

## **CHESTERFIELD TOWNSHIP PLANNING BOARD**

April 13, 2010

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, Deborah Kelly (7:40), Glenn McMahon, Joseph Malison, John Nunziato, Lido Panfili, F. Gerry Spence, Matthew Weismantel and Chairman DeFelippis. Absent: Brian Kelly and Brian Wilson. Professional staff present: Frederick Hardt, Solicitor, Nancy Jamanow, Engineer.

### **MINUTES**

#### March 9, 2010 Regular and Executive Session Minutes

A motion was made by Mr. Spence, seconded by Mr. Panfili, to approve the March 9, 2010 Regular Minutes. The vote was in the affirmative, with the exceptions of Mr. Malison and Chairman DeFelippis, who abstained, and the motion carried.

A motion was made by Mr. Spence, seconded by Mr. Coover, to approve the March 9, 2010 Executive Session Minutes. The vote was in the affirmative, with the exceptions of Mr. Malison and Chairman DeFelippis, who abstained, and the motion carried.

### **INVITATION FOR PUBLIC TO SPEAK – Matters not on the Agenda**

Chairman DeFelippis opened the meeting for public comments. As there were none, the public portion of the meeting was closed.

### **RESOLUTIONS**

13-2010 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. Approved March 9, 2010

Mr. Panfili noted that Mr. Liedtka's name was incorrectly spelled on the resolution. The spelling will be corrected. A motion was made by Mr. Coover, seconded by Mr. Durr, to approve Resolution 13-2010. The vote was in the affirmative, with the exceptions of Mr. Malison and Chairman DeFelippis, who abstained, and the motion carried.

14-2010 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. Deemed Incomplete March 9, 2010.

A motion was made by Mr. Panfili, seconded by Mr. Coover, to approve Resolution 14-2010. The vote was unanimous and the motion carried.

## **APPLICATIONS FOR ACTION**

Thomas and Jill Thompson: Block 500, Lot 4.04; 36 Old York Road; Bulk Variance for Impervious Coverage for an In-ground Pool and Patio in the Agricultural District.

Thomas Thompson, Jill Thompson and their Licensed Landscape Architect, Marc Nissom were sworn. Exhibits were marked. Mr. Thompson has applied for a variance for impervious coverage to install a pool and patio in his back yard. In reference to the comment number two, offered by the Township Engineer in her April 6, 2010 report, Mr. Thompson testified that the existing shed and three-tier patio were installed by the previous owners of the property. The applicants propose an in-ground pool surrounded by an additional patio made of pavers with a two-foot high retaining wall and landscaping.

Mr. Thompson advised that the wooden shed on his property does not have a foundation and he would like to keep it. He will provide a four-foot high aluminum fence around the entire back yard up to the rear of the residence. The plans that were provided with the application did not include fencing on the road side portion east of the house. Mr. Nissom provided a plan revised to March 5, 2010, which included the additional fencing. The plan was marked as exhibit A-4. The plan shows a four-inch drain pipe which will release runoff water into a gravel area on the southwesterly corner of the property, which is adjacent to his neighbors. The applicant agreed to move the drainage to the larger "stone drainage area" shown on the opposite side of the plan. Ms. Jamanow advised Mr. Thompson to provide the Zoning Officer with a revised plan showing the change in drainage.

Ms. Jamanow noted that an aerial photo of the property shows an area approximately 30' x 20' in the rear yard that is not depicted on either the survey or landscape plan. Mr. Thompson testified that the photo was probably taken before he owned the property. That area, previous to their ownership, was used for the storage of mulch.

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

The Planning Board spoke briefly about possibly enlarging the coverage regulations in the Agricultural Zone.

The applicant will need to submit a revised plan that shows both the entire fencing and the moving of the drainage area. Along with their request for the relief from the coverage regulations of the pool and the patio includes the setback for the shed. The applicant has also requested an At-Risk Permit so that work can begin on their pool and patio. They were advised that the permit allows them to begin their project prior to memorialization of their approval and provides for the removal of any improvements that are contrary to that approval.

A motion was made by Mr. Malison, seconded by Mr. Spence, to approve the At-Risk Permit as well as the Thompson's pool and additional patio for impervious coverage, and the rear setback variance for the shed, with the conditions of providing a revised plan showing additional fencing and relocated drainage. The vote was unanimous and the motion carried.

Heritage @ Chesterfield S.F. LLC: Block 107.06, Lot 1; 82 Bordentown-Crosswicks Road; Minor Site Plan Amendment for Sales Office in the Planned Village Development District. To Be Continued to the May 11, 2010 Planning Board Meeting.

Ms. Jamanow advised the Planning Board that this application was continued due to the absence of adequate escrow fees. She reported that the handicap bathroom at the site is not a condition of the construction office. It was a condition of the Planning Board and the applicants are, therefore, asking for relief of that condition of their approval. The condition was imposed because the thought was that it was construction related; however, it is not a condition that the Construction Office requires. That is the reason that they are coming back to the Planning Board.

Ms. Jamanow wanted to make the Planning Board aware of the handicap parking space that is now on this lot. The applicant had proposed the space on the street; however, that would not meet ADA requirements. Its current placement makes it compliant. They received their Temporary Certificate of Occupancy conditioned upon coming back to the Planning Board to get relief from the handicap bathroom. In order to get a final C.O. they will need to remove the handicap parking space on the lot, if it is not essential. Ms. Jamanow suggested that, in the future, any ADA requirements might be conditioned upon the Construction Office's regulations.

A motion was made by Mr. Panfili, seconded by Mr. Spence, to continue the application to the May 11, 2010 Planning Board Meeting. 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. Request to Continue to the May 11, 2010 Planning Board Meeting.

A motion was made by Ms. Kelly, seconded by Mr. Panfili, to continue the New Cingular Wireless application to the May 11, 2010 Planning Board Meeting. The vote was unanimous and the motion carried.

## **CORRESPONDENCE**

### Annual Report for 2009

The report showed that there were three Major Site Plans, no Major Subdivisions and seven Bulk Variances approved by the Planning Board in 2009. In addition, there was one Use Variance approved and one Use Variance denied.

### Letters Regarding Outstanding Escrow Charges

The Planning Board discussed the possible procedures for eliminating difficulties with obtaining additional escrows needed to pay the professionals for their work. Suggestions included having each professional review the application and provide the Planning Board Secretary with an estimate prior to the hearing as well as placing a lien on the property of applicants who have not made their payment after a period of time. The amendment of the escrow ordinance has helped to reduce the need for extra billing on applications.

## **INVITATION FOR PUBLIC TO SPEAK**

Chairman DeFelippis opened the meeting for public comment. As there were no comments, the public portion of the meeting was closed.

## **ADJOURNMENT**

At 8:25PM, 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