

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
MAY 20, 2019**

Mr. Thomas Franko called the regular meeting of the Planning Board to order at 7:32 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 2019, and January, 2020 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.

Answering present to the roll call were Mr. Franko, Mrs. Swartz, Ms. Hagner, Mr. Hoffmann, Mr. Kelly, Mr. Nelson, Mrs. Ozdemir, Mr. Sheth, and Mr. Coviello.

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

Mr. Travisano and Mr. Tarasca and were absent.

Mr. Franko announced that the Dixiedale application will not be heard at this meeting. Robert Kazuba, the attorney for the applicant, asked that a specific date be announced so that no further notice would be required. Mr. Warner said that the next meeting will be held on June 3rd at the Municipal Building, and the application will be heard at that time. Mr. Warner also said that the applicant consented to an extension through June for action to be taken on the application.

Memorialization Resolution – PB: 18-75-1.04 12 Williams Road

Mr. Warner provided an overview of the resolution memorializing the decision to deny the application for PB: 18-75-1.04, 12 Williams Road.

Mr. Nelson moved to adopt the resolution. Mrs. Swartz seconded the motion.

Roll Call: Mr. Travisano, Absent; Mr. Franko, Aye; Mrs. Swartz, Aye; Ms. Hagner, Aye; Mr. Hoffmann, Abstain; Mr. Kelly, Abstain; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Abstain; Mr. Coviello, Abstain; Mr. Tarasca, Absent.

Completeness Review Resolution

**RESOLUTION DESIGNATING JOHN K. RUSCHKE, P.E., AS THE BOARD'S
AUTHORIZED DESIGNEE FOR THE PURPOSE OF DEEMING
APPLICATIONS COMPLETE**

WHEREAS, pursuant to N.J.S.A. 40:55D-10.3, the municipal agency or its authorized committee or designee shall be responsible for deeming applications for development complete for the purposes of, inter alia, commencing the applicable time period for action; and

WHEREAS, the Planning Board (the “Board”) of the Township of Chatham (the “Township”) desires to designate the Township Engineer, John K. Ruschke, P.E., of Mott Macdonald, as the Board’s authorized designee for the remainder of the calendar year of 2019 (i.e., through December 31, 2019); and

THEREFORE, BE IT RESOLVED by the Board, that John K. Ruschke, P.E., shall be designated as the authorized designee pursuant to N.J.S.A. 40:55D-10.3 and shall be responsible for deeming an application complete.

Mr. Franko said that the Municipal Land Use Law requires that there be an authorized designee to deem applications complete. Mr. Warner added that the Board’s practice has been for Mr. Ruschke to make that determination, and the resolution formalizes the designation.

Ms. Hagner moved to adopt the resolution. Mr. Nelson seconded the motion.

Roll Call: Mr. Travisano, Absent; Mr. Franko, Aye; Mrs. Swartz, Aye; Ms. Hagner, Aye; Mr. Hoffmann, Aye; Mr. Kelly, Aye; Mr. Nelson, Aye; Mrs. Ozdemir, Aye; Mr. Sheth, Aye; Mr. Coviello, Aye; Mr. Tarasca, Absent.

Approval of Minutes

Ms. Hagner moved to approve the minutes of the April 15, 2019 meeting. Mr. Nelson seconded the motion, which carried unanimously with abstentions by Mr. Sheth and Mr. Coviello.

Mr. LaConte thanked those Board members who complied with the State requirement for the filing of a Financial Disclosure Statement.

Ms. Hagner noted that the Board needs to revisit the topic of updating the Circulation Plan Element of the Master Plan.

Hearings

PB 19-48.16-117.27 (February 22, 2019) SOUTHERN BOULEVARD URBAN RENEWAL, LLC, (Arbor Green at Chatham) 401 Southern Boulevard, BLOCK: 48.16 LOT: 117.27.

For the benefit of the public, Mr. Franko described the hearing process. He noted that when the floor is opened for the public to ask questions of the witnesses, people should refrain from making general statements. Mr. Warner said that questions should be based on the testimony provided. Mr. Warner also asked if any members of the public were represented by counsel, and explained that anyone represented are required to have their attorney ask questions.

