

CHESTERFIELD TOWNSHIP PLANNING BOARD

November 20, 2014

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: Gerard Hlubik; Gregory Lebak; Joseph Malison; John Nunziato; Alex Robotin; Jignesh Shah; Chairman Panfili; Mary Acevedo. Absent: Jeremy Liedtka; F. Gerry Spence and Michael Russo. Professional staff present: Douglas Heinold, Solicitor; Joe Hirsh, Engineer and Barbara Fegley, Planner.

Mr. Jignesh Shah declared his Oath of Allegiance. Mr. Shah was appointed as a Class IV expired term.

AGENDA MATTER(S) REQUIRING RECUSAL(S)

Alex Robotin will recuse himself for the E & E Landscaping Application.

MINUTES

September 18, 2014 Regular Minutes

A motion was made by Mr. Hlubik seconded by Mr. Nunziato to approve the September 18, 2014 Regular minutes. All were in favor with the exception of Mr. Lebak; Mr. Malison and Mr. Shah who abstained. Motion carried.

RESOLUTIONS

2014-16 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING MINOR SUBDIVISION APPROVAL TO BRETT AND MICHELLE VAN SCIVER FOR PROPERTY AT BLOCK 204, LOTS 18.01 AND 18.02 AT 88 BORDENTOWN-CHESTERFIELD ROAD.

A motion was made by Mr. Hlubik second by Mr. Robotin to approve Resolution 2015-16. The vote was in the affirmative, with the exceptions of Mr. Lebak; Mr. Malison and Mr. Shah who abstained, motion carried.

APPLICATION FOR ACTION

John Catalfamo – Block 301 Lot 24.01, Conditional Use and Minor Site Plan

Mr. Catalfamo, owner and Mr. Richard Albano, representing A Clear Alternative, Inc. and Mr. Charles Rorr, Manager of Farm Land Stewardship were sworn. Mr. Catalfamo testified that he was before the board to get an approval to install a ground mounted solar array that does not exceed the usage of the farm itself. He is asking for a waiver for a minor site plan because of the size of the farm and the location of the panels. He is asking for a conditional accessory use. The limit on a residential property is 10kw and he is proposing 26.52 kw because it is a farm and he has met the requirements of the state and

county and it will generate less than the energy that the farm will consume. He also asked for a waiver on the landscaping, the location is behind structures and is on an elevation where it will not be seen from the road. The intent for the ground under the array is to have a dwarf nursery stock. Mr. Catalfamo presented Exhibit A-1, Historic Data which shows less than 110% of energy will be used for farm usage. The array is 70ft long and approx 9 ft in height.

Chairman Panfili opened the meeting for public comment. There being none the public portion was closed.

A motion was made by Mr. Malison second by Mr. Hlubik to approve the application.

A roll call was taken: Mr. Hlubik-yes; Mr. Lebak-yes; Mr. Malison-yes; Mr. Nunziato – yes; Mr. Robotin-yes; Mr. Shah-abstain; Chairman Panfili-yes; Ms. Acevedo-yes. Motion carried.

Lawrence Kuser – Block 800 lot 1.01, Conditional Use and minor Site Plan

Mr. Lawrence Kuser was sworn. He testified that he was before the board to seek approval for a ground mounted solar array system. He is asking for a waiver of a minor site plan and is seeking a conditional accessory use approval he also asked for a waiver of landscaping. In regard to the waiver of the site plan the array will be visible from certain parts of the interior of the farm. The existing vegetation acts as a screen. Mr. Hirsh stated that the limit on a residential property is 10 kw and the applicant is proposing 20.16 kw and the energy used will be less than 110% of the farm usage. The historic data was marked as Exhibit A-1. The ground below the array will be meadow grasses. The array is 9 ft 10 inches in height.

Chairman Panfili opened the meeting for public comment. There being none the public portion was closed.

A motion was made by Mr. Hlubik second by Mr. Nunziato to approve the application.

A roll call was taken: Mr. Hlubik-yes; Mr. Lebak-yes; Mr. Malison-yes; Mr. Nunziato-yes; Mr. Robotin-yes; Mr. Shah-abstain; Chairman Panfili-yes; Ms. Acevedo-yes. Motion carried.

Chairman Panfili called for a 5 minute break @ 8:00, Mr. Robotin left the meeting. At 8:05 the meeting resumed.

E & E Landscaping Co.-Block 700, Lot 21.05, Use Variance and Revised Site Plan

Mr. Mark Roselli, Attorney, Mr. Mark Shourds, Engineer/Planner and Mr. Lothar Ehrich, owner were sworn. Mr. Roselli testified that they are before the board for a use variance and revised site plan for property located at 139 Bordentown-Georgetown Road. The overall property is 108.8 acres; this application will be limited to 2.7 acres. Mr. Shourds presented Exhibit A-1, Use Variance Plan. He testified that there are 2 access points to the property, Bordentown-Georgetown Rd and White Pine Rd. both are paved aprons and gravel road into the site. It is in the Ag Zone and has several structures on it also an on site septic system and wells for portable water. They are seeking to add uses for a Community Supported Agriculture (CSA) a pick up and you pick also to permit private

gatherings on site. The multiuse areas which will be used for the events are the staging area which is .86 acres and the office space and existing parking area is 1.21 acres. Mr. Shourds read the mission statement for the record. All farming will continue as is. Although the CSA is a permitted use a site plan will have to be done to show egress and ingress. Mr. Roselli stated that if the use variance is approved then the applicant will come back before the board with a site plan for the CSA. They are proposing to use the staging area for over flow parking. The existing vegetation will buffer the proposed uses. The only altering of the site will be to add lighting and no change to the agricultural use. Mr. Shourds stated that there will be no negative impact to the neighbors. He stated that the staging area could hold 86 cars and the parking area could hold 26. There is one septic system on site, per NJDEP regulation and Health Dept the design calculations is 550 gal of sewage per day on average, for single use DEP regulations states 3 gal of flow per person, the system could handle 428 person a week. The current building occupancy is 40 with no kitchen.

Mr. Ehrich testified that he estimates 125 to 150 guests; most inquiries have been for outdoor events. A tent can be attached to the back of the building; there is a handicap access through the front and year of the building; there are three rests rooms in the building. He stated that the ceremonies could be held anywhere on the farm. However the reception would be around the building. On average he has received two plus calls a week

Ms. Fegley asked the applicant about the noise and the negative impact it would be on the neighbors and what restrictions are put on the outdoor events. Mr. Ehrich stated that the lower level of the building has a sunken garden that could accommodate 100 people; he would be willing to plant more trees if necessary. Mr. Heinold stated that there should be parameters on the noise both hour and level. Mr. Shourds stated that the DEP standard is 60 decibels at the property line. Mr. Heinold suggested that a sound test be done as part of the testimony. Ms. Fegley suggested a balloon test be done so that the residents could be there. Ms. Fegley asked if there would be additional lighting, Mr. Ehrich stated that there is already sufficient lighting there are 70 fixtures around the building, the driveway is lit to the road. He is proposing additional lighting in the overflow parking lot which will only be on during an event. In regard to using the entrance on the county road the applicant will have to have a site plan or waiver for the county to approve the traffic flow. Mr. Shourds presented Exhibit A-2, a parking sketch to show the amount of spaces to include 4 handicap and the overflow parking space will be some sort of hard material.

Mr. Ehrich testified that there will be only single events per day. CSA members are notified of an event and they use the farm entrance. When a contract is signed Mr. Ehrich stated that it will be restrictive with the use of the facility. Mr. Malison stated that a positive criteria is that the facility can not be seen from the road. A negative impact would be traffic off of Bordentown-Georgetown Road which will be a county issue.

Chairman Panfili opened the meeting for public comment

Mr. Don Coover-127 Bordentown-Georgetown Rd. Stated that he was a direct neighbor He asked for clarification that only 2.07 acres would be used for events, Mr. Shourds stated yes for a typical event. Mr. Coover expressed his concern with the type of events and the noise associated; also the dust, traffic, lights and septic. In regard to the TDR program Mr. Coover stated that applicant kept 5 credits and received a substantial amount of money for ones that were sold, his concern is double dipping. He stated that the

applicant had been denied numerous times for multiple ideas. He believes by looking at the website that it's deceiving and not what they are proposing. Mr. Coover was sworn so that he could testify as well as give opinion. He stated to the board members that he and his family are taking this very seriously and his concern with what this will do to his property value. He said that this application will have no positive impact on the Township, residents and neighbors. He asked the board to deny the application.

Michael Milano-106 White Pine Rd. was sworn. He stated that he did not receive a notice and he was informed that he is not 200 feet from the proposed site. He testified that he is 1,000 feet from Mr. Kusers and he can't hear himself think nor can he entertain at his home. The noise is the issue.

Gerry Milano was sworn, she testified that the events at Fernbrook go from approximately May 1st till Oct. 31st and it should be assumed that E & E will as well. She cannot sit outside and invite guests on weekends due to the noise, they would like the right to have peace and quiet, she would be between the two facilities and would not be able to stay at home. She expressed her concern on who would be there during the event to monitor the decibels; she recommends the events be indoors.

Allen Gould-128 Bordentown-Georgetown Rd stated that noise is the issue. He doesn't feel that the music will be confined to indoors and that most people will be outside, it's not just the DJ and bands it's also the guests that get loud.

Frank VanGelder-16 White Pine Rd was sworn, his concern is the precedence this will be setting if approved, it is farm preserved and until it becomes a winery the Township still has control.

Debra Schuster-174 Bordentown-Georgetown Rd was sworn; due to the previous applications her concern is being told the truth. The traffic is also an issue along with the noise. She believes that this will become much more than what is presented and she was told by his family that they plan on expanding just as the website says.

Valerie Jones-Crosswicks was sworn, she asked about the TDR credits that remain and where they are on the farm, Mr. Ehrich stated that TRD's are 3 acre parcels and he has 15 acres remaining that could developed anywhere on the site. Mr. Heinold stated that if there was any commercial expansion that it would result in a loss of a TDR credit but would still leave 4 credits.

Larry Kuser was sworn; he stated that the SADC does have approved best management practices for agricultural in NJ which deals with square footage for CSA's, retail space and pick your own. It deals with ingress/egress, lighting and in terms of dust and noise. It is a comprehensive document.

Tim Ashton-193 Rt 545 was sworn; he believes there are hidden agendas here and this is just the tip of the ice burg if you look at the website. The decibel test will not regulate the noise during the event. He believes this is not the proper place for this venue.

Valerie Jones asked if when Mr. Ehrich said that the building would be used for nothing but an office could that have been locked in by Resolution; Mr. Heinold stated that according to the MLUL he has the right to come before the board and ask for relief.

Karl Braun was sworn; he commended the board on the E & E applications over the years and the office building was a dilemma. He does not support the use variance. Actions speak louder than words. He believes this is like the Trojan horse, don't let the gate get open cause he will keep coming back for more.

Mike Hlubik-Georgetown-Chesterfield Road; due to the amount of people he asked that when this application is continued could it be held in a larger venue. The board stated that they would inquire with the Elementary School.

Christine Catalfamo-71 White Pine Rd was sworn; she is opposed to the application and is concerned with the noise and the traffic and if there were a corporate event it can be assumed there will be buses.

Greg Lucas was sworn; he empathizes with the residents and if this precedence is set he believes something like this could happen on the other end of the Township.

Chairman Panfili closed the public portion of the meeting at 10:45pm.

Mr. Heinold proposed that no additional notice will be needed and the next meeting will be on December 18th at 30 Saddle Way beginning at 7:30. In the interim the applicant will do a noise test and will notify the 200 ft list, if not on the list contact the board secretary during business hours to be made aware of the date and time.

CORRESPONDENCE

Letter from AECOM regarding Garden State Expansion Project

Transcontinental is looking to purchase some parcels. They are asked the Planning Board to identify any items on the list within a quarter mile. The board asked Mr. Hirsh to look at the list and write a letter back to them with comments.

DISCUSSION

None

INVITATION FOR PUBLIC COMMENT

Chairman Panfili opened the meeting for public comment.

Mr. Coover stated that he resigned from the Planning Board because he was advised to leave the room during the E & E application and he wished to hear the entire testimony. Chairman Panfili said that he appreciated all the work that Mr. Coover had done for the Planning Board over many years and that he will be missed.

Chairman Panfili closed the public portion.

ITEMS NOT ON THE AGENDA

Mr. Nunziato would like to move the meetings back to Tuesday. Mr. Heinold and Ms. Fegley have an issue with the 2nd Tuesday. The board agreed that the 3rd Tuesday would

work for everyone; the secretary will check with the Township Clerk to see if that would be a conflict.

The board had a brief discussion about looking into the check list ordinance to allow the board members access to properties for review. In regard to the E & E application Mr. Heinold will contact the attorney and request the board members be able to take a look.

ADJOURNMENT

A motion was made by Mr. Malison seconded by Ms. Acevedo to adjourn. All were in favor, meeting adjourned at 11:08 PM.

Respectfully submitted,

Aggie Napoleon, Secretary