

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
FEBRUARY 5, 2018
DRAFT**

Ms. Nicole Hagner 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 2018, and January, 2019 was published in the *Chatham Courier* and the *Morris County Daily Record*, a copy filed with the Municipal Clerk and a copy placed on the bulletin board in the main hallway of the Municipal Building.

Roll Call

Answering present to the roll call were Ms. Hagner, Mr. Hurring, Mrs. Swartz, Mr. Brower, Mr. Franko, Mr. Nelson, Mr. Sullivan, and Mr. Travisano. Mr. Ciccarone, Mr. Krawiec and Mr. Tarasca were absent.

Also present was Attorney Amanda Wolfe and Township Engineer John Ruschke.

Ms. Hagner noted that those who were not present had not notified her that they would be absent, and as such the absences are unexcused.

Approval of Minutes

Mr. Franko moved to approve the minutes of the January 22, 2018 meeting. Mr. Nelson seconded the motion, which was approved unanimously with abstentions by Ms. Hagner and Mr. Travisano.

Mr. Travisano said that he did not receive the agenda for the last meeting until late in the day on the day of the meeting. Ms. Hagner said that she had sent it out the Friday before, because the Township staff members' email was down.

Resolution

Plan: 17-54-10 9 Mountainview Road, Block: 54, Lot: 10 Minor Subdivision

Ms. Wolfe reviewed some minor changes to the resolution. One edit refers to the rear-yard setback. She also said that the applicant will not be required to submit stormwater management information for the hypothetical pool. Mr. Ruschke said that if a pool is desired, the property owner would have to submit a lot grading plan, at which time the drainage will be amended. Mr. Franko noted that the pool is only hypothetical, and the topic was raised by the Board, not the applicant.

Mrs. Swartz said that this was the first application she has seen while serving on the Planning Board which involves a subterranean garage. Mr. Ruschke said that he tries to convince applicants to not have subterranean garages, however they are not prohibited by ordinance. Mr.

Sullivan noted that the application had a concept design rather than a final design for potential homes.

Mr. Brower said that the presentation of a concept design is misleading, as people will expect the future home to look like what was presented. Mr. Ruschke said that the application was fully conforming, therefore a final design was not required. Mr. Brower noted that the agreement for the additional front-yard setback improved the application, however the builder will still be able to do whatever they want with the house design, as long as the design conforms to zoning regulations.

Mr. Ruschke reiterated that he advises applicants not to have subterranean garages. Mr. Brower noted that potential flooding issues to which subterranean garages lend themselves. Ms. Hagner suggested that the topic of subterranean garages be discussed at the next Planning Board meeting.

Mr. Franko moved to adopt the resolution. Mr. Nelson seconded the motion.

Roll Call: Ms. Hagner, Abstain; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Mr. Franko, Nay; Mr. Sullivan, Aye; Mr. Nelson, Aye; Mr. Travisano, Abstain; Mr. Kraweic, Absent; Mr. Tarasca, Absent.

Discussion

Annual Report

Ms. Hagner reported that Board Manager Meg Smith drafted the Annual Report for the Board to review. She also noted that the Board Chairperson is typically asked by the Mayor to present an Annual Report at a Township Committee meeting. Mr. Franko said that when he was chairman, he would draft an overview with highlights rather than going into detail on each application.

Tree Protection Ordinance

Ms. Hagner said that she was on the Township Committee when the current Tree Protection Ordinance was adopted, and the goal at the time was to protect a density of trees on a property and to have trees protected around the perimeter. The Township Committee also sought a balance between protecting trees and allowing property owners to make use of their property.

Mr. Ruschke said that a draft ordinance with some proposed updates was prepared to initiate discussion. He also presented four lot grading applications on which he received complaints from neighbors about the trees removed so that the Planning Board could consider how trees could be preserved on the properties. Mr. Ruschke further noted that the density requirement could be revisited to see if it should be modified. He also suggested that the area outside the building envelope should be the focus so that property owners would not be unduly limited in building houses.

Mr. Ruschke presented the lot grading plan for an address on Robert Drive, and discussed the tree density on the property. He also said that by focusing outside the building envelope, the focus will be on preserving trees within the setbacks rather than over the entire site. Mr. Ruschke discussed how his proposal would affect the tree removal at the address on Robert

Drive, and he noted that streetscape trees would be protected. He also said that protecting trees along the property line is part of the focus of his proposed ordinance. Mr. Brower mentioned trees planted under power lines, and the trees looked bad due to vegetation maintenance to protect the power lines.

Mr. Ruschke noted that when the Township employed a forester, he often recommended removal of more trees than applicants originally requested.

Mr. Brower asked if the tree protection can take into account the percentage of the home being modified. He also said that developers are often willing to pay fines for improper tree removal. Mr. Ruschke said that builders are also often able to find loopholes. Mr. Sullivan said that there needs to be a balance between not being onerous on residents and preventing developers from clear-cutting lots.

Mr. Brower asked why property owners would be required to plant trees in the vicinity of established trees on neighboring properties. Mr. Ruschke said that design professionals would be able to determine where replacement trees should be placed. Mr. Brower also said that there should be a certified arborist reviewing tree removal and replacement.

Mrs. Swartz noted that the term “clear-cutting” is being frequently and incorrectly used to describe lots where there are still several trees remaining.

Mr. Travisano asked if there is a way for the Board to request placement of mature trees on particular spots on a site as a condition of approval for a site plan.

Mr. Ruschke discussed stressed trees within the right-of-way, which are currently not preserved. Mr. Brower said that there should be an arborist to comment on what type of trees would be a viable replacement.

Ms. Hagner said that in some circumstances, hedges might be a better alternative than replacement trees. Mr. Sullivan said that he would prefer to see hedges than fences.

Mr. Ruschke presented a case on Hilltop Terrace on which several existing trees did not count toward the tree density. He also presented a scenario for a Rolling Hill Drive property in which the applicant was a resident rather than a builder. Mr. Brower voiced his objection to circular driveways due to the extra impervious coverage.

Ms. Hagner said that the Township has not had a Tree Protection Committee for several years. Mr. Brower said that it would be better to have a professional arborist working with the Township Engineer rather than a committee of civilians. Ms. Hagner suggested a recommendation be made to the Township Committee that the language referring to the Tree Protection Committee be removed from the tree protection ordinance. Ms. Hagner also suggested that a subcommittee be appointed to work with Mr. Ruschke on drafting a proposed tree protection ordinance for review by the Planning Board. She also said that recommendations can be sent to Mr. Ruschke.

Mr. Brower suggested that tree protection ordinances in other municipalities be reviewed to see if other towns have regulations that would work in Chatham Township. Mr. Ruschke said that he has reviewed other municipalities’ ordinances.

Ms. Hagner suggested that perhaps having properties divided into quadrants for purposes of tree protection might make the regulations easier for the public to understand the regulations. Mr. Brower noted that it is difficult to have a one-size-fits-all ordinance.

Ms. Hagner said that she and Mr. Ruschke will coordinate before the next Planning Board meeting, and members should send their comments to him.

Mrs. Swartz asked if more ornamental trees like a dogwood would be given the same magnitude of consideration as an oak tree.

Mr. Ruschke noted a section in the draft which requires notice be given to neighbors when a tree is being removed within two feet of the property line.

Application Process

Ms. Hagner said that she and Mr. Warner were not able to discuss this topic prior to the meeting, and she hopes to have proposed updates to the application process for the Planning Board's review prior to the next meeting.

Public Comment

Ms. Hagner opened the floor for public comment and questions.

1. Carole Wipf, 2 Woodlawn Drive, said that there is other criteria in the tree protection ordinance than just tree density, and she cited examples.
2. Genevieve Castelino, 104 Ormont Road, asked if there is an opportunity for residents to view the draft ordinance and provide input. Ms. Hagner said that there would be a public hearing before the Township Committee if an ordinance is introduced. Mrs. Castelino said that she and her husband are architects, and they are willing to assist in the process of developing a new tree protection ordinance. Ms. Hagner said that the draft is not public at this time. Mr. Brower said that it could expedite the process to have residents like Mrs. Castelino speak with Mr. Ruschke and provide recommendations.

Mr. Nelson moved to adjourn at 9:26 PM. Mr. Travisano seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary