsequently modified to protect neighboring wetlands and open space areas. Mr. Flannery also said there is a redevelopment agreement and reciprocal easement agreement between the Township and the Developer. Mr. Flannery also said that as of January 4, 2021 the 1.04 acre property known as Lot 117.28 is owned by the applicant. Site work for the development has also begun. Mr. Flannery stated that in order to continue construction, the applicant needs a temporary use permit from the Planning Board for a construction trailer, stage material areas and temporary parking areas. Mr. Flannery said that the areas are shown on an exhibit already provided to the Board.

Brian Liebeskind, an engineer representing the applicant, was sworn in to give testimony. Mr. Banisch and Mr. Honoshowsky were also sworn in. Mr. Liebeskind provided his qualifications and was accepted as an expert in civil engineering.

Mr. Liebeskind reviewed with the Board the exhibit that was previously submitted for the application. He said that the application is for a temporary construction trailer. He also gave background on the subdivision. Mr. Liebeskind said that the trailer that the developer plans to use is 8 feet by 28 feet, which is 30% smaller than what is depicted on the plans. The trailer will have a single restroom and several work stations. Mr. Liebeskind also pointed out the temporary staging areas and the temporary parking areas. Mr. Flannery asked for clarification if there will be a restroom in the trailer or a porta-john located next to the trailer. Mr. Liebeskind said that the option includes a lavatory either built in or next to the trailer.

Mr. Banisch said that he did not provide a written review because the engineer's review was sufficient.

Mr. Hoffmann reported that a preconstruction meeting was held, and the Township representatives did not have any problem with the location for the trailer.

Mrs. Ewald asked if construction vehicles will pull up to the trailer, or if they will remain in the temporary parking area. Mr. Hoffmann said that there will eventually be access to the site from Southern Boulevard, and construction vehicles will temporarily access the site through the driveway between the Police Department and DPW. Mr. Flannery said that construction vehicles will not be pulling up directly to the trailer.

Mrs. Ness asked where the materials will be staged, and how the timing works for the reconfiguration of the parking lot. Mr. Hoffmann said that the developer has been mindful of the Township's needs, and there are not any issues at the moment.

Mr. Franko asked if there are any questions from the public. Hearing none, Mr. Franko closed the floor to the public.

Ms. Wolfe asked if the applicant is ok with Mr. Ruschke's condition that the temporary use for the trailer be limited to one year, and if the site will be restored. Mr. Flannery said that the applicant is ok with the one year period, and confirmed that the site will be restored consistent with the Redevelopment Plan.

Mr. Flannery asked if any necessary extensions for the temporary use could be approved administratively, or if the Board would need to approve any extensions. Mr. Hoffmann said that

he does not know the Township's past practice, however in other municipalities where he has worked the Board Engineer was authorized to allow an extension of up to one year. Mr. Franko said he does not recall the issue coming up during his time on the Board.

Mrs. Ozdemir asked the anticipated duration of the construction. Mr. Flannery said he anticipates it will be 18 months to 3 years.

Mrs. Abbott spoke in favor of authorizing Mr. Ruschke to approve an extension of up to 6 months. Mr. Sheth said that he has seen other construction projects in which a completed unit is temporarily used as a field office. He also said that a one year period with a one year extension is a reasonable request.

Mrs. Ewald asked why the trailer is planned to be curbside, and if there was any consideration to having the trailer further back by the temporary parking. Mr. Liebeskind said the location was chosen to keep the trailer out of the way of other construction-related activities. Mrs. Ewald asked if equipment would be stored outside the trailer, and Mr. Liebeskind said it would not. He also said that there is not a lot of extra room at the southern side of the site. Mr. Flannery noted that the locations were set by the Reciprocal Easement Agreement that was approved by the Township Committee. He also said that part of the consideration is that the lot is small and surrounded by environmentally sensitive areas.

Mr. Choi asked what the height of the trailer will be. Mr. Liebeskind said the trailer will be 8'x28'. Mr. Choi also asked about the staging area adjacent to Southern Boulevard and if there has been consideration for settling of debris. Mr. Liebeskind said that the runoff would be collected and there will be sediment control measures.

Mrs. Ness asked if there will be unloading of materials from Southern Boulevard directly into the staging area. Mr. Hoffmann said that the vehicles are supposed to pull onto the property before unloading materials. He also said that at the preconstruction meeting, Mr. Honoshowsky addressed not having debris tracked onto Southern Boulevard. Mr. Flannery confirmed that trucks would go through the site to unload, and said that the applicant has also met with the County to address any potential adverse impacts.

Mr. Choi asked if there will be any sort of barrier fencing between the trailer and the sidewalk. Mr. Liebeskind said he is not aware of any proposed delineation. Mrs. Abbott asked if the doors face away from Southern Boulevard and Mr. Liebeskind said the access would be from the sidewalk.

Exhibit A-1 was entered into the record, which was an image of a model trailer.

Mr. Hoffmann said his understanding from the preconstruction meeting was that the trailer would face inward to the site.

Mrs. Ozdemir asked what the proposed working hours would be for the construction. Mr. Flannery said that the hours would be per Township ordinances. Mr. Hoffmann said that construction could begin at 7:00 AM on weekdays and 8:00 AM on Saturdays. Mr. LaConte stated that the noise ordinance allows construction from 7:00 AM to 6:00 PM on weekdays and 8:00 AM to 6:00 PM on Saturdays.

Mr. Choi asked if there has been any consideration for pedestrian safety. Mr. Flannery said that the area will be fenced off as much as possible.

Mr. Hoffmann moved to approve the application with the proviso that the Township Engineer has authority to approve an extension of the permit after one year. Mr. Nelson seconded the motion.

Roll Call: Mr. Franko, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Coviello, Aye; Mrs. Ewald, Aye; Mrs. Abbott, Aye; Mr. Hoffmann, Aye; Mrs. Ness, Aye; Mr. Sheth, Aye.

PBA-21-001 TOLL BROTHERS Dixiedale Residential Development – Lot 1, Block 66
Application for Temporary Use

Mr. Flannery, an attorney representing the applicant, said that approvals were granted by the Planning Board for the Dixiedale site in October 2019. Mr. Flannery described the development that was approved. He stated that the application is for a temporary use permit for a construction trailer and a sales trailer.

Brian Liebeskind, an engineer representing the applicant, was sworn in to give testimony. Mr. Liebeskind had previously been qualified as an expert. Mr. Banish and Mr. Honoshowsky were also sworn in.

Mr. Liebeskind shared his screen to present the exhibits that were previously submitted to the Board. Mr. Liebeskind presented the location of the two trailers and the model building. The sales trailer will be located on the south side of Samuel Way, and will be 24' x 56'. A temporary paved parking lot is proposed for the north side of the sales trailer, which would have 8 parking spaces including one ADA handicapped accessible parking spot. A six-foot wide concrete sidewalk will also be constructed along the parking area leading to the entrance of the sales trailer. The parking area will be accessible through Samuel Way. The parking lot was approved as part of the October 2019 site plan approval, and will be constructed in conjunction with the sales trailer. Mr. Liebeskind indicated that units 35 and 36 will be used as the model buildings. Mr. Flannery said that the models will eventually be units for sale.

Mrs. Abbott asked if the units will have basements, or if the parking area would be the slab for the units. Mr. Liebeskind said that the parking lot would remain removed when units 37 and 38 are constructed. and Mr. Flannery said that there will be basements.

Mrs. Ness asked when the model units will be built. Mr. Liebeskind said the developer hopes to have the units completed in late summer 2021. Mrs. Ness asked if there will be construction in other areas of the site at the same time, and Mr. Flannery said that there will be.

Mr. Choi asked if the entire area will be leveled, or only the area for the lot. Mr. Liebeskind said that there will be clearing at the site as part of the overall project. Mr. Choi asked if the roadway will be built before the construction begins on the model units. Mr. Liebeskind said that there will be a driveway, either temporary or permanent, so that there can be construction access.

Mr. Liebeskind presented the construction trailer plan. He stated that the proposed location is along an existing unpaved access driveway off of Hillside Avenue which connects to the proposed alignment for Samuel Way. The trailer will be 14' x 56' and will be tucked into an

existing wooded area. Mr. Flannery said that there will be sufficient parking for construction vehicles. Mr. Flanner asked about screening from the road. Mr. Liebeskind confirmed that because of existing vegetative screening, the trailer will not be highly visible from the road.

Mrs. Ewald asked where equipment and vehicles will come in and out, and asked where they will be stored. Mr. Liebeskind said that he does not know the full construction details. He also said that there will be a driveway for public access to the sales trailer, and a separate access for the construction trailer.

Mr. Franko asked if there are the same time considerations for this application. Mr. Flannery said that this project may take the full three years. He said that if a second extension is needed for the permit, the applicant could come back before the Planning Board.

Mr. Choi asked about construction phasing. Mr. Liebeskind asked that Mr. Holtz be promoted as a panelist to give testimony.

Jim Holtz, the Vice-President of Land Development at Toll Brothers, was sworn in to give testimony. Mr. Holtz described his work at Toll Brothers.

Mr. Holtz addressed access of construction vehicles, and noted the area where materials will be brought in. He also said that some Phase 1 site clearing has begun at the site, and the work is being performed near River Road for the construction of temporary sediment basins. All equipment will be brought in from Hillside Avenue during the construction of the basins. The construction trailer would be used for personnel, and will not be used for storage. Only pickup trucks and small vehicles would approach the trailer.

Mr. Choi asked if the entire site will be cleared in a single phase, or if the work will be performed incrementally. Mr. Holtz said that there is a two-phase clearing plan that was worked out with Mr. Ruschke's office, and he described the phasing. Mr. Choi asked where the sediment basins will be located. Mr. Holtz said they will be on the River Road side of the property. Mr. Franko noted that the basins were discussed extensively when the site plan was being heard for approval.

Mr. Flannery asked Mr. Holtz to address tool storage. Mr. Holtz said there will be a temporary tool shed that can be moved around the site as necessary.

Mr. Ozdemir asked about the design of the utilities. Mr. Liebeskind said that the design work has been completed and approved by the Township.

Mr. Franko opened the floor for the public to ask questions. Hearing none, Mr. Franko closed the floor to the public.

Mr. Nelson moved to approve the application as presented for a one-year permit with the Township Engineer being delegated administrative authority to allow a renewal of the permit for one year. Mrs. Ewald seconded the motion.

Roll Call: Mr. Franko, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Coviello, Aye; Mrs. Ewald, Aye; Mrs. Abbott, Aye; Mr. Hoffmann, Aye; Mrs. Ness, Aye; Mr. Sheth, Aye.

Announcements

Mr. Franko said that performance reviews were conducted for the Board Engineer, Board Planner and Board Attorney. He said that all three professionals passed their reviews, and positive conversations were held. Mr. Franko noted that some areas of improvement were identified. He further noted that Mr. Warner volunteered to conduct a training session for the Planning Board. Mr. Franko further noted that the new members of the Board need to take a State Training Land Use Course if they have not already done so. Mr. Franko reviewed the three main responsibilities of the Planning Board as being quasi-judicial, legislative and advisory.

Ms. Wolfe reviewed the training materials previously distributed to the Planning Board.

Mr. Franko asked about selecting a Saturday morning in February to conduct the training session. Mr. LaConte asked if the meeting needs to be noticed under the Open Public Meetings Act, and Ms. Wolfe said she will look into that. February 20th and February 27th were discussed as potential dates.

Mrs. Abbott moved to adjourn at 8:38 PM. Mr. Nelson seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary