

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JUNE 3, 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, Mr. Hoffmann, Mr. Kelly, Mr. Nelson, Mrs. Ozdemir and Mr. Coviello.

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

Mr. Travisano, Ms. Hagner, Mr. Sheth and Mr. Tarasca were absent.

Mr. Nelson moved to excuse those absent members who signified prior to the meeting that they would be absent. Mr. Hoffmann seconded the motion, which carried unanimously.

Approval of Minutes

Mr. LaConte noted some corrections to be made to the May 20th Planning Board minutes. Mrs. Swartz also noted that she had made comments about traffic safety and a proposed turnoff from Southern Boulevard.

Mrs. Swartz moved to approve the minutes as amended. Mr. Nelson seconded the motion, which carried unanimously.

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.

Mr. Warner noted that this matter was carried without further notice from the May 20th meeting, and he asked if the applicant would stipulate to continue the hearing through the month of July. Mr. Flannery indicated that the applicant accepts the stipulation.

Peter Flannery, an attorney representing the applicant, gave a brief review of the testimony of the previous testimony. He said that Mrs. Ruskan will be providing more testimony at this meeting, and the applicant has a planner who will be providing testimony.

Exhibit B-1 was entered into the record, which is Mr. Ruschke's June 3rd review memorandum. Mr. Ruschke said that the memorandum was a consolidation of prior reports, and he dismissed the comments that were able to be dismissed. He also said that he would email the memorandum to the Board members.

Mr. Flannery asked Mrs. Ruskan to comment on the revisions to the materials that were made based upon Mr. Ruschke's memorandum and the comments from Board members. Mrs. Ruskan went over modifications to Exhibit A-2. She said that buildings A and B are approximately 20 feet apart, and are separated by a courtyard. The parking lot has 36 spaces and a separate entrance. The stormwater management facility is in the south at the low point of the site. The parking area was reconfigured so that the refuse area is striped out to allow turnaround space for garbage trucks.

Exhibit A-8 was entered into the record, which was a grading plan overlay. Mrs. Ruskan explained that the exhibit shows the buildings having been rotated in order to open up the area adjacent to the Police Department. She also noted that the tot lot will be removed from the plans. Mrs. Ruskan also addressed the proposed distance from the Police Department to Building A, and the current draft provides more space in between the two buildings.

Mrs. Ruskan said that several options were considered for the rotation of the buildings. Exhibit A-9 was presented, which was an alternative grading plan overlay. Mrs. Ruskan described the building rotations and distances as presented in Exhibit A-9.

Mr. Kelly asked about relocating the drainage pipe. Mrs. Ruskan said that the plans show the impact of relocating the pipe, and it would need to be relocated southward.

Mr. Franko asked which of the two options is a better engineering option. Mrs. Ruskan said that Option A would result in less utility work and would have the buildings further away from the detention basin. Mr. Ruschke said that the engineering issues can be sorted out, and the orientation of the buildings is more of a planning issue.

Mr. Banisch said that he is concerned about the removal of the play area and said that there would be benefits to having the tot lot. Mr. Hoffmann asked if either option allows for there to still be a play area. Mr. Banisch said that it would be impractical to have a play area behind the buildings. Mr. Franko asked what the absence of the play area would mean to residents. Mr. Banisch said that for single parents in the development, they could monitor their children from their units if there is an on-site play area. He noted that relying on the play area at Nash Field would not offer parents that option. Mr. Ruschke said that the "no-man's land" could be either a courtyard or a play area.

Mr. Banisch asked if the Board is asking for a final decision as to the rotation of the buildings. Mr. Franko said that there should be more consideration of the implications. Mr. Ruschke said that if the Board has any immediate concerns, they should be expressed so that the applicant can make any necessary revisions.

Mr. Hoffmann said that he has several questions for the applicant. He asked about the sanitary sewer line connecting to the same line as the Police Department, and if there is enough capacity or if another lateral should be run. Mrs. Ruskan said that the current plan is to tie in to the same lateral used by the Police Department, and the applicant believes there is capacity. She also said that a new lateral can be installed. Mr. Hoffmann said that it would make more sense to install a new lateral, as the Township is planning to make upgrades to the Police Department. Mr. Ruschke said that the condition of the pipe from the Police Department is unknown, and he has reservations about the capacity of the four inch pipe. He also described where the lateral would connect to the sanitary sewer system.

Mr. Hoffmann said asked about the 36 parking spaces, and if there is a way to have additional spaces. Mr. Flannery said that the traffic expert will address the number of parking spaces.

Mr. Warner asked if the applicant will stipulate to all of the open items in the May 20th report from Mr. Banisch and the June 3rd report from Mr. Ruschke. The applicant agreed to stipulate the same.

Mr. Franko asked if a final lot grading plan is available. Mr. Ruschke said that the final plan will likely be contingent on the further discussion of the application.

Mr. Warner asked if the applicant would retain the macadam from the Skate Park. Mr. Warner also asked about retaining the Skate Park equipment in case it should be reusable should an appropriate site be found. Mr. Flannery said that the applicant agrees to the concept, and the details would need to be worked out.

Mrs. Ruskan addressed the sidewalk near the building. She also discussed the crosswalk across the parking lot.

Mr. Coviello asked if the fire departments have commented on this application. Mr. Ruschke said that in Chatham Township, the emergency service providers only comment on Planning Board applications when requested. He also noted that most other towns do have police and fire departments comment on applications. Mr. Hoffmann asked that police and fire be asked to comment on future applications as a standard practice. Mr. Warner asked that the applicant provide a truck-turning exhibit to address fire safety. Mr. LaConte noted that the Green Village Fire Department covers the area west of Noe Ave, and the Chatham Township Fire Department covers the area east of Noe Ave. Mr. Hoffmann noted that they back each other up, and there are mutual aid agreements with surrounding towns.

Mrs. Ruskan addressed the comments in the memorandum from Mr. Ruschke's office. She addressed the grading of the detention basin, and any redirecting of the overflow would require a lot of regrading in the transmission area. Mr. Ruschke said he is concerned that the 100 year flow will head directly toward the building.

Mrs. Ruskan addressed the proposed landscaping, and said that there is not proposed to be any plantings in the detention basin. Mr. Ruschke said that the DEP Manual references the need for

shade trees in detention basins. Mrs. Swartz asked if fencing around the detention basin is still proposed. Mrs. Ruskan said that the plan does call for fencing.

Mrs. Ruskan said that the traffic engineer will address additional comments in Mr. Ruschke's memorandum. Mr. Warner asked if Mrs. Ruskan's testimony was that it would be sufficient, if not preferable, to have a separate entrance to this site rather than sharing a driveway with the Police Department. She testified that a separate entrance is preferable.

Mr. Kelly asked if there is a way to fit a tot lot in the first rotation plan presented. He also asked if the Skate Park location could be used for a tot lot. Mrs. Ruskan said that the impervious coverage would need to be removed to have it be a tot lot, and the DEP would need to be consulted to see if they would allow that. Mr. Hoffmann asked why it would be necessary to remove the macadam. Mrs. Ruskan said that the DEP plan calls for the macadam to be removed. Mr. Warner said that there is a potential stipulation of maintaining the macadam for any purpose. Mr. Flannery said that the plan was to keep the elements of the application away from the macadam. Mr. Warner noted that although the macadam is within the wetlands buffer, its presence is grandfathered so long as it remains present. Mr. Ruschke commented on the wetlands restrictions within the buffer zone. Mrs. Swartz asked if there will be a rear egress from the buildings, and Mrs. Ruskan said that rear egress is not planned. Mrs. Swartz commented on the safety concern of having the tot lot behind the building if there is not rear egress.

Mr. Hoffmann said that the macadam could be an alternate location for parking. Mrs. Ruskan said that access to the area for parking would be difficult. Mr. Ruschke agreed that a major reorientation of the buildings would be needed in order for there to be adequate access for parking.

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

1. Susan Hoag, 76 Canterbury Road, said that the tot lot at Briarwood Coachlight is barely used. She asked additional parking where the Skate Park is currently located. Mr. Franko said that the Board is waiting for the traffic expert to give testimony on that matter. Mr. Flannery said that the idea of using the macadam for parking intersects with the DEP permit. Mrs. Ruskan said that parking in the spot was considered, and it would be difficult to get DEP approval.

Seeing no further questions, Mr. Franko closed the floor to the public.

Corey Chase, PE, a traffic engineer for the applicant, was sworn in to give testimony. Mr. Chase provided his qualifications, and was accepted as an expert witness.

Mr. Chase said that a traffic impact study was performed. A new singular curb cut on Southern Boulevard is proposed. Mr. Chase said that he does not recommend that there be a shared access point with the Police Department and the Department of Public Works, as there would be a safety concern co-mingling the different kinds of traffic.

The anticipated traffic to be generated was studied, and he had consulted with data published by the Institute of Transportation Engineers. Peak hours were considered, and he anticipates a maximum of an additional 17 trips during peak hours. Mr. Chase said that the 17 trips are below the threshold for the ITE and DOT's standards for a significant impact on traffic.

Mr. Chase also said that the ITE publishes a parking generation manual, which addresses affordable housing complex. The ITE manual anticipates less than 1 parked vehicle per unit, therefore the 36 spots exceed what is needed for 24 units. Mr. Warner asked how many bedrooms per unit are assumed in the parking lot figures. Mr. Chase said that the number of bedrooms is not a factor. He also said that developers and land use boards can consider local knowledge that could affect the number of spots needed. Mr. Chase also addressed the standards for guest parking, and added that a three-bedroom affordable unit does not necessarily correlate to three drivers in the unit. Mr. Warner said that in RSIS, the number of spaces required increases as the number of bedrooms increases. Mr. Chase said that the number of required parking spaces for market rate units are different than for affordable units. Mr. Warner asked if the applicant would consider how parking was engineered for the Chatham Glen affordable units as a comparison to what is proposed in this application, and Mr. Chase said that they would.

Mr. Banisch asked about a sidewalk from the project to the sidewalk on Southern Boulevard without crossing the parking lot. Mr. Chase said that pedestrians would have to cross the parking lot at some point, and his opinion is that the driveway is the safest spot because traffic would have to stop.

Mr. Kelly asked where moving vans would park to unload. Mr. Chase said that moving vans would likely coordinate with building management and have some parking spots marked off. He also said that a 20-foot moving truck could fit in a parking spot.

Mr. Franko opened the floor to the public.

1. Stacey Ewald, 54 Nicholson Drive, asked about if there had been any consideration to making the parking lot one way to increase safety for children. Mr. Chase said that due to the proximity to the Police Department and the anticipated traffic generation, the proposed configuration will not be unsafe. Mr. Banisch commented on the danger of interfering with an emergency service driveway. Mrs. Ewald asked if there are any contingencies if the proposed parking area is insufficient for the needs of residents. Mr. Chase said that he is anticipating less than one car per unit, and the 36 spots should not be an issue.

Mr. Kelly asked if there is a concern about people parking on Southern Boulevard rather than in the lot. He also asked if the Township would be responsible for putting up a No Parking sign.

Seeing no further questions from the public, Mr. Franko closed the floor to the public.

Mrs. Swartz commented on the safety of having a sidewalk from the buildings to the sidewalk on Southern Boulevard. She said that some aesthetics may need to be sacrificed to make sure that

utilities and safety are adequately addressed. Mr. Franko said that the tot lot is the biggest issue in his opinion. Mr. Flannery said that the tot lot was removed to change the building orientation. Mr. Warner asked the Board if there is a consensus that both the sidewalk and the tot lot are important. Mr. Hoffmann opined that the sidewalk was more important, but he would like to see the tot lot included if possible.

Mr. Warner noted that the hearing on the application will be continued at the next meeting on June 17th without further notice, and the applicant has agreed to extend the time for the Board to act upon the application through the month of July.

The Board took a recess at 9:23 PM.
The meeting was reconvened at 9:34 PM.

Mr. Banisch said that the plans for the Chatham Glen affordable housing will be reviewed to see how parking was addressed.

Mrs. Ozdemir asked about the selection process for the vinyl siding. She also asked for a rendering of what the building will look like from the street that will also show the Police Department building. Mr. Warner asked about additional testimony from the architect.

