

# CHESTERFIELD TOWNSHIP PLANNING BOARD

August 14, 2012

The meeting of the Chesterfield Township Planning Board was called to order by Vice Chairman Malison at 7:30PM. The Open Public Meetings Act statement was read and compliance noted.

Roll call was taken showing present: Donald Coover; Jeremy Liedtka; Richard LoCascio; Glenn McMahon; Joseph Malison; F. Gerry Spence; Gerard Hlubik; Absent: John Nunziato; Brian Wilson; Mary Acevedo and Chairman Panfili. Professional staff present: Doug Heinold, Solicitor; Chris Trebisky, Engineer and Barbara Fagley, Planner.

## MINUTES

### July 10, 2012 Regular and Executive Minutes

A motion was made by Mr. Spence seconded by Mr. LoCascio to approve the June 12, 2012 Regular minutes. All were in favor with the exception of Mr. Coover who abstained. Motion carried.

A motion was made by Mr. Spence seconded by Mr. LoCascio to approve the June 12, 2012 Executive minutes. All were in favor with the exception of Mr. Coover who abstained. Motion carried.

## RESOLUTIONS

None

## APPLICATION FOR ACTION

Traditions at Chesterfield Block 206, Lots 24.01, 25.01 and 25.02; Old York Road; Final Major Subdivision; Bulk Variance; Other and Waivers.

Vice Chair Malison stated that Traditions has asked to be postponed until September 11, 2012 meeting. No notification will be required.

Karen & James Leedom: Block 107, Lot 5: 42 Colemantown Drive; Bulk Variance.

Karen and James Leedom were sworn. They would like to erect a fence along the side and rear of their property. They are asking to install the fence 3 feet from Tinton Lane and 10 feet from Shrewsbury Lane. The Ordinance states that in rear yards with alley access, fences or walls may be no closer than 10 feet to the alley. Mr. Trebisky stated that where the proposed fence would be there is no driveway; therefore, there is no site issue. The boards concern is that the ordinance was implemented for snow plowing and maneuvering of large vehicles. Mr. Liedtka stated that he doesn't want to see the

Township liable for any damage done from the snow removal and emergency vehicles needing to access the alley.

Vice Chair Malison opened the meeting to public comment. There being none the public portion of the meeting was closed.

After a short discussion the board recommended that the fence be 5 feet from the right of way and 7 feet from the pavement.

A motion was made by Mr. Spence seconded by Mr. Coover to approve the application with the recommended changes. Roll call:

Mr. Coover-yes

Mr. Liedtka-yes

Mr. LoCascio-yes

Mr. McMahon-yes

Vice Chair Malison-yes

Mr. Spence-yes

Mr. Hlubik-yes

All were in favor, motion carried.

The Applicants were advised that they may proceed with the permits prior to the resolution being adopted however they would be doing this at their own risk.

Thomas & Judith Morgenstern Block 301 Lot 19.01; 431 Ellisdale Road; Minor Subdivision with Bulk Variance.

Mr. Christopher Costa the attorney for Mr. and Mrs. Morgenstern was sworn. Mr. Costa addressed the waivers being requested regarding the existing land uses within 200 feet and existing rights-of-ways and/or easements on and within 200 feet of tract.

A motion was made by Mr. Spence seconded by Mr. McMahon to deem the application complete. All in favor, motion carried.

Mr. Costa testified that the applicant has 34.96 acres in the Agriculture Zone and they are proposing to subdivide the property into 4 lots. There is an existing dwelling on a 16.831 acre parcel and proposed dwellings on a 15.02 acre parcel, a 1.248 acre parcel and a 1.015 acre parcel. They are asking for a variance from the required 10 acre minimum lot size and a variance for the 50 foot side yard set back which is required, they are proposing 26.1 foot side yard set back. They applicant will comply with all the requirements set in the Engineers letter dated July 25, 2012 but would like to add that they will file for permits as necessary once the house is actually sited. There may be problems with wetlands in the rear of the property.

Mr. Wayne Ingram, Engineer and Land Planner was sworn. He testified that because of the wetlands in the back of the property they will either file for an LOI or a fill permit to remove the wetlands. Exhibit A1- Aerial; Exhibit A2 – Colorized version of the site plan were marked. He stated that 2 lots will be located on Ellisdale Road. Another is the existing lot which has access strip currently in place and proposing an access easement for the larger lot in the back. They are asking for the 26.1 side yard set back on one side

for the purpose of keeping the existing barn in place. The applicant is proposing an access to the property and would have an easement agreement. This will limit the driveways off of Ellisdale Road. The plan also allows for each lot in the future to have their own driveway.

Mr. Trebisky addressed some comments from the Environmental Commission. For the front lots they would like to see as many trees as possible be saved. They asked that in the rear lot the soil be tested. Mr. Ingram stated that the test came back a K4 which is a fairly good septic rate.

Ms. Fegley expressed her concern with the wetlands and recommended to the board that the applicant apply to DEP for and LOI before they are approved.

Mr. Ingram testified that the proposed access driveway width is 25 feet, paved and in very good condition. There would be no obstruction for emergency vehicles.

Vice Chair Malison opened the meeting for public comment.

Bruce Saton representing Gale Murray the owner of the adjacent property asked the applicant's Engineer a few questions. regarding the wetlands and the slope if the house were to be moved further to Ellisdale Road.

Vaslios Gountas 434 Ellisdale Road expressed his concern about the water drainage onto his house. Mr. Ingram stated that it will be managed on site with sub service systems and will be put below grade.

Valerie Jones asked if we allowed flag lots in the Village and she was informed that the property is in the Agricultural Zone. In regard to filling in the wet lands she asked if one acre is filled than would 2 have to be given back. Mr. Ingram stated that if it is less than 1 acre there are no mitigation requirements if it is in excess than yes. They do plan on getting either a permit or an LOI depending on the type of house that will be built.

Gale Murray was sworn, she stated that there are springs along the top of the hill and water has always run down hill. She would like to see the building go up in the back off the hill.

Richard Breece 428 Ellisdale Road, his house sits 11 feet 5 inches off the road. His concern is regarding the previous plan of 3 houses going in a row and the lights from vehicles going in and out of the driveways. He doesn't have a problem with the proposed 2 lots.

William Brick stated that there are springs there and they are plentiful. He has a concern with the common driveway and also being able to get approval before checking with DEP. Mr. Ingram stated that he would submit soil logs for classification to the board, if any problems with the LOI they would come back for amendments to where the house would go.

Vice Chair Malison asked if there were any more public comment. There being none the public portion was closed.

The board discussed the springs and wetlands they also expressed the concern that they would like to see the homes have some historical look, understanding that it would be up to the individual owner. The board asked the applicant if they would be willing to move the house back to avoid the set back variance. Mr. Costa stated that the reason is to keep the barn which is agricultural.

Vice Chair Malison asked the public if any one had any further comments. Bruce Saton stated that there wasn't testimony of hardship to the applicant. His client would like to see the house built closer to Ellisdale Road for site pleasure and to keep the Agricultural look. His client has no problem with the 2 lots on Ellisdale Road. He stated that if the board approved the application his client would like it based on the condition that the house would be moved as close to Ellisdale Road as possible.

Vice Chair Malison asked if they would be willing to move the house. Mr. Ingram stated that they would have to remove the barn and relocate the lot line, however; the purpose for the variance is to keep the barn for agricultural use which is grazing. The board recommends the applicant not have a shared driveway. They suggested the applicant come back before the board and address the issue of the lot line between the 2 larger lots and the set backs associated with the house and barn. Mr. Saton asked that the revised plan show the maximum size of the proposed house. Mr. Trebisky asked that they address the drainage issue.

A motion was made by Mr. Spence seconded by Mr. McMahon to extend the application until the September 11, 2012 meeting. Roll call:

Mr. Coover – yes  
Mr. Liedtka – yes  
Mr. LoCascio – yes  
Mr. McMahon – yes  
Mr. Malison – yes  
Mr. Spence – yes  
Mr. Hlubik – yes

All were in favor, motion carried.

Mr. Heinold informed the public that the application will be continued until the September 11, 2012 without further notice.

At 9:05PM Vice Chair Malison informed the public that the board would be taking a break. At 9:15 the board returned to open session.

James and Kathy Heptinstall Block 202, Lot 63; 34-36 Front Street-Preliminary Major Subdivision

Mr. Tim Little the attorney for Mr. & Mrs. Heptinstall informed the board that he had re-noticed for tonight's meeting and he is prepared to review the items for completeness according to the Engineers letter.

Mr. Daniel W. Caruso, Special Engineer of New Jersey was sworn. He addressed all the incomplete items from the Engineer's review letter dated June 4, 2012.

A motion was made by Mr. Spence, seconded by Mr. McMahon to deem the application complete. All in favor, motion carried.

Mr. Little testified that the property currently has 3 buildings; one is a residence with a building behind it which was renovated approximately 15 years ago and was used as a medical research business which is currently vacant and one shed off to the left. The applicant would like to subdivide into 5 lots keeping the original residence on one and the turning the building used for business into a residence and then create 3 more.

Exhibit A1-Existing Condition Plan were marked. Mr. Caruso testified that there are 1.248 acres with 2 existing lots and they are proposing 3 additional lots. They are proposing a cul-de-sac as the access road; each lot will have a driveway. Variances are required for lot 63 (existing dwelling) the 11.35' rear yard setback will remain however a 30' is required and will have 2 fronts and 2 side yards. They are proposing 22.99% building coverage which exceeds the 20% maximum, total impervious coverage is 10.5%. Lot 63.01 (existing dwelling) proposing 3.6' side yard set back, 5' is required and they are seeking relief from the rear yard setback. Lot 63.02 has 2 side yards a rear and a front. They are requesting a 22.0' rear yard setback which 30' is required. The 1 story building located 17.9' from the adjacent property line will be removed. Lot 63.03 meets all set back requirements and does not exceed the building coverage. Lot 63.04 has a side yard and 3 frontages or a side, rear and front year and based on how it is viewed would determine whether a variance is needed. The building coverage exceeds the maximum of 20%, they are asking for 25.55%. Mr. Malison asked if they would be willing to reduce the size of the houses, Mr. Little said that the applicant would be flexible.

Kathy Heptinstall was sworn and she testified that the homes that were built on Chesterfield-Crosswicks Rd by Great Northeastern are approximately 2400 sq ft.

Mr. Caruso explained the drainage to the board. They propose to have 2 inlets up front which will tie into the existing inlet making a slight high point to allow the water to drain off of Front Street and drain onto the property. The rest of the proposal will be an underground systems which will drain the water to the rear of the property. They will be using a Brentwood storm tank system which is a basket like underground system that acts like a detention basin. The system is 90 ft long, 19 ft wide 4 ½ foot wide and has a series of catch chambers. Regarding the maintenance, there will be an agreement between the 5 property owners and the Inn Keepers to maintain the system. The proposal is to connect the system into the county system. Regarding landscaping they willing to use whatever trees the township suggests and also space the lighting to the townships recommendation. The Environmental Committee suggested that they center of the cul-de-sac be low flowering perennials or massing of low ground cover.

The board had a short discussion regarding the drainage system and the concern they have with a small number of home owners responsible for an expensive system. Mr. Heinold suggested having a mutual agreement and convenience with the Township as a third party.

Vice Chair Malison opened the meeting for public comment.

Brian Mahon 16 Chesterfield-Crosswicks Road was sworn. He stated that the last time renovations were done he was slammed with water. He has a manure pile within 50 feet

of the property line. They have a barn there and they work out in the area and sometimes create dust. They sometimes work late at night with the horses. The board suggested a some type of buffer be installed. He expressed his concern with the storm water system and hopes he will not be affected.

Valerie Jones commented on not needing an impact statement because it's less than 10 homes; it's an historical area and everyone here will be impacted. This will be taking away from the value of being historical. She is totally against it and will be in touch with the Historical Society to stop it if this is approved.

Mary Ann Reynolds – Chesterfield-Crosswicks Rd. She has water issues when it rains; her yard and basement always flood. She is very concerned that putting a cul-de-sac in will cause more water to run down on her property. Mr. Malison stated that we do not have jurisdiction over the county system. Mr. Trebisky received a letter from the county stating they are going to do work on the system. The board stated that this application must go before the county regarding the subdivision and also the drainage system.

James Wojtowicz 30 Front Street was sworn. He stated that the Environmental Committee and the Historical Society will review the application. Mr. Malison stated that they are only advisory committees. He believes that there may be a conflict of interest because an associate of the applicant may be partners with the Inn Keepers. He is concerned regarding the rear yard definition on the existing home known as Building B having a 3.6 ft setback when it should be a 30 ft setback. Regarding the applicants prior application he quoted a few lines from the minutes of May 25, 1999, he also mentioned the 1999 resolution part F states no further subdivision. Mr. Heinold stated that those conditions were based on the approval at that time. That approval will lapse with the current application. Mr. Little stated that he believes there was not a deed restriction on that application. Mr. Wojtowicz asked the board if they respect the wording from the prior board and do they take consideration the strength of the language that is used. He was informed that they do. He is opposed to this application; it has a direct negative impact on his privacy and quality of life. He is concerned that it affects the village preservation, the scope and size is contrary to the preservation in general. He believes it is an unfair burden on him to recreate a buffer to the standard of that size and will be a financial hardship. He is affected by the air and heating units which are closer to him than the building. He is concerned with the proposed parking which is 5 feet from his property. Regarding the stable (red building) he would like to see the Historical Society's comments. In closing he is asking the board to disapprove this application.

Sandy Denarski – 20 Front St. She bought her home in Crosswicks which was built in 1895 and has spent time and money on bringing it back. She wants to keep it a historical district. She is concerned that if you make changes and bring in new properties it affects the quality of life.

Suzy Mahon 16 Chesterfield-Crosswicks Rd, she objects to this application. Because of the applicants prior application their privacy has been severely reduced and it has impacted her quality of life once before. She hopes the board will look out for her interests.

William Brick asked if the cul-de-sac and if were wide enough. Mr. Trebisky confirmed that it is. He also expressed his concern with the drainage issue.

Mr. Heinold stated that we will carry this application without re-notice until the September 11, 2012 meeting.

### **CORRESPONDENCE**

None

### **ADJOURNMENT**

A motion was made by Mr. Spence seconded by Mr. McMahon to adjourn. All were in favor, meeting adjourned at 11:05 PM.

Respectfully submitted,

Aggie Napoleon, Secretary