

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
NOVEMBER 14, 2022**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:35 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.

Oath of Office

Nick Nikolopoulos was sworn in as a Class IV member.

Roll Call

Answering present to the roll call were Mr. Sullivan, Mr. Choi, Mrs. Felice, Mrs. Felice, Mr. Miller, Mr. Nikolopoulos, Mr. Shehady and Mr. Neibert.

Mr. Duemling, Mr. Kahn and Mr. Hamilton were absent.

Also present were Attorney Matt Flynn in place of Board Attorney Steve Warner, Board Engineer John Ruschke, Board Planner Frank Banisch and Board Manager Kali Tsimboukis.

Minutes

Mr. Neibert moved to approve the minutes of the October 17, 2022 meeting. Mr. Sullivan seconded the motion which carried unanimously with abstentions from those who were absent.

Resolutions:

PB-22-016 – Application# PBA-22-007 Nouvelle Housing Solutions, Inc., 490 River Road, Block: 62 Lots: 70, 71 & 71.01.

Mr. Neibert moved to adopt the resolution to memorialize the approval. Mr. Choi seconded the motion.

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

Hearings

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

Mr. Flynn stated that adequate notice of this hearing was provided by the applicant and the Board has jurisdiction to hear the application.

Mr. Flynn provided an overview of the application.

William Ruggiero, an attorney representing the applicant, was present.

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

William Scott, the engineer representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Scott presented the site plan for the application. He described the property. Two new homes are proposed to be built on the subdivided property. Mr. Scott described the site, and commented on proposed septic systems and stormwater drainage. He also discussed measures that will be taken to prevent water from flowing onto River Road. Mr. Miller asked about the potential impact on neighboring properties. Mr. Scott discussed how the design will prevent water from flowing into neighboring yards. Slopes were also discussed.

Mr. Miller asked why the property is zoned R-5 when the property does not conform to that zoning. Mr. Banisch said that the lots are preexisting, and are R-5 due to the characteristics of the land. He also said that it would have been zoned R-5 to make sure that it was not subdivided into three or four lots.

Mr. Ruschke said that there would not be much of a back yard to the properties due to the location of the septic systems. He addressed the likelihood of future owners seeking variances for use of the rear yard. Mr. Ruschke also addressed the comments in his review memo. The applicant stipulated to the technical notes in the review memo.

Mr. Banisch addressed clear cutting. He also said that the type of site would usually have a unique house designed to fit within the hillside. Mr. Scott said he requested the architect go with the basement garage so that wall could be used as a retaining wall. Mr. Scott also noted the site is densely wooded, and sparse in the area of disturbance.

Mr. Ruschke asked about the rationale for the conservation easement. Mr. Scott said it is an existing easement. Mr. Miller asked about the proposed retaining wall. Mr. Scott described the proposed height. He also discussed the water flow around the proposed retaining wall. Mr. Miller expressed concern about runoff from and into the septic system. Mr. Ruschke said that the water slope will have to be addressed as part of the septic design. Mr. Ruschke asked the conservation easement and where elevation 290 is located.

William Gentile, an architect representing the applicant, provided his qualifications and was accepted as an expert.

Exhibit A-1 was entered into the record, which was renderings of the proposed new homes. Mr. Gentile provided the proposed square footage of the proposed homes.

Mr. Miller asked about lot coverage and impervious coverage. Mr. Flynn commented on how impervious coverage is calculated and said that the applicant will need to comply with the ordinance.

John McDonough, a planner representing the applicant, provided his qualifications and was accepted as an expert.

Exhibit A-2 was entered into record, which was a tax map of the property and several aerial photos. Mr. McDonough described the area surrounding the property.

Mr. McDonough presented the types of relief requested. He stated that the relief is appropriate and can be granted without adverse impact on the neighborhood. Mr. McDonough noted that one of the objectives of the Master Plan is to maintain a reasonable balance of housing types for all segments of the community, to be sensitive to environmental concerns and to prevent overbuilding. He further stated that the applicant has met its burden under the C-2 balancing test.

Mr. Choi asked about the typical footprint of a house in this zone. Mr. McDonough said he will check on that.

Mr. Miller asked about the number of variances needed if the house were 30 feet wide. Mr. McDonough said that narrowing the home would not change the need for bulk relief. Mr. Miller asked if it would decrease the number of bedrooms, which would in turn potentially impact the size of the septic system and other relief. Mr. Ruschke said that the septic system would not be impacted if the bedrooms were smaller.

Mr. Banisch asked about the grade and number of stories. Mr. McDonough addressed which side the garages face.

Mr. Sullivan said that he does not believe the houses would be in character with the neighborhood.

Mr. Shehady commented that the testimony focused on the benefits, and he asked what the detriments are that are being outweighed. Mr. McDonough said the detriments are minimal, and there is little environmental impact. He stated that the lot sizes are appropriate. Mr. Banisch said that residential use is what is intended for this site, and a subdivision is not needed to have a house on the site at present. Mr. Ruschke said that any disturbance on steep slopes should be minimized. He also commented on retaining walls.

Mr. Sullivan opened the floor to the public for comments and questions.

1. Dot Stillinger, 216 Noe Avenue, was sworn in to give testimony. Mrs. Stillinger asked about the depth of the bedrock. Mr. Scott said he does not know the depth. Mrs. Stillinger commented on the conservation easement and suggested it be extended down to 250 feet.

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

Mr. Sullivan said that due to the number of variances he would have trouble voting for a subdivision at this time.

Mr. Neibert said that many aspects of the application are conceptual, and he would like to see things firmed up before voting.

Mr. Miller said he is not conceptually against a subdivision but has concerns about the application as presented. He made particular note of the steep slopes.

Mr. Choi said that the application seeks to take advantage of the zoning, and the property is probably incorrectly zoned.

Mrs. Felice said that Mrs. Stillinger provided suggestions that could improve the application.

Mr. Shehady opined that the sequence of benefit and detriment is backward in this application.

Mr. Nikolopoulos said he is not concerned about the size of the proposed homes, however he is concerned about the side yards. He also noted that homes too close together lend themselves to noise violations.

Mr. Sullivan noted that there would not be a benefit to the applicant for the Board to take action at this meeting and they may want to consider the Board's comments.

Mr. Banisch said that there may need to be some regrading to mitigate the height impact from River Road. He also said that they will look comparatively large next to neighboring houses.

Mr. Shehady commented on the scale of the homes. He also stated that stormwater is a concern that needs to be better addressed.

Maitreyee Mopalwar, the managing partner of the applicant firm, was sworn in to give testimony. Mrs. Mopalwar described how she came to apply for a subdivision, stating that a larger house on the existing lot would be overwhelming.

Mr. Sullivan said that the hearing will be continued at the December 5, 2022 meeting without further notice.

Mr. Ruschke said that a larger house on the existing lot would still need a steep slope variance. He recommended that the Board's comments be considered.

Other Business

Mr. Sullivan said that a cul-de-sac on Hillside Avenue will eventually be discussed at a Planning Board meeting again. He asked Board members to visit the site to take a look.

Mr. Sullivan also said that Mr. Choi has been working with Mr. Ruschke on the Stormwater Management Plan.

Mr. Shehady moved to adjourn at 9:33 PM. Mr. Miller seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary