

# CHESTERFIELD TOWNSHIP PLANNING BOARD

March 8, 2011

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

Roll call was taken showing present: Donald Coover, Lawrence Durr, Richard LoCascio; Glenn McMahon, Joseph Malison; John Nunziato; F. Gerry Spence; Brian Wilson; Jeremy Liedtka; Mary Acevedo; Chairman Panfili; Professional staff present: Douglas Heinold, Solicitor; Pat Vitarelli, Environmental Resolution Inc.

## MINUTES

### February 8, 2011 Minutes

A motion was made by Mr. Coover, seconded by Mr. Nunziato, to approve the February 8, 2011 Regular Minutes. The vote was in the affirmative, with the exceptions of Mr. Spence, who abstained, and the motion carried.

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

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

## APPLICATIONS FOR ACTION

Crosswicks Foundation: Block 300, Lot 3; 467 Main Street; Minor Sub Division & Bulk Variance.

Tim Little the Attorney representing Crosswicks Foundation introduced William Brick 25 Bordentown-Crosswicks Road, President of the Foundation who was sworn. Mr. Little explained that there are currently two buildings on the property and the Foundation would like to sub divide into separate lots. Ms. Jamanow's letter dated January 31, 2011 deemed the application incomplete however it was stated that ERI had no objection to continue with the application as long as the items on the letter are complied with. Mr. Little stated that the items have been addressed. Block and Lot numbers have been obtained and the delineation of any proposed deed restrictions and shared driveways have been complied with. A motion was made by Mr. Wilson, seconded by Mr. Spence to deem the application complete.

Mr. Little stated that the shed in question is not on the property however a portion of the roof maybe over. A survey will determine if the roof is over the property line. He stated that a brick paver will be in front of the buildings. Mr. Brick will run a separate water line to the antique shop. Because the antique shop has been unoccupied for so long an application for a variance will have to submitted to make the building residential. Both lots are being listed as residential properties. There is very little property along Main Street, however there will be parking on either side for both lots.

Mr. McMahon reviewed for permits and believes that only one sewer connection was done. Mr. Brick stated that he believes that both buildings were connected, he will research and let Mr. McMahon know.

Mr. Panfili opened the meeting for public comment.

Mr. Don Czehut of 468 Main Street was sworn. He complimented Mr. Brick and the Crosswicks Foundation for all the fine work they have done in maintaining the buildings. He has no objection on the subdivision of the lot. In regard to the antique shop he feels it would be better suited for something other than residential. There being no further comments, Chairman Panfili closed the public portion of the hearing.

A motion was made by Mr. Spence, seconded by Mr. Coover to approve the application with the condition that all the conditions of Ms. Jamanow's letter dated January 31, 2011 are in compliance. In addition a water line will be added to the antique shop also that a second sewer connection be paid unless the applicant can show proof of payment. Roll call was taken with all were in favor, motion carried.

## **DISCUSSION**

### Ordinance 2011-4

Ms. Bonnie Haines, Township Clerk asked the board to review the ordinance and ensure that it is in compliance with the Master Plan. The Board had no objection and suggested that the ordinance be considered for adoption. A motion was made by Mr. Spence, seconded by Mr. Coover. All were in favor, with the exception of Mr. Durr and Mr. LoCascio who abstained, motion carried.

### Solar Ordinance

The Solar Committee presented the board with a draft of an Alternative Energy Proposal. The Committee asked the board for their input. Mr. Durr thanked the sub committee for the good job they have done. After a lengthy discussion on both the solar panels and wind turbines it was decided that the board should send any comments and or suggestions through Mr. McMahon by March 22<sup>nd</sup>. He will send the suggestions to Mr. Heinold who will then e-mail everyone a draft to be reviewed at the next meeting. It was mentioned that the board should move on the adoption of an ordinance and not wait on the state. It could take months for the state to pass the bill.

Chairman Panfili opened the meeting for public comment.

Matt Weismantel – 80 Harness Way believes that there may be residents that will not agree with putting panels on the roofs in the village visible in any direction. The board may want to consider reviewing which side they are being installed on. He believes that a site plan may be the answer in determining if the panels are an eye soar.

Bob Schoen – Fenton Lane commented on the wind turbines that are in Atlantic City. He suggested to the board that they may want to visit the plant in Fairless to see how big or small the turbines can be built.

Chip Kotona – 355 Ellisdale Road stated he doesn't believe that there is money from the solar projects to support wind turbines in our area.

### Northern Burlington County Growth and Preservation Plan

It was stated that Chesterfield Township is already doing what the plan is suggesting. The proposed plan would be a resource to communicate with other towns. There would be no cost to the Township. It was decided that Mr. Malison and Chairman Panfili would be the representatives for Chesterfield Township.

A motion was made by Mr. Coover, seconded by Mr. McMahon to recommend to the Township Committee the endorsement of the Growth and Preservation Plan. All were in favor with the exception of Mr. Durr and Mr. LoCasio who abstained. Motion carried.

### Height of a fence in the Ag Zone

Mr. Heinold stated that the current ordinance on farm fences is very open ended and should be tightened up. He presented the board with some potential revisions and amendments. One is to require the fence be installed at a minimum, consistent with the AMP for fencing, wildlife control promulgated by the SADC. Another would be require that the area fenced be actually farmed. Also where an Ag property abuts a property that is a single family home or zoned residential, require a setback of 10 or 20 feet. Another issue that could be looked into should be whether the treatment of horse or livestock fencing be different than wildlife control fencing.

Mr. Durr suggested any revisions and amendments be sent to the Agricultural Advisory Board for comment. Mr. Durr disagreed with a set back, he stated that farmers should not have to give up land that is being farmed. He stated that all the effort that the community has put into keeping the township agricultural that this would be a step back. We should be looking into the intended purpose of a fence and if the intended purpose is indeed legitimate.

After a lengthy discussion it was decided that Mr. Heinold will send a draft out to the board members as well as the Agricultural Advisory Board for their comments and/or suggestions and ask that the Advisory Board get back to Mr. Heinold before the next Planning Board Meeting.

Chairman Panfili opened the meeting for public comment.

Mr. Wilson excused himself from the board and set with the public @ 9:12PM.

Jim Kinsel – 42 Chesterfield-Georgetown Rd. stated that he has a great deal of deer on his farm and the fence he installed is the most effective way to manage the deer. The fence is not complete due to the fact that he is in litigation with his neighbor. He believes the discussion on the fence issue is driven by neighbor complaints against him. He stated that the AMP does not address that a deer fence must enclose an area. He believes the Township should not be making a determination about the agricultural purpose of a fence on a commercial operation. Also if the Township has problems with agricultural issues they should be taken to the CADB.

Mr. Heinold stated that the ordinance does not state specifics therefore we have no support on issues if and when the township wished to go before the State or County Ag Board.

Beverly Mills – 44 Chesterfield-Georgetown Road. Feels that the board is going in the right direction. She believes that a residential zone should take preference and that the post side of a fence be on the farm side and the finished side should be against the resident's property.

Mr. Wilson returned to his seat on the board @ 9:25

Kevin Broderick – 47 Chesterfield-Georgetown Road stated that a wildlife control fence is workable as long as it's being used to keep wildlife out. In regard to the setback of the fence he stated that when clearing hedgerows its possible a farm could gain 2% to 3% more land.

## **CORRESPONDENCE**

### Letter from ERI regarding Colonial Pipeline Company NJTP Widening Project

Ms. Jamanow's letter stated that the loop road on Ward Ave has been removed. A zoning application for a fence has been submitted to Mr. McMahon.

### Letter from ERI regarding Accessory Building Coverage

Ms. Jamanow looked into the accessory building coverage. She suggests that the coverage in the Agricultural zone be revised to 10% for the single family dwelling on 1.0 acres. She also suggested the board consider revising the coverage for single family dwelling of 3.3 acres to 5%.

The board discussed Ms. Jamanow's suggestions and it was decided to put it on hold until next meeting when Ms. Jamanow would be there. Mr. McMahon stated that we currently have a pending application to which the request exceeds the limit by 2.8%. The board suggested that the applicant continue with the request for a permit. The decision of changing the coverage could take several months.

## **INVITATION FOR PUBLIC TO SPEAK**

Chairman Panfili opened the meeting for public comment.

Mr. Wilson excused himself from the board @ 9:40 and sat with the public.

Mr. Kinsel addressed the board on the site plan that was requested by the board. He stated that he filed OPRA requests from the Township for anything relating to farm market approvals or site plans throughout the Township. He found that of the 12 existing markets no one has gone through applying for a site plan. He stated that his farm operates as a co-op which is different than a farm market. Mr. Heinold informed Mr. Kinsel that he has a letter from SADC relating to this matter and would be discussing this in executive session. Mr. Heinold informed Mr. Kinsel that he will continue to speaking

with his attorney. At this time the SADC has no hearing date and Mr. Heinold stated that he will get a copy of the letter to Mrs. Mills. Kevin Broderick mentioned that both farms across from him are unoccupied by the owners and therefore they do not have to worry about the traffic, dust and dirt left in the road. He mentioned the possibility of an ordinance that is directed to owner operator farms as opposed to absentee owners. Mr. Durr stated that the right to farm ordinance was to protect the farmer when new neighbors move in that don't understand what is involved in running a farm. The ordinance mentions dust, slow moving vehicles, etc. Farming is a business and it should be the responsibility of the farmer to respect his/her neighbor and same should go for neighbors respecting farmers.

At 9:57 PM a motion was made by Mr. Spence, seconded by Mr. Nunziato to enter into executive session for the purpose of discussing Holloway/SADC. The vote was unanimous, motion carried. At 10:30 PM the Planning Board returned to open session.

### **OPEN SESSION**

A motion was made by Mr. Spence, seconded by Mr. LoCascio to go into mediation with Holloway Land LLC. All were in favor, motion carried.

### **ADJOURNMENT**

There being no further business, a motion was made by Mr. Spence seconded by Mr. LoCascio to adjourn. All were in favor, meeting adjourned @10:31 PM.

Respectfully submitted,

Aggie Napoleon, Secretary