

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
APRIL 3, 2023**

Mr. Sobieski called the Regular Meeting of the Planning Board to order at 7:31 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.

Roll Call

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

Mr. Sullivan, Mr. Duemling and Mr. Miller were absent.

Also present were Attorney Chris Sobieski filling in for Board Attorney Steve Warner, Board Engineer John Ruschke and Board Planner Frank Banisch.

Selection of Acting Chair

Mrs. Felice nominated Mr. Neibert to serve as Acting Chair for this meeting. Mr. Kahn seconded the motion, which carried unanimously.

Minutes

Mr. Shehady moved to approve the minutes of the March 20, 2023 meeting. Mr. Kahn seconded the motion which carried unanimously with an abstention by Mrs. Felice.

Resolutions

PB-23-013- Application number PBA-22-002, 580 River Road, Block: 62, Lot: 56

Mr. Sobieski provided background on the resolution.

Mrs. Felice moved to adopt Resolution PB-2023-013. Mr. Nikolopoulos seconded the motion.

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

Selection of Acting Secretary

Mr. Kahn nominated Mr. Nikolopoulos as Acting Secretary to sign deeds and other documents pertaining to Resolution PB-23-013. Mr. Shehady seconded the motion which carried unanimously.

Discussion

Master Plan Consistency Review – Ordinance 2023-04

Mr. Banisch summarized a memo he had written stating that Ordinance 2023-04 is not inconsistent with the Master Plan.

Mrs. Felice moved to find Ordinance 2023-04 as being not inconsistent with the Master Plan and to forward Mr. Banisch's memo to the Township Committee as the Board's formal response.

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

Re-Examination of the R-4 Residential Zone Setbacks

Mr. Ruschke provided background regarding a property on Yarmouth that was redeveloped at the minimum setback and is closer to the road than neighboring houses. He said that neighbors are upset that the house is so much closer to the road, and the Planning Board has been asked to determine if the setbacks need to be re-examined. Mr. Neibert said he has visited the site, and the house does stick out.

Mr. Banisch said that one of the main stumbling blocks is that one of the standards to get a zoning permit is that there has to be sufficient definiteness to know what you are asking about. He said that adjoining setbacks can be used in defense of a variance request, and it can look offensive for someone's front yard to look into someone else's backyard. Mr. Ruschke said that when properties are redeveloped, it is common for builders to build to the max.

Mr. Neibert said that a lot of neighboring municipalities have neighborhood averaging for setbacks and he described the calculations. Mr. Banisch said he was dismissive of that approach and suggested that Mr. Warner opine on legal concerns about setback averaging. Mr. Neibert commented on how strict some neighboring towns can be with redevelopment. The ability to regulate a historic district was discussed. Mr. Shehady expressed concern about neighbors having too much visibility into each other's back yards.

Mr. Nikolopoulos asked where the property line is and if there is an easement on the property in question. Mr. Ruschke said that there is a right-of-way for the road, and sometimes the right-of-way extends beyond the paved portion of the road.

Mr. Neibert commented on houses that are built to the max by developers that are sold to people who later want to add decks and patios which need variances. Mr. Banisch noted that the Board of Adjustment is often sympathetic to such new residents.

A subcommittee was formed consisting of Mr. Neibert, Mr. Nikolopoulos and Mr. Kahn to further research this topic.

Other Business

The Executive Session originally planned for this meeting will be carried to the next meeting which is scheduled for April 17th.

Mr. Neibert moved to adjourn at 8:05 PM. Mr. Kahn seconded the motion which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary