

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
MARCH 20, 2023**

Mr. Sullivan 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 2023, and January, 2024 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.

Oaths of Office

Mr. Nikolopoulos was sworn in as a member of the Planning Board. The oath was administered by Mr. Flynn.

Roll Call

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

Mrs. Felice and Mr. Kahn were absent.

Also present were Attorney Matt Flynn filling in for Board Attorney Steve Warner and Board Engineer John Ruschke.

Minutes

Mr. Miller moved to approve the minutes of the January 30, 2023 meeting. Mr. Neibert seconded the motion which carried unanimously with abstentions by Mr. Nikolopoulos and Mr. Shehady.

Resolutions

Application #PBA-22-008 Southern Boulevard Urban Renewal, LLC, 411 Southern Boulevard, Block: 48.16 Lot: 117.28

Mr. Flynn provided an overview of the application.

Mr. Neibert moved to adopt Resolution PB-2023-010. Mr. Miller seconded the motion.

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

Application #PBA-22-004 Vesta Projects, LLC, 552 River Road, Block: 62 Lot: 60.
Withdrawal Without Prejudice

Mr. Flynn stated that the applicant has submitted a request to withdraw their application without prejudice, and will be able to resubmit an application in the future which would not be affected by the record of the application being withdrawn.

Mr. Shehady moved to adopt Resolution PB-2023-012. Mr. Neibert seconded the motion.

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

Public Hearing

Stormwater Management Plan Element of the Master Plan

Mr. Ruschke was sworn in to give testimony.

Mr. Ruschke said that the Stormwater Management Plan does not affect the Land Use Element or the Master Plan or the Utilities Plan. He said that the report discusses the General Permit issued by the DEP that allows the Township to operate its municipal stormwater system. He also said that the document supports existing ordinances. Mr. Ruschke further stated that the Township's stormwater mapping will need to be updated in GIS. He further stated that the ordinance would not have an impact on single family homes.

Mr. Shehady asked if the plan needs to address the Great Swamp Watershed Overlay District. Mr. Ruschke said that both watershed overlay districts are addressed by the Land Use Element plan, and the Stormwater Management Plan regulates the Township rather than private homeowners. Mr. Shehady asked if there were any projects in the plan that would take priority. Mr. Ruschke said that the plan does not consider projects. However the GIS updates are a notable action item, and there is DEP funding for that.

Mr. Shehady asked about funds collected from a subdivision application that were to be used for advancing the purposes of the Stormwater Management Plan. Mr. Ruschke said there was an application on Mountainside where recharge was not possible, and the ordinance allows for a contribution towards stormwater mitigation.

Mr. Miller asked if the plan addresses street salt. Mr. Ruschke said that it does, and he noted that the Township does not use grit anymore.

Mr. Sullivan opened the floor to the public.

1. Thomas Evans, 19 Birch Hill Drive, was sworn in to give testimony. Mr. Evans asked how he might be able to tell if the new stormwater management plan would apply to his property. Mr. Ruschke said that the stormwater control ordinance would apply. Mr. Evans discussed a swale issue that he has dwelt with for the past 34 years. He asked how he can determine what ordinances apply to his property. Mr. Ruschke noted that the

Township Code Book is available online. He also suggested that hiring a professional can help residents to understand land use regulations when rebuilding a property. Mr. Evans asked about the cleaning out of swales, and described a swale that used to exist on his neighbor's property.

Mr. Miller asked if the Township can offer some relief to Mr. Evans. Mr. Evans said he is willing to speak with someone after the meeting, and asked what he would have to do to redevelop his property. Mr. Ruschke described the process to redevelop a property. Mr. Ruschke addressed how GIS will assist the Township. He further discussed issues with stormwater recharge.

Seeing no further public comment, Mr. Sullivan closed the Public Comment session.

Mr. Shehady moved to adopt Resolution PB-2023-011. Mr. Neibert seconded the resolution.

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

Other Business

Mr. Sullivan noted that development is progressing at the end of River Road in Chatham Borough. He noted that there is a portion of the former Dixiedale Property that sits in Chatham Borough adjacent to the Enclave and said he would like the Board to discuss taking a possible legal position regarding potential development of that site. It was recommended that the matter be discussed in Executive Session at an upcoming meeting.

Mr. Sullivan said that the Board has been asked to review setbacks in the R4 Zone. He noted that there was a redevelopment in that zone where the new house has a different setback than neighboring homes that still conforms to zoning regulations.

Mr. Choi addressed comparisons between the R4 zone and some towns in Bergen County where homes are close together.

Mr. Ruschke said that prevailing setbacks should be the focus of the discussion.

Mr. Miller moved to adjourn at 8:28 PM. Mr. Neibert seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary