

CHESTERFIELD TOWNSHIP PLANNING BOARD

January 19, 2016

The secretary called to order the Reorganization Meeting of the Chesterfield Township Planning Board at 7:00PM. The Open Public Meetings Statement was read and compliance noted. Ms. Acevedo; Mr. McMahon; Mr. Davis; Mr. Malison and Mr. Robotin declared their Oaths of Allegiance. Ms. Acevedo was appointed as a 1st Alternate member for a two-year term; Mr. McMahon was appointed as a Class II member for a one-year term; Mr. Davis was appointed as a Class III member for a one-year term; Mr. Malison was appointed as a Class IV member for a four-year term; Mr. Robotin was appointed as a Class I member for a one-year term.

Roll call was taken showing present: Sam Davis (7:10), Glenn McMahon; Joseph Malison (7:18); John Nunziato; Alex Robotin; Jignesh Shah (7:20); F. Jerry Spence; Lido Panfili; Mary Acevedo and Michael Russo. Absent: Gerard Hlubik. Professional staff present: Douglas Heinold, Solicitor; Joseph Hirsh, Engineer.

The Secretary asked for nominations for Chairman. Mr. Spence nominated Mr. Panfili, seconded by Mr. Nunziato. There being no other nominations, nominations were closed. All were in favor of Mr. Panfili for Chairman.

Chairman Panfili asked for nominations for Vice Chair. Mr. Spence nominated Mr. Malison, seconded by Mr. Nunziato. There being no other nominations, nominations were closed. All were in favor of Mr. Malison for Vice Chairman.

AGENDA MATTER(S) REQUIRING RECUSAL(S)

Ms. Acevedo and Mr. Robotin for Danielle Quinn application.

MINUTES

December 15, 2015 Regular Meeting

A motion was made by Mr. Robotin seconded by Mr. Spence to approve the December 15, 2015 Regular Meeting Minutes. All were in favor, motion carried.

DISCUSSION

Traditions Architecturals and Elevations

Traditions have asked to be postponed until the February meeting.

RESOLUTIONS

2016-01 Resolution Designating Regular Meeting Time and Place

A motion was made by Mr. Spence, seconded by Mr. Robotin, to approve Resolution 2016-01. All were in favor, motion carried.

2015-13 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING USE VARIANCE APPROVAL TO CROSBIE ENTERPRISES, LLC 214 SYKESVILLE ROAD, BLOCK 1102, LOT 22.30

A motion was made by Mr. Spence, seconded by Mr. McMahon to approve Resolution 2015-13. All were in favor with the exception of Mr. Robotin who abstained, motion carried.

2015-14 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING USE VARIANCE APPROVAL TO RONALD DOMANSKI, 65 MARGERUM ROAD, BLOCK 501, LOT 7.01.

A motion was made by Mr. Spence, seconded by Ms. Acevedo to approve Resolution 201514. All were in favor with the exception of Mr. Robotin and Mr. McMahon who abstained, motion carried.

2015-15 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING EXTENSION TO MAJOR SUBDIVISION APPROVAL TO CRESTWOOD CONSTRUCTION, LLC, BLOCK 202, LOT 17.02

A motion was made by Mr. McMahon, seconded by Mr. Nunziato to approve Resolution 2015-15. All were in favor with the exception of Mr. Spence who abstained, motion carried.

APPLICATIONS FOR ACTON

A Clear Alternative (Raymond Hlubik) Block 901, Lot 16.01; 92 Chesterfield-Georgetown Rd; Use Variance and Minor Site Plan.

Mr. Raymond Hlubik and Mr. Richard Albano were sworn. Mr. Hlubik testified that in 2007/2008 he installed a solar array for the farm stand. The panels are set back 125 feet with no buffer, since then the regulations have changed and he is asked for relief. The proposed additional panels will be added to the back of the existing array. There is a current hedgerow of approx 40-50 ft wide to the side of the neighbor. Mr. Albano testified that the current panels are 11 ft high and the proposed panels are 9 ft. The applicant has complied with the Engineers letter dated December 8, 2015.

Chairman Panfili opened the meeting to public comment. Hearing none the public portion was closed.

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

A roll call was taken:

Mr. McMahon-yes; Mr. Nunziato-yes; Mr. Spence-yes; Chairman Panfili-yes; Ms. Acevedo-yes; Mr. Russo-yes.

All in favor, motion carried.

Danielle Quinn: Block 202.7, Lot 52; 9 Fenton Lane, Use Variance

Mr. Davis, Mr. Robotin and Ms. Acevedo recused themselves and left the meeting.

Danielle Quinn and Caitlyn Quinn were sworn. Ms. Quinn is seeking a use variance to permit an above ground pool and two existing chicken coops. In ground swimming pools are permitted in the PVD Zone, however the deeds and covenants do not permit above ground pools. Chicken coops are not listed as permitted accessory uses. Ms. Quinn would like the pool due to her health conditions. Caitlyn testified that she is in the FFA and uses the chickens as her Supervised Agricultural Experience. Ms. Quinn proposes the pool to be a 15x30 oval. She proposes the pool to be 10 ft from the property line and 21 ft from the house which is in conformance. The deeds and covenants of the PVD Zone state no above ground pools or live stock; therefore any exemptions must be approved by the Township committee. A yes vote from this board does not grant permission, it has to then go before the Township committee. Mrs. Quinn moved the chicken coops 5 ft from the house to be in conformance with Mr. Hirsh's letter. An accessory structure is only permitted in the rear yard; the proposed pool is in the side yard and therefore requires a variance.

Chairman Panfili opened the meeting to the public.

Linda Hoffman - 9 Donlonton Circle stated that she had contacted the Township last May expressing her concern about the Rooster and it was not until Mrs. Quinn was forced to come before this board that the Rooster was removed. She stated that rules were created for a reason and asked that if the chickens are approved that not having a Rooster will be enforced.

Robert Ratona stated that he does not understand the ordinance against above ground pools and as for the chickens they are not esthetically pleasing however he has no problem and is in support of Mrs. Quinn.

Andrew McManus 11 Fenton Lane stated that he is here to show his support. It has not always been esthetically pleasing however he has a great relationship with Mrs. Quinn and any issues they have had with each other have been resolved through conversation.

Gene Cardone stated he has no issue with the pool and does not understand why there is an ordinance it would be nice in the summer to see the kids enjoying it and also has no issue with the chicken coops.

David Sass - 15 Fenton Lane stated that they are small lots and the site is not suited for this use. The Roosters were an issue. He believes it does have an adverse impact to the neighbors. It also does not meet the standards to the Master Plan; the restrictions were put there for a reason. She was asked by the Township to remove the Rooster but did not until recently therefore he asked that she not be rewarded for not following the rules and asked that we deny the application.

Mary Cardone stated that the ordinance should be open for discussion to only the residents within the Development.

Debbie Butler - 12 Fenton Lane stated Mrs. Quinn has a chain link dog pen and what that is for also has concern that the chickens will be running around and that is not sanitary. The Rooster was annoying and if approved would like it written that it will not be allowed. She asked if there will be a limit on the amount of chickens allowed and the smell from the chickens is an issue.

Hearing no further comment, Chairman Panfili closed the public portion

Mr. Malison stated that many days/hours were spent drafting the ordinances for the PVD Zone and due to the small lots above ground pools would be eye sores

After a short discussion the board and the applicant agreed to separate the uses and have two separate votes. If both or either are approved by the board, the applicant must receive relief from the deeds and covenants from the Township and no further notice needs to be given to the public. A condition of approval will be a maximum number of 13 chickens and no roosters and the coops are restricted to 5 ft from the house...

A motion was made by Mr. Malison second by Mr. Spence to approve the chickens with the condition there be no rooster and limited to 13-14 chickens and the coops be 5 ft from the house.

A roll call was taken:

Mr. Malison-yes; Mr. McMahon-yes; Mr. Nunziato-yes; Mr. Shah-yes; Mr. Spence-yes; Chairman Panfili-yes; Mr. Russo-yes. All in favor, motion carried.

A motion was made by Mr. Spence to approve the above ground pool with a condition it be reseat in the ground 3 ft there being no second. A motion was made by Mr. Nunziato second by Mr. Malison to deny the above ground pool.

A roll call was taken:

Mr. Malison-yes; Mr. McMahon-yes; Mr. Nunziato-yes; Mr. Shah-yes; Mr. Spence-no; Chairman Panfili-yes; Mr. Russo-yes. Motion carried.

Chairman Panfili called for a 5 minute break at 8:20. Meeting resumed at 8:25

Joseph Lynch Block 301, Lot 11 & 19.02; 437 Ellisdale Road, Minor subdivision

Joseph Lynch and Tom Lynch were sworn. Exhibit A-1 was marked as Plan of Survey. Mr. Joe Lynch testified that he would like to install a pool and was informed by the Zoning Officer that he did not have enough impervious coverage. Therefore he would like to transfer a portion of lot 19.02 which is owned by Tom Lynch to lot 11. Lot 19.02 will lose the availability to be farm accessed which Tom Lynch is aware of.

With the current survey that was submitted all the Engineers comments have been complied with. The proposed driveway has an easement agreement with the Fire Department and Mr. Hirsch suggested it be shown on the survey.

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

A motion was made by Mr. Spence second by Mr. Shah to approve the application.

A roll call was taken:

Mr. Davis-yes; Mr. Malison-yes; Mr. McMahon-yes; Mr. Nunziato-yes; Mr. Robotin-yes; Mr. Shah-yes; Mr. Spence-yes; Chairman Panfili-yes. All in favor, motion carried.

Ampericon Inc. Block 600, Lot 44.14; 59 White Pine Road; Bulk Variance

Mr. Vivek Bhatnager was before the board last month. He submitted Exhibit A-1 a visual screening. The owner will plant another row of screening to the right of the property and Mr. Bhatnager submitted justification for KW. Mr. Hirsh stated that meadow grass be planted as a condition of approval. All other Engineer comments have been met.

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

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

A roll call was taken:

Mr. Malison-yes; Mr. McMahon-yes; Mr. Nunziato-yes; Mr. Robotin-yes; Mr. Shah-yes; Mr. Spence-yes; Chairman Panfili-yes. All in favor, motion carried.

DISCUSSION

Traditions - Architecturals

They asked to be postponed till next meeting.

The board had a short discussion on Mr. Hirsh's letter regarding the water table review. A review was conducted and found that in certain locations the roadway underdrain is warranted and he issued a plan to Traditions indicating the locations. In portions of Phase 3 where townhomes are proposed the seasonal high water table was relatively shallow.

EXECUTIVE SESSION

At 9:05PM the board entered into executive session to discuss the professional's appointments. A motion was made by Ms. Spence second by Mr. Nunziato to return to regular session, all were in favor, motion carried.

The board resumed the regular meeting at 9:25pm

A motion was made by Mr. Spence second by Mr. Malison to appoint Raymond, Coleman and Heinold with Douglas Heinold as Planning Board Attorney. All were in favor, motion carried.

A motion was made by Mr. Spence second by Mr. Shah to appoint Environmental Resolutions with Joe Hirsh as the Planning Board Engineer. All were in favor, motion carried.

A motion was made by Ms. Spence second by Mr. Nunziato to appoint Clark Caton Hintz with Phil Caton -as the Planning Board Planner. All were in favor with the exception of Ms. Acevedo, motion carried.

CORRESPONDECE

None

ADJOURNMENT

There being no further business, a motion was made by Mr. Spence seconded by Mr. Nunziato to adjourn. All were in favor, meeting adjourned @9:25 PM.

Respectfully submitted,

Aggie Napoleon, Secretary