

CHESTERFIELD TOWNSHIP PLANNING BOARD

October 12, 2010

The meeting of the Chesterfield Township Planning Board was called to order by Vice Chairman Malison 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, Brian Wilson; Lido Panfili, Matthew Weismantel, John Nunziato and Vice Chairman Malison. Absent: F. Gerry Spence and Chairman DeFelippis. Professional staff present: Frederick Hardt, Solicitor, Nancy Jamanow, Engineer. Phil Caton, Township Planner.

MINUTES

September 14, 2010 meeting

A motion was made by Ms. Kelly, seconded by Mr. Panfili, to approve the September 14, 2010 Regular Minutes. The vote was in the affirmative, with the exceptions of Mr. Wilson and Mr. Nunziato, who abstained, and the motion carried.

INVITATION FOR PUBLIC TO SPEAK – Matters not on the Agenda

Vice Chairman Malison opened the meeting for public comments.

Carmine Giangeruso - 109 Bordentown-Crosswicks Road spoke to the board because he was denied his zoning permit to have solar panels installed because the Township Ordinance states that they cannot face streets or be visibly obtrusive. He informed the board that the State Assembly is in the process of changing the statute on Solar Panels. Mr. Hardt advised the board to table the amended solar ordinance he has prepared and to take no action at this time until it's known if the statute passes. Mr. Giangeruso was advised that at this time the Townships ordinance requires a bulk variance and that if he wishes to install solar panels, an application is required.

Tom Wasilewski - 33 Fenton Lane was denied a zoning permit to erect a fence on his property line due to the location being on a sanitary sewer easement. He wanted to know if he could be supplemented because of the safety of his small child. He was informed that he could bring the fence in 10 feet from the easement and that he has a 20 day window from the date of the denial to apply for an appeal which he will need an application. Mr. Hardt stated that if he did apply he would have to notice the 200 foot list. He was made aware that many neighbors would be affected if something were to go wrong.

Donna Covell – asked the board for an update in regard to the flag pole issue. She was informed by the board that it had been referred to the Township Committee for review.

Ms. Covell also inquired on the situation with the mailboxes on Bordentown-Chesterfield Road. Ms. Jamanow stated that she hasn't had a chance to speak with the Chief of Police but will do so at the next Township Committee meeting.

RESOLUTIONS

Ms. Jamanow wished to clarify that Resolutions 23-2010 and 24-2010 included the comments that were sent to Mr. Hardt. It was confirmed that the resolutions have a revised date of 10/11/10.

23-2010 On the Application of Sharon and Kevin Cunningham for a variance to construct a 5-foot-high fence at property identified as block 202.107, Lot 1, also identified as 161 Recklesstown Way, within the Township of Chesterfield.

A motion was made by Mr. Panfili, seconded by Ms. Kelly, to approve Resolution 23-2010. The vote was in the affirmative, with the exceptions of Mr. Wilson and Mr. Nunziato who abstained, and the motion carried.

24-2010 On the application of Luisa and Anthony Marrano for a variance to construct a 5-foot-high fence at property identified as Block 202.100, Lot 1, also identified as 157 Recklesstown Way, within the Township of Chesterfield.

A motion was made by Mr. Coover, seconded by Mr. Kelly, to approve Resolution 24-2010. The vote was in the affirmative, with the exceptions of Mr. Wilson and Mr. Nunziato who abstained, and the motion carried.

25-2010 Resolution recommending adoption of the revised fence ordinance with changes.

A motion was made by Ms. Kelly, seconded by Mr. Weismantel, to approve Resolution 25-2010. The vote was in the affirmative, with the exceptions of Mr. Wilson, Mr. Durr, Mr. Kelly and Mr. Nunziato who abstained, and the motion carried.

26-2010 Resolution recommending implementation of option 4 as set forth within the engineer's report of June 4, 2010 in the resolution of issues over Saddle Way construction.

A motion was made by Mr. Coover, seconded by Mr. Kelly, to approve Resolution 26-2010. The vote was in the affirmative, with the exceptions of Mr. Wilson and Mr. Nunziato who abstained, and the motion carried.

In regard to ordinance 25-2010, Ms. Jamanow stated that the changes are incomplete. Section 130-83(e)9(b) – Front and side yards at 3 ½ feet should be amended to read front and side yards at 4 feet.

A motion was made by Mr. Coover, seconded by Mr. Panfili to add the component to Section 130-83(e)9(b) from 3 ½ feet to 4 feet. The vote was in the affirmative, with the exceptions of Mr. Durr, Mr. Kelly, Mr. Nunziato and Mr. Wilson who abstained, and the motion carried

APPLICATIONS FOR ACTION

Brian and Yasmin Maher: Block 202.28, Lot 8; 20 Singleton Drive; Bulk Variance for fence along a landscape buffer.

Mr. Maher was sworn. Exhibit marked. Mr. Maher stated that at the rear of his property there is a 30 foot landscape buffer. He would like a fence 4 foot solid 1 foot lattice on top totaling 5 feet. He also stated that three properties to the left of him have fences in the buffer easement.

Ms. Jamanow informed Mr. Maher that the property owners were denied permits and she recommend to the Zoning Officer, Glen McMahan that those property owners be fined. The property to the east, 12 Singleton, had checked before they moved in and Ms. Jamanow had given them incorrect advice however the agreement of sale was contingent upon the fence agreement. Therefore because of the mistake, their fence was permitted. Ms. Kelly mentioned that there should be consequences to those who ignore a denial letter. Mr. McMahan stated that a notification will go out stating the fence was improperly placed and they would be given 15 days to remove the fence. If no response, a second letter stating a summons will appear in 10 days if they do not respond. If no action taken a third and final letter stating a summons will be issued. If after 5 days no action has been taken a summons is issued and a court appearance is required.

Ms. Jamanow stated that there is also a utility easement on the right side which the fence would also have to be inside of. The Planning Board spoke briefly regarding the concerns of the existing neighbors on Bordentown-Crosswicks Road. The purpose of the landscape buffer was to block the view for the residents that were already there.

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

A motion was made by Mr. Durr and seconded by Mr. McMahan to approve the application. A roll call was taken, Mr. Coover–no, Mr. Durr–yes, Mr. Kelly–no, Ms. Kelly–no, Mr. McMahan–yes, Mr. Wilson–no, Mr. Panfili–yes, Mr. Weismantel–no Vice Chairman Malison–no; motion denied.

After a lengthy discussion, the board recommended to Mr. Maher to go to the 100 foot elevation mark, replace or remove any tress that are removed, move the 20 foot wide utility easement to the house side, granting the 3 ½ to 5 foot high in the front yard.

Mr. Durr wished to make the statement that he believes that the 10 feet behind the fence will get out of control and not be maintained.

A motion was made by Mr. Coover, seconded by Ms. Kelly to approve the amended application. A roll call was taken, Mr. Coover–yes, Mr. Durr–no, Mr. Kelly–yes, Ms. Kelly–yes, Mr. McMahon–no, Mr. Wilson–yes, Mr. Panfili–yes, Mr. Weismantel–yes Vice Chairman Malison–yes; motion carried.

Tracey A. Davis: Block 202.110, Lot 6, 224 Recklesstown Way; Bulk Variance to replace asphalt driveway with pavers and also replace walkway with same pavers.

Ms. Davis had already made the changes to the driveway because she didn't realize a variance would be needed. The revisions made to the driveway were: replaced asphalt with pavers and changed the width to 22 feet all the way to the apron. Ms. Davis was informed by the board that the ordinance reads the driveway is to be 20 foot wide tapering down to 12 feet. The concern of the board is backing out on the curb and onto the sidewalk which is not constructed to hold the weight of a car.

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

The board informed Ms. Davis that she must taper the driveway to 12 feet wide to the apron starting 15 feet back from the sidewalk. The area disturbed should be filled in with grass. They discussed two options, one being a piano shape tapering and the other a bow shape tapering. Mrs. Davis was told that she has 45 days to make the revisions. Mr. Hardt suggested that she make Mr. McMahon, Zoning Officer aware of the changes before the work is completed.

A motion was made by Mr. Wilson, seconded by Mr. Weismantel to approve the application with the revision. A roll call was taken, Mr. Coover–yes, Mr. Durr–yes, Mr. Kelly–yes, Ms. Kelly–yes, Mr. McMahon–yes, Mr. Wilson–yes, Mr. Panfili–yes, Mr. Weismantel–yes Vice Chairman Malison–yes; motion carried

DISCUSSION

Approval of architectural elevations for homes in both Heritage and CrossCreek.

Duff Henderson and Gavin Lewis from K-Hovnanian presented the board with architectural elevations for review. Ms. Jamanow stated that these plans are added models to Heritage. Cross Creek is actually Cross Creek II and the plans are for new approval models for Cross Creek II. The models are for the 23 lots going back to the cul-de-sac. The TRC held two meetings; at the first meeting the board suggested they make some changes and at the second meeting Mr. Henderson and Mr. Lewis brought back the plans with the suggested changes.

Hess Model - Mr. Caton suggested that a change be made to Elevation B that the window on the first floor be the same width as the window above it. He also stated Elevations A

& C are similar and fall under the look alike ordinance. The ordinance states that changing material is not sufficient in changing a look alike.

A motion was made by Ms. Kelly, seconded by Mr. Wilson to approve Hess Model. A roll call was taken, Mr. Coover–yes, Mr. Durr–yes, Mr. Kelly–yes, Ms. Kelly–yes, Mr. McMahon–yes, Mr. Wilson–yes, Mr. Panfili–yes, Mr. Weismantel–yes Vice Chairman Malison–yes; motion carried

Lewis Model – Mr. Caton stated that A & C are look a likes, the only difference is the material on the shutters, and he sees no modifications in the other elevations.

A motion was made by Mr. Panfili, seconded by Mr. Durr to approve Lewis Model. A roll call was taken, Mr. Coover–yes, Mr. Durr–yes, Mr. Kelly–yes, Ms. Kelly–yes, Mr. McMahon–yes, Mr. Wilson–yes, Mr. Panfili–yes, Mr. Weismantel–yes, Vice Chairman Malison–yes; motion carried.

Joyce Model – Mr. Caton suggested that on Elevation C the porch floor be even with the first floor, Elevations B & D are look a likes.

A motion was made by Mr. Panfili, seconded by Mr. Durr to approve Joyce Model. A roll call was taken, Mr. Coover–yes, Mr. Durr–yes, Mr. Kelly–yes, Ms. Kelly–yes, Mr. McMahon–yes, Mr. Wilson–yes, Mr. Panfili–yes, Mr. Weismantel–yes, Vice Chairman Malison–yes; motion carried.

James Model – Mr. Caton had no comments other than B & C Elevations are look a likes.

A motion was made by Ms. Kelly, seconded by Mr. Panfili to approve James Model. A roll call was taken, Mr. Coover–yes, Mr. Durr–yes, Mr. Kelly–yes, Ms. Kelly–yes, Mr. McMahon–yes, Mr. Wilson–yes, Mr. Panfili–yes, Mr. Weismantel–yes, Vice Chairman Malison–yes; motion carried.

Mr. Hardt asked for a motion to table the consideration of the Solar Ordinance Amendment. Mr. Malison made the motion, seconded by Ms. Kelly. All were in favor; motion carried.

CORRESPONDENCE

Letter from Chesterfield Township School District

The letter was asking the board to waive any application fees that would arise when filing for a bulk variance. Fred Hardt informed the board that this would be a Township Committee issue.

A motion was made by Mr. Coover, seconded by Mr. Weismantel to recommend to the Township Committee to waive the fee. All were in favor with the exception of Mr. Durr and Mr. Kelly who abstained, motion carried.

INVITATION FOR PUBLIC TO SPEAK

Vice Chairman Malison opened the meeting for public comment.

Beverly Mills – 44 Chesterfield Georgetown Road along with her neighbors John and Colleen Neimec of 40 Chesterfield Georgetown Road. Expressed her concern regarding the fence that has been erected along the driveway and goes down the side of her property and borders the Neimec's property as well. Mr. Hardt stated that we are in the middle of litigation and cannot discuss the matter. He also suggested to Ms. Mills to attend next month's meeting when the owners of the farming operation will be here to argue the decision of the Zoning Officer. Ms. Mills requested to be put on the Agenda for next month's meeting to express their opposition.

Tom Wasilewski asked the board if there are plans to show where the pipes are in the easement on his property. He was informed that he could see the Planning Board Secretary or the Zoning Officer to review the plans. It was that he call for a markout and then everything would then be marked out for him.

Kevin Broderick – 47 Georgetown-Chesterfield Road. Spoke of his concerns with the Farm Market across the street from him and the Right to Farm Act. Mr. Hardt informed him to attend next month's meeting where he would be able to discuss the issue.

EXECUTIVE SESSION

At 9:30pm a motion was made by Mr. Coover, seconded by Mr. Panfili to enter into executive session. The vote was unanimous, motion carried. At 9:50 PM the Planning Board returned to open session.

ADJOURNMENT

There being no further business, a motion was made by Mr. Panfili, seconded by Mr. Durr, to adjourn. All were in favor, meeting adjourned @10:35 PM.

Respectfully submitted,

Aggie Napoleon, Secretary