

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
APRIL 2, 2018**

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, Mrs. Swartz, Mr. Franko, Mr. Nelson, Mr. Sullivan and Mr. Travisano. Mr. Hurring, Mr. Brower, Mr. Ciccarone and Mr. Tarasca were absent.

Also present were Board Attorney Amanda Wolfe and Township Engineer John Ruschke.

Mr. Franko made a motion to excuse the absences from this meeting. Mr. Nelson seconded the motion, which carried unanimously.

Ms. Hagner noted that Mr. Kraweic has officially resigned from the Planning Board.

**Approval of Minutes**

Mr. Franko moved to approve the March 19, 2018 minutes. Mr. Travisano seconded the motion, which carried unanimously.

**Draft Tree Protection Ordinance Review**

Ms. Hagner explained that there was some discussion regarding the appeal process for tree permits. She also noted that the ordinance is not subject to a Master Plan consistency review.

Ms. Wolfe said that the zoning officer cannot handle appeals because the ordinance is not a zoning ordinance. A suggestion was made to have a Tree Management Appeals Committee made up of the Planning Board Chairperson, the Zoning Board Chairperson and a member of the public.

Mr. Sullivan said that technically there does not necessarily need to be an appeals committee, and people could go to court. However, the Township Attorney thinks there needs to be a process for the Township to defend itself. Mr. Ruschke posed the question if a third party can submit an appeal, and he said that he has not yet received a firm answer from the Township Attorney on that question.

Regarding the composition of the Tree Management Appeals Committee, Ms. Hagner said that it could not be an additional member of the Planning Board or Zoning Board. Mr. Sullivan said that the Tree Management Appeals Committee also cannot officially be a subcommittee of the Planning Board, however it could be composed by three members of the Planning Board. Whether the third member should be appointed by the Mayor or by the Township Committee was discussed. The duration of an appointment was also discussed.

Mr. Ruschke noted that the draft requires the Tree Management Appeals Committee to meet within 20 days. The Board discussed extending the period to 45 days. Mr. Franko cautioned against having the period be too long, and Mr. Travisano suggested having the ordinance require that the Tree Management Appeals Committee convene within 20 days so that continuances can be requested.

Regarding tree density, Ms. Hagner said that tree replacement should be 1-for-1 if the property is below the required density. Mr. Franko commented that the replacement trees with a sufficient diameter will be considered replacement trees.

Mr. Travisano asked if there is a way to help with enforcement, and if there would be a way to post information on the Township website when tree permits are issued. Mr. Ruschke said that neighbors often call when they think trees are being taken down without a permit. He also commented on the registration of contractors, and that they would also receive a summons for taking down a tree without a permit. Mr. Sullivan asked if the Township could issue a cease and desist order when contractors take down trees without permits. Mr. Travisano asked if licensure might be more effective than registration. Mr. Ruschke said that the registration process will include a certification that the contractor has read the ordinance and will comply with the provisions. He also said that a registration could be invalidated for 30 days if a contractor is non-compliant. Mr. Travisano suggested that licenses be issued rather than just having registrations. Ms. Wolfe said that she is not sure how contract law might come into play if a contractor has work lined up and then has their registration revoked.

Mrs. Swartz asked if the Board thinks that the ordinance will have the desired effect. The permit fee was also discussed.

Ms. Hagner opened the floor to the public.

1. Dot Stillinger, 216 Noe Avenue, asked how the ordinance will prevent clear cutting by developers. Mr. Sullivan said that the pre-application process will prevent clear cutting. He said that houses will not be able to be demolished until tree removal applications have been processed. He also noted that the proposed ordinance gives consideration to streetscape. Mr. Sullivan also said that there have been situations where houses were demolished following the removal of trees in a front yard, and because the tree density was met in the rear yard, the property had the appearance of being clear cut. Ms. Hagner also said that the ordinance prevents the issuance of building permits until after tree removal permits have been issued. She also said that the tree density calculation has been

changed to have a better distribution of trees on a property. Mr. Ruschke explained how the tree density will be addressed.

Ms. Hagner said that the changes to the ordinance will be made by Mr. Warner, and the ordinance will be discussed by the Township Committee at an upcoming meeting. Ms. Hagner also noted that she will be presenting the Annual Report at the next Township Committee meeting.

Ms. Hagner also said that at the next Planning Board meeting, there will be discussion on various issues such as sub-grade garages and orientation of houses.

Mr. Franko moved to adjourn at 8:26 PM. Mr. Travisano seconded the motion, which carried unanimously.

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Gregory J. LaConte  
Planning Board Recording Secretary