

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
OCTOBER 17, 2022**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:34 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 2022, and January, 2023 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, Mr. Duemling, Mrs. Felice, Mr. Hamilton, Mr. Kahn, Mr. Shehady and Mr. Neibert.

Mr. Miller was absent.

Also present were Board Attorney Steve Warner, Board Engineer John Ruschke, Board Planner Frank Banisch and Board Manager Kali Tsimboukis.

Minutes

Mr. Duemling moved to approve the minutes of the September 26, 2022 meeting. Mr. Neibert seconded the motion, which carried unanimously with abstentions by those who were absent from that meeting.

Hearings

Mr. Warner stated that the Arbor Green hearing has not been scheduled for this meeting, despite that the applicant had published a notice for same.

PBA-22-007 Nouvelle Housing Solutions, Inc. 490 River Road Block 62, Lots 70, 71 & 71.01.

Mr. Warner said that as the subject property is Township owned, and out of an abundance of caution the Class I, Class II and Class III members of the Planning Board are recusing themselves on this application.

Mr. Sullivan provided a brief summary of the background of the application. He stated that it is for two group homes to help satisfy the Township's Affordable Housing Obligation. There is also a lot line adjustment related to an existing driveway on an adjacent property.

Mr. Warner stated that the content of the notice was sufficient, and notice of the hearing was timely served and published. The Board has jurisdiction to hear and decide the application.

Matthew Capizzi, an attorney representing the applicant, provided additional background on the application. He stated that his client entered into an Affordable Housing agreement with the Township in 2020, and the agreement states that the two parcels on River Road and an additional property on Hillside Ave are being donated to Nouvelle to build group homes. The River Road properties require lot line adjustments.

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

Kenneth Dykstra, an engineer and planner representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Dykstra discussed the existing conditions on the site. There are two properties with an average grade of 30% sloping toward River Road. Lot 70 has an existing home and driveway. Lot 71 is unimproved.

Exhibit A-1 was entered into the record, which was a colorized lot layout plan. Mr. Dykstra described the proposed dwellings. He noted that the existing driveway will be used with some adjustments. Mr. Dykstra described the proposed retaining walls. He also described the proposed stormwater management controls.

Mr. Dykstra commented on a variance on Lot 70 for the setback of the front porch. The proposed home is closer to being compliant with the setback than the existing home. Mr. Dykstra also discussed a variance for the retaining wall in the rear of the building on Lot 70, and he said it will not impact neighboring properties. Mr. Dykstra further commented on the proposed drainage basin.

Mr. Neibert asked about the level of water management on the built lot versus the undeveloped lot. Mr. Dykstra explained the requirements for development on a vacant lot compared with a lot that has already been disturbed. Mr. Neibert asked about tree removal. Mr. Dykstra commented on the plan for tree retention and removal.

Mr. Kahn asked about the retaining walls. Mr. Dykstra provided further detail on the retaining walls. Mr. Kahn asked about emergency vehicle access to the driveways. Mr. Dykstra provided comment. Mr. Kahn asked about designs to account for a 100-year storm event. Mr. Dykstra testified that a 100-year storm is taken into account, and calculations are included in the plans.

Mr. Choi asked about impervious coverage amounts. Mr. Dykstra said that he can make those calculations. He also addressed the drainage plan.

Mr. Banisch asked if trash cans will be placed at the end of the driveway.

Mr. Sullivan asked about the water flow in relation to the slope. Mr. Dykstra said that the plan took ordinances into account.

Mr. Banisch asked about the light green areas on the drawing and if it is the area already disturbed. Mr. Dykstra noted that part of the light green area is where the septic fields will be located.

Mr. Ruschke addressed tree removal on the property and said that as many trees as possible should be preserved. He also noted the need for compliance with the Township's stormwater ordinances.

Mr. Warner asked if the applicant will comply with the conditions in the review memoranda from Mr. Ruschke and Mr. Banisch. Mr. Dykstra confirmed there will be compliance. Mr. Warner also asked about the variance relief sought.

Mr. Ruschke addressed the tree density standards.

Yogesh Mistry, an architect representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Mistry presented plans for the two proposed group homes. The quality of materials for the homes were discussed.

Mr. Banisch commented on stormwater management.

Mr. Sullivan opened the floor for the public to ask questions of the witnesses.

1. Sameer Joshi, 479 River Road, asked if the drain system will be expanded. Mr. Joshi was sworn in to give testimony. He addressed stormwater runoff conditions on River Road. Mr. Joshi asked about the trees that will remain on the property. Mr. Joshi asked about elevation changes, and Mr. Dykstra provided the information requested. Mr. Joshi asked about DEP permits for the septic system. Mr. Ruschke stated that the Board of Health will receive the application for the septic system. He also said that this property does not have the wetlands issues that Mr. Joshi has on his property. Mr. Joshi asked what happens if there is a failure of the stormwater controls. Mr. Dykstra addressed the regular inspections that are performed. Mr. Ruschke also described the stormwater controls required during construction and the inspections that are performed. He also said that there will be a maintenance manual for the stormwater controls installed on the property.
2. Willa Carlson, 471 River Road, was sworn in to give testimony and read sections of the Master Plan as part of her opposition to the proposed development. She also addressed drainage of water coming down the hill and crossing River Road into her property and neighboring properties. Mr. Sullivan noted that the lots in question are building lots. He also said that the Master Plan is a guide. Mr. Sullivan further noted that the proposed development is part of the Township's affordable housing settlement. It was further noted that the Planning Board will take what action it can to make sure any development is done correctly.

3. Paul Carlson, 471 River Road, described the flow of water across River Road onto the property next to the Chatham Township Fire Department. Mr. Carlson invited the Board to visit River Road on a rainy day to observe the water flow. Mr. Carlson was sworn in to give testimony.
4. Peter Nigro, 475 River Road, was sworn in to give testimony. Mr. Nigro stated that the current stormwater drainage on River Road is inadequate. He said that his property will be inundated with additional stormwater, and he asked what liability the Township will have. Mr. Warner stated that the Planning Board has immunity. Mr. Ruschke commented on drainage and the efforts that the Township can make to address it. He also said that the developer would be required to mitigate any new icy situations in the winter. Mr. Nigro asked if the septic system will have one drainage field. Mr. Dykstra said that each property will have its own field.
5. Geri Nigro, 475 River Road, asked about the anticipated occupancy level of the proposed group homes. Mr. Dykstra commented on the number of bedrooms in the group homes and described the target audience. Mr. Ruschke commented on the regulations about rate of flow for stormwater.
6. Michael Boyd, 498 River Road, was sworn in to give testimony and said that he is pleased with the proposal. Mr. Boyd asked about the height of the retaining walls, and asked if three shorter walls were considered. Mr. Dykstra commented on the retaining walls. Mr. Boyd inquired about the proposed landscaping, and made recommendations about tree retention along River Road. There was also discussion about potential light spillage from the proposed group homes.
7. Sharon Tether, 115 Huron Drive, commented that the proposed group homes are a better option for the site than the 72 rental apartments that were previously proposed. Mrs. Tether also thanked Mr. LaConte for posting meeting documents on the Township website and noted that a document presented at the meeting was not available online. Mr. Warner noted that the document was not received until during the meeting. Mr. LaConte noted that it can be posted once he has it in a PDF. Mrs. Tether asked for clarification on some of the lines on the drawing. She also asked about the 30-year deed restriction and if that impacts the conservation easement. Mr. Sullivan said that the 30-year period does not impact the conservation easement.
8. Susan Zwick, 417 River Road, was sworn in to give testimony. Mrs. Zwick asked for details on the proposed septic systems. Mr. Dykstra addressed the size of the septic tanks and pump tanks. Mrs. Zwick addressed stormwater runoff, and asked if there is a rationale for an additional paved portion of the driveway. Mr. Dykstra addressed why it would remain paved. Mrs. Zwick said that converting it to gravel would allow for additional infiltration of runoff. She also further addressed stormwater runoff. Mrs. Zwick further commented on the proposed drainage basin and suggested that it be allowed to have natural vegetation.

9. Dot Stillinger, 216 Noe Avenue, was sworn in to give testimony. Mrs. Stillinger expressed her gratitude that there is conservation in the plans. She also said that it would be difficult to dissolve the conservation easement, and the DEP would be involved. Mrs. Stillinger also commented on efforts to place development restrictions on the River Road ridge corridor.
10. Mrs. Zwick said that grasscrete is a type of porous block that can be used to create a drivable surface without increasing impervious surfaces.
11. Mr. Joshi asked if there is a formal process to expand the drain on River Road. Mr. Ruschke said he would confer with the Township Administrator about that possibility. Mr. Joshi asked about the proposed septic system.

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

Mr. Capizzi gave a closing statement, and indicated that this application is the conclusion of an agreement between the Township and Nouvelle to build the group homes as part of the Township's Affordable Housing compliance.

Mr. Sullivan asked about possible extension of the affordable controls after the 30-year period, and what the impact would be if Nouvelle decides to build market rate housing. Mr. Capizzi said that the applicant can stipulate toward the current application, and he does not want to stipulate on conditions beyond the 30-year period.

Mr. Sullivan said he would not want to preclude redevelopment, however he wants to Board to be cognizant of what could happen in the future. He also asked if there is a reasonable way to make sure that something is not developed down the road that would not fit in the neighborhood. Mr. Capizzi addressed the variances in the application. Mr. Ruschke said that the building codes in effect at the time of application would apply to future development.

Mr. Warner asked for clarification from Mr. Capizzi if the Applicant considers this application for a minor or major subdivision. Mr. Capizzi said that it should be a major subdivision. Mr. Warner concurred and said that the application seeks preliminary and final major site plan approval and variance relief as set forth in Mr. Ruschke's memorandum for 17 variances and 4 design waivers.

Mr. Neibert moved to approve the application with the stipulated conditions. Mr. Kahn seconded the motion.

Roll Call: Mr. Sullivan, Aye; Mr. Choi, Aye; Mr. Duemling, Aye; Mrs. Felice, Recused; Mr. Kahn, Aye; Mr. Hamilton, Recused; Mr. Miller, Absent; Mr. Shehady, Recused; Mr. Neibert, Aye.

PBA-22-004 Vesta Projects, LLC, 552 River Road, Block 62, Lot 60, Requesting Minor Subdivision

This hearing was carried to the November 14, 2022 meeting without additional notice. The applicant consented to an extension for the Board to act on the application.

Mr. Kahn moved to adjourn at 10:33 PM. Mr. Neibert seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary