

## **CHESTERFIELD TOWNSHIP PLANNING BOARD**

September 14, 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, Brian Kelly, Debbie Kelly, Glenn McMahon; Joseph Malison, Lido Panfili, F. Gerry Spence, Matthew Weismantel, Chairman DeFelippis. Professional staff present: Frederick Hardt, Solicitor; Nancy Jamanow, Engineer. Absent: Brian Wilson, John Nunziato.

### **MINUTES**

#### July 13, 2010 Meeting

A motion was made by Mr. Spence, seconded by Mr. Panfili, to approve the July 13, 2010 Regular Minutes. The vote was in the affirmative, with the exceptions of Ms. Kelly and Chairman DeFelippis who abstained, motion carried.

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

Chairperson DeFelippis opened the meeting for public comments.

Donna and Al Covell, 105 Bordentown-Crosswicks Road, spoke to the Board in regard to a letter they received from the Township asking them to remove a flag pole in their backyard. Mr. & Mrs. Covell were told that because they were in the PVD zone that the ordinance states that a ground flag pole cannot be more than 6 foot high. Solicitor Hardt informed them that they could pick up a use various from the secretary if they wish to have a pole higher than the 6 foot. The board discussed recommending to the Township Committee amending the ordinance on the height of the standing flag pole. Chairman DeFelippis suggested the board explore the issues that go along with the regulations of the ordinance. A motion was made by Mr. McMahon, seconded by Mr. Coover, to ask the Township Committee to consider amending the ordinance. All were in favor with the exception of Mr. Durr and Mr. Kelly who abstained, the motion carried.

Mr. and Mrs. Covell also asked the board if there was anything that could be done in regard to the delivery of mail to residents on Bordentown-Crosswicks Road. They stated that because cars park in front of the mailboxes that mail is not being delivered. Ms. Jamanow said that she was contacted by the Chief of Police with the concerns and she follow up with him. Ms. Jamanow believes that the boxes will have to be moved to the end and become universal boxes.

Bob Infantine, 252 Recklesstown Way, stated that he lives on the corner of Old York and Recklesstown Way and that there is a strip of easement on Chesterfield-Crosswicks and Old York Road that the Township cuts and he would like to know if he could purchase

this strip of property. Ms. Jamanow will look into who owns this and she will back to him.

Sherri Dudas and Jim Kinsel, 258 Ellisdale Road. They came before the board in regard to their farm at 42 Chesterfield-Georgetown Road. Ms. Dudas stated that they own the driveway and that it is a 33 foot lane and a preserved farm easement. Because they have members that will be in and out of the farm picking up produce, Mr. McMahon, Zoning Official sent them a letter stating that they must apply for a site plan approval by October 1<sup>st</sup> because of the amount of cars that will be entering and exiting. She felt that the letter was sent because of the complaints from their neighbors Mr. McMahon stated that the letter was from him because a comparison was made of the farm stand just down the road and the owner was required to have a site plan for a parking lot. Fred Hardt, Township Solicitor informed Ms. Dudas that this was an informal presentation not a formal application and that she could file an appeal disagreeing with Mr. McMahon letter. He also stated that it was improper for the board to go any further at this time. Chairman DeFelippis suggested that they respond to Mr. McMahon letter and at that time they would be able to come before the board with their concerns.

## **PUBLIC HEARING -**

Phil Caton addressed the board for the purpose of the public hearing which is to have the board consider adoption of the Housing Element and Fair Share Plan. If the Planning Board adopts the Plan the Township will hold a meeting following the adoption to endorse and also vote to submit it to the Superior Court for its consideration. Mr. Caton gave an overview of what the Third Round Share is. The Third round essentially extends from 1999 thru 2018. COAH assigned a fair share comprised of three elements, first being the rehabilitation component, which we have zero. Second being prior round component which is 55 units and third is growth share component which is 69 units. However because of the successful application from the Township to the Superior Court, the obligation came down in the third round from 69 to 17. We have an obligation to provide a certain amount of rental units and a limitation on how many senior citizens units which are all set forth in the plan. The components of the plan are being satisfied principally through Old York Village. The Township has one existing group home which is the Catholic Charities providing three units and three bonus credits; Crosswicks Inn Keepers with one unit; and the possibility but not the obligation of three more homes from the Wagner Youth Facility on Ward Ave. If the Planning Board adopts the plan it will supersede the prior element and then can be endorsed by the Township. The plan will then go back to the Superior Court and be subject to a compliance hearing. Mr. Hardt then suggested that the meeting be opened to the public. Chairman DeFelippis opened the meeting for public comment.

Hearing none, a motion was made by Mr. Spence, seconded by Mr. Weismantel to approve the Amended Housing Element and Fair Share Plan A roll call was taken, Mr. Coover-yes, Mr. Durr-abstain, Mr. Kelly-abstain, Ms. Kelly-yes, Mr. McMahon-yes, Mr. Malison-yes, Mr. Spence-yes, Mr. Panfili-yes, Chairman DeFelippis-yes; motion carried.

## **RESOLUTIONS**

21-2010 Resolution approving and adopting an Amended Housing Element and Fare Share Plan to satisfy the Township's third round affordable housing obligation.

A motion was made by Ms. Kelly, second by Mr. Coover, to approve and adopt Resolution 21-2010. A roll call was taken. Mr. Coover-yes, Mr. Durr-abstained, Mr. Kelly-abstained, Ms. Kelly-yes, Mr. McMahon-yes, Mr. Malison-yes, Mr. Spence-yes, Mr. Panfili-yes, Chairman DeFelippis-yes, motion carried.

22-2010 Resolution adopting Farmland Preservation Element of the Master Plan.

A motion was made by Mr. Spence, second by Mr. Panfili to approve and adopt Resolution 22-2010. A roll call was taken. Mr. Coover-yes, Mr. Durr-yes, Mr. Kelly-yes, Ms. Kelly-yes, Mr. McMahon-yes, Mr. Malison-yes, Mr. Spence-yes, Mr. Panfili-yes, Chairman DeFelippis-abstain, motion carried.

Recessed for Township Committee Meeting at 8:27pm.

Resumed Planning Board Meeting @ 8:35pm

## **APPLICATIONS FOR ACTION**

Sharon and Kevin Cunningham: Block 202.107, Lot 1; 161 Recklesstown Way; Bulk Variance for Fence.

Sharon and Kevin Cunningham were sworn in. Exhibits were marked. Mr. and Mrs. Cunningham would like to have a pool installed and a 5 foot fence. They have a corner lot which has 3 fronts. The front is on Recklesstown Way the side yard is on Saddle Way and they back up to Steed Lane. Steed Lane is an alley and they are permitted a 5 foot fence 10 feet off the right of way. Mr. and Ms. Cunningham will be installing aluminum style fence. Ms. Jamanow recommended to the board that the plan be approved as long as they follow the plan and stay off the 25 foot right of way.

A motion was made by Mr. Coover, seconded by Mr. Panfili to approve the application. A roll call was taken; Mr. Coover-yes, Mr. Durr-yes, Mr. Kelly-yes, Ms. Kelly-yes, Mr. McMahon-yes, Mr. Malison-yes, Mr. Spence-yes, Mr. Panfili-yes, Chairman DeFelippis-yes, motion carried

Luisa and Anthony Marino: Block 202.100, Lot 1, 157 Recklesstown Way; Bulk Variance for a fence

Luisa and Anthony Marino were sworn in. Exhibits marked. Mr. and Mrs. Marrano are installing a pool and are requesting a 5 foot fence. They have a corner lot, the front is Recklesstown Way, side yard is Saddle Way and driveway is off Filly Lane. Ms. Jamanow stated that a rear yard fence is permitted. Mr. and Mrs. Marrano would like a 5 foot high picket on Filly Lane and 4 foot solid, 1 foot open privacy fence on Saddle Way. They are proposing the fence be 10 feet off the right of way on Saddle Way. Ms. Jamanow recommended the fence be pushed back 25 feet to the built to line. This will prevent the fence from blocking the view of the adjoining neighbor.

Chairman DeFelippis opened the meeting to the Public for comment on this application. There were none. After a lengthy discussion a motion was made by Mr. Spence, seconded by Mr. Panfili to approve a 5 foot privacy fence at a 20 foot set back line. Mr. Kelly stated that the resolution should clearly state that this decision is a unique circumstance on this property, and does not hold precedence on the decisions of other properties.

A roll call was taken; Mr. Coover-yes, Mr. Durr-yes, Mr. Kelly-yes, Ms. Kelly-yes, Mr. McMahon-yes, Mr. Mailson-yes, Mr. Spence-yes, Mr. Panfili-yes, Chairman DeFelippis-yes, motion carried

Chairman DeFelippis asked for a motion to allow them to apply for an at risk permit. It was also stated that the application heard prior would also be permitted to apply for an at risk permit. Mr. Malison made that motion seconded by Mr. Spence, all in favor motion carried.

## **DISCUSSION**

### Amendment to Fence Ordinance – Conformance to the Master Plan:

Mr. Jamanow stated at last weeks Township Committee meeting, the ordinance was introduced on first reading and has been referred back to Planning Board and should go back to the committee on the 13<sup>th</sup> for adoption. The major change is to allow 4 foot high fences on side yards. Other changes were; white color of the fence, specifies that it should be on the property line and that anyone else coming in should butt up to the existing fence, and also lists metal fence colors which are permitted. Ms. Jamanow recommended changes to the wording for clarification. On the first page of the ordinance next to (9) Fences, yards and gardens, Ms. Jamanow would like a note to be added that reads: A zoning permit is required for all fence installations. Also recommended is to replace the last line of (9)(c) to read: On a corner lot with frontage to two (2) alleys or lanes, fences may be no closer than ten (10) feet to the rear alley or lane. This fence may be five feet in height and must be open picket or metal railed. The purpose of this is to be able to keep the height and yet be able to see if someone was coming. Mr. McMahon motioned that the ordinance reads that new fences on adjacent lots shall adjoin to the existing fencing and a duplicated fence shall not be placed on the side lot line. The concern would be if one neighbor wants a 3 ½ foot fence and his neighbor wants a 5 foot fence for a pool. Ms. Jamanow suggests that it read: New fences on adjacent lots shall join to the existing fence.

A motion was made by Ms. Kelly and seconded by Mr. McMahon to recommend to the Township Committee the changes to the fence ordinance. All were in favor with the exception of Mr. Durr and Mr. Kelly who abstained. The motion carried.

## **CORRESPONDENCE**

### Letter from ERI regarding Renaissance Boulevard

Ms. Jamanow and Kyle Wilson met with Fire Commissioner Joe DuBel to go over the recommendations. The Fire Commissioners were fine with the recommendations on this plan with one clarification. Ms. Jamanow stated that the recommendations were that the travel lane width on Saddle Way within Renaissance be 20 feet and the center island was narrowed to 20 feet which will still allow parking. Going into Chesterfield Downs from Old York Road the island in the middle is being eliminated. One stipulation the Commissioners had was the 20 feet along the oval should be no parking. Residential homes have a garage with one parking space in the alley and there is parking along the side streets. Mr. Hardt stated that this is a modification to the plan as recommended by District 1 which is a condition of the approval. Ms. Jamanow will send a request to Kyle Wilson, Chief of Police to put no parking signs along Saddle Way.

### Letter regarding Saddle Way – Removal of Center Island Landscaping

Ms. Jamanow along with Judy Buster met with Mr. Ron Goetz, Construction Manager with concerns of the vegetation in the islands at Saddle Way and to go over the changes that were proposed. What that does is to reduce the landscaping more for site triangle purposes. Because the landscaping is in such bad shape it was suggested that they remove junipers and replace with smaller ones. Also suggested was to remove the landscaping from the first tree to the bullnose of the island for site triangle distances and everything. The center area where the school sits which is between Thorn Lane and Wright Drive, in front of the school is a bump out that will allow parents to drop off their children and leave. The Fire Commissioners were ok with it as is. The area of Wright and Recklesstown where the single family homes are and from Thorn to Renaissance where the triplexes are, the first recommendation from the Fire Commissioners was to remove the island the second was the removal of 3 feet of median to give 21 feet on either side. The last option was to cut out a zig turn which is a cut out in the middle of the island incase a truck needs to turn around. Ms. Jamanow believes that the suggestion of the Board of Fire Commissioners agrees with her what she suggested as option 4 which actually takes 3 ½ feet from each side. This would require a reduction in the size of the center island with layed back curbs at the center and still leave a 5 to 6 foot wide area to plant. The Board of Fire Commissioners were fine with leaving Thorn and Wright as is. Mr. McMahon mentioned that our ordinance does not allow parking in the alley ways. Ms. Jamanow informed the board that she has a draft ordinance prepared to allow compensation for circumstances such as parties and such. Ms. Jamanow spoke to K-Hovnanian and asked them if they would not overlay it at this time and then contribute it to the town if they do the changes to which they agreed.

Ms. Kelly made a motion, seconded by Mr. Spence to recommend to the Township Committee Option #4 – Reduce the island width to 5 feet wide. Construct mountable belgian block curb at the island and place a ground cover within the island or whatever planting are appropriate with the exception of 6 feet wide as opposed to 5 feet.

Mr. Durr expressed his concerns with the recommendations and that a problem that was not taken into consideration was bicycles. His concern was that children would want to ride their bikes to school and by not removing the island completely and putting a bike path in; they would not be able to do so.

After a lengthy discussion, it was decided to recommend to the Township Committee Option #4.

A roll call was taken Mr. Coover-yes, Mr. Durr-no, Mr. Kelly-abstain, Ms. Kelly-yes, Mr. McMahon-yes, Mr. Malison-yes, Mr. Spence-yes, Mr. Panfili-yes, Chairman DeFelippis-yes. Motion carried.

The Board continued the conversation in regard to Renaissance. Ms. Jamanow stated that the only thing they needed to go back to was to talk about the mountable curb. It was mentioned that it should stay consistent all the way through. Mr. Caton would prefer to see it vertical. Ms. Jamanow asked Chairman DeFelippis for a motion if the board agrees to send this information to Renaissance to ask them to incorporate this into their final application. Mr. Hardt mentioned to the board that we are not to take official action but that we are approving the diagram and the changes, defining that it is a minor change and that Renaissance does not have to notice and amend the site plan. In case of any questions, Mr. Hardt prefers the recommendation of Saddle Way Construction be done through a resolution and finds the changes meet a condition of the approval, which is the Fire Company report and that these changes are insignificant.

A motion was by Mr. Malison, seconded by Mr. Panfili to send the recommended changes of Saddle Way to Renaissance noting they are insignificant changes that are required as a condition of approval. All were in favor, motion carried.

#### Letter regarding Indian Path, LLC: Jim Kinsel and Sherry Dudas

Mr. and Mrs. Kinsel attended a planning board meeting in July in regard to their property on Harker Road. The concern was the access to the lane with walking and parking along Harker Road. Nancy Jamanow recommends the paved road on Ellisdale Road be used for heavy loads so that Harker Road will not determinate and that the access to Harker Road which will be better used for farming operations should have a paved apron. Mr. Kinsel stated that he didn't want a parking lot because the strawberry's are seasonal and that they will only be there for about 2 more years and he would like to keep the land for agricultural purposes. A site plan would not be necessary it will be a driveway opening.

#### Memorandum from Bonnie J. Haines, Township Clerk

This memo was written to Clark Caton Hintz in regard to discrepancies in invoices. Phil Caton responded that the company had made some code errors and that the corrections were made and Mr. Caton responded back to Bonnie a week after the memo was sent. Mr. Durr asked that Mr. Caton put extra effort in checking the invoices because Ms. Haines spends a lot of time checking every invoice.

Chairman DeFelippis opened the floor to comments:

Mr. Weismantel asked Ms. Jamanow how the meeting with John Benton went. Ms. Jamanow informed the board that the meeting with Mr. Benton went well; Mr. Benton's concerns were already addressed. One major thing was that things do not move quick enough. Ms. Jamanow explained to Mr. Benton that we do not have control until the bonds are turned over. Toll Brothers have agreed to meet with John Benton and Judy Buster, Ms. Jamanow will set this meeting up.

Mr. Weismantel asked Mr. Hardt for an updated on the Liptak Litigation. Mr. Hardt requested the Board go into executive session.

### **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.

### **EXECUTIVE SESSION**

At 10:22 a motion was made by Mr. Coover, seconded by Mr. Spence to enter into executive session to discuss the Liptak litigation. The vote was unanimous, motion carried. At 10:35 PM the Planning Board returned to open session.

Ms. Jamanow mentioned to the board that the bridge is in and it looks great. Ms. Jamanow will get a proposal to the Township Committee to complete the process.

### **ADJOURNMENT**

There being no further business, a motion was made by Mr. Coover, seconded by Ms. Kelly, to adjourn. All were in favor, meeting adjourned @ 10:40 PM.

Respectfully submitted,

Aggie Napoleon, Secretary