

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
MAY 15, 2023**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:50 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 Mr. Sullivan, Mr. Miller, Mr. Kahn, Mr. Nikolopoulos and Mr. Neibert.

Mr. Duemling, Mrs. Felice, Mr. Shehady and Mr. Choi were absent.

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

Minutes

Mr. Neibert moved to approve the minutes of the May 1, 2023 meeting. Mr. Kahn seconded the motion which carried unanimously with an abstention by Mr. Miller.

Concept Review

PBA-23-002 Bhee Properties, Inc. 697 Fairmount Avenue, Block: 61 Lots 10.01 & 10.02.

Mr. Flynn provided background on the concept review. He stated that the applicant received a minor subdivision approval with variances in 2015. They are now seeking a modification of the 2015 approval.

John Kaplan, an attorney representing the applicant, provided an overview of the concept and said that the applicant is seeking to modify the prior approval.

Rob Moschella, an engineer representing the applicant, provided handouts to describe the conceptual new plan. He provided a review of the prior approval, and stated that the desired change is to move the homes closer to Sunset Drive.

Potential tree removal was discussed. Mr. Banisch expressed concern about the elimination of steep slopes and the removal of trees.

Mr. Miller asked how much steep slope is proposed to be disturbed. Mr. Moschella said that a quick calculation had been performed, and on lot 10.01 there would be approximately an additional 1600 square feet of steep slope disturbed. On lot 10.02 there would be an additional 1000 square feet disturbed.

Mr. Miller said that the Board performed due diligence during the original application, and asked why it would be a benefit to the Township to change the approval. Mr. Moschella said that the County only wanted one curb cut on Fairmount Ave, and having the driveways go to Sunset Drive would allow two, which would be a better planning option.

Mr. Sullivan raised concern about the aesthetics of the view of the houses from Sunset Drive. Mr. Moschella said it will be similar to an adjacent house, and he discussed options. Mr. Sullivan also asked about a conservation easement. Mr. Moschella said that an easement was not enacted.

Mr. Neibert asked why the houses were originally pushed away from Sunset Drive. Mr. Ruschke cited the public's opposition to the application and that steep slope disturbance was minimized as a result. Mr. Moschella commented on the slope variances. Mr. Ruschke said that the applicant will need to convince the Board that the proposal is the best plan for the site.

Mr. Sullivan asked if a site visit should be held. Mr. Flynn noted it would need to be properly noticed if one were held.

Mr. Nikolopoulos said that having the driveways on Sunset Drive would be safer. Mr. Miller said he would like to know why the County would not approve two curb cuts on Fairmount Ave, as it does not make sense that they would only allow one.

The need to enhance stormwater systems was discussed. Mr. Miller noted that the stormwater management will need to be addressed regardless of where the houses are built. Mr. Ruschke addressed the engineering and enforcement that goes into stormwater management, and opined that the concept review is more of a planning issue.

Mr. Miller expressed concern that the area of the property closer to Fairmount Ave would become overgrown.

Mr. Flynn noted that the variances in the 2015 approval have expired, and the applicant will need to apply to have them extended or make a new application to re-affirm the 2015 approval.

The likelihood of accidents if access to the site is from Fairmount was discussed.

Mr. Sullivan asked if it would be worth the Board's time to have a site visit.

Mr. Miller said that he is confident that the Board did due diligence when the original application was approved, and he is not convinced that having the driveway access on Sunset Drive is enough of a reason to modify the plans.

Mr. Sullivan asked if the homes would have the same footprint if they are moved. Mr. Moschella said he cannot guarantee that at this time.

Mr. Kahn said that his review of a new application would be based heavily on the prior approval.

Mr. Nikolopoulos said he would be open to the concept plan, pending input from the neighbors.

Mr. Flynn said that if a new plan is submitted, the applicant will need to have new proofs to support the new plan. Mr. Banisch noted that the subdivision previously approved would still remain approved. Mr. Flynn said that the Board would have a hard time denying a re-affirmation of the original approval, as it was already approved. However, the concept plan would be a whole new application.

Mr. Sullivan asked if he could seek input from neighbors and distribute the information to the Board. Mr. Flynn cautioned against ex parte discussions. Mr. Sullivan said that a site visit will wait until an application is submitted.

Other Business

Mr. Sullivan announced that the Executive Session would be held at the next meeting.

Mr. Miller moved to adjourn at 9:06 PM. Mr. Nikolopoulos seconded the motion which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary