

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
OCTOBER 16, 2017**

Ms. Nicole Hagner called the Regular Meeting of the Planning Board to order at 7:35 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 2017, and January, 2018 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 Ms. Hagner, Mr. Hurring, Mrs. Swartz, Mr. Brower, Mr. Ciccarone, Mr. Franko, Mr. Nelson, Mr. Sullivan, and Mr. Tarasca. Mr. Travisano and Mr. Kraweic were absent.

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

**Agenda**

For the benefit of the public in attendance, Ms. Hagner reviewed the evening's agenda. She also noted that the Board will hear input from the public.

**Approval of Minutes**

Mrs. Swartz commented on the September 25<sup>th</sup> minutes that she had asked about turf fields and concerns about infections. Mr. Brower also noted that he had commented that Oak Knoll has been a good neighbor. Mr. LaConte noted that there had been a problem with the recording of the last meeting, and he will check the handwritten notes so that the draft minutes can be amended.

The approval of the minutes was deferred to the next meeting.

**Resolution of Approval**

**PLAN: 17-144-33 (April 27, 2017) OAK KNOLL SCHOOL OF THE HOLY CHILD, 300 GREEN VILLAGE ROAD, BLOCK: 144, LOT: 33**

Mr. Warner indicated that the applicant has reviewed the approval resolution.

Mr. Nelson moved to approve the application. Mr. Brower seconded the motion.

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

## **Discussion**

### **Rezoning of Dixiedale Farm**

Mr. Warner discussed the legal aspects of the request to rezone the Dixiedale Farm property. He said that if, and when, the Board takes action, it would be acting to recommend to the Township Committee to adopt an ordinance to rezone the Dixiedale Farm Property. They may also act to recommend that the Township Committee adopt a redevelopment plan for the Skate Park. The Township Committee had tasked the Planning Board to review a request by the potential developer to rezone the Dixiedale Farm Property to allow for the development of 54 condominium units. The developer will make a presentation at this meeting regarding their request, and the Board has available a draft ordinance prepared by Mr. Banisch. Mr. Warner also explained that the Township Committee asked the Planning Board to investigate if the Skate Park is an area in need of redevelopment. A preliminary report was prepared by Mr. Banisch indicating that the site should be designated a non-condemnation redevelopment area. The Planning Board held a public hearing on the preliminary report and recommended to the Township Committee that this designation be made. The Township Committee passed a resolution to accept the Board's recommendation, and designated the site as a non-condemnation redevelopment area. Mr. Warner also said that the Planning Board should wait for the DEP to submit an LOI before potentially moving forward with recommending the adoption of the redevelopment plan to the Township Committee. Mr. Warner noted that the Skate Park area is an affordable housing zone.

The developer was represented by attorney Douglas Henshaw of Day Pitney. With him was Planner Michael Tobia. Mr. Henshaw noted that because tonight's discussion is a concept plan rather than a hearing, there is not a need for anyone to be sworn in for testimony.

Mr. Tobia stated that a concept plan was presented to the Planning Board in December 2016. He presented an updated conceptual rendering of the proposed development. Mr. Tobia also presented pictures of the manor home on the Dixiedale Farm Property, as well as the view from the back porch. He said that the 50 duplex units will have 3-4 bedrooms and are expected to be priced at \$1.2 - \$1.4 million per unit. Units will also have garages, and there will be visitor parking on the property. He said there will also be 4 units in the existing manor home, as well as a clubhouse therein. The target demographic are empty nesters who are looking to downsize. While the condominiums will mostly be duplexes, some may need to be three-unit buildings depending on the slopes of the site. Mr. Tobia also commented on a walking trail to be located on the site. Mr. Tobia said that the proposed density will be the lowest density multi-unit development in the Township.

Mr. Henshaw commented that the developer anticipates that it will not be able to be compliant with the Township's slope ordinance, but they intend to stay off of the most topographically challenged areas of the property. Once the engineering is performed for the site, the applicant will show where the slope issues on the property exist.

### **Redevelopment of the Skate Park**

Mr. Tobia noted that that Skate Park site is already zoned for affordable housing, and the proposed development will help address the Township's third-round obligation. He showed a

satellite view of the property with a rendering of the proposed footprint and parking. Mr. Tobia also showed a rendering of the proposed exterior of the building, and noted that it will be a three-story, 24 unit building. The units will have, 1, 2 or 3 bedrooms each, in accordance with COAH's rules on bedroom distribution. Mr. Tobia pointed out the proposed parking and driveway for the site. The existing 16 parking spots at the site would be replaced by 20 spots in a different location, and 36 spots would be created for the housing units. Landscaping would be put in to offer privacy for the parking lot from public view. Some parking spots would be near the skate park and dedicated for that purpose. Mr. Tobia opined that the proposed parking may be more than what is necessary. He also mentioned that the developer may prefer that the area to be developed for affordable housing be subdivided out from the current lot so as to be separate from the Skate Park. Mr. Tobia presented a rendering of proposed architecture. He also said that the proposed height at present is 47 feet, and that they may request the draft redevelopment plan be amended as to building height.

Mr. Tobia further noted that the Dixiedale rezoning ordinance is very polished. He also said that while the redevelopment plan needs some work, it is close to being ready.

Mr. Henshaw addressed the matter of the LOI which is still needed. He said that the current wetlands buffers could potentially change based on the DEP's analysis.

Ms. Hagner said that the bulk requirements in the redevelopment plan may need to be modified. Mr. Tobia addressed both the setbacks and the bulk requirements. He noted that the height can be reduced by adjusting the pitch of the roof, but he does not recommend doing so from an aesthetic perspective.

Mr. Tobia also addressed the matter of open space on the property. Mr. Henshaw noted that the management entity may not want responsibility for the Skate Park due to liability concerns.

Mr. Banisch noted that it would not be optimal to have residential traffic flowing through the PD/DPW parking lot. Mr. Tobia suggested that a technical details meeting be held.

Ms. Hagner noted that it may be necessary to relocate the Skate Park. She also noted that the ingress/egress needs to be looked at further.

Mr. Sullivan said that the Township is still waiting for feedback from the Court regarding the Township's affordable housing obligation. He also noted that the Planning Board is looking to do what is right by the Township and the applicant.

Mr. Ciccarone noted that the proposed affordable housing would be owned and operated by the developer at their cost for at least 30 years. The Township's contribution is the land. Ms. Hagner said that the affordable housing could potentially have to relocate to the Dixiedale Farm property if this plan does not work. Mr. Sullivan said that the developer could move forward with the Dixiedale development while the Township waits to ascertain the affordable housing obligation. Mr. Banisch said that because it is an inclusionary project, the affordable housing would have to be finished before the market rate housing is finished. Mr. Warner said that there are other municipalities in which developments are moving forward while the affordable housing declaratory judgment actions are still pending.

Mr. Banisch noted that the recommendations made by the Planning Board get sent to the Township Committee, and the rezoning ordinance, if introduced, will be referred back to the Planning Board for review for consistency with the Master Plan.

Ms. Hagner opened the floor to the public.

1. Stacey Ewald, 54 Nicholson Drive, asked what will happen if the Township's obligation for affordable housing is greater than 24 units. Mr. Warner said that there is still pending litigation regarding the obligation. He also said that 24 units are in excess of the developer's requirements based upon the 54 market rate units proposed at the Dixiedale Farms Property. Mr. Sullivan noted that there are limitations to how many units can be built in the 3.8 acres, and other measures can be used to meet any further obligation. Mr. Ciccarone pointed out that the Township is not under obligation to build any housing, and the obligation is to offer the opportunity for affordable housing to be built. Mr. Warner added that a realistic development potential is what needs to be considered, and the Township currently has immunity from builders remedy lawsuits based upon its laudatory efforts in the declaratory judgment action. Mrs. Ewald expressed a concern that the proposed redevelopment of the Skate Park site is squandering the development potential. Ms. Hagner said that the Township is trying to do what makes sense for this site.
2. Sue Hoag, 76 Canterbury Road, said that the affordable housing proposed for the Skate Park site should have sidewalk access to the Township's commercial district. She also said that the Department of Public Works and emergency services will need quick access to the site. Mrs. Hoag further asked if the Police Department's gun range is still in use, and suggested that it be relocated. Administrator Ciccarone said that the gun range is still in use at a reduced level, and noted that the officers are required to qualify twice a year. Mrs. Hoag asked if the portions of the Dixiedale Farm property which are proposed to remain undeveloped will have conservation easements. Mr. Banisch said that there will be conservation easements. Mrs. Hoag asked what percentage of the property will have open space. Mr. Tobia said that 70% will have open space, and they are only required to keep 40% open space. Mrs. Hoag proposed that the full 70% have conservation easements. Mr. Ciccarone said that increased conservation easements can be a topic of negotiation. Mrs. Hoag also requested that the developer make a presentation to the Chatham Glen condo associations about their development plan, as some of the residents are unable to attend night meetings. Ms. Hagner said that discussion has been had about having such a presentation, and the timing would need to be worked out.
3. Anna Marie Strand, 79 Watchung Ave, said that she lives at the intersection of Hillside Ave and Watchung Ave. She asked about the potential traffic impact from the proposed development of the Dixiedale Farm Property. Mr. Tobia said that traffic impact will be addressed when a site plan is created for submission of an application which is a process that comes after the adoption of a redevelopment plan. Mr. Sullivan noted that potential traffic impact has briefly been discussed, and the impact would be relative to the demographic living in the development. Mr. Tobia said that the developer anticipates that potential buyers will likely be a mix of empty nesters and seasonal residents.
4. Sally Allen, 12 Old Farm Road, asked that a study be done on the potential impact of the proposed development on the School District, and asked if the Township has a

responsibility to make sure that the School District has adequate space for any new students. She also asked about the tax impact on the School District budget. Mr. Sullivan noted that the Rose Valle development only resulted in one additional student in the District, and Dixiedale is likely to have a similar impact. He also opined that there might be more of an impact from the affordable housing. Mr. Sullivan also gave an example that if there were 40 new students, it would not be likely that they would all be in the same grade. Mrs. Allen said that she would like to see a study on the potential tax impact. Mr. Ciccarone said that he has discussed these issues with the Superintendent of Schools. He said that if the new students were spread out over several grades, the School District would be able to absorb the increase, and the impact would be small. He also noted that the School District is growing by 50 students this year due to redevelopment. Mr. Ciccarone also said that the School District would need to decide how to address any influx of students.

5. Alex Tyo, 288 Hillside Ave, said that he is concerned about traffic on Hillside Ave. He said that he would like to see sidewalks installed on Hillside Ave, and have speed limits lowered. Mr. Tyo also asked how many bedrooms the units at Dixiedale would have. Mr. Tobia said that the units would have three bedrooms. Mr. Tyo asked if three bedrooms is consistent with the empty nester target demographic. Mr. Tobia said that while the units are marketed as having three bedrooms, in similar developments the experience is that they are used for other purposes such as guest rooms or exercise rooms. Mr. Tyo asked what will happen if the proposed affordable housing development is not approved. Mr. Tobia said that the developer would then submit an application to do both market rate and affordable housing at the same site. Mr. Tyo asked about some lots on Hillside Ave across the street from Dixiedale. Mr. Tobia said that the lots will not be part of the proposed development, but are an opportunity for potential development as single family homes. Mr. Tobia also noted that the potential traffic impact will be studied.
6. Laura Jones, 177 Hillside Ave, said that it is a great joy to see the natural beauty of Hillside Ave, and she opined that the proposed development will destroy the character of the neighborhood. She asked the Planning Board to consider if the proposed development is consistent with the Master Plan. Mrs. Jones asked if the sale of the property is contingent on approval of the site plan. Mr. Henshaw said that the terms of sale are a private matter. Mr. Jones also asked about the proposed timeframe to break ground and complete the project. Mr. Tobia said they anticipate a 2-3 year window, which will depend on how long it takes for the rezoning ordinance to be adopted and how long the plan review takes. Mrs. Jones also offered the opinion that the condo units look squished toward Hillside Ave on the concept plan. She asked what the density of the units are on the area of the property which will actually be developed. Mr. Tobia said that net density has not been calculated for that area. He also addressed setbacks and that the developer would attempt to retain the hedgerow on the property. Mrs. Jones asked about the trees along the River Road side of the property. Mr. Tobia said that the trees should be able to be saved.

Mr. Ciccarone commented that anyone who is concerned about the character of the neighborhood should keep an eye on whatever plans the Borough has for their affordable housing, as their affordable housing zone runs along the Dixiedale property just over the municipal boundary.

7. Sue Ligertwood, 26-D Heritage Drive, said that the concept plan seems to have a high density in her opinion. Mr. Tobia said that density calculations consider the entire property as per statute.
8. Arlene Driscoll, 145 Terrace Drive, said that she is concerned about extra traffic that the proposed development would bring to River Road.
9. Mike Chidlovsky, 302 Hillside Ave, said that he has seen an increase in speeding traffic on Hillside Ave. He asked why there are not any entrances to the development proposed for River Road. Mr. Tobia said that engineering prevents a River Road access point. Mr. Chidlovsky expressed his concern about the potential traffic impact.
10. Sharon Roche, 333 Green Village Road, said that she is glad that the Skate Park might remain where it is, and asked that it be kept if possible.
11. John Soriano, 210 Hillside Ave, raised a concern about construction traffic during development of the site. He asked if construction traffic would be curtailed from using Hillside Ave as a thruway. Ms. Hagner said that there is usually a sequence of construction, and everything is not done all at once. She said that there will likely be a construction traffic impact on Hillside Ave, however the Township Engineer and the applicant can work together to minimize the amount of construction traffic.
12. Kristin Shannon, 6 Woods Lane, asked if any consideration had been given to having the proposed development be an age restricted 55+ community. Mr. Tobia said that the developer is not considering having the property be age restricted. Mrs. Shannon noted that when Rose Valle was built, the School District of the Chathams was not ranked #1, and opined that the proposed development will have an impact of schools.
13. Krista Kelley, 219 Riveredge Drive, said that the applicant had traffic data for the proposed affordable housing, and has had time to study the potential traffic impact of the proposed development at Dixiedale. Mr. Tobia said that a traffic study will be performed at such time that a formal site plan application is being put together for submission. Mr. Ciccarone noted that the Rose Valle development has not had a traffic impact. Mrs. Kelly asked about the potential development with current zoning. Mr. Ciccarone said that there could be 17 single family homes. Mr. Warner said that other developers might look to develop the Dixiedale property at a much higher density than is proposed by the subject developer and the Township could be exposed to much higher density housing if the subject proposal did not come to fruition.
14. Michael Rohe, 65 Highland Ave, said that the Skate Park is currently closed, and asked if repairs will be made so that it can be reopened. Mr. Ciccarone said that supplies for the necessary repairs have been ordered, and it should be repaired soon.
15. Mr. Tyo commented on the usable acreage at Dixiedale.
16. Andreana Field, 733 River Road, asked if the clubhouse at Dixiedale will be open to all Township residents. She also asked why the stables on the property would be taken down. Mrs. Field further suggested that an age restriction for the units would be a good idea so that schools are not impacted.

17. Saba Hekmat, 1 Woods Lane, asked if the Dixiedale property is currently zoned only for single family homes. Ms. Hagner said that the zoning is currently for single family homes. Mr. Hekmat asked what recourse the public has to prevent the proposed development. Ms. Hagner said that it will be for the Township Committee to introduce and adopt an ordinance to rezone the property, and those proceedings will include public hearings. Mr. Hekmat also asked about the affordable housing zone in the Borough.

Seeing no further members of the public coming forward, Ms. Hagner closed the hearing of citizens.

Mr. Banisch said that he can appreciate what Hillside Ave is currently like. For the public's benefit, he explained that as part of the declaratory judgment process, the Dixiedale Farm Property could be developed at a much higher density. Mr. Banisch also said that the concept plan is sensitive to the concerns being raised by the members of the public.

Mr. Sullivan said that some of the affordable housing densities are considerably higher than what is being proposed. He also said that the owner and potential developer of Dixiedale care about the character of the Township, and have worked closely with the Township to develop the current plan. Mr. Sullivan also said that the developer is going out of their way to preserve the manor home on the Dixiedale property.

Ms. Hagner said the Planning Board should follow the recommendation to wait for the LOI to be received before moving forward with recommending the redevelopment plan for the Skate Park. Mr. Ciccarone pointed out that the redevelopment plan will take less time for the Township Committee to approve than would the rezoning ordinance.

Mr. Warner said that there had been a suggestion to change the draft rezoning ordinance to replace the word "mansion" with the term "manor home," and pointed out a typographical error in the draft ordinance. Ms. Hagner commented on the provision addressing sidewalks and the walking trail. Mr. Banisch also mentioned that he would amend the ordinance to address the adaptive use of the existing manor home to be used as a clubhouse and the location upstairs of 4 dwelling units.

Mr. Ciccarone made a motion to adopt the resolution recommending that the Township Committee adopt the draft ordinance to rezone the Dixiedale Property, as revised by discussion this evening. Mr. Nelson seconded the motion.

**Roll Call:** Ms. Hagner, Aye; Mr. Hurring, Aye; Mrs. Swartz, Aye; Mr. Brower, Recuse; Mr. Ciccarone, Abstain; Mr. Franko, Aye; Mr. Sullivan, Aye; Mr. Nelson, Aye; Mr. Travisano, Absent; Mr. Kraweic, Absent; Mr. Tarasca, Abstain.

Mr. Ciccarone moved to adjourn at 10:08 PM. Mrs. Swartz seconded the motion, which carried unanimously.

Gregory J. LaConte  
Planning Board Recording Secretary