

CHESTERFIELD TOWNSHIP PLANNING BOARD

September 11, 2012

The meeting of the Chesterfield Township Planning Board was called to order by Chairman Panfili 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 (7:35); Joseph Malison; John Nunziato; Brian Wilson; Mary Acevedo; Gerard Hlubik; Chairman Panfili. Absent: F. Gerry Spence. Professional staff present: Doug Heinold, Solicitor; Chris Trebisky, Engineer and Barbara Fagley, Planner.

Chairman Panfili stated that the board will not hear any testimony after 11:00pm.

MINUTES

August 14, 2012 Regular Minutes

A motion was made by Mr. Coover seconded by Mr. LoCascio to approve the August 14, 2012 Regular minutes. All were in favor with the exception of Ms. Acevedo; Mr. Nunziato; Mr. Wilson and Chairman Panfili who abstained. Motion carried.

RESOLUTIONS

2012-07 On the application of a bulk variance approval to Karen and James Leedom, 42 Colemantown Drive, Block 107.14, Lot 5.

A correction will be made on page 3 to change to 7 affirmative votes. A motion was made by Mr. Coover, seconded by Mr. LoCascio, to approve Resolution 2012-07. The vote was in the affirmative, with the exceptions of Ms. Acevedo; Mr. Nunziato, Mr. Wilson and Chairman Panfili who abstained, motion carried.

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.

Chairman Panfili stated that Traditions has asked to be postponed until October 9, 2012 meeting.

A motion was made by Mr. Wilson seconded by Mr. LoCascio to carry the application until the October 9, 2012 meeting without notice.

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 stated that they were asked to address concerns from last months meeting. They sent revised plans, a wet lands report and a freshwater wetlands delineation report as requested. The revised plans show that on Lot 19.03 the house was moved away from the wetlands and out of view of the neighbor. They have created separate driveways so that each lot will have its own. This has eliminated the set back variance however they are still asking for the bulk variance to keep the barn.

Mr. Wayne Ingram, Planner and Engineer for the applicant stated that the changes were made upon the request of board. They will comply with all the requests from the Township's Engineers letter dated September 10, 2012. In regard to the trees closest to Ellisdale Rd and the wooded area, the intent is to remove a minimum amount of trees as possible. He testified that there would be no need to apply for wetlands refill permit because the house has been moved 180 ft away from the wetlands and would have a 50 ft buffer. They will apply to DEP for the permits prior to the building permits. They are requesting the existing barn stay therefore requesting a variance for an accessory structure, they propose a 15 ½ ft setback where are 20 ft is required. The applicant is also requesting a variance from the Township Ordinance Section 130-15.A which mandates minimum 10 acre zoning for lots created after November 18, 1986. Mr. Ingram testified that in 1998 10 acres was deeded to a neighbor therefore not in compliance. Mr. Trebisky explained the zoning; because a subdivision of the 10 acres was done in 1998, the current zoning conditions with having a 35 acre lot allows them three 10 acre lots and are proposing 4 one with 16.439 acres, one with 15.487, one with 1.155 and another with 1.015. The board had a short discussion regarding the zoning.

Chairman Panfili opened the meeting for public comment.

Bruce Saton on behalf of Gale Murray had no objection to the 2 acre parcels. He feels the revised plans are better. If the board grants approval he requested that the house be limited to size, also that the 2 larger lots be subject to deed restriction from further subdivision. He would like to see a shared driveway with the existing and then have a cut off in the back to reduce driveways on Ellisdale Road.

Valerie Jones of Crosswicks expressed her concern with the septic system and her concern with the drainage.

Vaslivos Gountas 434 Ellisdale Road expressed his concern about the water drainage onto his house. Mr. Trebisky explained that the new plans show improvement to the swale.

Ken Hynes 28 Front St. Doesn't want to see new development in town and would like it to stay the way it is with no more houses.

Hearing no further public comment Chairman Panfili closed the public portion.

The board had a short discussion regarding the driveway. Chairman Panfili asked the board to decide on a shared or individual driveways before they continue hearing the application. He asked the board individually and it was unanimous to continue with a shared driveway. It was suggested that the applicant may want to look into a subdivision

of 3 lots. Mr. Ingram testified that with 3 lots it would not allow each of them to be used agriculturally due to the way they would have to be laid out. There was a short discussion on the re configuring of the lots because there is no hardship it is truly economic.

Judith Morgenstern was sworn, she testified that when they sold the land in 1998 it was to help their neighbor create agricultural use for a barn and riding rink. At that time she had no idea about the ordinance and felt it was a minor thing at the time. She stated that the land is not in the village and wants to accommodate the board as much as possible. They are forced in today's economy to look at this as an investment. It will also create for the Township more taxes.

Mr. Costa asked for a straw vote, Mr. Heinold suggested that they choose to amend the plan to 3 lots before a vote is taken. Mr. Costa stated that the board should go ahead and vote.

Chairman Panfili asked for a motion to approve or deny the application. A motion was made by Mr. Malison to approve the application with a bulk variance and conditions, hearing no second; a motion was made by Mr. Coover, second by Mr. Hlubik to deny the application. Mr. Heinold stated that an affirmative would mean a denial of the application.

A roll call was taken:

Mr. Coover – yes
Mr. Liedtka – yes
Mr. LoCascio – yes
Mr. McMahan – yes
Mr. Malison – yes
Mr. Nunziato – yes
Mr. Hlubik – yes
Mr. Wilson - abstained
Ms. Acevedo – abstained
Chairman Panfili - abstained

All were in favor, motion carried.

Chairman Panfili called for a 5 minute break @ 8:50. The board returned to open session @ 8:55.

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

Mr. Tim Little the attorney for Mr. & Mrs. Heptinstall addressed the concerns of the board from last month's meeting. They propose to connect the water flow into the county system subject to the county approval into the storm water system. The concern regarding the safety on the Mahon property they are willing to have a fence or a suitable safe guard in place. They are willing to put up some sort of vegetation buffer for the neighbor to the right of the property. They are willing to comply with a Historical Architect review on the homes to be built. He stated that Crosswicks has evolved over time and showed a map from 1859 marked as exhibit A-2 showing no homes at that time. There is land here which is suitable for subdivision with minimal variances and the

village is a residential area. They are proposing to remove a building which is not historical and leaving two buildings which are also not on the registry. They are asking that the prior approval for one of the buildings for a commercial use be extinguished and converted back into a residential use. There is not a deed restriction; Mr. Little marked the copy of the deed as A-3. In regard to the existing flooding issue, the system they are proposing should improve the problem. As far as the drainage problem on Chesterfield-Crosswicks, Mr. Little suggested those issues be address to the County. Regarding the privacy issue with the neighbor to the right; Mr. Little stated that the existing building has been there for years, the A/C units were approved by the Township when the second building was approved. The cal-de-sac is unavoidable and makes sense for traffic flow. He stated that the applicants take historical detail very seriously. Mr. Little requests the board consider the approval of this application.

The board expressed their concern with the drainage issue. At last months meeting the board asked for storm drainage impacts and to have approval from the county for connecting into their system and to date haven't seen evidence that anything has been done. Mr. Caruso contacted the county and without a formal application before them they would not give a response. Mr. Little testified that if approved it will be strictly contingent upon county approval. Mr. Trebisky stated that the applicant has not responded to his review letter regarding all the issues and he would like to see a more formal demonstration. He also stated that a revised plan has not been submitted. Mr. Trebisky asked about the maintenance of the system, Mr. Little testified that the township would not have any responsibility and that a maintenance agreement with the Inn Keepers and the land owners would be in place. There was a short discussion on storm water filtration. Both Mr. Trebisky and Mr. Heinold have a concern that more information is needed on storm water issues. Ms. Fegley feels that regarding the variances and the comments that were made at the last meeting that a revised plan should have been presented.

Mr. Little asked the board to continue the application till next month meeting so that they will be able to submit a revised plan with the concerns of the board.

Chairman Panfili opened the meeting for public comment

Ken Hines – 28 Front Street expressed his concern regarding the water drainage and that it is a huge issue and the town doesn't need any more houses.

Valerie Jones – Crosswicks passed out pictures to the board noted as Exhibit J1. The pictures show the pink house on the property and that maintenance is not kept up and the drainage issue already on Chesterfield-Crosswicks Rd. She also expressed her concern with the non conforming lots and adding to the traffic on Front Street. Bottom line she doesn't want it.

Steve Waitneight - 12 Chesterfield-Crosswicks Rd stated that the Heptinstalls have added great value to the community his only concern is with the disposition of the water. He also asked that prior to approval of the homes that the historical society agree to the structure of the homes.

Mary Ann Reynolds stated that her homes gets flooded all the time. She is very concerned that adding additional homes will only increase the water issue.

Steve Hazen 447 Main Street stated that its about preservation and the amount of homes. This also brings more cars and affects the quality of life in the Village. This change would be for the bad.

Debbie Kelly 11 Buttonwood St. She is the currently the President of the Historical Society, she read a statement that she prepared on behalf of the Society. A concern is the cul-de-sac and ask the board to consider not having one in Crosswicks or Chesterfield. She asked the board to require the approval from the Historical Society on the architectural design before they are approved. She asked that the Historical Society be able to have access to the property to take photographs of the interior and exterior of the out building which will be removed. They would like to salvage anything that may be used on or for other historical buildings in the community. Regarding the Village Zoning she asked the board to consider the density of within the village.

Jim Wojtowicz – 30 Front St. Regarding the variance to the school house he believes this is a significant variance. He commented on the wording of the 1999 Resolution regarding the intensity and impact on the village. His privacy will be greatly impacted with a 24 hour 7 day occupancy. He asked the board to consider the traffic that this would cause on the preservation of the historical character of the Village. The burden is on the community and not the applicant.

Dennis Conk – 26 Front St. said that there has been a significant amount of change since he has moved here and there are many ties in the community and they are against this application.

Brian Mahon – 16 Chesterfield-Crosswicks Rd is disappointed that there are no Engineer drawings regarding the drainage issue. He is concerned that the house is so close to his barn and all his equipment and is concerned that there may be problems with the neighbor regarding his business.

Sandy Denarski – 20 Front St. Her back yard is a swamp when every there is considerable rain, drainage is a problem. There is already a parking issue on Front Street. She asked the board to consider what the benefit of this application was to Crosswicks.

Sue Mahon pointed out that her barn or her out buildings are not shown. She expressed her concern that the neighbors should be aware of the smells and noise that go with having horses.

Debra Barr – 29 Bordentown-Crosswicks Rd. also owns horses and enjoys living in Crosswicks because of the spirit of the community and doesn't believe the applicants have that spirit.

Debbie Kelly stated that the Heptinstall's did contribute to the historical community when they worked on the Inn and was a benefit to Crosswicks.

Jim McKeown – 469 Main St. does not want to see a cul-de-sac go in a historic District.

Chairman Panfili asked if there were any more public comment. There being none the public portion was closed.

Mr. Heinold stated that we will carry this application without re-notice until the October 9, 2012 meeting. Mr. Little will send a letter requesting an extension in time to act.

A motion was made by Mr. McMahon seconded by Mr. Wilson to carry the application to the October meeting. All were in favor, motion carried.

Chairman Panfili called for a 2 minute break @ 10:32. The board returned to open session @ 10:35.

CORRESPONDENCE

None

DISCUSSION

The board had a short discussion on reviewing the transfer of development rights ordinance in order to provide an option to the smaller property owner for the preservation of properties located within Chesterfield Township. It was stated that at this time it was not budgeted for. Ms. Fegley passed out aerial views of potential areas. The board will look at the budget for 2013.

ADJOURNMENT

A motion was made by Mr. Malison seconded by Mr. McMahon to adjourn. All were in favor, meeting adjourned at 10:55 PM.

Respectfully submitted,

Aggie Napoleon, Secretary