

CHESTERFIELD TOWNSHIP PLANNING BOARD

May 19, 2015

The meeting of the Chesterfield Township Planning Board was called to order by Chairman Panfili at 7:00PM. The Open Public Meetings Act statement was read and compliance noted.

Roll call was taken showing present: Gerard Hlubik; Jeremy Liedtka; Joseph Malison; John Nunziato; Alex Robotin; Jay Shah; F. Gerry Spence; Mary Acevedo (7:10); Michael Russo; Chairman Panfili. Absent: Glenn McMahon. Professional staff present: Chuck Petrone, Solicitor; Joseph Hirsh, Engineer.

AGENDA MATTER(S) REQUIRING RECUSAL(S)

Mr. Liedtka and Mr. Robotin for the Richard Jones application

MINUTES

April 21, 2015 Regular Minutes

Mr. Malison stated that in the minutes when approving traditions not all were in favor so the wording should be changed. A motion was made by Mr. Spence seconded by Mr. Hlubik to approve the April 21, 2015 Regular minutes with the correction. All were in favor with the exception of Mr. Nunziato and Mr. Shah who abstained. Motion carried.

RESOLUTIONS

2015-05 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD DENYING REVISED SITE PLAN & USE VARIANCE TO E & E LANDSCAPING CO FOR PROPERTY AT BLOCK 700, LOT 21.L05 AT 139 BORDENTOWN-GEORGETOWN RD.

A motion was made by Mr. Shah second by Mr. Hlubik to approve Resolution 2015-05. A roll call was taken:

Mr. Hlubik-yes; Mr. Liedtka-abstain; Mr. Nunziato-yes, Mr. Robotin-abstain; Mr. Shah-yes; Mr. Panfili-yes; Mr. Russo-yes.

The vote was in the affirmative, with the exceptions of Mr. Liedtka and Mr. Robotin who abstained, motion carried.

2015-06 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING BULK VARIANCE APPROVAL TO STEVE & TRICIA LIGATO FOR PROPERTY AT BLOCK 301, LOT 24.02 AT 383 ELLISDALE ROAD. A motion was made by Mr. Spence second by Mr. Liedtka to approve Resolution 2015-06. The vote was in

the affirmative, with the exceptions of Mr. Nunziato and Mr. Shah who abstained, motion carried.

2015-07 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING FINAL MAJOR SUBDIVISION, FINAL MAJOR SITE PLAN AND BULK VARIANCE FOR PHASES 3 & 4 APPROVAL TO TRADITIONS AT CHESTERFIELD LLC FOR PROPERTY AT BLOCK 206, LOT 500 AT OLD YORK ROAD.

A motion was made by Mr. Spence second by Mr. Hlubik to table Resolution 2015-07 until the June meeting. The vote was in the affirmative, with the exceptions of Chairman Panfili; Mr. Shah; Mr. Nunziato and Mr. Liedtka who abstained, motion carried.

The board had a short discussion regarding the parking issue not being in the Resolution; Mr. Hirsh was asked to look into this for discussion at the June meeting.

APPLICATION FOR ACTION

Naor Chazan Block 107.13, Lot 1, 110 Atison Way, Bulk Variance

Mr. Chazan was sworn, he is requesting to construct a 5 foot high fence with 4 feet of PVC white vinyl fence and 1 foot white lattice. He is seeking a bulk variance where 4 feet maximum is permitted in front and side yards and a bulk variance for a solid fence which is not permitted in the front and side yards. Mr. Chazan will have to check with the Zoning Officer to make sure the fence is located outside the easement and also make sure it is not encroaching the site triangle. He agreed to run the fence on Freeholder Drive no further than the bay window.

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. Hlubik to approve the application.

A roll call was taken:

Mr. Hlubik-yes; Mr. Liedtka-yes; Mr. Malison-yes; Mr. Nunziato-yes; Mr. Robotin-yes; Mr. Shah-yes; Mr. Spence-yes; Chairman Panfili-yes.

All were in favor, motion carried.

Richard Jones Block 202 Lot 4, 11 Thorn Lane, Bulk & Use Variance

Mr. Liedtka and Mr. Robotin left the room 7:20pm

Mr. George Mardinly, attorney representing the applicant and Mr. Jones were sworn. Mr. Mardinly testified that there was a miscalculation on the placement of the sports court. After working with the Township a portion of the court has been removed off of Township property, a picture of the court was marked as Exhibit A-1. Shrubs have been restored and the top soil and seed will also be restored as required by the Township. Mr.

Jones built the court for his family and neighbors to enjoy; he would also like to host free camps for younger children not old enough to participate in recreation sports. No more than 10 kids per session and 2 hour blocks, his driveway holds 3-4 cars, most kids will walk.

A zoning permit was denied, Mr. Jones collected signatures from the neighbors and brought it back to the Zoning Officer at which time he received an approval for a 60x40 from the Zoning Officer. Mr. Hirsh stated that getting the exemption from deeds and convenience does not supersede the ordinance requirement that a sports court is not a permitted accessory use. It was stated that getting the endorsement from neighbors was to allow him to apply for a use variance. A variance is required because the court is still 2 feet off the Township property line where 4 feet is required. A variance is also needed for the 8ft Mesh fence where no mesh is permitted and the maximum height of a fence is 6ft. Mr. Hirsh stated that he would like to see a grading plan and the property to the west will need a buffer; lighting will need approval and there is an issue with the liability with all the kids there.

Chairman Panfili opened the meeting up for public comment.

Patrick Robinson – 19 Thorn Lane has no concern with liability issues no more than if the kids were playing on the Township property as a parent he would be willing to sign a waiver. He doesn't feel the noise is an issue; it's a benefit to know the kids are in one place and not getting into trouble.

Don Coover 127 Bordentown-Georgetown Rd stated that the Township has additional liability insurance and expressed concern that if someone were to get hurt on Mr. Jones court that they would go after the Townships insurance. He thought maybe the Township didn't put enough play areas.

Kimble Lews-4 Colemantown Drive, he is two blocks away. He kids love to play basketball and he believes this court is beneficial to the community and gives an outlet for the kids. He trusts Mr. Jones in keeping the hours the kids can play reasonable. He feels this is a great idea.

Francisco Martinez-7 Wright Dr, he is 1 block over. He is in full support of the court, it's a controlled event for the kids and keeps them away from video games and gets them outside. A waiver could be signed to relieve the issue of anyone getting hurt. He always goes over to make sure the kids are ok.

Pat Iraca-9 Wright Drive, he is opposed to the variance. If approved it could set precedence. The kids are loud and sometimes use vulgar language and it doesn't fit in the village or the community. Who will be in control of the teenagers when it gets to loud? He believes it will decrease the value of his home.

Chris Maziarz-9 Thorn Lane, he is a direct neighbor to the right. This should not have been allowed to happen and he is opposed to it. He feels Mr. Jones should not have to put all of his money into fixing this due to the mix up with the Township. He has an issue with the noise and the language and also playing early in the morning and late at night.

Valerie Jones- in Crosswicks there is a court with timers on the lights. As far as liability that could be covered by something Mr. Jones made up. Kids don't go outside enough. She has no issue with courts in the backyards we should just put limitations on them.

Norma Maziarz-9 Thorn Lane, it's a matter of living inside of their home and hearing the noise, her children have been woken up and kept awake. There is a court two blocks away on Township property that the kids could use.

Mr. Martinez stated that it's the same noise as if the kids were playing in the driveways.

Joann Tillman-5 Wright Dr, her concern is there is an issue with the foul language and if allowed than courts will go in everywhere.

Mr. Iraca stated that this is not a seasonal thing it's annual as long as weather permits. He also again stated that there would be a precedence set. Chairman Panfili stated that all applications are unique and they are done on a case by case basis.

Hearing no further public comment, the public portion was closed.

Mr. Jones testified that he wants no confusion, there won't be a camp if it's an issue, he has followed the rules and directions of the Township and is willing to do whatever the board would like. He thought he had been given permission and therefore went forward, he would not have done so if he was told he couldn't, he went before the Township Committee and was told to get the signatures from his neighbors which he did.

Chairman Panfili asked Mr. Jones if you would like to hold the decision until the next board meeting to give him time to talk to his neighbors to which Mr. Jones agreed. The board suggested having a planner to present expert testimony.

A motion was made by Mr. Spence second by Mr. Hlubik to carry the application until the July 21, 2015 meeting without re-notice. All in favor, motion carried.

Chairman Panfili called for a 5 minute break at 8:55pm.

The meeting resumed at 9:00pm. Mr. Liedtka and Mr. Robotin returned to the table.

DISCUSSION

The board had a short discussion regarding Traditions. It was suggested that what was previously approved be looked into and is what is actually being done. Phil Caton was the Planning Board Planner at the time of the original application and therefore Mr. Caton should remain the Planner for architectural and elevations only with Traditions.

A motion was made by Mr. Spence and second by Ms. Acevedo to have Phil Caton be the Planner regarding architectural and elevations for Traditions applications. All in favor with the exception of Mr. Liedtka who abstain. Motion carried.

The TRC will meet with Mr. Edelman to discuss the architectural and elevations for Phases 3 & 4. Mr. Malison suggested that the original Resolution be looked at to make sure everything is being adhered to.

Ms. Acevedo left the meeting at 9:05pm

Historic Preservation Ordinance

Ms. Fegley has already reviewed the draft and has revised it with her recommendations. The board had a short discussion and recommended that the ordinance should not include all 3 Villages as the same. The secretary will email Ms. Fegley's recommendations and decision will be made at the June meeting.

CORRESPONDENCE

Mr. Hirsh sent a letter to the board regarding trees planted in the park strip. During a Township meeting it was discussed that the trees planted in the park strips along Township roadways in Old York Village have become an issue for Public Works Department. After a short discussion the board recommended that there be no trees planted in the park strips and should be planted in the front yards also the utilities should be run through the alleys.

INVITATION FOR PUBLIC COMMENT

Chairman Panfili opened the meeting for public comment.

Mr. Coover thanked the board for getting the E & E Resolution passed.

Ms. Jones asked if the board could force the builder to remove the decks on the new homes and she was told no if they were approved by Zoning. She stated that Sykesville is not listed as Historical. She expressed concern regarding E & E and if they appeal would they be able to come back before the board to which the answer would be yes as long as it was a different plan.

ADJOURNMENT

A motion was made by Mr. Malison seconded by Mr. Shah to adjourn. All were in favor, meeting adjourned at 9:35 PM.

Respectfully submitted,

Aggie Napoleon, Secretary