

**MINUTES
PLANNING BOARD
TOWNSHIP OF CHATHAM
JUNE 6, 2016**

Mr. Thomas Franko called the meeting of the Planning Board to order at 7:30 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, Ms. Hagner, Mrs. Swartz, Mr. Travisano, Mr. Nelson and Mr. Murray. Mr. Ciccarone, Mr. Sullivan and Mr. Saluzzi were absent.

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

Approval of Minutes

Mr. Brower asked if there had been a discussion about adding property maintenance requirements to a deed. Ms. Hagner said that such requirements would be cited in the resolution.

Mr. Nelson moved to approve the minutes of the May 16, 2016 meeting. Mr. Travisano seconded the motion, and it carried unanimously.

Memorialization

Plan: 15-6212-1 (June 12, 2015) REO Development, LLC, 609 Fairmount Avenue, Block: 62.12, Lot: 1. Minor Subdivision. Escrow #79718

Mr. Nelson moved to pass the resolution. Mr. Brower seconded the motion.

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

Hearing

Plan: 16-9-1 (March 21, 2016) Longview at Chatham, LLC, Longview Ave, Block 9, Lots 1 & 1.01, Block 32 Lot 2, Block 33 Lots 1, 1.01, 1.02, 14, 14.01, 17 & 20. Variance relief from

certain conditions contained in June 4, 2012 Prior Planning Board Approval and Engineering conditions detailed in review dated January 29, 2016.

Mr. Schaffer provided some background on this application. He noted that a site visit was conducted on June 4, 2016. Mr. Schaffer suggested that the site visit be discussed and that Mr. Moschello be able to respond to any questions. Mr. Schaffer also indicated that the applicant has a geotechnical expert present at this meeting to provide testimony. Mr. Franko asked if Mr. Moschello has any further testimony to offer. Mr. Moschello said that he has presented all his direct testimony, but will answer any questions from the Board.

The minutes of the site visit were read aloud into the record. Ms. Hagner asked for clarification on the reference in the minutes to the guard rail. Mr. Ruschke said that it was a field change, and the installation of rub rail is being considered. The site visit minutes were amended.

Mr. Nelson moved to approve the site visit minutes as amended. Ms. Hagner seconded the motion, and it carried unanimously. The site visit minutes were marked Exhibit A-9, and the handout from the site visit was labeled Exhibit A-9.1.

Mr. Hurring asked about the impact of the retention wall being three feet closer to the curb than what was approved. Mr. Ruschke said that it is a possible obstruction within the right-of-way, and the proper location is for it to be set back further. Mr. Franko asked if it could obstruct either an emergency vehicle or a delivery truck. Mr. Ruschke said he does not believe that it would cause an obstruction in those cases, as the cul-de-sac was designed according to residential site improvement standards and should be able to accommodate the turning radius of a fire truck. Mr. Moschello said that there is also sufficient room at the end of the cul-de-sac for snow removal. Mr. Brower raised a concern that as snow piles build up, driver visibility will be hindered. He also said that the site should have been built as it was designed. Mr. Schaffer noted that the maintenance of the retaining wall will be the responsibility of the Homeowners Association. Mr. Brower asked if there are any Township ordinances which place the responsibility for retaining wall maintenance on a property owner.

Mr. Murray asked if the Township would face any liability if there were to be an accident involving the retaining wall if the Planning Board approves an incorrect design. Mr. Schaffer said that research can be performed to find out. Mr. Brower said that any work performed on the site incorrectly should be fixed. Mr. Schaffer said that it needs to be ascertained if the retaining wall presents a public safety hazard. Mr. Travisano inquired about the hardship to the applicant if the wall is moved, and what the rationale was for designing it to be located at a 9-foot setback. Mr. Moschello said that one of the conditions of approval was that the wall be located outside of the right-of-way so that a variance would not be necessary. Mr. Schaffer asked if there is a negative impact to the retaining wall remaining where it is. Mr. Banisch said that the burden is not on the Township to prove that there is a danger.

The consensus of the Planning Board was that the retaining wall should be moved to the approved location.

Mr. Hurring asked about the disturbance on Lot 1, and what the concerns are regarding the work that was performed. Mr. Ruschke said that the slope transition does not seem to make sense. Mr. Hurring asked about the options for repairing this deviation. Mr. Moschello said that geosynthetic stabilization can be used, or the whole area can be reconstructed by bringing in fill material.

Mr. Schaffer introduced Lisa Mahle-Greco, a geotechnical engineer. After providing her qualifications, Mrs. Mahle-Greco was accepted as an expert and sworn in to give testimony.

Mrs. Mahle-Greco presented the geoweb slope protection system. She noted that the honeycombs are anchored into the soil. The application overview presented by Mrs. Mahle-Greco was entered as Exhibit A-10, and the technical overview was entered as Exhibit A-11. Mrs. Mahle-Greco said that the geoweb would help vegetation grow, and she described how the system works. Ms. Hagner asked why the suretec would not be continued. Mrs. Mahle-Greco said that the geoweb is an alternative measure. Mr. Franko read aloud a portion of the technical overview section of a report from Mrs. Mahle-Greco, and asked how the eight risk factors compare with the way the slope was originally designed. Mrs. Mahle-Greco said that the suretec is a block system, and she does not know the severity of the slopes on which it can be used. Mr. Brower suggested that they geoweb may be better than the suretec blocks. Mr. Moschello said that the geoweb offers more surface area for vegetation to grow. Mr. Ruschke said that this is the first time he has heard a proposal for remediation of the slope, and he will perform due diligence. He said that the site should be viewed from both the engineering perspective and the landscape architecture perspective, as trees and shrubs might be able to be planted to make the site more attractive than bare grass. Mr. Ruschke also indicated that long-term stability is being considered for the slope. Mr. Franko suggested that the applicant's professionals work with Mr. Ruschke in developing a plan. Mr. Schaffer said that the original concept was for partially wooded lots rather than manicured lawns. Mr. Murray pointed out that the disturbance was a blatant disregard for the landscape. Mrs. Swartz voiced her lack of confidence in the developer to oversee a three-tiered remediation program. Mr. Franko reiterated that Mr. Moschello and Mrs. Mahle-Greco should work with Mr. Ruschke in the development of the remediation plan. Mr. Banisch said that a lot of assurances were given by the applicant to prevent the disturbance that wound up happening.

Mr. Moschello addressed comments in a memorandum from Mr. Ruschke dated May 26, 2016, and addressed excess disturbance to a slope on lots 17, 14, 14.01 and 20.

Mr. Ruschke addressed potential landscaping in the development, and suggested that the applicant should draft a comprehensive landscaping plan.

Mr. Brower noted that the Township can withhold the certificate of occupancy until the project is in conformity with the Board's conditions, and pointed out that added assessments are imposed when new homes reach a certain percentage of completion. Mr. Ruschke said that building permits will not be issued until the site is brought into compliance. He also advised that the landscape plan should be brought before the Planning Board for approval, and it could also be tied to the Certificate of Occupancy.

The Blumenthal's driveway was also discussed, and it is anticipated that they will submit documentation of their acceptance of the deviation in the slope of the reconstructed driveway. Mr. Moschello discussed the causes of the deviation. Mr. Ruschke said that as long as the Blumenthal's agree to the deviation, the Township can accept it as well. Ms. Wolfe said that notification from the Blumenthal's regarding their acceptance should make clear that they are aware of their options and that they understand that which to they are agreeing.

For Block 32 Lot 1, the Board is waiting for a response from the homeowner that they accept the as-built condition of the driveway, which has a deviation in the approved slope.

Mr. Schaffer asked Mrs. Mahle-Greco to address the interaction between the liner of the detention basin and the soil on top of it. Mrs. Mahle-Greco said that she went to the site multiple times, and she spoke about the liner used to develop the detention basin. She also noted that the angles of the liner were examined by a surveyor. Mrs. Mahle-Greco also discussed the safety factors of the detention basin. Mr. Moschello addressed the material placed between the liner and basalt rock underneath it. Mr. Brower asked if the detention basin will be stable enough for lawn maintenance. Mrs. Mahle-Greco said that when it rains, the ground should be given time to dry before lawn maintenance is performed.

Mr. Murray asked about photos showing damage to the detention basin. Mrs. Mahle-Greco said that the damage in the photos occurred when there was a heavy rainfall before grass had grown at the site. The presence of grass should help to maintain the site.

Mr. Schaffer asked Mrs. Mahle-Greco to discuss what would need to be done in order to remediate the detention basin. Mrs. Mahle-Greco said that the liner would need to be taken up and the basalt underneath it would likely need to be hammered out. A step-by-step plan could be developed before the work is performed. Mr. Brower asked how much of the detention needs to be fixed. Mrs. Mahle-Greco said she does not know the percentage. Mr. Brower discussed the types of grass that could be planted in the detention basin. Mr. Moschello said that there are types of grass that are wet tolerant and will help stabilize the slope.

Mr. Murray said that Mr. Ruschke's report notes evidence of the slope of the detention basin sliding down, and asked if that is what the applicant will be repairing. Mrs. Mahle-Greco said that it is. Mr. Murray asked about Mr. Ruschke's proposal for the deposit of \$40,000 to maintain the basin. Mr. Ruschke said that his original recommendation was to have the whole basin reconstructed, as the system was not installed per manufacturer recommendations. However, if it is deemed to be stable without reconstruction, Mr. Ruschke suggested that the \$40,000 be posted for potential future maintenance. He also addressed the factors of safety for the detention basin's slopes. Mr. Brower opined that the slope should be fixed according to the approved plans. Ms. Hagner suggested that the applicant either fix the detention basin according to the original specifications or come up with an acceptable alternative.

Mr. Franko opened the floor to the public to ask questions.

1. Bob Wislocky, 3 Jodi Lane, said that he would like to ask about the swales on the property. Mr. Franko said that those questions will need to be asked when a different expert is providing testimony.

Seeing no further comments, Mr. Franko closed the public hearing.

The hearing was carried to the Planning Board meeting scheduled for June 20, 2016. Mr. Schaffer indicated that the applicant consents to an extension to act.

Mr. Nelson moved to adjourn at 10:05 PM. Mr. Murray seconded the motion, and it carried unanimously.

Gregory J. LaConte
Planning Board Recording Secretary