

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
FEBRUARY 1, 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 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, Mrs. Abbott, Mrs. Ewald, Mr. Hoffmann, Mrs. Ness and Mr. Sheth.

Mr. Choi arrived a couple minutes late. Mr. Coviello and Mr. Kahn were absent.

Also present were Township Planner Frank Banisch, Board Engineer John Ruschke and Board Attorney Steven Warner.

Approval of Minutes

Mrs. Abbott noted a correction to the January 25, 2021 minutes.

Mr. Nelson moved to approve the minutes of the January 25, 2021 meeting as amended. Mr. Hoffmann seconded the motion, which carried unanimously.

Hearings

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

Mrs. Ruskan, Mr. Hughes, Mr. Ruschke and Mr. Banisch were sworn in to give testimony,

Mr. Flannery said that there were two issues raised at the last hearing that resulted in the application being carried. One issue was a question regarding whether the owners of a private driveway easement would be willing to vacate the easement, and Mr. Flannery said that the owners were contacted and those who responded were not interested in vacating the easement. Mr. Flannery said that the proposal has been to develop the property around the easement.

Mr. Flannery said that the second issue was regarding the retaining wall, and a tiered system was designed in place of a single retaining wall that was originally proposed.

Mrs. Ruskan confirmed that her license is in good standing. Mrs. Ruskan shared the original design showing the single retaining wall across four lots. She also indicated that the houses on the plan are a concept plan.

Exhibit A-3 was entered into the record, which showed both the original design and a superimposed redesign. Mrs. Ruskan said that the proposed first floors are raised above the garages. Mrs. Ruskan also stated that a tiered retaining wall system was developed, which would be a maximum of 6-feet high and would be largely obscured from the street-view by the homes.

Exhibit A-4 was presented, which was a conceptual grade plan without any overlays.

Exhibit A-5 was presented, and Mrs. Ruskan said that it shows the areas of slope disturbance. Mrs. Ruskan highlighted the areas of disturbance. She also said that there is some disturbance in the right-of-way, and she discussed variations in the right-of-way and road width of Hillside Ave. Mrs. Ruskan also stated that the slope disturbance on each lot and in the project as a whole was reduced. She also pointed out where the conservation easements will be located.

Mrs. Abbott asked if the triangular area above the easement on the first lot will be owned by whoever buys the lot. Mrs. Ruskan confirmed that the area described by Mrs. Abbott is part of the whole lot. Mrs. Abbott asked how much disturbance in the slope is prevented with the new retaining wall design. Mrs. Ruskan showed on the exhibit where grading needs to be performed, and the distance will vary. She also said that the overall disturbance is in the 15% to 20% slope, and is 11,780 square feet which equates to 46% of the total steep slope area in that category. The total disturbance of steep slopes in the 20% to 25% range is 3,480 square feet, which is 21.2% of that area. In the area greater than 25% slope, 2,260 square feet are proposed to be disturbed, which is 3% of that area.

Mrs. Ruskan provided the following figures for the individual lots:

Lot 1

15-20% - 1,101 square feet (12.1%)
20-25% - 305 square feet (5.6%)
Greater than 25% - 362 square feet (1.3%)

Lot 2

15-20% - 2,108 square feet (45.5%)
20-25% - 366 square feet (15.1%)
Greater than 25% - 197 square feet (3.3%)

Lot 3

15-20% - 1,506 square feet (38.3%)
20-25% - 379 square feet (9.9%)
Greater than 25% - 28 square feet (0.2%)

Lot 4

15-20% - 3,882 square feet (81.7%)
20-25% - 1,085 square feet (64.2%)
Greater than 25% - 1,298 square feet (7.8%)

Lot 5 – Group Home Lot

15-20% - 3,980 square feet (95.6%)

20-25% - 1,347 square feet (45.2%)

Greater than 25% - 376 square feet (3.6%)

Mrs. Ewald asked for clarification that the percentages referred to the individual properties, which Mrs. Ruskan confirmed.

Mrs. Ozdemir asked how the disturbance from the current design differs from the previous design. Mrs. Ruskan said that in the original design, in the 15-20% category there were 15,410 square feet to be disturbed, and only 11,780 square feet in the updated design. The 20-25% category had 7,495 square feet of disturbance in the original design, and only 3,480 square feet in the updated design. In the over 25% category, the disturbance was reduced from 6,850 square feet to 2,260 square feet.

Mrs. Ozdemir said that there was prior testimony that 1.2 acres of trees would be removed, and asked how many acres of trees will be removed in the updated design. Mrs. Ruskan said that 0.9 acres of trees are proposed for removal.

Mr. Choi asked about the rationale for c-walls. Mrs. Ruskan explained how the need for grading affects the size of the walls. Mr. Choi asked how much a concern runoff is for the c-walls. Mrs. Ruskan said that the plan is to have a stormwater management system, which will be engineered if the current concept plan is approved.

Mrs. Ness asked if there is an anticipation that the grading will be constant across all four properties, and what the approximate square footage of the homes will be. Mrs. Ruskan said the house size will be up to the individual homeowners, however there are constraints on the lots. Mrs. Ness asked if Sterling/Sun will build the homes, and Mr. Flannery said that is not yet known. Mrs. Ness asked if there will be swales in between the yards, and Mrs. Ruskan said there will be, and she described how the grading will direct the stormwater flow.

Mrs. Ewald asked what footprint was assumed for the concept plan. Mrs. Ruskan said it could range from a 3,500 square feet home to a 5,000 square feet home, and the concept plan shows a footprint 50 feet wide and 35 feet deep, with garages that are 28 feet wide and 24-28 feet deep.

Mrs. Abbott asked if there will be water infiltration, and Mrs. Ruskan said that there will be to allow runoff to percolate into the ground. Mrs. Abbott asked if the stormwater management plans can change. Mr. Ruschke said that the final plan will need to conform with Township ordinances, pending any special conditions the Board may set. Mrs. Abbott asked how wide the road will remain. Mr. Ruschke said that is something for the Board to discuss. Mrs. Abbott asked if more grading in the front will inhibit potential sidewalk installation. Mr. Ruschke said there will be plenty of space for a sidewalk. He also addressed sidewalks connected to the Dixiedale project.

Mrs. Ness asked if the plan allows for the largest house that can be built. Mr. Ruschke said that larger homes can be built than those shown on the concept plan. Mrs. Ness asked how that would impact the disturbance. Mr. Ruschke said that any builder would have to comply with

Township code and any variances approved by the Planning Board. He also said that the Planning Board would retain jurisdiction if any builder wanted to modify the approval, and Mr. Warner said it would only go to the Zoning Board if there was a request for a D variance.

Mr. Warner asked Mr. Ruschke asked if there would be an impact of the driveway easement on Lot 1 if the applicant stipulates that there would not be any disturbance of the easement. Mr. Ruschke said that the Board could impose that condition, however the ability to construct a 5,000 square foot house would depend on the layout of the house.

Mrs. Ness asked if the plan would be different if the house size changes. Mr. Ruschke said that the grading would change if the house size is increased.

Mrs. Ruskan presented Exhibit A-6, which was a schematic showing a perspective of a conceptual home on lot 3 to show the relative height and elevation of a home from the grading to the peak of the roof. She said that the height would be just shy of 35 feet. Mrs. Ruskan addressed how height is measured according to the Township's ordinances, and she discussed how that relates to the proposed grading on the property. Mrs. Ruskan said that there is a difference if the current elevation or the propose grading is used to measure the height. Mrs. Ruskan said that a variance is requested to allow flexibility in allowance of up to 10% more for that lot if it is warranted when the lot grading plan is submitted. Mr. Flannery clarified that the additional height would be less than 10%. Mrs. Ruskan presented additional slides to show that the height of the concept homes is less than 35 feet, and the grading is not significant. The slides were labeled as Exhibits A-7, A-8, A-9 and A-10. Mrs. Ruskan noted that the homes are conceptual to demonstrate the intent of the application. Mrs. Ruskan also noted that steep slope variances are requested, and a variance is requested for the retaining walls to encroach into the side-yard setback if necessary.

Mr. Warner asked if there is a magnitude of sideyard setback deviation that is being sought. Mrs. Ruskan said that to have enough flexibility, the retaining walls may need to be one- to two-feet from the property line. Mr. Warner said that two or three of the lots show retaining walls that do not encroach, and asked if the request is for variances for all five lots. Mrs. Ruskan confirmed that the request is for variances for all five lots. Mrs. Abbott opined that homeowners would prefer the current design to one continuous wall, and said that the proposed design seems gentler. Mrs. Ruskan said that more flexibility will help to generate a design for implementation.

Mrs. Ness said that the size of the homes will drive the need for accommodation of the driveway. She also said that with the flexibility there could be four homes only two feet apart. Mrs. Ness said that she does not see how it is a benefit to allow too much flexibility with the size of the homes, as builders normally maximize the size of a house. Mr. Ruschke said that the zoning regulations require the setback of a retaining wall to be twice the height of the wall.

Mr. Flannery asked Mrs. Ruskan to comment on any setback variances. Mrs. Ruskan said that the concept plan has wall encroachments only on two lots, which are lots 2 & 3. She also said that because of the height of the wall, a variance would not be needed. Mr. Ruschke said that a height variance is being requested due to the excavation and grading which results from the definition of how height is measured. Mr. Ruschke said that the Township's regulations assume a worst case scenario.

Mrs. Ness asked if it is normal to consider the finished topography in a knock-down/rebuild scenario. Mr. Ruschke said that the Township's definition of height is applied, and both existing and proposed conditions are considered along with the worst case scenario. He also said that most developers constructing a rebuild work within the constraints.

Mrs. Ewald asked for clarification of where an additional 3.5 feet are factored into the building height. Mrs. Ruskan said that it pertains to the manner in which an average grade is calculated.

Mr. Ruschke asked Mrs. Ruskan if it would work better to request a variance to have the height be based on the average finished grade rather than to seek a variance for an increase of up to 10% in height. Mrs. Ruskan said that the variance to have height calculated by the average finished grade would work.

Mr. Choi asked about mounding and calculations based on existing conditions. Mr. Ruschke said that the homes will be higher than the elevation of the road. Mr. Choi said that the proposition before the Board is for a reprieve of the Township's ordinance without the benefit of a final plan having been presented, and he suggested that a final plan be presented before the Board take any action regarding the height of the houses. Mr. Flannery said that the applicant would prefer not to have to come back before the Board if the height issue can be resolved with this hearing.

Mrs. Abbott asked if the builder will definitely need to dig out the back yard. Mrs. Ruskan said that will depend on the architecture. She also said that rear floor of the homes was raised to minimize the overall disturbance. Mrs. Ruskan also stated that it is only when the average grade of the existing grade and the proposed grade is calculated that the house height would be an issue, and the houses themselves would be less than 35 feet at the front of the house.

Mr. Warner asked if there could be a limit on the grading from the preexisting slope on the front of the house to avoid having a builder mound the grade to keep the house at 35 feet in height. Mr. Ruschke said that the Board is being asked to comment on a concept plan that may change drastically. He said that he appreciates the variances that are being requested, however the bulk variances are difficult to address when it is unknown how they will be applied to the property. Mr. Ruschke also said that only the height variances and steep slope variances are still being requested.

Mr. Franko said that the height ties to the slope variance in the rear of the homes. Mr. Ruschke said that will relate to the amount of excavation, and asked what is proposed for the fill. Mrs. Ruskan said that it varies from lot to lot, and addressed the proposed elevations.

Mr. Choi asked why there is an issue with the height if it is measured by a median. Mrs. Ruskan addressed the grading calculation, and said that the manner in which height is calculated results in more than 35 feet in height, when the actual houses will be under 35 feet in height. Mr. Ruschke said that the variance requested is for more leeway than what the concept plan proposes, and stated that the Board is being asked to comment on a concept when it is unknown what will actually be built.

Mrs. Ness said that she thought the application would be for construction of spec homes, rather than for subdivision approval for which home designs would be determined later.

Mr. Flannery asked if there is any support from the Board members for height variances on the proposed lots. Mr. Franko said that may be on a case-by-case basis for the individual lots. Mr. Ruschke said that would normally be based on a lot grading plan rather than a concept plan. Mr. Flannery clarified that he was asking if there was support for the height variances in the current application as presented.

Mrs. Ewald asked if the concept plan for the Group Home lot meets with the requirements that the designated developer has for that lot. Mr. Flannery said that it does. Mrs. Ewald asked if that lot is flat. Mrs. Ruskan said that there are slopes on the lot. Mr. Warner stated that the Township has required by ordinance that the Group Home lot is to be conveyed cleared and leveled with a flat surface achieved by bulldozing and installing retaining walls to create the flat surface, including a driveway cut and a tracking pad, ready for the construction of a ranch style group home, with utilities, including sanitary sewer and water, in the street, and a sidewalk, which lot shall be conveyed to the group home developer or the Township of Chatham for \$1 at the Township's option, and Mr. Flannery confirmed that the applicant has stipulated as described by Mr. Warner. Mr. Warner asked if there is an outside date when the subdivision would be perfected and the Group Home lot would be conveyed. Mr. Flannery said that a date is not yet available, and the applicant would work to convey the lot as soon as possible. Mr. Warner asked for a timeframe from approval, if there is an approval, for the conveyance. Mr. Flannery stated that the applicant will strive for the preparation and conveyance to occur within six months of approval. He also stated that the Group Home developer has been contacted to ensure that the application meets their needs.

Mrs. Ewald asked about the retaining wall on the Group Home site. Mrs. Ruskan said that the height varies from 3.5 feet to 6 feet.

Mrs. Ness asked how the Planning Board can be sure that the concept plan works for the Group Home developer. Mr. Ruschke asked if the footprint and general configuration came from the Group Home developer, and Mrs. Ruskan confirmed that it did, and the applicant has been in touch with the developer.

Mr. Ruschke asked if the stormwater approach was amended. Mrs. Ruskan said the plan has not yet been updated. Mr. Ruschke asked if the applicant will come back to the Board with an engineering redesign for the stormwater management. Mrs. Ruskan said that the applicant would like an approval at this meeting, and said that the applicant will come back to address the engineering and planning comments.

Mr. Ruschke said that a question had been asked of him regarding the possibility of having the Township named in the easement area for a potential walkway from Hillside Avenue to Fairmount Avenue. Mrs. Abbott spoke in favor of Township access to the easement. Mr. Flannery stated that permission would be needed from the current owners of the easement. Mr. Warner noted the previous testimony that the applicant had reached out to the owners of the easement. Mr. Flannery stated that two of the owners of the private access indicated that they were opposed to vacating the easement, and he does not believe they will want to allow public access to the easement. Mr. Warner asked if it is possible that the easement has already been vacated, and if the applicant would be willing to take legal action to vacate the easement if required by the Board. Mr. Flannery said he does not know if such action could be taken, and he

is not aware of any documentation that the easement has been vacated. Mr. Warner asked if the easement is entirely on the subject property of the application. Mr. Flannery confirmed that the easement is on the subject properties, and benefits other properties on Fairmount Avenue. Mr. Flannery also said that he does not know if the Board could require the applicant to take legal action to vacate the easement. Mr. Flannery also confirmed his position that the applicant cannot grant public access to the easement without the consent of the owners of the easement. Mr. Warner said there is a property interest not within the purview of the property owner or contract buyer, and offered the legal opinion that the Board can grant the relief requested, but those property interests would remain with the land and the owners of the easement would retain the benefits of the easement. He also said that the owner of the property would not have full clear title to the property due to the easement. Mr. Warner also said that the Planning Board cannot dictate what happens with the easement other than to ask the applicant to seek either the vacation of or public access to the easement. Mr. Flannery said that his client is now the owner of the subject property of the application. He also presented Exhibit A-12, which was a letter sent to one of the easement owners.

Mrs. Abbott advocated for having a walkway for school children to be able to get to Fairmount Avenue from Hillside Avenue without having to walk up Snake Hill. She also wondered if the owners of the easement would oppose allowing others to use the easement. Mr. Ruschke said that the Board should decide if they want a sidewalk installed on Hillside Avenue. The consensus of the Board was for a macadam sidewalk.

Mr. Ruschke said that a suggestion was made by Mr. Hoffmann that an arborist be retained by the applicant to review the trees in the conservation easement area so that any distressed trees could be removed. Mr. Flannery said that his client will stipulate to that condition if the Board so requires.

Mr. Warner asked if the applicant will stipulate to the conditions of approval in the memorandum from Mr. Banisch dated December 15, 2020. Mr. Flannery confirmed that the applicant agrees to those stipulations. Mr. Warner asked if the applicant will stipulate to the conditions in Mr. Ruschke's memorandum. Mrs. Ruskan asked about a tree surveyor requirement for proposed trees, and said that the applicant agreed to plant ten trees per lot. Mrs. Ruskan asked that the placement and species of the trees be specified in the lot grading plan. Mr. Ruschke commented on the tree density requirements.

The consensus of the Board was not to require that the road be widened.

Mr. Franko opened the floor for the public to ask questions.

1. James Anderson, 287 Fairmount Avenue, said he does not know how the application reached the current stage without any resistance. Mr. Anderson asked why the houses are set back so far from the road. Mrs. Ruskan said that the homes on the concept plan are at the minimum setback allowed under the Township's zoning ordinance. Mr. Anderson said he does not believe the renderings accurately show the slope on the hill. He also said that the top of the houses will have an elevation from 390 feet, and he is worried what they will look like from the rear.

2. Don DeGolyer, 293 Fairmount Avenue, asked about the property above Lot 1. He asked if the last owners of Dixiedale gave that land to the Township for Fire Department training. Mrs. Ruskan said she is not familiar with any land being given to the Fire Department. Mr. Flannery said he is also unaware of land being given to the Fire Department. Mr. DeGolyer said that is worth investigating. Mr. Warner asked Mr. DeGolyer to bring forth any evidence that may be available. Mr. DeGolyer said the matter was brought up at a prior meeting, and he has seen the training occur. Mrs. Ruskan said that the area being described will be in a conservation easement. Mr. Flannery said that there is Township-owned land adjacent to where Mr. DeGolyer had described. Mr. DeGolyer asked if the future owner of Lot 1 would be able to subdivide the property and have the conservation easement area developed. Mr. Flannery said that the easement area would not be developable. Mr. DeGolyer asked about a public park in the vicinity. Mrs. Abbott said that there are walking trails on the adjacent open space parcel. Mr. DeGolyer said he has not previously indicated any interest in opening up the driveway easement to public use, and he does not wish to do so. He also said that it is his understanding that the owners of the easement and Sun/Sterling collectively have rights to the easement, and any changes to the easement would need unanimous approval from all parties.

Seeing no further questions, Mr. Franko closed the floor.

Keenan Hughes, a public planner representing the applicant, provided his qualifications and was accepted as an expert.

Mr. Hughes said that the property was rezoned in 2020 from R-1A to R-3AH, and the new zone was created for this property in furtherance of the Township's affordable housing obligation compliance. Mr. Hughes also said that the bulk requirements of the R-3AH zone mirror those of the R-3 zone. He also said that the front-yard setback was adjusted to 30 feet due to the steep slope constraints in the rear of the property.

Mr. Hughes addressed the steep slope variances, and said they are the most significant variances. He also said that the height variance is the next most significant variance, and the retaining wall variance is no longer being requested. Mr. Hughes addressed the criteria and standards for a c-variance. Regarding the steep slope disturbance, Mr. Hughes said that there is a C-1 basis for the variance. He said that when the site was rezoned, there was an acknowledgement by the Township that the site is constrained. He also said that the concept plan allows for minimizing the steep slope disturbance, but there is some disturbance necessary. Regarding building height, Mr. Hughes said that construction of a conventional 2-story home on at least three of the lots will require a deviation from the Township's definition of how height is measured. He said that relief is requested, and the C-1 basis is based on the topographical conditions of the site. Mr. Hughes also said that the C-2 basis for the variance is the benefit to the community of the advancement of the general welfare by promoting the Township's Affordable Housing Plan. Mr. Hughes also cited the conservation easement as one of the criteria for the granting of the steep slope variance. Regarding the negative criteria, Mr. Hughes stated that there is not any substantial detriment to the public good of the design focus. He also said the design will adequately manage stormwater, and municipal regulations will be followed. Mr. Hughes also stated that the new proposed design for the retaining walls is an improvement over the prior design with only one wall. Mr.

Hughes also reiterated that the height variance is due to the manner in which height is calculated. He also said that there is not any impairment to the zoning plan.

Mr. Warner asked Mr. Hughes to address the basis for the major subdivision approval in addition to the variance relief. Mr. Hughes said that the intent of the application is to facilitate the development of four single-family homes, as well as the Group Home that is part of the Township's Affordable Housing Plan. He stated that the variances are interrelated to achieving the subdivision. Mr. Warner asked if any of the stipulated conditions discussed would not have a nexus to the variance relief, and would be arbitrary, capricious or unreasonable in Mr. Hughes opinion. Mr. Hughes said that the only issue he saw was regarding the request for walkway connectivity, which was not originally envisioned. He also stated that he does not think the walkway would be make sense from a planning perspective. Mr. Hughes said that the other conditions were considered by him in his analysis.

Mr. Warner asked Mr. Banisch if a condition for public access to the private easement, or a good faith effort to seek access to the easement, would be reasonable and have a nexus to the relief requested as opposed to being arbitrary, capricious and unreasonable. Mr. Banisch said that it would be reasonable.

Mr. Flannery stated that attempts to gain access to the easement would be futile, and referenced comments made by Mr. DeGolyer on the record at this meeting. He also cited Mr. Hughes's testimony that there are planning reasons why public access would not be necessary. Mr. Flannery also said that the condition would be cost-generative and would add months or years to the project, which would delay the Township's Affordable Housing Plan.

Mr. Franko opened the floor to the public.

1. Don DeGolyer, 293 Fairmount Avenue, asked what the motivation is for asking Mr. Flannery to seek access to the easement. Mr. Warner said that there is no motivation, and he brought the matter forward only so that the Board would be aware of the option. Mr. DeGolyer said that the fact should be on the table that it would take Sun/Sterling and all three owners of the easement to be in agreement to either vacate or grant access to the easement. Mr. Warner said that the applicant has the burden of proof for the relief requested. Regarding any conditions, the Board has to rely on the evidence presented. Mr. Warner said that it is an open question if all three owners of the easement would allow vacation or access, and the Board can require the applicant to make a good faith effort to seek either option. Mr. DeGolyer encouraged the Board not to seek to open the easement. He also commented on the Board's efforts to protect steep slopes, and he expressed a concern about the possibility of a 5,000 square foot house on the first lot.

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

Mr. Flannery gave a closing summation and asked the Board to approve the application with the requested variances. Mr. Flannery also reiterated that the applicant does not support seeking to vacate the easement.

Mr. Franko noted that there is opposition to vacating or opening the easement by an owner of the easement, and the court process to seek a vacation of the easement would take years without any guarantee of success.

Mrs. Ewald thanked the residents who spoke. She said that it would be nice to have a path to Fairmount Avenue, and acknowledged the opposition from the easement owners.

Mrs. Abbott commented on the slopes on the site, and said it would be expensive and challenging to construct a path. She also said that walking paths are seen as neighborly in the neighborhood in which she lives.

Mr. Franko said that the application could be approved with the variances, and Mr. Ruschke suggested that the Board separate the height variance from the slope variance.

Mrs. Ewald moved to grant the preliminary and final major subdivision approval with the steep slope disturbance variances with all stipulated conditions. Mrs. Ness seconded the motion.

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

Mr. Ruschke reiterated his earlier suggestion that the height variance be that height measured from the finished grade rather than the average of the existing and finished grade.

Mrs. Abbott said that she would like to see the builder's plans before the Board approves a height variance. Mrs. Ozdemir agreed that she would prefer to see the plans before granting approval.

Mrs. Abbott moved to deny the height variances at this time, with the denial not precluding a future application. Mrs. Ozdemir seconded the motion.

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

Announcements

Mr. Franko said that the Board had previously discussed having a training session with Mr. Warner. Mr. Warner said that he is available on either February 20th or February 27th to conduct the training session. Mrs. Abbott said that the 27th works better for her. Mr. Franko suggested that the meeting be at 10:00 AM on February 27th, and the session will be planned for two hours.

Mr. Warner noted that the requirement for the NJPPO training is still in place for new members, and there is an exemption for Class I, Class II and Class III members.

Mr. Nelson moved to adjourn at 11:17 PM. Mrs. Ewald seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary