

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
MARCH 7, 2016**

Mr. Thomas Franko called the Workshop Meeting of the Planning Board to order at 7:28 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 2016, and January, 2017 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. Franko, Mr. Hurring, Mr. Brower, Mr. Saluzzi, Mr. Sullivan, Mrs. Swartz, Mr. Travisano and Mr. Nelson. Ms. Hagner and Mr. Murray arrived late. Mr. Ciccarone was absent.

Also present was Amanda C. Wolfe, Esq, filling in for Board Attorney Steven Warner. Board Engineer John Ruschke and Township Frank Banisch were also present.

**Resolutions**

**RESOLUTION PB-2016-08  
RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHATHAM, COUNTY  
OF MORRIS, STATE OF NEW JERSEY, APPOINTING MARGARET SMITH AS MANAGER  
FOR THE PLANNING BOARD**

**WHEREAS**, the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, desires to appoint Margaret Smith as Manager for the Board for the period commencing March 16, 2016 and ending December 31, 2016.

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

1. Margaret Smith is hereby appointed as Manager for the Planning Board of the Township of Chatham, County of Morris, State of New Jersey, for a term commencing March 16, 2016 and terminating December 31, 2016.
2. The compensation to be paid to Margaret Smith for services rendered to the Board shall be in accordance with the Salary Ordinance of the Township of Chatham.
3. This Resolution shall take effect upon adoption.
4. A certified copy of the Resolution shall be forwarded by the Secretary of the Board to the Township Committee.

Mr. Nelson moved to pass Resolution PB-2016-08. Mr. Hurring seconded the motion.

**Roll Call:** Mr. Franko, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Absent; Mr. Sullivan, Aye; Mr. Saluzzi, Aye; Mr. Travisano, Aye; Mr. Nelson, Aye; Mr. Murray, Absent.

## **Approval of Minutes**

Mr. Travisano moved to approve the minutes of the January 11, 2016 meeting. Mr. Brower seconded the motion, and the motion carried unanimously.

Mr. Franko noted that a transcript of the December 7, 2015 meeting was distributed to the Planning Board.

Mr. Franko also noted that Mayor Ritter had asked him to review the Planning Board page on the Township website. He found some items that were in need of revision, and after a review of the edits by Mr. Warner, Mr. Franko sent his comments to Mayor Ritter.

## **Hearing**

Plan: 15-6212-1 REO Development, LLC, 609 Fairmount Ave, Block: 62.12 Lot :1. Minor Subdivision.

Peter Rosen, Esq. was present representing REO Development, LLC. He introduced Andre Andrutchuck, the sole proprietor of REO Development. Mr. Andrutchuck provided a description of his business.

Board professionals were sworn in to give testimony.

Mr. Brower commented on the review memo submitted by Mr. Ruschke. Mr. Ruschke said that the application has been deemed complete. Mr. Franko said that any inconsistencies in the application will be addressed during testimony.

Edward Dec, the engineer for the applicant, was sworn in to give testimony. He provided his qualifications, and was accepted as an expert.

Mr. Dec reviewed the engineering drawings with the Board and discussed how the comments from Mr. Ruschke have been addressed. Mr. Dec said that there is presently one lot, and the proposal is to subdivide the existing lot into two lots which will be nearly equal in area. Mr. Dec provided a description of the two proposed lots and the proposed houses. He also described the house that presently exists. Mr. Dec further described the stormwater management controls proposed for the new lots. The proposed slopes on the property were also presented. A retention wall will be built on the proposed lots. The lot grading plan was also presented. Mr. Dec said that there are three variances requested in the application, all of them related to a particular corner of the proposed retaining wall.

Mr. Brower raised a concern if future owners would want to put a deck on either of the homes, due to the proximity of the retaining wall to the house. Mr. Ruschke said that they could apply for a variance, but the lots would be restricted for future development. The potential for the installation of a rear patio was discussed.

Mr. Banisch was sworn in to give testimony. Mr. Banisch said that the lots as proposed would involve various accommodations. He said that instead of regrading the property, something

could be designed that would adapt to the terrain as it is. Mr. Rosen said that he spoke with the architect, and it would be possible to move the garage to the front of the house.

Mr. Dec presented the usable area plan to the Board. Mr. Brower asked if it would be possible to construct a new house on the lot as is, and what the economics of such a scenario would be. Mr. Franko said that such a house would be much larger than the houses in the neighborhood.

Mr. Rosen said that his client is willing to redesign proposed lot 1.02 so as to eliminate the variances. Ms. Hagner asked if it would make more sense for the applicant to apply for the variance now so that a future property owner would not have to go through the application process.

Mr. Brower inquired about the retention basins and if they are large enough to hold the runoff that will be generated. Mr. Dec spoke about the materials to be used to control water flow. Mr. Murray said that a lot of water comes down that hill. Ms. Hagner asked if measures should be installed by the retaining wall to collect and recharge stormwater. Mr. Ruschke said that the applicant can identify where there is channelization. He also said that the applicant should consider eliminating the retaining wall.

The Hearing will be carried to the March 21, 2016 meeting.

Mr. Franko opened the floor to the public to comment on this application.

1. John Thomas, 146 Van Houten Ave, said that water on the site is an issue. He is concerned that the proposed retaining wall will deflect stormwater onto his property. Mr. Thomas also noted that the house at 609 Fairmount Ave is listed as a historic home in the Township's Master Plan. He is also concerned about tree removal and the aesthetics of the proposed homes.
2. Jim O'Day, 150 Van Houten Ave, raised concerns about how the new homes would affect the view from his property.
3. Dan Marino, 49 Wickham Way, asked if building a large house on the existing lot would require a variance. Mrs. Swartz indicated that it would depend on what a builder wanted to do in such a case. Mr. Franko said that a builder can build up to a certain size depending on the zone and still be within regulations.
4. Mr. Thomas said that one big house might be better on the property.

Mrs. Swartz asked about having a site visit. Ms. Hagner asked if anyone is living at the property, and if Board members could visit at their convenience. Mr. Rosen said that the house is unoccupied, and Board members can visit. Mr. Franko noted that a formal site visit could be scheduled for April 2, 2016.

Mr. LaConte noted that the Planning Board is still without a liaison to the Open Space Committee.

### **Executive Session**

## **RESOLUTION PB-2016-09**

**Open Public Meetings Act – 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,** this public body is of the opinion that such circumstances presently exist;

**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 matters.
2. The general nature of the subject matters to be discussed is as follows:

Personnel  Real Property  Litigation/Attorney-Client  Req'd. Confidentiality  
 Contract  Pub. Safety  Public Funds  Penalties  Individual Privacy

3. It is anticipated that the above stated subject matters discussed in closed session may be disclosed to the public upon determination of the Board that the public interest will no longer be served by such confidentiality.
4. This Resolution shall take effect immediately.

Mr. Travisano moved to pass Resolution PB-2016-09 to enter Executive Session at 8:57 PM.  
Mr. Nelson seconded the motion.

**Roll Call:** Mr. Franko, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Aye; Mr. Ciccarone, Absent; Ms. Hagner, Aye; Mr. Sullivan, Aye; Mr. Saluzzi, Aye; Mr. Travisano, Aye; Mr. Nelson, Aye; Mr. Murray, Aye.

The Planning Board returned to open session at 9:34 PM.

Mr. Nelson moved to adjourn at 9:34 PM. Mr. Murray seconded the motion, and it carried unanimously.

---

Gregory J. LaConte  
Planning Board Recording Secretary