Mr. Franko said that the Skate Park hearing will be continued at the next meeting. Mr. Warner said that the Dixiedale application will also be carried until the June 17th meeting. Mr. Warner said that it is expected that the Skate Park application will be discussed first, and that the Dixiedale hearing will begin during the June 17th hearing date as well. He also said that the applications will be voted on separately.

Discussion

Review of Existing Limitations of Building Size vs. Lot Size

Mr. Banisch said that he had prepared a memorandum in 2006 on how to better manage redevelopment. He noted how the recommendations had been addressed at the time. Mr. Banisch also said that Mr. Ruschke has recommended amendments to the lot grading ordinance. Mr. Banisch further commented on building height trends over time. He also commented on the character of neighborhood vegetation.

Mr. Banisch said that he is trying to see if there is a better answer to address building size issues than what was recommended in the past. He also commented on redevelopment trends and how neighborhoods have transformed.

Mr. Ruschke said that the problem needs to be understood before a solution can be sought. He also commented on redevelopment issues that were experienced on Woodlawn Drive where residents were upset by new houses that were built.

Mr. Ruschke also said that when redevelopment applications are submitted to the Township, builders seek to build to the maximum allowed by the zoning regulations. Mr. Coviello said that builders he works with are building smaller houses, as buyers want smaller houses. Mrs. Swartz said that the housing market will address the matter. Mr. Franko said that he would like to have data presented for this discussion.

Mrs. Swartz said that she does not want regulations that prevent buyers of modest sized homes from being able to add on to the homes. She also warned against rezoning the whole Township because of only a few complaints. Mr. Coviello added that the Borough had adopted a floor area ratio regulation, and redevelopment was inhibited until regulations were loosened.

Mr. Kelly said that he would like to know the thought process why some of the 2006 suggestions were not adopted. Mr. Warner asked if the Township Committee had decline to adopt some of the recommendations. Mr. Banisch said that he did not receive anything.

Mr. Ruschke suggested having an online survey so that residents can give input as to what type of development is a problem. Mrs. Swartz warned that many residents would be unaware that a survey was being conducted, and Mr. Franko said that any survey should be professionally crafted so as to generate usable data.

Mr. Ruschke suggested that the Planning Board identify five to ten properties where the development is offensive, and those properties can be studied to determine what problems need to be addressed. Mrs. Swartz said that the only properties that residents have complained to her about during her time on the Township Committee are properties on Woodlawn Drive. She also said it would be chaos to rezone because of isolated incidents.

Mr. Ruschke said that the complaints he receives have more to do with people not liking change in their neighborhoods. He also asked if land use trends are so egregious that zoning regulations need to be changed. Mr. Kelly said that he likes Mr. Ruschke's proposal to come up with a list of offensive properties to study rather than conducting a public survey.

Mr. Coviello said that there are some houses that are simply ugly, which is not something that can be regulated.

The consensus of the Board was to identify examples of poor planning to review for future discussion. Mr. Ruschke said that the Board may ultimately decide that there is not an existing problem.

Mr. Warner said that streetscape is often an issue, and the Board may want to consider that as a concern. Mrs. Swartz said that streetscape issues can be solved over time as trees mature. Mr. Nelson said that people resist change, and that is not something the Board can control.

Mr. Ruschke said that the lot grading ordinance deals with drainage, and complaints usually stop after projects are complete.

Mr. Warner asked the Board members to consider if streetscape is an issue, and to consider the matter further at a future meeting.

Master Plan Consistency Review – Ordinance 2019-10

Mr. Banisch said that Ordinance 2019-10 was sent to the Planning Board for a Master Plan consistency review. He said that the ordinance is not inconsistent with the Master Plan. Mr. Warner noted that under the MLUL, the Board has a 35 day window to perform consistency reviews for land use ordinances, and a memorandum will be prepared to submit the Board's findings to the Township Committee.

Mr. Nelson moved to authorize the preparation of the memorandum by Mr. Banisch that Ordinance 2019-10 is not inconsistent with the Master Plan. Mr. Coviello seconded the motion.

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

Mr. Nelson moved to excuse Ms. Hagner's absence from this meeting. Mr. Franko seconded the motion, which carried unanimously.

Mr. Nelson moved to adjourn at 10:18 PM. Mrs. Ozdemir seconded the motion, which carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary