

**MINUTES  
PLANNING BOARD  
TOWNSHIP OF CHATHAM  
OCTOBER 21, 2019**

Mr. Travisano called the regular 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 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. Travisano, Mr. Franko, Mrs. Swartz, Ms. Hagner, Mr. Hoffmann, Mr. Kelly, Mr. Nelson, Mrs. Ozdemir, Mr. Coviello and Mr. Tarasca.

Mr. Sheth was absent.

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

**Approval of Minutes**

Mr. Franko moved to approve the minutes of the September 18, 2019 meeting. Mr. Hoffmann seconded the motion, which carried unanimously with an abstention from Ms. Hagner.

Mr. Nelson moved to approve the minutes of the October 7, 2019 meeting. Mr. Hoffmann seconded the motion, which carried unanimously with abstentions by Mr. Travisano, Mr. Franko, Mr. Kelly and Mr. Coviello.

**Hearings**

Mr. Kasuba said that the applicant hopes to finish both applications at this meeting. He said that some technical issues will be addressed by the applicant's civil engineer, and there will be planning testimony as well.

Mr. Warner noted that the last hearing date for the applications had been held on September 18<sup>th</sup>, and the applicant had provided proper notice for the hearing. The applications were carried without further notice required to this meeting. Mr. Warner said that the applicant consented to extend the Board's time to act on these applications through the month of October, and confirmed in writing. Mr. Warner further said that all Board members present are qualified to vote on the application.

**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. Kasuba said that there was a request for a depiction of the proposed building, and a question about the materials to be used. He said that the materials are the same as previously proposed.

Mr. Travisano said that it is important to narrow down any final conditions and details as the applicant moves toward resolution of this application.

Exhibit A-12 was entered into the record. The exhibit was prepared by the applicant's architect, and is a rendering of the appearance of the proposed building.

Patty Ruskan, the applicant's civil engineer, was recalled to give further testimony.

Exhibit A-13 was entered into the record, and the exhibit was a colored landscaping plan. Mrs. Ruskan said that this exhibit is the same concept plan as previously submitted but with engineering data for grading and stormwater included. The plan shows 37 parking spaces with the option for two additional spaces. Mrs. Ruskan said that there will be a single building with 24 units. The stormwater basin is in the same location as previously proposed. Mrs. Ruskan said that the building meets the Township code's height requirements. Mrs. Ruskan said that the subdivision plan was revised due to the change in the proposed lot line. She also said that the subdivided parcel has been reduced from 3.66 acres to 3.4 acres, which exceeds the required minimum 3 acres required by rezoning. Mrs. Ruskan further noted that 11.25 acres remain for the Department of Public Works.

Ms. Hagner asked about the proposed height. Mrs. Ruskan said that in the former plan, Building A was higher than Building B due to elevation. The request for a height variance has been withdrawn.

Mrs. Ruskan said that a deviation is still needed for minimum storage for the 1-bedroom units. Mr. Warner requested, and Mrs. Ruskan confirmed, that the 2-bedroom and 3-bedroom units are unaffected by the deviation.

Mrs. Ruskan said that there is also a deminimis exception from the RSIS standards for the number of parking spots, and the number of parking spots proposed exceeds the number required by the Redevelopment Plan. Mr. Travisano asked for clarification on the issue of the number of spots required and the number of spots proposed.

Ms. Hagner asked about the substantial change in the plans at so late of a stage in the application process. Mr. Hoffmann addressed the State requirements regarding holding cells and the need for a sally port. He said that the lot line as formerly proposed would not allow for the necessary upgrades to the Police Headquarters. He also said that the previous lot line was only 12 inches away from the Police Headquarters. Deputy Mayor Kelly added that the former layout had a greater visual impact from Southern Boulevard, and would require removal of several mature trees. Ms. Hagner proposed to hold further review or approval of the Arbor Green application to allow the board to review if newly proposed plan would truly be necessary to allow for the modest modifications needed to the police department. Mr. Hagner commented that this would give the board the ability to determine if the prior designed 2 building plan would still allow for the necessary upgrades and would not interfere with the ability to move forward with conditional approval on the Dixie dale project.

Mrs. Ruskan said that the Redevelopment Plan requires 1.5 parking spots per unit, which comes to 36 spaces. The current plans include 37 spaces, and RSIS standards would require 48 spaces.

Mrs. Ruskan reviewed the comments in a review letter from Mott MacDonald. She addressed consideration of moving the parking lot away from Southern Boulevard, and said that the tot lot

would need to be relocated or removed. Mrs. Ruskan said that if the tot lot was removed, there is a playground located nearby at Nash Field. She also noted that removing the tot lot would allow for additional parking spaces, and would offer direct access to maintain the drainage basin. Mr. Travisano asked if there is a requirement for a tot lot. Mr. Banisch said that ideally there would be a playground for children, and there may be space for one behind the building. Mrs. Ruskan said that a sidewalk with an ADA compliant ramp would be needed, as well as a retaining wall system due to the grade in the location. Mr. Hoffmann said he would like to see a tot lot included. Mr. Kelly asked if a paved sidewalk would be necessary for a tot lot. Mr. Ruschke said that it could potentially be mulch, but it would need to meet grade. Mr. Travisano asked about the cost of installing a tot lot, and if the applicant would consider donating that amount to the Township toward maintenance of the playground at Nash Field. Mr. Kasuba said he would need to confer with his client. Mr. Travisano summarized the condition that the tot lot be removed, and that the parking lot would be shifted with additional spaces added.

Mrs. Ruskan said that Mr. Ruschke's review letter addressed lighting with a suggestion that the distance between the building and the fixtures be increased. She said that if the fixtures will have shielding and if they are moved further there might not be enough light on the west side of the parking lot. Mr. Ruschke said that his concern had been about glare, and the shielding will suffice.

Mr. Warner said that applicant previously indicated that it does not believe a hotbox will be needed. He asked if the applicant would still stipulate to minimize the height of a hotbox if it is still needed. Mr. Kasuba said that the applicant does agree to stipulate as such.

Mrs. Ruskan addressed Mr. Banisch's review letter. She said that the only lighting spill is at the intersection of the driveway, which is required. Mrs. Ruskan also addressed the lighting of the sign, and said that a hood can be installed to help focus the lighting onto the sign.

Mr. Warner referred to a section of Mr. Banisch's review letter that calls for the Skate Park to be removed and returned to a lawn area. He said that there was a prior agreement to stipulate that the macadam be maintained for a reasonable period of time. Mr. Warner asked if the applicant would continue to agree to this stipulation if the Board opts to set that as a condition of approval. Mr. Kasuba said that the applicant does still agree to that stipulation. Mr. Warner asked about the disassembly and storage of the Skate Park for a 6-month period, if feasible. Mr. Kasuba said that the applicant will stipulate to the disassembly and storage of the Skate Park. Mr. Warner asked about having an on-site superintendant pending income qualification, or having a 24/7 off-site superintendant. Mr. Banisch noted that the Township will not want to lose a credit toward the affordable housing obligation. Mr. Warner said that the on-site superintendent would need to be someone who already had met the income qualifications for an affordable unit. Mr. Kasuba noted that the units will be rental units. He also said that a superintendant will be available 24 hours a day but probably not live onsite.

Mrs. Swartz asked about the extension of the access to the parking lot, and if that will change the lighting. Mrs. Ruskan said that another lighting fixture or two may need to be added. She also said that the proposed fixtures may be able to be spread out without sacrificing the amount of lighting.

Mr. Warner asked about fencing around the detention basin. Mrs. Ruskan said that the applicant is willing to install fencing. Ms. Hagner said that the Board did not want it to be chain link fencing. Mrs. Ruskan said that the applicant will stipulate that the fencing not be chain link.

Ms. Hagner asked about the sewer line and if there are any anticipated issues. Mrs. Ruskan said that the plans were revised to address the Board's concerns, and an application will not need to be made to the DEP for a TWA permit because the flow from only one building is below the threshold for a permit.

Mr. Warner asked about breaks in the design of the building. Mr. Kasuba said that the proposal complies with the Redevelopment Plan in that regard.

Mr. Kelly asked about the three entrances to the building, and said that the hallway may be too dark in the first floor hallway without an extra door. He also asked if there would be a safety benefit to having more lighting. Mr. Kasuba said that the hallway will need to comply with the appropriate building codes for illumination. He also said that there would be design repercussions if things start getting moved around. Mr. Ruschke noted that UCC Codes will be applicable.

Mr. Travisano opened the floor for the public to ask direct questions pertaining to Mrs. Ruskan's testimony.

1. Rez Estevez, 126 Southern Boulevard, asked about restrictions and limitations for the proposed developments. Mr. Travisano said that the question was addressed at the last meeting. Mrs. Estevez made a statement about the sequencing of the Arbor Green and Dixiedale applications. She also asked about cul-de-sacs on Hillside Avenue. Mr. Travisano reminded Mrs. Estevez that this portion of the meeting is for questions pertaining to Mrs. Ruskan's testimony.
2. Susan Hoag, 76 Canterbury Road, asked about overflow parking for the Arbor Green development. Mr. Kasuba said that the units are rental units, and it is not likely that residents of the units will have an excessive number of cars. Mrs. Swartz asked if there would be a stipulation for residents who did have a high quantity of vehicles. Mr. Kasuba said that landlords have options to address these issues, such as requiring parking permits or assigning spaces. He also said that landlords want to ensure that their residents have sufficient parking, and the landlord should be given the flexibility to manage the parking issue. Mr. Coviello asked where visitors would park. Mr. Kasuba said that the parking ratios do factor in visitor parking, and the property manager can determine how to manage any parking issues. Mr. Coviello warned that there may wind up being overflow parking on Southern Boulevard, and he would like to see overflow parking addressed before it becomes a problem. Ms. Hagner said that these concerns were addressed previously, and the applicant has not applied to the DEP to encroach on the wetlands buffer to add more parking. She also said that the Township will deal with issues if they arise. Ms. Hagner noted that the applicant will need more land to add more parking.
3. David Deuchler, 25 Hickory Place, opined that not having a superintendent on site will lead to the property being neglected. He said that there should be somebody on site 24/7 in case something goes wrong, and asked if what experience the developer has had with developments where there is not a superintendent on site. Mr. Kasuba said that the civil engineer would not be able to address that question. He also said that the Township has an obligation for 24 affordable units at the site, and all residents at the site will have to go through an income qualification process. As such, it would be difficult to guarantee that

there could be a superintendent who would qualify to reside at the site. Mr. Deuchler asked about the number of bedrooms each unit would have. Mr. Kasuba said that the application conforms to the Uniform Housing Affordability Controls (UHAC). There will be 4 one-bedroom units, 14 two-bedroom units and 6 three-bedroom units. Mr. Deuchler asked if one of the two-bedroom units could be split into 2 one-bedroom units so as to still have 24 affordable units. Mr. Kasuba said that doing so would create a need for a density variance. Mrs. Swartz asked if it might be possible to contract with the Chatham Hill Apartments to have a superintendent nearby. Mr. Kasuba said it could be explored. Mrs. Swartz asked if there have been ramifications in other developments from not having a superintendent on site. Mr. Kasuba noted that snow plowing would be contracted. Mrs. Swartz asked about other potential problems and how they would be addressed. Mr. Banisch said that this size of development does not usually have an on-site superintendent, and will instead have a phone number for residents to call for problems.

4. James Reiss, 2F Heritage Drive, said that there are 220 units where he lives without an on-site superintendent, and everything works fine. He also said that Vernon Grove has 100 units without a superintendent. Mr. Reiss asked why a superintendent would be needed for 24 units when one is not needed for other developments with more units.
5. Don Degolyer, 293 Fairmount Avenue, said that he sent the developer questions about an easement on a different matter, and asked if he was entitled to get an answer. Mr. Warner asked if the easement is relevant to the Arbor Green application. Mr. Degolyer said that it relates to the Dixiedale application. He also said that he would like to get a response from the developer to his questions about the easement. Mr. Kelly asked for clarification about the easement in question. Mr. Degolyer indicated that it is near the Dixiedale site. Mr. Travisano referred the questions to the Township administration. Mr. Degolyer further asked why the developer wants to shut down the easement. Mr. Warner asked if the question is relevant to either application being heard at this meeting. Mr. Ruschke said that the question pertains to a separate matter that will be discussed at another meeting.

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

Mr. Richard Price, a planner representing the applicant, was sworn in to give testimony. Mr. Price provided his qualifications, and was accepted as an expert witness in the field of planning.

Mr. Price said that he has worked with the applicant on both the Arbor Green and the Dixiedale applications. He said that he agrees with the characterizations by Mr. Banisch and Mr. Ruschke as to what relief is needed on the application. Mr. Price noted that non-conformity with the Redevelopment Plan would be a deviation rather than a variance, and only one deviation is needed for minimum storage for the one-bedroom units. The deviations for building height and for the setback of the tot lot were eliminated. Mr. Price also said that a deminimus exception from the RSIS requirement for 48 parking spaces is needed. He noted that the application conforms to the Redevelopment Plan requirement for 36 parking spaces. He also said that the site has the challenge of its proximity to the Police Department and Public Works Garage. Mr. Price noted the need to eliminate cost generating requirements with 100% affordable unit developments. He said that the Redevelopment Plan recognizes the challenges at the site and states that deviations may be necessary. Mr. Price further noted that only 4 units require the storage area deviation, and he addressed the storage requirements. Mr. Price also commented on

the number of parking spaces, noting that the plans have more than what is required with the potential for more to be included. He also said that because it is an affordable unit project, fewer spots are required than would be called for by the RSIS standards. Mr. Price also stated that car ownership among those who qualify for affordable housing is usually at a lower rate than in market rate developments. He cited other projects in New Jersey with similar parking ratios. Mr. Price further noted that the Arbor Green development is the affordable housing component of the Dixiedale application and counts toward the Township's Third Round Obligation. Mr. Price also said that granting the deviation is in keeping with the underlying requirements and the best interests of the Township.

Mr. Banisch said that the application came in close to what the Redevelopment Plan anticipated, and agreed that the number of parking spaces proposed is adequate.

Mr. Tarasca asked about the similar projects worked on by Mr. Price, and the proximity of those projects to public transportation. Mr. Price said that the projects in Cranbury and Teaneck, there is not access to public transportation. He said that the project in Woodcliff Lake is close to a train station, and the parking ration is below the 1.5 spaces per unit ratio proposed for Arbor Green. Mr. Price further noted that the project in Harrington Park also does not have access to public transportation.

Mr. Franko asked about the different standards for the number of parking spaces, and if they are ordinances. Mr. Price said that RSIS stands for Residential Site Improvement Standards, and explained that the Department of Community Affairs adopted the RSIS to avoid having different standards in each municipality. He also said that proximity to transit stops can serve as a basis for further lowering the number of parking spaces.

Ms. Hagner asked about a comment in Mr. Banisch's memorandum stating that the current proposal is more desirable than previous proposal, and she asked for clarification. Mr. Banisch said it is more desirable in regard to solving the lot line issue presented previously by the Township Administrator but agreed that a 2 building design is always preferable to a single large building. Ms. Hagner asked if Mr. Hoffmann could comment further on the necessary modifications to the Police Department, and if the Planning Board could see what those modifications would look like before moving forward with this application. Mr. Hoffmann said that the designs for the Police Department would not be available for the next meeting. He also noted that because the Arbor Green and Dixiedale applications are linked, the Board should vote on the applications on the same night. He also stated that the Township Attorney will need to give the Superior Court an update on the Arbor Green application before the end of October.

Mr. Price said that the proposed project is a reasonable proposal. He also noted that although the Redevelopment Plan contemplated different conditions, there is only one deviation in the current proposal. Mr. Price also said that the building is not as long as the maximum allowed. He further addressed the perception of the building from the roadway. He further opined that it will be an attractive building, and the materials used will be on a par with those used in market-rate buildings. He also said that the applicant consulted with the Board's professionals on the redesign, and they were satisfied that the project works. Mr. Price also noted that the concept was presented at a prior meeting, and that it is not being presented at the last minute.

Mr. Travisano asked Mr. Banisch if the Redevelopment Plan would have called for 48 parking spaces if that many were necessary. Mr. Banisch supported the recommended number of parking spaces.

Mr. Warner noted that the application includes preliminary and final site plan approval and minor subdivision approval. Mr. Price said that the Redevelopment Plan was adopted for the whole site with the anticipation that the portion of the parcel not being used for the Police Department or Department of Public Works would be made available for affordable housing, and the application accomplishes that subdivision. He also noted that there is a limited area where the project can be built. Mr. Warner asked if the conditions addressed by the Board would be reasonable and related to mitigating potentially detrimental impacts of the proposed development, and Mr. Price said that they would.

Mr. Travisano opened the floor for questions to the witness based on the direct testimony provided.

1. James Reiss, 2F Heritage Drive, asked if the Township is deficient in its affordable housing obligation. Mr. Travisano said that the Township Committee should be asked that question. Mr. Reiss also asked if the Township would face consequences for not meeting the affordable housing obligation, and why the applicant is being given a hard time when they are helping the Township meet the obligation.
2. Scott & Sam Kelliher, 143 Huron Drive, said that Mr. Price testified that the application would not have a negative effect on the community. Mr. Kelliher asked what is being done to relocate the Skate Park, and he noted that the skate board community will be negatively affected by the development. Mr. Warner said that the future of the Skate Park is beyond the jurisdiction of the Planning Board. Mr. Kelliher said that he has posed the question to the Township Committee, and they advised him to ask the Planning Board. Mr. Travisano said that the Planning Board's authority is to act on the application as presented, and they will not know what may happen with the Skate Park in the future. Mr. Warner said that since some of the members of the Planning Board serve in other roles, anyone who knows the answer to Mr. Kelliher's question may answer. Ms. Hagner said that she was under the impression that the Township Committee was seeking alternative locations. Mr. Hoffmann said that the Skate Park was built on a location that was zoned for affordable housing in 1989, and it was understood that the location was temporary. He also said that decisions regarding the location of the Skate Park cannot be made until after the affordable housing matters are settled. He advised Mr. Kelliher to make an appointment to meet with him to further discuss the matter.
3. Genevieve Castelino, 104 Ormont Road, asked about the anticipated income levels for those who will qualify for affordable housing in Chatham Township as compared with the other projects cited earlier by Mr. Price. Mr. Price said that the income requirements around the State are the same. Mrs. Castelino asked if the other projects referenced are complete. Mr. Price said that three are complete, one is under construction and one is in the planning phase. He also said that there have not been any parking issues with the projects that are complete. Mrs. Castelino also raised a concern about visitor parking at the site. She further asked when it became known that there was an issue with the Police Headquarters. Mr. Hoffmann said he became aware of the compliance issues in July.
4. Stacey Ewald, 54 Nicholson Drive, asked if the funds that would have been spent on the installation of the tot lot could instead be used toward the relocation of the Skate Park. Mr. Travisano opined that the funds be used by the Township in the manner seen best, whether for Nash Field improvements or another purpose. Mr. Kasuba noted that the

applicant has not yet agreed to make a payment toward the lot maintenance. He also said that the potential dollar amount is not known. Mr. Price noted that the lot was not required by the Redevelopment Plan. Mrs. Ewald asked about the size of the one-bedroom units. Mr. Price said they will be 647 square feet. She asked how many people can live in those units. Mr. Price said that they will typically have one resident with a maximum of two. Mr. Kasuba noted that the plans exceed the minimum floor area requirements for the one-bedroom units.

5. Susan Ligertwood, 26 Heritage Drive, asked if there will be an elevator. Mr. Travisano said that the topic was not discussed in the testimony, and there will not be an elevator in the building.
6. Rez Estevez, 126 Southern Boulevard, asked if the Skate Park is located in the wetlands buffer area. Mr. Price said that it is. Mrs. Estevez asked if the pad for the Skate Park will remain in place, or if it may be used in the future for parking or additional units. Mr. Banisch said that the Planning Board's approval condition is that the asphalt pad be removed after a period of time so that the land can be re-naturalized. Mrs. Estevez asked if the building of an additional structure will be proposed. Mr. Price said that the area will only be usable for passive open space, and it will not be usable for additional affordable housing units. He also said that the removal of the Skate Park is a condition of the Redevelopment Plan.

Ms. Hagner said that additional waivers could be sought from the DEP. Mr. Kasuba said that additional development is theoretically possible. Mr. Travisano said that potential future development is not a subject of this application. Mr. Price said that a deviation to the Redevelopment Plan would be needed, which would be subject to Planning Board approval.

Mrs. Estevez asked if potential future development would be a two-step process. Mr. Kasuba commented on the variety of hypotheticals and theoreticals that would be involved.

7. Stewart Carr, 3 Crestwood Drive, asked how deep the macadam needs to be removed. Mr. Price said that would be an engineering question. Mrs. Ruskan said that the pavement would be removed, as well as any stone that may be below the pavement. She also said that topsoil would be put down and planting of appropriate vegetation. Mr. Carr asked about removal of any construction debris that may be underneath the Skate Park. Mr. Travisano said that there has not been any testimony that there is any kind of debris underneath the macadam. Mr. Kasuba said that the macadam will be removed in accordance with DEP protocols.

A recess was taken at 9:51 PM.

The meeting was resumed at 10:00 PM.

Mr. Travisano opened the floor for public comment.

1. Richard Matlaga, 36 Dale Drive, was sworn in to give comments and testimony. Mr. Matlaga asked why 48 parking spaces are not required. He said that testimony was given that waivers can be granted, and said that the only undue hardship cited is that the site does not have enough space. Mr. Matlaga said that the applicant's traffic engineer

testified that there are planned a sufficient number of parking spaces, and that the standards manual used does not factor in the number of bedrooms. Mr. Matlaga noted that there is no immediate availability of mass transit to the location, nor is there any sort of office complex or business center. Mr. Matlaga also said that there is also a lack of nearby off-site parking. He also proposed that a parcel of land be banked to allow for additional parking.

2. Susan Hoag, 76 Canterbury Road, was sworn in to give testimony and comments. Mrs. Hoag asked if there will be fire breaks in the attics, which would help avoid a fire similar to one in the Briarwood Coachlight development a few years ago. Mr. Kasuba said that the building will comply the UCC building codes. Mr. Warner asked if the applicant would stipulate to install the fire breaks if the code does not require them. Mr. Kasuba said that the applicant is not going to stipulate to exceed the UCC codes.
3. James Reiss, 2F Heritage Drive, was sworn in to give comments and testimony. Mr. Reiss asked if there is a requirement to include a fire sprinkler system. Mr. Kasuba said that a fire suppression system is required and will be included.

Genevieve Castelino, 104 Ormont Road, was sworn in to give comments and testimony.

Mrs. Castelino asked how much time the Township has to bring the Police Department Headquarters into compliance with State regulations. Mr. Hoffmann said that the Department of Corrections has given the Township until October 2020. Mrs. Castelino asked about the sally port that needs to be installed. Mr. Hoffmann said that a sally port is a sort of garage to bring in detainees. Mrs. Castelino asked if the renovations are major or minor. Mr. Hoffmann said that they are major renovations, and they still need to be designed. Mr. Ruschke said that when affordable housing was first contemplated at this site, it was thought that there would only be a 50 foot wetlands buffer and only a 3-acre subdivision. He added that it was not thought that the lot line would need to be so close to the Police Headquarters. Mr. Ruschke further commented on the limits on the site for municipal use. Mr. Ruschke further commented on alternate sites in the Township for the relocation of the Skate Park, noting that most potential sites have environmental restrictions or open space regulations. Mrs. Castelino said that modifications to the Police Department will affect Arbor Green. Mr. Ruschke said that the lot line adjustment allows the Township to use the land for additional municipal purposes. He also said that the Skate Park was legally built, but the wetlands buffer area was adjusted by the State and the Township needs to comply with State regulations. Mr. Ruschke further noted that the site has long been zoned for affordable housing. Mrs. Castelino asked when the Township learned about the required upgrades for the Police Department. Mr. Hoffmann said that he learned about the requirements in July, at which time the Township Committee was informed and further commented that the letter indicated the modification were required by October of 2020.

4. Rez Estevez, 126 Southern Boulevard, was sworn in to give comments and testimony. Mrs. Estevez said that Chatham Borough is building a high density development on Hillside Avenue, and noted that there is still a pending application before the Planning Board for the Dixiedale property. She asked that the Planning Board consider what will happen to Hillside Ave, and suggested that a cul-de-sac be constructed. Mr. Kasuba interjected that comments and questions at this time should be related to the Arbor Green application.

Seeing no further comments or questions, the floor was closed to the public.

Mr. Coviello asked if the parking area could be expanded beyond the proposed trash enclosure. He said that up to 11 more parking spaces could be created in that area, and it would allow for better maintenance access to the drainage basin. Mrs. Ruskan said that with the tot lot removed, expanding the parking lot can be explored. Mr. Travisano asked if the potential number of spots can be quantified. Mrs. Ruskan said that number is not immediately available, and the size of the drainage basin may need to be adjusted due to the additional impervious coverage. Mr. Warner asked if there is a minimum number that could potentially be added, and Mrs. Ruskan said that perhaps four spaces could be added. Mr. Kasuba asked if those four spots would be in addition to or in lieu of the additional spots already discussed. Mrs. Ruskan said that two spots would be lost in the front of the lot, and maneuverability for the garbage truck would have to be ensured. An ADA compliant spot will also be necessary. Mrs. Ruskan also said that she cannot commit to a specific number of additional spaces until all factors are considered.

The floor was reopened to the public.

1. Rez Estevez, 126 Southern Boulevard, made a comment about potluck parking.

The floor was closed to the public.

Mr. Kasuba thanked the Planning Board for considering the application. He noted that it is 100% affordable housing, which comply with the laws regarding Uniform Housing Affordability Controls. Mr. Kasuba said that the application came a long way during the process. He noted the work done with the Board's professionals to redesign the site layout consistent with the Redevelopment Plan, and noted that most of the deviations were removed in that process. Mr. Kasuba said that there is an obligation for municipalities to create a realistic opportunity for the development of affordable housing, which is a permitted use in the subject zone. Mr. Kasuba also said that the applicant has been extremely responsive to concerns raised by the Board members, particularly regarding parking. He reiterated that the 1.5 spaces per unit was set by the Township Committee, and the applicant has tried to accommodate additional parking. The potential for some additional parking spaces at the site are also being considered. Mr. Warner asked for confirmation that the potential for additional spaces is being put forth as part of the proposal before the Board. Mr. Kasuba said that it would be accepted as a condition contingent upon the applicant's engineer working out the details with the Township's engineer. He noted that additional stormwater management would need to be worked out to have the additional parking. Mr. Kasuba said that the applicant is prepared to ask the Board to vote on the application, and the Board does not have a basis based on the technical issues to deny the application. He said that the evidence submitted supports the application, and the deviations have been adequately supported. Mr. Kasuba asked the Board to vote to approve the application as submitted subject to the conditions and stipulations agreed to during the hearing.

Mr. Travisano said that the members of the Board take seriously their responsibility to the Township. He also said that the Board is collaborative with applicants, and he thanked the applicant for working with the Board during the process. Mr. Travisano also asked if the Board members had any questions or concerns.

Mr. Franko said that there should be a conditional approval subject to preparation of a memorialization resolution. Mr. Kasuba said that he has seen other Boards use that process. Mr. Warner said that under the MLUL, the decision of the Board is made upon the initial vote, and

the memorialization resolution serves to ensure that the decision rendered is accurate. Mr. Warner also said that the vote will presumably be for preliminary and final site plan approval, minor subdivision approval, approval of the deviation regarding storage space in the one-bedroom units, approval of the exception from the RSIS parking standards, and also that the approval will also consider the modification at this meeting for a potential increase in the amount of parking due to removal of the tot lot. Mr. Warner said that the approval resolution will include all the stipulated conditions, unless he is directed by the Board otherwise. Mr. Warner also noted that there are 9 voting members of the Board present who are qualified to vote on the application, and 5 affirmative votes are needed to approve the application.

Mr. Hoffmann thanked Mr. Coviello for pointing out the potential parking solution.

Mr. Warner said that a condition of approval will be that the Morris County Planning Board be notified by the Chatham Township Planning Board that a separate entrance from Southern Boulevard is a condition of approval. He noted that the Morris County Planning Board had originally indicated that no extra curb cuts would be allowed. Mr. Warner also said that installation of a separate 6-inch sewer line will be a condition of approval. Any hotboxes will be reduced to minimum allowable size as practical. The macadam at the Skate Park will remain in place as long as reasonable subject to the input and direction of the DEP. The 24/7 availability of a superintendent, whether onsite or offsite, will also be a condition of approval. The building materials will also be required to be as previously testified, with a stipulation for an “as equal” option. The tot lot will be removed from the plans so as to allow additional parking. The Skate Park will be disassembled and stored by the applicant for up to 6 months. Mr. Warner also said that the conditions as set forth in the review letters by Mr. Banisch dated October 19, 2019, Mr. Ruschke dated October 17, 2019, the Police Department dated September 17, 2019 and the Fire Departments submitted also apply. Mr. Travisano noted that the materials for the trash enclosure were also stipulated.

The size of the sign for the development was discussed. Mrs. Ruskan said that the Redevelopment Plan calls for a 50 square foot sign. Mr. Warner asked if the applicant will stipulate to a smaller sign. Mr. Kasuba said that the applicant will agree to a 6 foot by 4 foot sign.

Mr. Travisano asked that the funds that would have been used to build the tot lot instead be donated to the Township’s recreation trust fund. Mr. Kasuba said that the applicant will not agree to that stipulation.

Mr. Kasuba asked about the materials discussed for the construction. Mr. Travisano asked that the list of materials be included in the resolution.

Mr. Franko moved to approve the application subject to memorialization. Mr. Nelson seconded the motion.

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

Given the hour, Mr. Travisano asked if the applicant wanted to proceed with the Dixiedale application. Mr. Kasuba said that they are ready to continue. Mr. Travisano asked if there would be anything preventing the hearing from continuing at the next meeting. Mr. Warner said

that he thinks waiting for the November 4<sup>th</sup> meeting would still be in compliance with the court proceedings and the Township would still have immunity from builders remedy lawsuits.

A recess was taken at 10:49 PM.

Business was resumed at 10:52 PM.

Consensus of the Board was to move forward with the Dixiedale application.

Mr. Franko moved to continue the meeting past 11:00 PM. Mrs. Swartz seconded the motion, which carried unanimously.

Mr. Kasuba thanked the Board for their willingness to continue the meeting past 11:00 PM.

**PB 19-66-1 (February 7, 2019) STERLING/SUN AT CHATHAM, LLC, (Dixiedale) 351 Hillside Avenue, BLOCK: 66, LOT: 1.**

Mr. Kasuba said that the application has been prolonged, and the stormwater management concerns were addressed at the last meeting. Mr. Kasuba said that there will be further engineering testimony from Mrs. Ruskan, and William McGuinness from the development team will serve as a fact witness. He also said that there would be planning testimony from Mr. Price.

Mr. Kasuba noted that the current owner of the property has consented to use of the Averett name for the internal road in the development. Mr. Kasuba also said that there was a question about having a sidewalk, and Mrs. Ruskan will address that issue.

Mr. Warner noted that the hearing has been properly noticed.

Mrs. Ruskan said that a review letter dated September 24, 2019 was received from Mott MacDonald, and her office has responded to the technical comments in the letter. Mrs. Ruskan said that the responses to Mr. Ruschke's comments were also sent to the members of the Planning Board. She said that the review letter addressed the suggestion that sidewalks and curbing along River Road be considered by the Planning Board. She said that the Township's ordinance contemplated the walking trail through the development. Mrs. Ruskan noted that the walkway was extended on the plans, and it was previously understood that the Planning Board did not want a sidewalk on Hillside Ave so as to avoid changing the rural character of the development. Mrs. Ruskan said that if sidewalks and curbing are added on Hillside Avenue and River Road, the drainage pattern will change and additional stormwater management will be necessary. Mrs. Ruskan further noted that the sidewalk on River Road would not have a destination. She also raised a concern about the continuing maintenance of a sidewalk, including snow and ice removal.

Ms. Hagner asked about having the walking trail around the perimeter rather than having a traditional sidewalk or having the walking trail within the development. Mr. Hoffmann noted that the walkway around Giralda Farms is a macadam path. Mr. Kasuba said that the ordinance refers to a mulch walkway. He said that the proposed walkway would foster pedestrian connectivity, and would preserve the character of the site. Mr. Kasuba also addressed the engineering concerns about installation of a sidewalk. Mr. Warner said that the Morris County Planning Board report dated January 20, 2019 recommended that the Township and the applicant consider expanding a non-paved walking path and provide a crosswalk at River Road and Eden Road. He asked if the applicant would stipulate to install the crosswalk if the Planning Board

requested it. Mrs. Ruskan said that there is a stone wall on the section of the property across from the crossing at Eden Road, and that wall would have to be demolished.

Mr. Coviello asked if the Board should adhere to the provision in the Master Plan that sidewalks should be installed. Mr. Warner said that the applicant does not need to strictly adhere to the Master Plan, but only that the proposed development not substantially impair the Master Plan. Mr. Banisch said that the ordinance gives the Board the right to require on-site improvement of sidewalks. Mr. Coviello asked what percentage of Township residents live in Chatham Glen, and said that at some point the Township should foster connectivity from Chatham Glen to the rest of the Township. He also said that a mulch surface is not conducive to snow removal.

Mr. Travisano asked how the drainage would be changed with curbing. Mrs. Ruskan said that the stormwater would collect along Hillside Ave, and some sort of drainage system would have to be installed. Mr. Travisano said that the drainage installation would be a substantial expense to the applicant.

Mr. Kelly said that when the concept was originally presented, the applicant presented that 70% of the property would remain publicly accessible open space. He said that the fact that the proposal was for clustered development rather than spread out development was attractive, and the walkway trail would be an amenity to both the residents who live in the Chatham Glen area and the future residents of the proposed Dixiedale development. Mr. Kelly said that not having the walkway trail takes away a significant benefit of the application. Mr. Coviello said that he does not have an issue with the walking trail, but he also thinks a sidewalk along the road would be safer. Mr. Kelly noted that the sidewalk would be a "sidewalk to nowhere," and Mr. Coviello noted that it could be the first phase of a connectivity project with additional sidewalks added later. Ms. Hagner noted the possibility of having sidewalks up Southern Boulevard from River Road to Fairmount Avenue. She also said that the sidewalk around the perimeter would offer greater future connectivity. Mrs. Swartz also noted that a sidewalk would be a greater Township-wide benefit.

Mr. Kasuba said that he consulted with his client, and an asphalt walkway without curbing would not disturb the flow of stormwater.

Mr. Kelly noted that in the rock wall along River Road, there is a section across from Eden Road that appears to be an existing step up to an existing trail.

Mr. Kasuba said that his client is willing to install the asphalt walkway in those sections where it is feasible, and they cannot commit to the whole perimeter without first surveying the site. Mr. Kasuba said that the approval could be conditioned upon the applicant working with the Township's professionals to determine the feasibility of the asphalt walkway, and having it installed in those sections where possible. The asphalt walkway would be in lieu of the internal walkway. Mr. Kelly asked if the walkway could be installed in the corner near the internal pond. Mr. Ruschke said that DEP permits may be necessary. The consensus of the Board was in agreement. Mr. Kasuba asked that the development be allowed to proceed while DEP permits, if necessary, are sought. Mr. Ruschke suggested that if the walkway cannot be worked out with the DEP, that the applicant come back before the Planning Board to further discuss walkway options. Mr. Kasuba said that the applicant will agree to that.

Mr. Kasuba said that the sign was originally proposed to be 8 feet by 5 feet. Mrs. Swartz asked if it will be lit all night long. Mr. Travisano asked if the Board is agreeable to the proposed size.

Mr. Coviello said that the sign is large for the site. Mr. Warner said that the Redevelopment Plan requires compliance with the Township's sign ordinance, which does not specify a square footage or sign area standard. Mr. Warner said that he will assume that the applicant intends to comply with the Township's sign ordinance. He also said that the Township's code book requires temporary signs for developments when they are 75% complete, and the temporary signs are limited to 32 square feet. Mr. Warner suggested that one might argue that a permanent sign should be smaller than the temporary sign. Mr. Hoffmann said that the Board agreed to a 6 foot by 4 foot sign for Arbor Green, and the Board may want to consider the same standard for Dixiedale. Mr. Kasuba asked how the size of signs is measured. He also said that the applicant will agree to a 6 foot by 4 foot sign.

William McGuinness, a founder of Sun Homes and a principal of the applicant, was sworn in to give testimony as a fact witness. Mr. McGuinness discussed his background in land development.

Mr. McGuinness addressed how sites are graded for townhouses. He said that there are not many level sites available for development in New Jersey, and developers seek relatively level areas to develop. Mr. McGuinness discussed the grade and slopes on the Dixiedale site, and pointed out on the site plan where the developable areas are located. He also said that twenty eight different layouts were considered. Mr. McGuinness also discussed the grade at the site, and discussed the use of retaining walls in the development.

Mr. Kelly asked why an entrance from River Road was not proposed. Mr. McGuinness said that the wetlands are prohibitive, and the site also requires the proposed detention basins. Ms. Hagner said it is good to hear from the applicant why the layout was chosen, and it is good to hear testimony that the plan presented is the best plan possible. She also noted that sometimes a variance can make an application better. Mr. Travisano asked if there are any variances that could improve the layout, and Mr. McGuinness said that there are not.

Mr. Hoffmann asked if all the units will be two-bedroom, or if some will be three-bedroom. Mr. McGuinness said that there will be 50 three-bedroom townhouses and 3 two-bedroom condos.

Mr. Warner asked if the applicant is stipulating to all the items in the review letter from Mr. Ruschke dated September 24, 2019 with a modification to the comment regarding sidewalks. Mrs. Ruskan said that a response to the letter was sent, and she reviewed the comments. She noted that she has worked with Mr. Ruschke about getting the TWA on the October 24<sup>th</sup> Township Committee agenda. Mrs. Ruskan also addressed upgrades to the pump station, and said that the potential upgrades are not yet known. Mr. Ruschke said that if the Township does the upgrades, then the public bidding process will be required. Mr. Kasuba said that the applicant will make whatever modifications deemed reasonably necessary to the pump station.

Mr. Warner asked if the comments in the review letter from Mr. Banisch have been addressed. Mr. Banisch said that they have been addressed.

Mr. Travisano asked about the maintenance of the sidewalk. Mr. Kasuba said it will be the responsibility of the Homeowners Association. Mr. Warner asked about preservation of the hedgerow, and Mr. Kasuba said it will be maintained. He also agreed that an LSRP licensed professional will certify that the fill is clean.

Mr. Kelly asked if photographs of the mansion can be taken for historical preservation, and that the Historical Society be involved in that process. Mr. Kelly also asked if there needs to be any sort of restriction on the open space area to prevent future development. Mr. Warner asked if the applicant would stipulate to a conservation easement with monuments. The Board Attorney and Township Attorney will work with the Township Engineer to prepare the documentation.

Mrs. Ruskan said that there is not a speed limit sign on the Township portion of Hillside Avenue. She said that the speed limit in the Borough is 25 MPH, and the Township ordinance sets the speed limit at 35 MPH. Mrs. Ruskan said that a waiver will be needed for the landscaping to have better line of sight distance. Mrs. Swartz asked if the speed limit in the Township portion should be reduced to 25 MPH. Mr. Kasuba said that the applicant will accept the condition that the Township Committee be asked to lower the speed limit, otherwise a waiver will be needed.

Mr. Warner said that there is also a deviation for minimum lighting in the parking area. Mrs. Ruskan said that the application proposes fewer lights to help keep a more rural character in the area. Mr. Warner asked if there would still be enough light for people to see where they are going. He also said that the variances are regarding steep slopes and for the accessory structure for the three 2-car garages for the clubhouse units.

Mr. Price was sworn in to give testimony, and was accepted again to give expert testimony on planning.

Mr. Price said that the variance for steep slope disturbance is for areas of greater than 15% grade. He said that of the 5.898 acres in the range of 15-20%, 3.56 acres will be disturbed. The site also has 3.17 acres in the 20-25% range, of which 1.69 acres will be disturbed. Of the 4.11 acres with a slope greater than 25%, 1.51 acres will be disturbed.

Regarding the variance for the accessory structure setback, Mr. Price said that 20 feet is required and only 8.41 feet are proposed.

He said that the steep slope variance can be justified on both a C-1 hardship basis and a C-2 flexible C-variance basis. He said that the hardship has been addressed by the engineer regarding the environmental constraints.

Mr. Price also said that there is a significant amount of existing vegetation on the site, which is proposed to remain as screening between the proposed development and the existing Chatham Glen development. Mr. Price further noted that the applicant worked with the Township in the settlement of the affordable housing litigation and to develop a mutually agreed-upon design. He also noted the zoning ordinance that was adopted for the site.

Mr. Price said that the steep slopes are not isolated to one area of the site, therefore the hardship is unavoidable. The application also seeks only to develop those areas that are suitable for development, the steep slope disturbance is minimized, and the mansion will be preserved. Mr. Price said that the benefits of the application outweigh the detriments, and he addressed building height.

Regarding the accessory structure variance, Mr. Price said that the benefit outweighs the detriment. He said it is a C-2 variance, and he described the location of the structure. Mr. Price said that the benefit is because it will be in a practical location. He said that maintaining the setback will result in additional impervious coverage.

Mr. Price further addressed the purposes of the Municipal Land Use Law that would be advanced by granting the variances. Regarding the negative criteria, he said that there are not any substantial impairments to the public good.

Mr. Price also reminded the Board that this application is tied to the development of 24 affordable units.

Mrs. Swartz asked if the location of the garages is to encourage residents to park in their garage. Mr. Price said that cars would stick out into the roadway if they are not in the garage. He also said that the design of the building is to complement the mansion.

Mr. Kelly asked if the location of the garage will encourage people to park in the spots closer to the mansion, thereby detracting from the desired visual effect. Mr. Price said that the mansion will be visible from the roadway. He also said that the parking spaces outside the mansion are intended as visitor parking, and the mansion residents will use the garages.

Mrs. Swartz asked if the mail center will be in the mansion. Mr. Price said that the mail will be delivered in the mansion. Mrs. Swartz noted that the visitor parking will likely be used by residents picking up their mail. Mr. Kelly asked if there will be a time limit on those parking spaces, and Mr. Price said that enforcement of time limits would be problematic.

Mr. Warner asked Mr. Price to address the lighting waivers and the site distance waivers. Mr. Price said that they were addressed by Mrs. Ruskan from the technical point of view, and they will not have any substantial impact on the project. Mr. Warner asked if it would be impracticable to strictly enforce the applicable ordinances, and Mr. Price said that it would be an undue hardship. Mr. Warner asked if it is Mr. Price's opinion that preliminary and final site plan approval should be granted. Mr. Price agreed with the testimony given by Mr. McGuinness that the layout cannot be improved further. Mr. Warner said that all deviations from ordinances by definition have detrimental impacts, and asked if the conditions stipulated to by the applicant are reasonable and would have a nexus to mitigate the detrimental impacts, and Mr. Price responded affirmatively.

Mr. Travisano opened the floor to the public to ask questions of the three witness regarding the direct testimony given.

1. Stacey Ewald, 54 Nicholson Drive, said that the Township Committee adopted an ordinance to rezone this site, and there are deviations from that ordinance. She asked if it is common to have so many deviations. Mrs. Ewald also asked if the project could have both the walkway and the sidewalk. Mr. Kasuba said that variance relief is requested. He also said that the discussion regarding the sidewalk or a walkway centered around the best way to effectuate pedestrian access to the site, and the Board and the applicant came to consensus that the sidewalk was more desirable than the internal walkway. Mrs. Ewald asked if the applicant is complying with the open space requirements of the ordinance. Mr. Kasuba said that the conservation easement discussed earlier accomplishes that compliance.
2. Ellen Krhoun, 2B Heritage Drive, asked if the walking trail would devalue the Dixiedale property. Mr. Kasuba said that the witnesses are not experts in appraisal of real estate. Mr. Price added that the walking trail would enhance the use and enjoyment of the

property, and he does not think it would devalue the property. Mr. Banisch agreed. Mr. Krhoun asked if the walking trail would present a danger to residents by attracting strangers to the Township. Mr. Kasuba said that the Board sought to have a sidewalk instead of a walkway to mitigate any danger. Mrs. Krhoun asked if there will be any additional water drainage. Mr. Kasuba said that the testimony at the last meeting was that there will be a lower rate and less volume. Mr. Warner said that drainage from the perimeter trail will be addressed by the engineers as part of a condition of any approvals. Mrs. Krhoun noted that there is a lot of clay in the soil on the site. Mrs. Ruskan said that a significant study of the site was performed during the design process.

3. Susan Hoag, 76 Canterbury Road, said that the internal walking trail was required in the rezoning ordinance for the site, and she would like to see it included. She asked that if it is included, that a branch extend to the northeastern corner of the site so that pedestrians do not have to walk down River Road for access. Mr. Kasuba noted that the walking trail is not currently included in the plan. Mrs. Hoag also said that there is an inundation map for the site, and she commented on the potential overflow from the detention basins into the Chatham Glen development. Mrs. Hoag asked for clarification about the overflow of water into storm drains. Mrs. Ruskan commented on the classification of the dams. She said that the DB-1 plan shows the contingency if the dams break all at once. She also said that 100 year storm overflow is a smaller amount of water that would spill onto River Road into the emergency stormwater controls. Mrs. Hoag asked about a potential cul-de-sac on Hillside Avenue. Mr. Kasuba said that would be outside the jurisdiction of the application.
4. Rich Matlaga, 36 Dale Drive, asked about curbing on River Road and Hillside Avenue. Mrs. Ruskan said that the current curbing varies. Mr. Matlaga also asked about drainage problems from curbing on Hillside Avenue. He also asked about the width of Hillside Avenue.
5. Susan Ligertwood, 26 Heritage Drive, asked about the hedge on Hillside Avenue. Mrs. Ruskan said that the majority of it will remain. Mrs. Ligertwood asked about the signage, and if it is within the purview of the Board to approve the specific signage once drawings are prepared. Mr. Warner said that the applicant stipulated to a substantially reduced size of the signage. He also said that there are specific requirements in the sign ordinance, and the applicant has stipulated to comply with the ordinance. Mr. Kasuba said that the application includes a sign detail. Mrs. Ligertwood asked about lighting along Hillside Avenue, and if the application addresses that. Mrs. Ruskan said that additional lighting on Hillside Avenue is not included in the application, and the only light spillage from the development onto Hillside Avenue will be the required lighting at the entrance to the development. Mrs. Ligertwood said that it is incredibly dark on Hillside Avenue, and asked if the Planning Board can revisit the lighting at a later time. Mr. Warner that the Planning Board jurisdiction on this application does not extend beyond the site at issue and the ingress/egress areas.
6. Stewart Carr, 3 Crestwood Drive, asked if there is a public access dimension to the conservation easement. Mr. Kasuba said that the conservation easement would prevent further development to the area. He said that the area was originally supposed to have a walking trail. Mr. Warner said that the question was if the public could access the area of the easement. Mr. Kasuba said that the purpose of the easement would only be to prohibit development. Mr. Carr also asked about the acreage of the easement. Mr.

Ruschke said that will be determined. Mrs. Ruskan said that the 40% requirement is for open space, and the whole open space does not need to be deed restricted with a conservation easement. Mr. Carr noted that public access via the walking trail was removed. Ms. Hagner noted that there would likely have been a conservation easement with or without the walkway. Mr. Carr asked if perhaps a Boy Scout or Girl Scout troop could develop a walking trail on the site. Mr. Banisch said that public access is normally not available on private property. Mrs. Swartz noted that it was determined during the testimony this evening that the walkway around the site was more advantageous than a walkway within the site. She also said that she does not think the Township will pay for a walking trail on private property. Mr. Travisano said that there is a misconception that there was simply a switch from the walking trail to the sidewalk, and this issue has developed over the past several months. Mr. Carr suggested that there should be both the internal walking trail and the exterior sidewalk.

Mr. Kelly said that there is a possibility that there will be difficulty installing the perimeter walkway by the wetlands on the property. He said it is his understanding that the subject will come back to the Planning Board if that difficulty arises. Mr. Kelly said there is a possibility that the Board is trading the walking trail for a perimeter walkway with the potential that there may be neither. He also noted that the walking trail has long been a proposed amenity of the development. Mr. Travisano said that if the perimeter walkway cannot be installed, then the internal walking trail should still be an option.

7. Rez Estevez, 126 Southern Boulevard, asked about the maintenance of an internal walkway, and if that would fall to the Homeowner's Association. Mr. Kasuba said that the internal walkway is not currently proposed.
8. Mr. Carr asked about the final build-out capability of the site. Mr. Kasuba said that additional units are not contemplated. Mr. Banisch said that the current application is for the maximum number of units allowed by the zoning ordinance for the site.

Seeing no further questions, the floor was closed to questions of the witness.

Mr. Travisano opened the floor for general comments from the public.

1. Stacey Ewald, 54 Nicholson Drive, was sworn in to give testimony and comments. Mrs. Ewald said that the walking trail was the biggest benefit to the rest of the Township. She also said that the internal walkway does not need to be traded for the external walkway.
2. Richard Matlaga, 36 Dale Drive, was sworn in to give testimony and comments. He said that Hillside Avenue is not as wide as the proposed internal roadway, and he does not understand why curbing is not being required on Hillside Avenue. He also said that installing curbing later will be a cost to taxpayers. Mr. Matlaga also commented that the meeting has gone on too long.

Seeing no further comment, Mr. Travisano closed the floor.

Mr. Kasuba thanked the Board for their diligent review of the application. He said that preliminary and final site plan approval is requested. He noted that there is some variance relief requested, and the use is permitted. Mr. Kasuba also noted the link between this application and the development of affordable housing at the Arbor Green development. He further noted that

the applicant will be developing more affordable housing than would ordinarily be required. Mr. Kasuba noted that stormwater management issues were addressed. Mr. Kasuba asked that the Board approve the application subject to the conditions that were discussed.

Mrs. Swartz complimented the Board members and professionals for their work on this application. She said that all of the testimony was fully considered, and the Planning Board has the best interest of the Township at heart. Mrs. Swartz also noted that when the possibilities of what could have been proposed for the site are considered, the application is respectful to the history and topography of the site.

Mr. Travisano said that the issues of traffic, safety, connectivity, drainage and fill from outside sources have been dealt with at a high level by the applicant. He expressed his support for the application.

Mr. Travisano moved to approve the application subject to the conditions set forth. Mrs. Swartz seconded the motion.

Mr. Warner cited the following conditions for approval:

1. Preliminary and final site plan approval with four variances and four waivers.
  2. Full compliance of the Arbor Green affordable housing development subject to the required phasing consistent with the UHAC requirements. Mr. Kasuba added that the Redevelopment Plan does not have the traditional phasing.
  3. External sidewalk-like walkway around the perimeter of the site. If the walkway cannot be installed, the applicant will return to the Planning Board, and the internal walking trail will still be an option.
  4. All stipulated conditions in the Township Planner's reports of May 13, 2019 and October 2019, as well as Mr. Ruschke's review letter dated September 24, 2019.
  5. Naming the internal roadway in honor of the Averett Family.
  6. Addressing the comments in the review memorandum from the Chatham Township Fire Department.
  7. Title 39 jurisdiction subject to compliance with the construction traffic plan prepared by Dynamic Traffic dated July 3, 2019.
  8. Requirements of the Morris County Planning Board in their review report dated April 1, 2019.
  9. 24 square foot maximum size for the signage.
  10. Preservation of the bulk of the hedgerow along Hillside Avenue.
  11. Ornamental fences on the retaining walls for fall protection.
  12. Stormwater management facilities maintained by the applicant until the Homeowner's Association takes ownership.
  13. LSRP certification that the fill used is clean.
  14. Recording of historic structures and artifacts in conjunction with the Historical Society.
  15. Stormwater management maintenance compliance and annual reporting by the Homeowner's Association.
  16. Conservation easement and markers for the applicable open space portion.
  17. Asphalt walkway along Hillside Avenue without curbing and on River Road to Eden Road, subject to existing conditions and the possibility of permitting issues with the DEP.
- Mr. Warner noted that the applicant will return to the Board if issues arise.

Mrs. Swartz asked about the traffic plan. Mr. Warner said that is the report from Dynamic Traffic, and it is a condition of approval.

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

Mr. Kelly noted his disappointment that the approval deviates from the portion of the ordinance requiring the internal walking trail.

Mr. Nelson moved to adjourn at 1:09 AM. Mrs. Swartz seconded the motion which carried unanimously.

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Gregory J. LaConte  
Planning Board Recording Secretary