

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
OCTOBER 18, 2021**

Mr. Franko called the Regular Meeting of the Planning Board to order at 7:32 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 was filed with the Municipal Clerk and a copy was placed on the bulletin board in the main hallway of the Municipal Building.

Oath of Office

J. Michael Neibert was sworn in as Alternate #1. The oath was administered by Mr. LaConte.

Roll Call

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

Also present were Board Engineer John Ruschke, Planner Joanna Slagle in place of Township Planner Frank Banisch and Attorney John Kaplan in place of Board Attorney Steve Warner.

Request for Adjournment with No Additional Notice to November, 2021 - PBA-21-003 (RECEIVED 5-7-2021) Created from Zoning Board App. ZBA-20--010 Mark & Nicole Lois, 15 Gates Avenue, Block 108, Lot 30

Mrs. Stone-Dougherty asked that the hearing be carried to the November 15th meeting with no additional notice. She also said that it has been requested that the Chair of the Chatham Township Environmental Commission be present to present an overview of the Commission's memorandum on this application and offer testimony under oath.

Mr. Kaplan stated that the meeting will be at 7:30 PM via Zoom.

Approval of Minutes

Mr. Hoffmann moved to approve the minutes of the October 4, 2021 meeting. Mrs. Ewald seconded the motion, which carried unanimously with an abstention by Mr. Coviello and Mr. Neibert.

Master Plan Consistency Review – Ordinance 2021-22

**RESOLUTION PB-21-017
RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM FINDING
ORDINANCE NO. 2021-22, PROTECTION OF GREAT SWAMP WATERSHED OVERLAY**

**DISTRICT, TO BE NOT INCONSISTENT WITH THE MASTER PLAN PURSUANT TO
N.J.S.A. 40:55D-26(a) AND -64 OF THE MUNICIPAL LAND USE LAW**

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (the “MLUL”), specifically N.J.S.A. 40:55D-62, authorizes the Township Committee (the “Township Committee”) of the Township of Chatham (the “Township”) to adopt or amend the Township’s General Ordinances relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, on September 23, 2021, the Township Committee introduced, on first reading, Ordinance No. 2021-22, which amends and supplements the Revised General Ordinances of the Township by amending Section 30-83.2, entitled, “Protection of Great Swamp Watershed Overlay District”, specifically, Section 30-83.2.b.2(a), to address the requirements for a “Major Development” in the Great Swamp Watershed Overlay District, a true and accurate copy of which is attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, on October 18, 2021, in accordance with N.J.S.A. 40:55D-26(a), the Planning Board of the Township of Chatham (the “Board”) reviewed Ordinance No. 2021-22 and considered the Memorandum of Frank Banisch, P.P., the Board Planner, a true and accurate copy of which is attached hereto as **Exhibit B**; and

WHEREAS, on October 18, 2021, after hearing the testimony of Frank Banish, P.P., the Board Planner, and discussion amongst the members of the Board and its professionals, the Board determined that Ordinance No. 2021-22 is not inconsistent with the last comprehensive Master Plan prepared in 1999 and the 2011 Land Use Plan; and

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Chatham on this 18th day of October 2021, as follows:

1. The foregoing recitals are incorporated herein as if set forth in full;
2. Based on the testimony of the Board Planner, the Planning Board hereby finds that Ordinance No. 2021-22 is not inconsistent with the 1999 Master Plan and the 2011 Land Use Plan, and hereby recommends that the Township Committee adopt the proposed amendment to the Land Development Ordinance (attached hereto as **Exhibit A**);
3. The Secretary of the Planning Board shall forward a copy of this Resolution to the Township Committee upon adoption. This Resolution shall serve as the report to the governing body in accordance with N.J.S.A. 40:55D-26(a) and N.J.S.A. 40:55D-64; and
4. This Resolution shall take effect immediately.

Mr. Nelson moved to adopt Resolution PB-21-017. Mrs. Ozdemir seconded the motion.

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

Mr. Nelson moved to adjourn at 7:43 PM. Mrs. Abbott seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary