

CHESTERFIELD TOWNSHIP PLANNING BOARD

December 15, 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, Glenn McMahon (7:05); John Nunziato; Alex Robotin; Jay Shah; F. Gerry Spence (7:02); Chairman Panfili; Mary Acevedo and Michael Russo. Professional staff present: Douglas Heinold, Solicitor; Joseph Hirsh, Engineer; Barbara Fegley, Planner

AGENDA MATTER(S) REQUIRING RECUSAL(S)

Jeremy Liedtka and Alex Robotin for the discussion on the Ordinance and for the Domanski Use Variance Application.

MINUTES

November 24, 2015 Regular Minutes

A motion was made by Mr. Robotin second by Mr. Nunziato to approve the November 24, 2015 minutes. All were in favor with the exception of Ms. Acevedo; Mr. Shah and Mr. Spence who abstained. Motion carried.

RESOLUTIONS

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 22.03.

Mr. Heinold spoke to Mrs. Osman and there were a couple of issue that need to be resolved therefore he asked that the board table the Resolution until the January 19, 2016 meeting.

APPLICATION FOR ACTION

Future Solutions (Scott Richter) – Block 502 Lot 30.05, 3 Greenview Drive, Bulk and Use Variance.

Per the request of the applicant the applications was withdrawn, therefore no further action will be taken.

Crestwood Construction Co., LLC Block 202, Lot 17.02, Request an extension of the Preliminary Approval.

Robert & Dorothy DiMattia - Block 901 Lot 9, 149 Georgetown-Chesterfield Road, Bulk Variance.

At the November meeting there were issues that needed additional information on. As of this date no information has been received. The application will be carried without notice. Chairman Panfili asked the secretary to reach out to the applicant to verify that they wish to move forward.

Ampericon – Block 600 Lot 44.14, 59 White Pine Road, Minor Site Plan

Vivek Bhatnagar was sworn. He represents the solar company. The applicant is seeking a larger Kw size and also a larger footprint than is allowed. Mr. Hirsh went through his review letter; the applicant is seeking one solar array with 2 sets of panels which will sit behind the existing dwelling. Meadow grasses will need to be planted under the array, a justification of the size of the array is required and a landscape plan is requested to show the plan for the east side of the property. The board requested that a current survey be submitted showing existing and proposed buffering.

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

The applicant requested the application be carried to the January 19, 2016 meeting without re notice. The information needed must be sent to Mr. Hirsh least 10 days prior to the meeting.

Ronald Domanski – Block 501 Lot 7.01, Margerum Road, Use Variance & Waiver of Site Plan.

Mr. Liedtka and Mr. Robotin recused themselves and left the room.

Mr. Singer, Attorney; Mr. Miller, Planner and Mr. Domanski were sworn. Mr. Domanski testified that he owns a landscaping company and is seeking a use variance to store equipment and vehicles on the property and to store equipment inside the existing dwelling. Materials used for the landscaping business will be stored outside. He does not do snow removal and the business runs from March till early December. He has 4 employees plus himself that will leave their vehicles on site, the hours of operation are from 7:30am till 5:30 pm Monday thru Friday occasionally Saturdays. There will be no personnel office on site, there will be no traffic in and out during the day. The existing building is approx 200 ft from the road and 30-40 ft set back from adjacent property. There is a natural buffer to the right and he is willing to install additional buffer if needed. He has 2 pickups, 1 dump truck and 4 trailers that will be parked outside, any overflow of work material would come back to the site, the maximum height of the material stored would be approx 10ft. No additional lighting will be added. There will be no changes to the site. Only basic maintenance will be done to the equipment.

Mr. Hirsch went over his review letter dated November 18th, 2015. Vehicles on the property will be parked to the left of the property near Waln Road. Ms. Fegley had a concern with the waste being brought back that the board have tight conditions so that it doesn't get out of control.

Mr. Al Borda was sworn, he is the owner of the property. He testified that he still runs his sign business from the site part time and has part time employees. There are still deliveries made there approx once a week. He ships UPS to customers and customers pick up the product as well.

Mr. James Miller, Planner presenting Exhibit A-1 a field ariel photo to show the conditions of the property. The property is 2.8 acres and is in the AG Zone. They are seeking relief from a D1 use variance and also for the pre existing non conforming bulk conditions. He believes that the site layout and the existing building are suitable for this particular use. The Environmental Commission submitted recommends a staggered double row of mixed evergreens along Margerum Road, the board also recommended there be a buffer in the back of the property as well, the applicant agreed.

Chairman Panfili opened the meeting for public comment

Bob Gibson-67 Margerum Road was sworn. He stated that it's a poor statement to say that it's beneficial to the public, it does not out way the public good. He read a statement that he wrote which was marked Exhibit G3. He stated that there are very few deliveries made to the site and that there are no daily employees. He believes this will create a substantial detriment to the public. The use is not appropriate for this site and proposes the application be denied. He believes the use should be Agricultural as it is zoned. He presented photos showing no activity to the site which were marked as Exhibit G1 & G2.

Gary Pollock-59 Margerum Road was sworn. He has a concern with the storage and asked that restrictions be put on cleaning the equipment and bulk storage. He would like to see the equipment stored in the building. He is concerned the business will grow.

Nancy Scarafile-65 Margerum Road was sworn. She looked up Mr. Domanski's business and saw he had several locations for his business and went to DEP and they have no active license for Mr. Domanski to hall materials. Mr. Domanski replied that he does not hall pesticides and the South Brunswick location is where the business was in the 80's. One of the adds stated that the business did hard landscaping, Mr. Domanski testified that he no longer does that and no hard landscaping materials would be kept on site. She expressed her concerns with the noise and pollution from the equipment leaving early in the morning. Ms. Scarafile submitted he findings as Exhibit S1.

Tracy Miller-69 Margerum Rd. was sworn. She lives directly across from the property with her children she is concerned with the traffic and the timing.

Steve -61 Margerum Rd was sworn, he supports what his neighbors have said. He believes the applicant wishes to increase his business contrary to the applicant stating that the business is diminishing.

Chairman Panfili closed the public portion of the meeting.

Mr. Malison recommend that an analysis of the wooded area going to be used for storage, it may be wetlands or within the 50 foot buffer. If the application is approved a condition will be a site plan would have to be submitted showing detail of landscaping and holding area etc. The applicant agreed to the conditions that will be written in the resolution. Mr. Heinold suggested the applicant come back before the board if the use variance is approved for a minor site plan

A motion was made by Mr. McMahon second by Mr. Malison to approve the application as a Use Variance only.

A roll call was taken:

Mr. Hlubik-yes; Mr. Malison-yes; Mr. McMahon-yes; Mr. Nunziato-no; Mr. Shah-yes; Mr. Spence-yes; Chairman Panfili-yes;

With 6 affirmative and one negative, motion carried.

Mr. Spence left the room @ 9:10pm.

Crestwood Construction Co., LLC Block 202 Lot 17.02, Request for extension of the Preliminary Approval.

Bruce Satton, Attorney for the applicant who received a preliminary approval for a subdivision on the Bently property in 2005 which has not been completed. Under the terms of the permit extension act they are seeking an extension pending coming back before the board for a final site plan approval. Mr. Heinold expressed the concern of the board in regard to the lack of access to the existing easement area on the adjacent property. Mr. Hirsh stated that the owner of the lot that has a temporary construction easement constructed a detached garage directly in the easement area. The developer will meet with Mr. Bently and they will work out an agreement and will have it in writing to bring back before the board.

A motion was made by Mr. Malison second by Mr. McMahon to approve the extension for 2 years. All were in favor, motion carried.

INVITATION FOR PUBLIC COMMENT

Chairman Panfili opened the meeting for public comment

Matt Lynch-15 Old York Road stated that he came before the board last month with concern with his pond and to date nothing has changed. He asked what this board could do to enforce what was agreed upon between himself and the developer. Mr. Heinold suggested a meeting

between the attorney's and the Developer. Mr. Hirsch and Mr. Heinold will coordinate the meeting, it was suggested that 2 Township Committee members also be present at the meeting.

Chairman Panfili closed the public portion of the meeting.

DISCUSSION

Ordinance 2015-16 Amending the Zoning Map, review and confirm that it complies with the Master Plan.

Ms. Fegley stated that during the discussion last month Block 108.21 should be added to the resolution changing it from OP Zone to AG Zone.

A motion was made by Mr. Malison second by Mr. Hlubik find Ordinance 2015-16 in conformance with the Master Plan changing the parcels to AG Zone.

All were in favor with the exception of the recusal of Mr. Liedtka and Mr. Robotin. Motion carried.

The board had a short discussion and it was decided that whenever elevations and or architectural need approval that the review be done with 10 days and back to the board at the next meeting. The board should be cc'd on all correspondence

CORRESPONDENCE

None

ADJOURNMENT

A motion was made by Mr. Shah seconded by Mr. Hlubik to adjourn. All were in favor, meeting adjourned at 10:00 PM.

Respectfully submitted,

Aggie Napoleon, Secretary