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CHESTERFIELD TOWNSHIP PLANNING BOARD

December 8, 2009

The meeting of the Chesterfield Township Planning Board was called to order by Chairman DeFelippis at 7:30PM. The Open Public Meetings Act statement was read and compliance noted.

Roll call was taken showing present: Donald Coover, Lawrence Durr, Brian Kelly, Deborah Kelly, Gregory Lebak, Joseph Malison, John Nunziato, F. Gerry Spence (9:55PM), Matthew Weismantel, Brian Wilson, and Rocco DeFelippis. Absent: Lido Panfili. Professional staff present: Frederick Hardt, Solicitor, Nancy Jamanow, Engineer, Lisa Specca, Planner's Office.

MINUTES

October 13, 2009 Regular Minutes

A motion was made by Ms. Kelly, seconded by Mr. Malison, to approve the October 13, 2009 Planning Board Minutes. The vote was in the affirmative, with the exceptions of Mr. Coover and Chairman DeFelippis, who abstained, and the motion carried.

INVITATION FOR PUBLIC TO SPEAK – Matters not on the Agenda

Lothar Ehrich owner of E & E Landscaping spoke with the Planning Board regarding his proposal for the additional use of social events on the site. This use is not allowed under permitted principal, accessory and conditional uses in the Agricultural Zone. The site is also restricted to an agricultural use, due to his enrollment of credits in the Transfer Development Rights Program. The Planning Board noted other instances of use variances on agricultural land; however, those use variances were approved and carved from the main properties prior to their preservation. Ms. Jamanow noted that if Mr. Ehrich applied for the use variance, her report to the Planning Board would recommend that this use would not be consistent with the Master Plan. Solicitor Hardt advised Mr. Ehrich that this matter was an issue for the Township Committee and would require an ordinance amendment for the process to begin as well as modification of the deed restriction on his property.

RESOLUTIONS

37-2009 Heritage @ Chesterfield SF LLC: (Previously American Properties) Block 107, Lot 8.01, Approval of Two Village-Type Homes on Perimeter Lots. Approved September 8, 2009.

A motion was made by Mr. Coover, seconded by Ms. Kelly, to approve Resolution 37-2009. The vote was in the affirmative, with the exceptions of Mr. Coover and Chairman DeFelippis, who abstained, and motion carried.

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38-2009 Crosswicks Innkeepers: 2 Chesterfield-Crosswicks Road; Block 201, Lot 1 and Block 202, Lot 61.01; Revised Site Plan to Modify Prior Approval in the Village Zone. Approved October 13, 2009.

Mr. Weismantel asked if the neighbors agreed to the planting changes that were discussed at the hearing. Ms. Jamanow advised that as the neighbors did not attend the meeting and the landscaping was put on the neighbor's property she assumes that it is acceptable.

A motion was made by Ms. Kelly, seconded by Mr. Weismantel, to approve Resolution 38-2009. The vote was in the affirmative, with the exceptions of Mr. Coover and Chairman DeFelippis, who abstained, and motion carried.

39-2009 Heritage @ Chesterfield SF LLC: (Previously American Properties) Block 107, Lot 8.01, Approval of Additional Architectural Elevations. Approved October 13, 2009.

A motion was made by Ms. Kelly, seconded by Mr. Weismantel, to approve Resolution 39-2009. The vote was in the affirmative, with the exceptions of Mr. Coover and Chairman DeFelippis, who abstained, and motion carried.

MASTER PLAN RE-EXAMINATION

A Reexamination Report is a review of previously adopted master plans and amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. The state land use law requires that the Planning Board conduct a reexamination no less frequently than every six years. Ms. Specca advised that the re-examination report reflects changes in policies, population density, municipal regulations, state law changes and the economy. The Old York Village development needs to be added as well as a listing of all prior planning issues. She has added two new grants to the report: the 2008 Smart Future Grant for comprehensive farmland preservation; and the 2009 NJDOT grant, which funded the Bike Path and Pedestrian Study. She reported on the 460.9 Transfer Development Credits that have been retired.

The 2003 reexamination report recommended that the Land Development Ordinance should be reevaluated to determine whether local regulations should be expanded to enhance the protection of stream corridors and woodlands. Discussion was held on whether that information should be integrated into the report as the TDR program was designed to put less impact on the stream corridor and the New Jersey Department of Environmental Protection has it extensively restricted. Mr. Hardt suggested that the Planning Board move to adopt excising that item from the report and sending the task to the Environmental Commission for future review.

Chairman DeFelippis opened the hearing for public comments. There being no comments the public portion of the meeting was closed.

A motion was made by Ms. Kelly, seconded by Mr. Coover, to excise the statement on stream corridors and have the Environmental Commission review the regulations. The vote was unanimous and the motion carried.

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On the 9 map entitled "Preserved Farmland" it was noted that block 20, lot 31.12, (just east of the Receiving Area in yellow) should not be considered as open space, as it is not open to the public. Mr. Wilson noted that there were additional properties that were preserved by the county that are not on the map. He will provide that information to Ms. Specca. Ms. Jamanow will provide additional information to Ms. Specca with the specific blocks and lots of Charlotte Rogers Park, the park next to the municipal building, and any other open space that is not reflected on the Preserved Farmland Map.

Mr. Lebak felt strongly against establishing an Historic Preservation Commission. Discussion ensued as to the possibility of establishing an Historic Preservation Commission and the breadth of their authority, which would be determined by township ordinance. The impression was that state law provides the regulations by which the township must abide. However, it is the township that grants those powers by ordinance and they decide how to proceed with the regulatory process. The Township cannot have an ordinance without a commission. Currently the Historical Review Committee reviews applications for architectural changes in the historic districts. It was suggested that the issue of establishing the commission should be moved to page 15 as #1 under Item 5.0 which recommends changes for the Master Plan. The current #1 on page 15 regarding stream corridors will be removed as it is already on page 8.

Ms. Specca commented on "Recreation Planning". She noted the recording of the parks status and the incorporation of the Circulation Plan. "Community Facilities" was addressed. There was a question as to whether the consideration of a new municipal building was in the original Master Plan. The mention of the new municipal building will remain in the new report. "Community Facilities" should include the 2006 Community Facilities Plan which recommended the need for a new municipal building, police department and fire department.

Ms. Specca noted that Transfer Development Credits were revised slightly in 2009. She reviewed changes in the "Architectural and Site Design Standards and Guidelines" and explained that the Permit Extension Act of 2009 was intended to preserve the approvals for projects which have not yet been constructed due to the present unfavorable economic conditions. It was determined that Chesterfield should complete the State Plan Endorsement Process including a Centers Designation extension. The Township has an existing designation for Sykesville, Chesterfield and a recreation area. The Permit Extension Act put a stay on the expiration of those centers. They have to be renewed every six years and would have expired last year if the Permit Extension act was not created. The Township has a grant that will provide for work on the completion of the plan. The item on the Circulation Plan Element of the Master Plan should note that the township should consider implementation of some of the recommendations on this plan.

There was a brief discussion on how to proceed with amendments to the report. It was suggested that the plan be passed as amended. Ms. Specca will add tonight's changes and forward the information to the Planning Board Members for review. If there should be the need for additional changes, an additional meeting will be considered.

A motion was made by Ms. Kelly, seconded by Mr. Malison, to approve, as amended, the Master Plan Re-examination. The vote was unanimous and the motion carried.

APPLICATIONS FOR ACTION

Matzel & Mumford: (Chesterfield Downs) Look-Alikes.

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Matthew Fallon addressed the Planning Board on the following Look-alike models.

243 Recklesstown Way: Princess Royal brick with white siding, black shutters and a charcoal blend roof. This home is 379' from an existing home with the same architectural features.

A motion was made by Mr. Kelly, seconded by Ms. Kelly, to approve 243 Recklesstown Way. The vote was unanimous and the motion carried.

245 Recklesstown Way: Sandalwood siding with black shutters and a charcoal blend roof. This home is 394' from an existing home with the same architectural features.

A motion was made by Mr. Lebak, seconded by Mr. Durr, to approve 245 Recklesstown Way. The vote was unanimous and the motion carried.

247 Recklesstown Way: Princess Royal brick with sage green siding, black shutters and a charcoal blend roof. This home is 217' from an existing home with the same architectural features as the existing home; however, it is a "garage left" home and the existing home is a "garage right".

A motion was made by Mr. Wilson, seconded by Mr. Malison, to approve 247 Recklesstown Way. The vote was unanimous and the motion carried.

253 Recklesstown Way: Williamsburg Hand Form brick with clay siding, black shutters and a charcoal blend roof. This home is 217' from 247 Recklesstown Way, with the same architectural features.

A motion was made by Mr. Lebak, seconded by Mr. Durr, to approve 253 Recklesstown Way. The vote was unanimous and the motion carried.

190 Recklesstown Way: Bucks County stone with white siding, Tuxedo Gray trim and a charcoal blend roof. This home is 315' from the proposed 182 Recklesstown Way home with the same architectural features.

A motion was made by Mr. Lebak, seconded by Mr. Durr, to approve 190 Recklesstown Way. The vote was unanimous and the motion carried.

186 Recklesstown Way: Williamsburg Hand Form brick with clay siding, black trim and a charcoal roof. This home is a sufficient distance from other similar homes.

A motion was made by Mr. Coover, seconded by Mr. Malison, to approve 186 Recklesstown Way. The vote was unanimous and the motion carried.

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182 Recklesstown Way: Bucks County Stone with Sandalwood Siding, Federal Brown trim and Weatherwood Blend roof. This home is 315' from the proposed 190 Recklesstown way home with the same architectural features.

A motion was made by Mr. Coover, seconded by Ms. Kelly, to approve 182 Recklesstown Way. The vote was unanimous and the motion carried.

40-2009 Matzel and Mumford: (Chesterfield Downs) Approval of Look-alike Models. Reviewed at November 25, 2009 Technical Meeting. (To Be Memorialized After Planning Board Review)

A motion was made by Mr. Lebak, seconded by Ms. Kelly, to approve Resolution 40-2009 for memorialization. The vote was unanimous and the motion carried.

Mr. Fallon advised the Planning Board that Matzel & Mumford is prepared to start paving the interior roads in Chesterfield Downs. Mr. Weismantel noted that there have been several unlit street lights in the development. Mr. Fallon said that he would check into getting the lights back on. As to an ongoing issue with the dumpsters meant for construction waste that are being used by residents and workers to dump garbage, Mr. Fallon advised that the issue is being addressed and the dumpsters have been removed from that area.

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Edward Minar: Block 206, Lot 10; 57 Fenton Lane; Bulk Variance for Coverage in the Residential I Zone.

Edward Minar was sworn. Exhibits were marked. The applicant is requesting a bulk variance for impervious coverage to construct an addition onto the existing house and to construct a free standing 30' x 24' garage.

Mrs. Jamanow advised the Planning Board that Mr. Minar's property is consistent with others in the area. The property does not meet many of the requirements for lot area, lot width, lot frontage or lot depth. These are all existing conditions of the lot. The front yard and side yard setbacks of the existing house do not meet the setback requirements. The proposed addition will create a rear yard setback variance for the house. 75 feet is required and 51 feet is proposed. The proposed addition will increase the non-conformity of the front yard setback.

Mr. Minar advised that the proposed garage will provide boat storage and a workshop. A driveway is not needed as the boat is only stored in the garage for the winter season. The existing garage is to remain for his vehicles. There are nine pine trees on Mr. Minar's property and he will need to remove four of them for his addition. A swamp maple will be removed and the large tree in the center of the yard will be preserved; however, it will require trimming. A 30' buffer will be planted. It was suggested that rainwater currently flows toward the Bentley property. Mr. Minar advised that rainwater basically flows to the back of his yard. Mr. Minar was asked if he had thought about removing some of the asphalt parking area. Mr. Minar advised that there is no other place to park if he has company. As to the removal of trees, Mr. Minar advised that he has markers on his property which will direct him to only removing trees that belong to him.

Chairman DeFelippis opened the meeting for public comment. There being none, the public portion of the meeting was closed.

A motion was made by Ms. Kelly, seconded by Mr. Durr, to approve Mr. Minar's request for the rear yard setback of 51' and an impervious coverage to 33.4%. The vote was unanimous and the motion carried.

Colonial Pipeline Company: Block 107, Lot 10.06; 493 Ward Avenue; Preliminary and Final Major Site Plan in the Office Park Zone.

As the Colonial Pipeline Company did not give proper public notice for their application, a motion was made by Mr. Wilson, seconded by Mr. Kelly, to continue their application to the January 12, 2010 Planning Board Meeting. The vote was unanimous and the motion carried.

DISCUSSION

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Daniel Brown: Block 500, Lot 3.03; 18 Old York Road, Informal Application Subject to Use Variance for Landscaping/Tree Business

Mr. Brown advised the Planning Board that his wife and he bought this parcel of land in January of 2006. Since that time he has been operating three businesses and thought he was working legally. He has been in the tree and landscaping business for 30 years. The vehicles on his property include his personal vehicles, a body truck, a Mason dump truck and a bucket truck. Mr. Brown was advised that he does not meet the criteria of a Home Occupation due to the weight of his trucks. He will need a Use Variance because of that condition of a Conditional Use.

Mr. Brown uses the property for storage of firewood that he sells by way of phone orders and delivery. Mr. Brown employs one full/part time person and at busy times a second part-time person. Equipment for his business consists of a chipper, small tractor, and stump grinder. He noted that this area is screened from the public and he does not have customers coming to his property. Ms. Jamanow advised that Mr. Brown's tree/landscaping use requires a Use Variance as well as a Site Plan; however, he can request a waiver from the Site Plan.

At 9:55PM, Mr. Spence arrived.

2010 Budget

After a brief discussion, the Planning Board agreed on a \$5,000 increase to Legal Services and a \$10,000 decrease to Planner Services for the 2010 Planning Board Budget.

A motion was made by Mr. Lebak, seconded by Ms. Kelly, to approve the Planning Board Budget for 2010. The vote was unanimous and the motion carried.

CORRESPONDENCE

There was no correspondence for review.

INVITATION FOR PUBLIC TO SPEAK

Chairman DeFelippis opened the meeting for public comment. There being none, the public portion of the meeting was closed.

EXECUTIVE SESSION – Request for Proposals

Resolution 41-2009: A motion was made by Mr. Wilson, seconded by Mr. Spence, to approve Resolution 41-2009 and enter into executive session for the purpose of discussing request for proposals for professionals. The vote was unanimous and the motion carried.

At 10:10PM the public meeting was closed for executive session. At 10:30PM the members returned to the public meeting.

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ADJOURNMENT

At 10:30PM, there being no further business, a motion was made by Mr. Malison to adjourn. So moved.

Respectfully submitted,

Linda S. Wills, Secretary