

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JUNE 12, 2023**

Mr. Sullivan called the Regular Meeting of the Planning Board to order at 7:34 P.M.

Adequate Notice of this meeting of the Planning Board was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on May 18, 2023 notice was posted on the bulletin board in the main hallway of the Municipal Building on May 18, 2023 and notice was filed with the Township Clerk on May 18, 2023.

Roll Call

Answering present to the roll call were Mr. Sullivan, Mr. Duemling, Mr. Miller, Mr. Shehady, Mr. Choi and Mr. Neibert. Mr. Kahn arrived a few minutes late.

Mrs. Felice, and Mr. Nikolopoulos were absent.

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

Minutes

Mr. Miller moved to approve the minutes of the May 15, 2023 meeting. Mr. Neibert seconded the motion which carried unanimously with abstentions by those who were absent.

Resolution

PBA-23-001 PSE&G, 533 Green Village Road, Block: 48.21 Lot 174 & 180 Minor Subdivision

Mr. Warner provided background on the application.

Mr. Neibert moved to adopt Resolution PB-23-015. Mr. Duemling seconded the motion.

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

Discussion

Front Yard Setbacks

Mr. Neibert reported on his research about front yard setbacks. He said that there was a complaint on Yarmouth Road about a house that is closer to the road than neighboring houses but still meets the setback requirements. Mr. Neibert said that he reviewed the regulations in

Chatham Borough, Madison and Summit, and all three have language regarding the alignment of houses.

Mr. Miller said that there have been neighborhoods where new homes looked out of place until the rest of the neighborhood was redeveloped, and he is unsure if the Planning Board should make recommendation that would inhibit redevelopment.

Mr. Banisch noted prior discussions at Planning Board meetings when the increase in ratables from redevelopment was discussed. Mr. Neibert said that developers often build to the max and future homeowners wind up applying for variances to make additions.

Mr. Warner commented on lot disclosure ordinances. Mr. Ruschke said that it would become difficult for a homeowner to add a porch, and it would be complicated for the Zoning Officer to enforce such improvements if neighboring houses are taken into account.

There was discussion about building trends and variance requests. It was noted that Board approval is not needed for houses that conform with zoning regulations.

The consensus of the Planning Board was to not recommend any changes. Mr. Shehady asked for guidance on how to respond to future resident complaints on this topic. It was recommended that Mr. Banisch draft a memorandum to capture the Board's discussion.

Hearing of Citizens

Mr. Sullivan opened the floor to the public.

1. Dan Miller, 465 Green Village Road, said that the Great Swamp and the Watershed Association have not reached out to the neighbors of the PSE&G property as was promised at that hearing. Mr. Ruschke said that an email was received today that a meeting is being planned for June 22nd. Mr. Warner said that the compliance requirements come into effect with the adoption of the resolution which was earlier during this meeting.

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

Executive Session

RESOLUTION PB-23-016 EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, it is necessary for the Planning Board of the Township of Chatham to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b)(7) and designated below;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from the discussion of the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is matters relating to matters falling within the attorney-client privilege to the extent that confidentiality is required in order for the Board Attorney to exercise their ethical duties as a lawyer.

3. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Planning Board that the public interest will no longer be served by such confidentiality.

4. This Resolution shall take effect immediately.

Mr. Warner read the resolution aloud into the record.

Mr. Miller moved to adopt Resolution PB-23-016 to enter Executive Session at 8:26 PM. Mr. Kahn 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, Aye; Mr. Nikolopoulos, Absent; Mr. Neibert, Aye.

The Board returned from Executive Session at 9:00 PM.

Mrs. Tsimboukis noted that the July 10th meeting will be cancelled.

Mr. Shehady moved to adjourn at 9:02 PM. Mr. Choi seconded the motion which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary