

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JUNE 1, 2020**

Mr. Franko 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 2020, and January, 2021 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.

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

Mr. Travisano and Mr. Tarasca were absent.

Also present were Township Planner Frank Banisch, Engineer John Ruschke and Attorney Amanda Wolfe on behalf of Board Attorney Steve Warner.

Mr. Nelson moved to excuse the absence of Mr. Travisano. Mr. Hoffmann seconded the motion, which carried unanimously.

Approval of Minutes

Mr. Hoffmann moved to approve the minutes of the May 18, 2020 meeting. Mr. Nelson seconded the motion.

Master Plan Consistency Review – Ordinance 2020-11

Mr. Ruschke and Mr. Banisch were sworn in to give testimony.

Mr. Banisch said that the Master Plan calls for much less intense development at Block 67 Lots 17 and 17.01 than what is called for in Ordinance 2020-11. He noted that the Developer requesting the rezoning has offered to prepare one of the five proposed lots to be used as a Group Home, which would serve as a credit toward the Township's Affordable Housing Obligation. Mr. Banisch said that the Township has a Constitutional mandate to provide zoning for Affordable Housing, and Ordinance 2020-11 will allow the Township to develop a Group Home in the type of neighborhood in which Group Homes are designed to be located.

Ms. Hagner said that the Ordinance will designate Block 67 Lots 17 and 17.01 as an R-3 AH zone, which currently does not exist within the Township code as a zoning designation. She asked if all of the houses in the zone would need to be designated for Affordable Housing. Mr. Banish said that for an inclusionary development, one unit out of five is typically designated as Affordable Housing. He also stated that a development fee would be paid to the Township for

the additional four homes. Ms. Hagner asked if the ordinance would induce other Developers to make similar requests for Affordable Housing zones. Mr. Banisch said that a precedent is not set that would impact another location by providing Affordable Housing at the subject location. Ms. Hagner asked if the zoning should be set at R-3 rather than R-3 AH. She also disagreed that the Ordinance advances other aspects of the Master Plan by yielding only one lot for Affordable Housing. Mr. Banisch stated that if the zoning was R-3, the steep slope at the rear of the property would not be protected. Ms. Hagner opined that the ordinance as introduced is different from what was discussed at the last Planning Board meeting, and it had not been articulated that the zoning would be an R-3 AH zone.

Mrs. Ewald noted that the Conservation Easement is still part of the ordinance. Mr. Franko said that the prior discussion was to have an R-3 AH zone.

Mr. Banisch said that the first question for the Planning Board to address is whether or not Ordinance 2020-11 is consistent with the Master Plan. He indicated that the Board seems to have a consensus that the Ordinance is inconsistent with the Master Plan. Mr. Banisch stated that the next step is to determine if the Board has any recommendations to pass on to the Township Committee.

Ms. Hagner asked why the front yard setback is being changed from the normal R-3 setback. Mr. Banisch said that for the five lot configuration, the setback was changed so that houses could be built without disturbing the steep slope. The change also would align the front yard setbacks with the other homes on the street.

Mr. Franko said that although Ordinance 2020-11 is inconsistent with the Master Plan, it is consistent with the goals and objectives of promoting development of Affordable Housing and Group Homes.

Mr. Hoffmann asked if the conservation easement would prevent development on the Fairmount Avenue side of the site. Mr. Banisch confirmed that it would prevent development access from Fairmount Avenue. Mr. Hoffmann said that the protection from development on the Fairmount Avenue side of the site was not clear when a similar request was denied in November. Mr. Banisch said that when the Board has granted variances on steep slopes in the past, there have traditionally been conservation easements on remaining portions of steep slopes. He also said that the Board can clarify the intention to have the conservation easement run across the back half of lots 2, 3, 4 and 5.

Mr. Banisch summarized the recommendation that Ordinance 2020-11 is found inconsistent with the Land Use Plan, however its adoption is recommended because it advances the Affordable Housing objectives of the Master Plan. The Board further recommends that the Ordinance be amended to add a provision that conservation easements be required over all the steep slope areas.

Mrs. Ozdemir asked about the size of the easement and if it should be quantified. Mr. Banisch said that the easement could be applied to all areas with a slope of 20% or greater, and an engineer could map out that area.

Mr. Nelson moved to find Ordinance 2020-11 inconsistent with the Master Plan, but to recommend its adoption as it advances the goals and objectives of the Master Plan, and to recommend the amendment of the Ordinance to include an additional provision that a conservation easement be required over the steep slope area.

Mr. Kelly seconded the motion.

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

Hearing of Citizens

Mr. Franko opened a Hearing of Citizens.

1. Jacqui Ferrito, 449 River Road, said she emailed Mr. Travisano and Mr. Warner to see if Mr. Kelly has a conflict of interest addressing Affordable Housing matters as a member of the Planning Board as he also serves as Mayor.

Mr. Franko noted that Mrs. Ferrito's question does not pertain to any item on this meeting's Agenda. Ms. Wolfe said that Mr. Warner had received Mrs. Ferrito's email, and at this time he does not believe that either Mr. Kelly or Mr. Hoffmann have a conflict of interest regarding Affordable Housing matters.

Mrs. Ferrito opined that she believes that Mr. Kelly has a conflict of interest because he has on the record supported Affordable Housing as a member of the Township Committee.

Seeing no further public comment, Mr. Franko closed the Hearing of Citizens.

Mr. Nelson moved to adjourn at 7:53 PM. Mr. Coviello seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary