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CHESTERFIELD TOWNSHIP PLANNING BOARD

March 9, 2010

As neither Chairman DeFelippis nor Vice Chairman Malison was present, Ms. Wills asked for a motion for acting Chairman. A motion was made by Mr. Coover, seconded by Mr. Panfili to nominate Ms. Kelly. The vote was unanimous, with the exception of Mr. Kelly, who abstained, and the motion carried.

The meeting of the Chesterfield Township Planning Board was called to order by Acting Chairwomen Kelly 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, Glenn McMahon, John Nunziato, Lido Panfili, F. Gerry Spence, Matthew Weismantel and Brian Wilson. Absent: Joseph Malison and Chairman DeFelippis. Professional staff present: Frederick Hardt, Solicitor and Nancy Jamanow, Engineer.

MINUTES

February 9, 2010 Meeting

It was noted that Mr. Nunziato was incorrectly named in the minutes as present. Mr. McMahon advised that the minutes note that he stepped down on the Brown application, but they should include that the reason was due to his position as Deputy Assessor. Mr. Brown is currently appealing his property taxes.

A motion was made by Mr. Coover, seconded by Mr. Kelly, to approve the minutes, as amended. The vote was in the affirmative, with the exception of Mr. Nunziato, who abstained, and the motion carried.

INVITATION FOR PUBLIC TO SPEAK – Matters not on the Agenda

Sharon Fillinger, 6 New Street, spoke on her request for a shed that she wishes to place outside of her rear setback limits. Mr. McMahon advised that Ms. Fillinger's property is in the Village Zone. The regulations indicate a 10' rear setback and proposed is a 1' rear setback. Ms. Fillinger was advised that she would be required to obtain a bulk variance, which involves notification of the hearing to everyone within 200' of her property.

RESOLUTIONS

8-2010 Daniel Brown: Block 500, Lot 3.03; 18 Old York Road; Use Variance and Site Plan Waiver for Tree and Landscaping Business in the Agricultural District.

Solicitor Hardt advised of changes to the resolution, which included changing the word "board" to "barn", the word "accept" to "except" and adding the words "is required" after the statute on the top of page 2.

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Mr. Brown addressed the Board regarding a condition in his resolution of approval, which states that “the applicant agrees to screen the pole barn and proposed location of the trucks and operations in the pole barn through a landscaping screen along the north westerly driveway into the pole barn area”. Mr. Brown was not under that impression and had planned to plant a screen along the front of his property. He was advised that the resolution, as written, reflected the decision of the Board. If Mr. Brown does not agree, he will need to reapply to the Planning Board for a modification of his approval. Mr. Brown agreed to the conditions of the current resolution.

A motion was made by Ms. Kelly, seconded by Mr. Coover, to approve Resolution 8-2010. The vote was in the affirmative, with the exception of Mr. McMahon and Mr. Nunziato, who abstained, and the motion carried.

9-2010 Heritage at Chesterfield S.F. LLC: Block 107.06, Lot 1; 82 Bordentown-Crosswicks Road; Minor Site Plan for Sales Office in the Planned Village Development District.

A motion was made by Mr. Spence, seconded by Mr. Panfili, to approve Resolution 9-2010. The vote was unanimous and the motion carried.

10-2010 Resolution Recommending Adoption of the Revised Fence Ordinance with Changes.

A motion was made by Mr. Spence, seconded by Mr. Panfili, to approve Resolution 10-2010. The vote was unanimous with the exceptions of Mr. Durr and Mr. Kelly and the motion carried.

11-2010 Leonard and Nancy Orloski: Rescission of Planning Board Approval.

A motion was made by Mr. Spence, seconded by Mr. McMahon, to approve Resolution 11-2010. Mr. Durr questioned the use of the term “development rights” in the Orloski resolution as it may be confused with the Transfer of Development Rights. It was suggested that a better choice of words would be “approval rights”. A motion was made by Mr. Spence, seconded by Mr. Panfili, to modify the approval to include the amendment to “approval rights”. The vote was unanimous and the motion carried.

APPLICATIONS FOR ACTION

K. Hovnanian at Chesterfield, LLC: Block 107.18, Lot 7; Preservation Boulevard; Minor Site Plan for Temporary Construction and Storage Trailers in the Planned Village Development District.

Michael Macaninch, attorney for the applicant, introduced Mark Thompson of Taylor Wiseman and Taylor, who was sworn and gave evidence that he was a qualified expert.

Mr. Thompson testified that the location of the trailer was along Preservation Boulevard, in the rear of the development. As construction progresses they will move the existing

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trailer to the opposite side of Bordentown-Crosswicks Road and place the storage trailers in a remote portion of the site, at which five 8' x 20' storage trailers and one 12' x 60' construction trailer will be placed. There is a 20' wide open space lot adjoining the property which buffers the site from the farm to the east. A 4" sub base will be laid for parking assess.

Matthew Fallon, representing K. Hovnanian, was sworn. He testified that there will be street lighting as well as spot lights on the trailers that are illuminated at night. There is one light currently on the trailer and he would like to have a second light. The area is not fenced and there have been no issues in the past. The Police Department patrols the site and he will make them aware of the move. An ADA compliant port-a-potty that was not shown on the plan will be added as well as ADA parking. No landscaping is proposed; however, a comment had been made that the site should be shielded. Ms. Jamanow felt that would not be necessary. Possible shielding of the sanitary facility was proposed by Mr. Fallon.

Mr. Weismantel felt that the shielding was important because the other facility at the end of Harness Way is in disarray with debris blowing into other yards. He presented photos of the area that were marked as A6, a through f. He felt that the shielding of a model home was not as necessary as shielding of a construction area. Ms. Jamanow stated that the pictures truly do not agree with the approval. She noted that screening has not been required in the past. Mr. Panfili felt that fencing and landscaping should not be in a construction area. Mr. Weismantel believed that there should be control over the debris and suggested a partial fence on the side adjacent to lot 6 as well as parking screens from the other side of the lot. Discussion ensued as to the containment of trash from the trailer site.

Ms. Jamanow spoke on the possibility of requiring Point of Sale Disclosures. Solicitor Hardt agreed. He noted that there should be four parts to the disclosures: the construction site is heavily active; there is no representation of when the trailers will be moved; a list of restrictions placed on the site; and the document must be acted upon by all residents. Mr. Durr asked why a timeframe for the operation could not be imposed. Mr. Panfili suggested that the timeframe should be upon issuance of the last Certificate of Occupancy.

Further discussion ensued about the possibility of requiring a fence. Mr. Kelly agreed that a fence would mitigate items from blowing off the site but he suggested the driveway be left open. Mr. Durr suggested that, if it was necessary, it should be on the side next to lot 6. Solicitor Hardt noted that the frontage of the site faces 3 of the lots across the street from the site. An approval would be conditioned upon no dumpsters being placed at the site; storage is to be kept on the lot; a 4' chain link fence installation on three sides of the lot; nothing is to be kept off the tract; the ADA compliant port-a-potty must be placed closer to the street; a Point of Sale Disclosure should be provided to buyers and submitted at the time of the Certificate of Occupancy.

Mr. Macaninch advised that some of the properties are owned by Acacia and K. Hovnanian cannot impose the Point of Sale document on those buyers. Solicitor Hardt

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advised Mr. Macaninch that he would need to work that issue out with Acacia. Mr. Panfili suggested a sign to inform the public that the area is an active construction site. Solicitor Hardt stated that the sign should be approved before it is installed. Mr. Weismantel felt that the propane tanks should be delineated on the plan and properly screened. Mr. Nunziato asked if a fire hydrant should be near the site. Ms. Jamanow advised that fire hydrants are only placed where they are required by fire code. It was noted by Mr. Fallon that they are leaving the existing site because a home is to be built there.

Ms. Kelly opened the hearing for public comments. There being none, the public portion of the hearing was closed.

A motion was made by Mr. Panfili, seconded by Mr. McMahon, to approve the application with the conditions noted by Solicitor Hardt. The vote was unanimous and the motion carried.

New Cingular Wireless PCS, LLC: Block 103, Lot 21, 101 Hogback Road; Minor Site Plan and Conditional Use for the Installation of a Transport Dish Antenna in the Agricultural District. INCOMPLETE.

A motion was made by Mr. Coover, seconded by Mr. McMahon, to deem the New Cingular Wireless application incomplete. The vote was unanimous and the motion carried.

DISCUSSIONFence Issue – 6 Colemantown Drive

Mukesh Shah, 6 Colemantown Drive, spoke to the Planning Board regarding the issue of fencing his property. Mr. Shah lives on a corner lot with an alley, which gives him roadways on three sides of his property and limits his privacy. Mr. McMahon provided pictures of the property to the board members that showed newspapers blowing across his lawn as well as cars and trucks parked on the edge of his property. Discussion ensued regarding further amendments to the fence ordinance, including the possibility of permitting a 4' fence on side yards, which would help with privacy on Mr. Shah's property. Mr. Shah also proposes a solid fence. Current ordinance requirements require an open picket. There was some concern, initiated by Mr. Coover, that a bicycling child may not be able to see a car coming into the intersection. Mr. Shah was advised to apply for a variance if he wanted to have a fence installed this spring.

CORRESPONDENCE

A letter from the Department of Community Affairs regarding the Permit Extension Act of 2008 and a letter from Clarke Caton Hintz Compliance Review of Heritage at Chesterfield SF Properties were informational in nature and no discussion was held on either letter.

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MISCELLANEOUS

It was determined that the personnel issue that was on the agenda for executive session was not an executive matter. A specific clause was to be added to the Planner's contract regarding which consultant would attend Planning Board Meetings. Also noted in the discussion were changes in the Planner's billing descriptions.

Solicitor Hardt spoke briefly on the status of Senator Lesniak's bill to reform the policies on the Council of Affordable Housing. He will have more information once the bill passes. Ms. Wills advised the Board that the Planning Board Planner, Phil Caton, would like to give a presentation at the April meeting on COAH's current status. It was the Board's preference that Mr. Caton waits to give his presentation until a decision on the COAH bill is made.

Several years ago the state planned to sell the houses on the property of the reformatory without taking the step of subdividing the lots or providing a water source to the homes. Solicitor Hardt advised that those people who put money down on the properties had the money returned. Mr. Durr had heard that the state is trying to sell them again.

EXECUTIVE SESSION

Resolution 12-2010 A Resolution to Enter into Executive Session for Matters Relating to Litigation.

At 9:20PM, a motion was made by Mr. Panfili, seconded by Mr. Coover to enter into executive session. The vote was in the affirmative and the motion carried. At 9:30PM the Planning Board returned to the open session.

ADJOURNMENT

At 9:30PM, there being no further business, a motion was made by Mr. Panfili, seconded by Mr. Spence, to adjourn. So moved.

Respectfully submitted,

Linda S. Wills, Secretary