Robert Kasuba, the attorney for the applicant, provided an overview of the application. He said that the application is for 24 affordable units, which will count toward the Township’s Mount Laurel obligation.

Mr. Warner noted that the public notice sent out by the applicant was sufficient in its content and was sent out far enough in advance to the meeting.

Mr. Kasuba said that this application is linked to the Dixiedale application, and neither application can move forward without the other. He also noted that the Township Committee had adopted a redevelopment plan that served as the basis for the application, and he provided a further overview of the application. Relief will be requested for the number of parking spaces, and a change in subdivision line will be requested. Relief will be sought for storage space in the 1-bedroom units, and the application has a deviation from the redevelopment plan in the breaks in the building façade. Mr. Kasuba said that the applicant's witnesses will be a civil engineer, an architect, a traffic expert and a planner.

Patricia Ruskan, the engineer for the applicant, was sworn in to give testimony. Mr. Banisch and Mr. Ruschke were also sworn in. Mrs. Ruskan provided her qualifications and was accepted as an expert witness in civil engineering.

Mrs. Ruskan said that she is in receipt of a review letter from Mr. Ruschke's office dated March 29, 2019 and the comments have been addressed in the resubmittal. She also said that further review letters have been received from Mr. Banisch, and those letters were received after plans had been resubmitted.

Exhibit A-1 was entered into the record. Mrs. Ruskan said that it is an aerial image showing the delineation of the whole property and the proposed subdivision, and she described the site. She also noted that the site is currently developed with the Police Department, Public Works Garage and Skate Park. The wetlands buffer was also discussed.

Exhibit A-2 was entered into the record, which shows the colored landscape plan and the proposed new driveway and parking area. Mrs. Ruskan said that the plan calls for a new driveway access to the proposed housing, and 36 parking spots at the site. Mrs. Ozdemir said that the Morris County Planning Board asked for the additional driveway to be removed. Mr. Kasuba said that the County asked for feedback from the Township on that matter. Mr. Warner noted that if the Planning Board approves the application, it will be subject to any other applicable approvals. Mrs. Ruskan said that a design exception from the Residential Site Improvement Standards, as that standards would require 48 parking spaces as opposed to the 36 proposed. Mr. Warner noted that the 36 spots are consistent with the Redevelopment Plan, however it is appropriate for the waiver to be requested as the RSIS standards also technically still apply. Mrs. Ruskan said that a tot lot is proposed to the rear of Building A. A water hotbox is proposed for water meters. Mrs. Ruskan also said that the refuse area is proposed to be at the end of the parking area, and the refuse area will have fencing. She also noted that the parking lot was shifted to the east to give an extra buffer to the utility vault. Mrs. Ruskan also described the sidewalk from the parking lot to the buildings, and the sidewalk from the parking lot to the main sidewalk on Southern Boulevard. She also noted that maintenance access to the proposed drainage basin will be needed. Some minor wetlands transition area impact will be necessary for the application. A monument sign is also proposed, which will have ground-mounted up-lights. Mrs. Ruskan also described the proposed site lighting. She also noted that 18 trees are proposed to be removed, but will be replaced by 55 trees. Mrs. Ruskan noted the types of trees to be planted, and noted that the proposed drainage basin is not planned to have any vegetation.

Exhibit A-3 was entered into the record, which is the proposed grading plan, and Mrs. Ruskan described the plans. Use of guardrails was discussed, and Mr. Ruschke said that weathered steel could be used in place of galvanized steel, and the applicant agreed to a stipulation for use of weathered steel.

Mrs. Ozdemir asked Mrs. Ruskan if the modular block wall detail with geo-grid system shown on drawing C-11 is the most efficient solution for the retaining wall that is only three feet high. Mrs. Ruskan said that it will be reviewed during the design phase.

Mrs. Ruskan addressed the detention basin, and said that it would address the quantity and quality of water runoff. She also said that some of the runoff from the Police Department will flow to the detention basin, and the basin will include a treatment device to address water quality. Mrs. Ruskan said that the basin will normally be dry, and will be designed to drain within 72 hours. The stormwater management system was designed in accordance with the Township's ordinances, as well as the residential site improvement standards. The basin will also have an emergency spillway, so that water would flow toward the wetlands should there be a larger storm event than the basin could handle. Mrs. Swartz asked about protection against people falling into the basin. Mrs. Ruskan said that there is not any fencing proposed, and Mr. Kasuba said his client would be willing to stipulate to have a fence. Mrs. Ruskan also said that the geotechnical investigation showed that the property is not permeable, therefore groundwater recharge is not required. A design waiver from RSIS is requested for the minimum velocity of the stormwater pipe and drainage channel between the Police Department and the proposed parking lot. Mr. Kasuba noted that the stormwater management maintenance will be the obligation of the owner of the property. Mr. Ruschke said that he will review the comments and revisions on the stormwater management.

Exhibit A-4 was entered into the record, which is the utility plan. Mrs. Ruskan said that the new buildings will be served by the sanitary sewer system, and a treatment works approval from the DEP will be necessary. Water service will be provided by New Jersey American Water, gas service by PSE&G, electric by JCP&L, phone service by Verizon and TV by Cablevision. Existing utility lines on the property will be utilized as possible, and the final design will be coordinated with the utility companies.

Mrs. Ruskan also commented on the building height deviation and how building height is calculated. Mr. Kasuba said that the building would need a flat roof to fully conform to the Township's height ordinance. Mr. Warner noted that if the deviation were more than 10% or 10 feet, then a D-6 variance would be needed from the Zoning Board of Adjustment, however the Planning Board has jurisdiction to grant the deviation in this application.

Mr. Ruschke commented on the proposed sewer piping, and said that the pipe on the Township property is undersized. He said that the applicant may need to upgrade the piping depending on the calculations in the TWA application. Mr. Ruschke also said that the hot box seems very high at 7 feet. Mrs. Ruskan said that the hot box plans still need to be submitted to NJAW. She also addressed the proposed distance of the hot box to the road, and said that they will need to obtain exact specifications from NJAW. Mr. Warner asked if the applicant will stipulate to Mr.

Ruschke's suggestion that a lower profile hot box be used if possible. Mrs. Ruskan said that they agree to the stipulation.

Exhibit A-5 was entered into the record, which is the subdivision plan. She said that the redevelopment area is proposed to be subdivided out of the current parcel. The redevelopment parcel will be 3.66 acres, and the remaining lot will be 10.995 acres. Mrs. Ruskan addressed the distance of the parking lot to the lot line, and a deviation from the setback is needed.

Mrs. Ruskan said that a meeting was held with Morris County regarding access to the lot. She said that the County had not realized that the Township had adopted a redevelopment plan for the site, and they also did not initially realize that there was a wetlands transition buffer area. Mrs. Ruskan also said that the County was informed that both the Township and the applicant prefer that there be a separate access point for the proposed development. Mr. Kasuba said that the County is seeking the Township's feedback regarding access points for the development. Mrs. Ruskan said that the County indicated that they would support a waiver for access points if the Township gave direction for there to be two access points. Mrs. Swartz noted that both police and public works are critical municipal functions, and it would not make sense for that to be the access quote for the development.

Mr. Hoffmann said that he spoke with Greg Perry from the Morris County Planning Board, and the recommendation that the Township and the developer share one driveway is not workable. Mr. Hoffmann also said that the Mr. Perry confirmed that if the Township indicated that the additional curb cut on Southern Boulevard would be beneficial, they would take another look at the matter. Mr. Banisch said that the Planning Board could make an approval of the application conditional on a second curb cut. Mr. Warner said that the Board could give an informal consensus that they want there to be a second curb cut.

Mr. Hoffmann asked about maintenance of the proposed light poles and proposed replacement trees. Mrs. Ruskan said that they would be maintained by the property owner.

Ms. Hagner asked about signage at the development, and why a sign is deemed necessary. Mrs. Swartz noted that other developments have signs. Ms. Hagner also asked if the Township requested relief from the wetlands buffer constraints. Mr. Ruschke said that this property has long been zoned for affordable housing, and the Skate Park was built at a time when the LOI had only a 50 foot buffer. Mr. Ruschke also said that the Skate Park pad will remain in place so that future redevelopment permits may be sought. Mr. Kasuba said that the applicant is willing to further discuss the Skate Park pad.

Mr. Sheth asked about guest parking. Mrs. Ruskan said that guests would park in the same lot as residents, and parking will be further discussed by the traffic expert. She also said that assigned parking is not currently planned, as there will not be anyone present 24 hours a day to monitor parking.

Mr. Kelly asked about the width of the proposed sidewalk. Mrs. Ruskan said it is about 6 feet. Mr. Kelly also asked about the sidewalk going past windows, and he asked how close the retaining walls and guard rails will be to any units windows. Mrs. Ruskan said that it will be

about 6 feet from the base of the building to the base of the retaining wall. Mr. Kelly further asked if there will be any cost impact to the Township. Mrs. Ruskan said that the improvements on the plan will be part of the project.

Mr. Ruschke said that there is a tot lot at Nash Field. He said that the tot lot requirement could be eliminated if the proposed Building A is reconfigured. Mr. Warner asked if not having a tot lot would have ramifications pertaining to the Township's affordable housing obligation. Mr. Kasuba said that he is not aware of any ramifications under the Township's settlement agreement with the Fair Share Housing Center or the redevelopment plan.

Mrs. Swartz asked about traffic impact. Mr. Kasuba said that there is a traffic expert who will give testimony.

Mr. Franko opened the floor for the public to ask questions of the witness.

1. Susan Hoag, 76 Canterbury Road, asked about the feeder routes for water. Mrs. Ruskan showed on the drawings how water is anticipated to flow to the drainage basin.
2. Bailey Brower, 16 Driftway, said that the application is a good solution to a tight situation. He also addressed the speed of traffic on Southern Boulevard, and said that a second driveway is essential. He also addressed existing traffic from the Police Department and the Public Works Department. Mr. Brower also suggested that additional lighting be included in the application. He also proposed that the entrance be engineered in such a way that cars turning off of Southern Boulevard would not need to make a sharp turn.

Mrs. Swartz commented on the safety of access to the site through the driveway. She also commented on safety relative to the line of site coming out of the driveway due to the proposed plantings.

3. Stacey Ewald, 54 Nicholson Drive, asked if the whole 3.66 acres needs to be subdivided from the main property. Mr. Kasuba said that the 3.66 acres is consistent with the Redevelopment Plan and the Township's Settlement Agreement with the Fair Share Housing Center.
4. Susan Ligertwood, 26 Heritage Drive, said that there are always parking problems in her condominium complex where there are two spots per unit. She also asked if having the parking under the building had ever been considered. Mr. Kasuba said that the traffic engineer will address the parking ratio, and that underground parking would be cost prohibitive. Mrs. Ligertwood opined that the application does not include enough parking.

Mr. Warner noted that at this stage in the hearing, members of the public should be asking questions of the witness rather than making comments.

5. Rez Estevez, 126 Southern Boulevard, asked what consideration has been made regarding overflow parking on Southern Boulevard. She also asked about the proposed parking lot's ability to accommodate a moving van.
6. Lee Giblin, 27 Rolling Hill Drive, asked what consideration has been made by the developer to relocate the Skate Park. Mr. Ruschke said that the Township is endeavoring to find a new location for the Skate Park, and most open space properties in the Township have restrictions that will not allow for active recreation or have other environmental constraints. Mrs. Giblin said that the children who use the Skate Park would be devastated by its removal.
7. Mrs. Ewald asked if the Skate Park itself could remain part of the Township's property if it is not being used as part of the development. Mr. Ruschke said that since the Skate Park site is zoned for affordable housing, the removal of the Skate Park has always been contemplated. He also noted that the affordable housing obligation is court mandated. Mrs. Swartz noted that there will also not be safe access to the Skate Park due to the proposed location of Building A.
8. Mrs. Ligetwood asked if consideration was made to relocating the Skate Park to a shared open space property, as it is used by people from other towns. Mr. Ruschke said that County Parks have been considered, and there are active discussions with Chatham Borough.

Seeing no further questions, Mr. Franko closed the public comment session.

Given the hour, Mr. Kasuba asked if the applicant's architect could give testimony before the Board adjourns. The Chairperson consented to having the architect's testimony.

Laurence Appel was sworn in to give testimony. Mr. Appel provided his qualifications, and was accepted as an expert witness.

Exhibit A-6 was entered into the record, which is an artistic rendering of the proposed buildings. Also entered into the record was Exhibit A-7, which is a materials sample board.

Mr. Appel said that the proposal is for a 100% affordable development to complement a 100% market rate development on another site. Two buildings are proposed with a total of 24 units. Building A is proposed to have a total of 10 units (two 3-bedroom units and eight 2-bedroom units). Building B will have a total of 14 units (four 3-bedroom units, six 2-bedroom units and four 1-bedroom units). Mr. Appel said that the distribution of the number of bedrooms conforms to the COAH distribution requirements.

Mr. Appel also addressed the height of the proposed buildings, and said that they are designed to work together for an attractive roofline. He said that there is a request for relief for the height of Building B, and he addressed the roof pitch. Mr. Appel also addressed a proposed guard rail.

Mr. Appel further addressed the three unit types based on number of bedrooms, and said that they are standard units that conform to the Township's ordinances. He provided dimensions of the units, and commented on closet size and storage space.

Mr. Appel discussed the materials presented in Exhibit A-7, which included trim, siding, window and shingle samples. He also said that the front door will be fiberglass rather than metal. Mr. Appel also noted a proposed courtyard for the site. Mr. Sheth asked if there will be a maintenance shed on the site. Mr. Appel said that there are no plans for a maintenance shed. He also addressed the anticipated lifespan of the vinyl siding. Ms. Hagner asked if there will be central air conditioning. Mr. Appel said that the plan is for VTAC units to be used.

Mr. Coviello asked if it would be possible to have a rendering of the street-view with the Police Department included. Mr. Appel showed on the available rendering what portion would be obscured by the Police Department. Ms. Hagner asked about the angling of the properties. Mr. Ruschke said that buildings can be rotated to allow for more space between the buildings and the Police Department.

Mr. Franko opened the floor for the public to ask questions of the witness.

1. Mr. Brower asked if it would be possible to make the building façade look more attractive.
2. Mrs. Ligertwood asked about the distance between the two buildings. Mr. Appel said that the distance between the buildings is 22 ft., 6 in. Mrs. Ligertwood also asked where the garbage disposal will be. Mr. Appel said that the dumpsters will be at the end of the parking area.
3. Michael Royce, 536 River Road, asked if consideration had been made about what type of siding has been used in other developments. Mr. Appel said that the siding proposed for this project is the most common type, and he said that a premium vinyl was chosen. Mr. Royce asked about the lengths of the exterior walls. Mr. Appel said that the longest wall is approximately 110 feet, and noted that all the walls are broken up into sections. He also said that there would need to be seams in the vinyl siding. Mr. Royce asked about the lifespan of the siding, and Mr. Appel estimated a 20-30 year lifespan. Mr. Appel also addressed fading of the siding.

Seeing no further questions, Mr. Franko closed the public comment session.

The hearing was carried to the June 3, 2019 Planning Board meeting. The applicant agreed, and it was announced that further notice was not required.

Discussion

Review of Existing Limitations of Building Size vs. Lot Size

Mr. Franko said that the Township Committee has asked the Planning Board to review existing limitations of building size relative to lot size, and he said that perhaps Mr. Banisch should do an initial review.

Mr. Banisch said that his office performed a review a few years ago. He said that he will revisit the earlier review for updates, and the topic can be discussed at a later time.

Mr. Nelson moved to adjourn at 10:44 PM. Ms. Hagner seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary