

CHESTERFIELD TOWNSHIP PLANNING BOARD

June 11, 2013

The meeting of the Chesterfield Township Planning Board was called to order by Chairman Panfili at 7:35 PM. The Open Public Meetings Act statement was read and compliance noted.

Roll call was taken showing present: Donald Coover, Jeremy Liedtka (7:36), Glenn McMahon, Joseph Malison, John Nunziato, F. Gerry Spence, Mary Acevedo, Chairman Panfili. Absent: Richard LoCascio, Brian Wilson and Gerard Hlubik. Professional staff present: Doug Heinold, Solicitor; Dante Guzzi, Township Engineer, Barbara Fegley, Township Planner.

AGENDA MATTER(S) REQUIREING RECUSAL(S)

Mary Acevedo and Jeremy Liedtka recused themselves due to a conflict of interest regarding the Chesterfield Township Minor Subdivision application.

MINUTES

April 9, 2013 Regular Minutes

A motion was made by Mr. Spence seconded by Mr. Nunziato to approve the April 9, 2013 Regular minutes. All were in favor with exception of Mr. Malison and Mr. Liedtka who abstain. Motion carried.

RESOLUTIONS

2013-08 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING BULK VARIANCE APPROVAL TO HERITAGE AT CHESTERFIELD SF HOMES, LLC BLOCK 107.18, LOT 1.

A motion was made by Mr. Coover seconded by Mr. Spence to approve Resolution 2013-08. The vote was in the affirmative, with the exception of Mr. Liedtka, Mr. McMahon and Mr. Malison who abstained, motion carried.

**CHESTERFIELD TOWNSHIP
PLANNING BOARD**

RESOLUTION NO. 2013-08

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF CHESTERFIELD
GRANTING BULK VARIANCE APPROVAL TO
HERITAGE AT CHESTERFIELD SF HOMES, LLC
BLOCK 107.18, LOT 1**

WHEREAS, Heritage at Chesterfield SF Homes, LLC (the “Applicant”) applied to the Planning Board of the Township of Chesterfield for Bulk Variances for property (“the Property”) located at 140 Preservation Boulevard, known as Block 107.18, Lot 1, in order permit the installation of a foundation within the setback, where 7’ is required and 5.5’ exists for the single-family house; and

WHEREAS, the Property is located within the Planned Village District (PVD) Zoning District; and

WHEREAS, the Applicants submitted their application pursuant to Chapter 130-83 requiring a 7’ setback to an alley and pursuant to N.J.S.A. 40:55D-70.c governing Bulk Variances; and

WHEREAS, the Application is dated April 2, 2013, received on April 3, 2013, and included the following:

1. A Completed Application Form and Checklist (marked administratively by the Board as Application 2013-02);

2. A Survey and Foundation Plan of Lot 1, Block 107.18, prepared by Taylor Wiseman & Taylor, and dated February 26, 2013 and September 27, 2012, respectively; and

WHEREAS, the Foundation Location Plan was reviewed by the Board Engineer and noted as “building shift ok” and no review letter was requested or issued by the Board Engineer; and

WHEREAS, the Applicants appeared before the Planning Board on April 9, 2013 for a public hearing on their application, which hearing was duly noticed by the Applicants in accord with the certified list; and

WHEREAS, the Applicants were represented by Linda Osman, Esquire before the Board; and

WHEREAS, Ms. Osman gave an overview of the application and indicated:

1. The variance is for a 5.5’ setback for the foundation where 7’ is required; and

2. The neighboring property is an open space lot so there is no negative impact on a neighbor; and

3. The condition was noted as “ok” by the prior Board Engineer; however, the title company will list the exception until this variance is granted.

WHEREAS, the application was opened to public comment and there was none; and

WHEREAS, the Board closed the public hearing with respect to the variance; and

WHEREAS, the Board carefully considering the evidence presented by the Applicants, in support of their application, and after the meeting was opened to the public for questions, comments and input, and

WHEREAS, based upon the above, the Planning Board has come to the following conclusions:

1. The Chesterfield Township Planning Board has jurisdiction over this application pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.

2. The Applicants’ sought Bulk Variance approval pursuant to N.J.S.A. 40:55D-70.c.

3. The Applicants have met the balancing criteria for the grant of the Bulk Variance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Chesterfield, following close of the public hearing on the 9th day of April, and memorialized by this Resolution on the 14th day of May, 2013, that the application for the Bulk Variance to permit a setback from the side yard of 5.5' is hereby GRANTED

ROLL CALL VOTE

Those In Favor: 7

Those Opposed: 0

Those Abstaining: 0

BE IT FURTHER RESOLVED that a certified copy of memorialization be sent via regular mail to the Applicants within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Township Clerk, Tax Assessor, Construction Official, and Zoning Officer. A brief notice of this decision shall be published in the official newspaper of the Township.

APPLICATION FOR ACTION

Chesterfield Township Block 202.07 Lot 56, Minor Subdivision

Ms. Acevedo and Mr. Liedtka left the room.

Victoria Fannon, Attorney representing the Township of Chesterfield testified that the Township is requesting a subdivision of property at Block 202.07 Lot 56 into 3 undersized lots, 1 lot to be retained by the Township which will contain a walkway and the other 2 lots to be sold to neighboring property owners. They are requesting variance relief for the 2 parcels for lot depth and lot coverage for the parcel which contains the walkway. One of the lots to be sold contains structures that are subject to easement by Verizon.

Mr. Robert Stout, Engineer and Land Surveyor was sworn. Exhibit A-1 Minor Subdivision Plan. Mr. Stout testified that the applicant is requesting a variance for impervious coverage for Proposed lot 56.02 to cover the walkway which is a 10 foot wide and they propose to keep it in conjunction with the lot directly behind. Proposed lots 56.03 and 56.01 have an issue of lot frontage and depth, therefore a variance is being requested. Proposed lots sizes are 56.01 (6,900 sq ft.), 56.02 (1,306 sq ft.) and 56.03 (1,904 sq ft.).

Mr. Dante Guzzi was sworn as the Township Engineer. Mr. Guzzi went through the comments from his June 4, 2013 letter and the applicant has agreed to meet all recommendations made as conditions for approval. Mr. Guzzi asked that a condition be added that no houses will be constructed on the proposed lots. Ms. Fannon agreed to all conditions.

After a short discussion it was decided the applicant agreed to include a restriction on the lots sold and the lot being retained by the Township meet the requirement of a solid fence up to 4' in height. If the fence is solid and more that 4' in height it be set back at least 5' off the lot line. This is to ensure the public walkway does not have a tunnel effect.

Chairman Panfili opened the meeting for public comment

Syeda Hasan – 7 Donlonton Circle stated that she was told by the developer that the property that borders her property would always remain open space and that nothing would ever be developed there. Chariman Panfili explained that the Planning Board has no control over what the developer says.

Amit Joshi – 5 Donlonton Circle stated that he paid for the view and likes it the way it is. He believes there is a parking issue on Fenton Lane regarding the soccer fields. He has a concern with the structure at the back of his lot. He also believes this subdivision will have a negative impact on his property.

Syed Hasan – 7 Donlonton Circle stated that he was charged premium price for his lot due to the open space behind his property. He was told by the Chairman that again the board had no control on the developer's representation.

David Sass – 15 Fenton Lane asked the board who would be responsible for the maintenance of the utility equipment and also the fencing. He was informed that no fencing is allowed in the easement and Verizon will be responsible for the easement.

Iris Rivera – 19 Fenton Lane stated that she maintains a portion of the lot behind her property, this lot is beneficial for her. She has a 4 ft solid with 1 ft lattice fence which would not be permitted to be extended if the lot was purchased unless it was set back 5 ft off the property line.

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

A motion was made by Mr. Spence seconded by Mr. McMahon to approve the application.

A roll call was taken:

Mr. Coover - yes
Mr. McMahon- yes
Mr. Malison - yes
Mr. Nunziato – yes
Mr. Spence - yes
Chairman Panfili - yes

All were in favor, motion carried.

Ms. Acevedo and Mr. Liedtka returned to the board @ 8:45pm

CORRESPONDENCE

Chairman Panfili stated that with regret Brian Wilson has stepped down from the board for personal reasons. The Mayor will appoint someone at a future date.

DISCUSSION

Memo from Township regarding Ordinance 2013-6, amending the zoning ordinance specifically to re-zone Block 500, Lot 8 to allow commercial uses as the principal permitted uses on said property.

Barbara Fegley, Township Planner addressed the Ordinance in her letter dated June 6, 2013. After review of the most recent updated Master Plan she believes that rezoning to a commercial district would be compatible with the Master Plan and Zoning. The board discussed the benefits of a commercial use there due to the location and the opportunity to bring in professional services also to bring in ratables for the Township. All the utilities would have to be brought up to code. Ms. Fegley recommends the board go forward and recommend the Township approve the Ordinance.

Margaret B. Carmeli, Attorney and Mr. James Miller, Planning Consultant representing the Turkish American Community Center. Ms. Carmeli stated that the TACC plans on purchasing the existing school to use as a private non profit school which will serve kindergarten through twelfth grade. They will have 500 to 550 students at full capacity and would also with approvals like to have a boarding facility to house approx 100 middle/high school students.

James Miller stated that he believes the ordinance before the board is inconsistent with the Master Plan for reasons he stated in a letter dated June 10, 2013 to the Planning Board Members. In summary he states that Agricultural remains the master plan designation for this site to date. Allowing commercial use violates the master plans goals in preserving historical character to Chesterfield. It would disrupt the land use patterns and is currently developed by a school structure and the zoning should reflect what is currently there. Most important this zone was create for existing business uses.

A motion was made by Mr. Spence second by Mr. Coover to find Ordinance 2013-6 to be in conformance with the Master Plan and recommends the Township Committee adopt the Ordinance.

Roll Call:

Mr. Coover – yes
Mr. Liedtka – abstain
Mr. McMahan – yes
Mr. Malison - yes
Mr. Nunziato – yes
Mr. Spence – yes
Ms. Acevedo – yes
Chairman Panfili – yes

All were in favor, motion carried.

Memo from Township regarding Ordinance 2013-7, amending Section 130-4 of the code of the Township of Chesterfield, relating to definitions under “Land Development”, and specifically relating to the definition of “Farm Stand”

Ms. Fegley’s letter dated June 6, 2013 states that this amendment is consistent with the State Agriculture Development Committee definition of a Farm Market. At least 51% of produce sales must be grown and produced on the farm.

After a short discussion a motion was made by Mr. Spence second by Mr. Malison to find the amendment of Ordinance 2013-7 to be in conformance with the Master Plan and recommends the Township Committee adopt the Ordinance. All were in favor with the exception of Mr. Liedtka who abstained. Motion carried.

The board would like to recommend the Township Committee consider two amendments. One for the Tax Map Fee and the other for Digital Tax Maps and GIS based parcel layer. The board recommends that all new applicants with site plans, subdivisions or property line adjustments should submit tax maps in digital format and on subdivisions of more than 2 lots the applicant pay \$25 per additional lot.

A motion was made by Mr. Spence second by Mr. Malison to recommend to the Township Committee the amendment to the Land Development applications establish and maintain a digital tax map and GIS based parcel layer and also to amend the “Tax Map Fee”. All were in favor, motion carried.

INVITATION FOR PUBLIC COMMENT

Iris Rivera – 19 Fenton Lane asked if a crosswalk from the walk way to the soccer area could be installed because the speeding has not changed. The board recommended she speak to the Township Committee.

Jim Wojtowicz -30 Front Street expressed his concern with Resolution 2013-05. He asked the board if all the conditions had been met, Chairman Panfili stated that this board does not oversee the compliance with the conditions and that it is on a Municipal level. He also asked if the building that was zoned as commercial use is now being rented and he believes this is in violation of the Resolution. Chairman Panfili stated that it is a zoning issue and should be brought up to the Zoning Officer. Mr. Wojtowicz would like to see the buffer there before anyone moves in.

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

ITEMS NOT ON AGENDA

None

ADJOURNMENT

A motion was made by Mr. Spence seconded by Mr. Malison to adjourn. All were in favor, meeting adjourned at 9:43 PM.

Respectfully submitted,

Aggie Napoleon, Secretary