

CHESTERFIELD TOWNSHIP PLANNING BOARD

April 12, 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; F. Gerry Spence; Jeremy Liedtka; Mary Acevedo (7:35); Chairman Panfili; Absent: John Nunziato; Brian Wilson. Professional staff present: Douglas Heinold, Solicitor; Christopher Trebisky, Township Engineer.

MINUTES

March 8, 2011 Minutes

A motion was made by Mr. Spence, seconded by Mr. LoCascio, to approve the March 8, 2011 Regular Minutes. The vote was in the affirmative. Motion carried.

RESOLUTIONS

2011-05 On the application of a minor subdivision and bulk variance approval to Crosswicks Foundation, 467 Main Street, Block 300, Lot 3.

A motion was made by Mr. Spence, seconded by Mr. Coover to approve Resolution 2011-5. All were in favor. Motion carried.

2011-06 Resolution appointing Planning Board Engineer for the remainder of 2011

A motion was made by Mr. Spence, seconded by Mr. Malison to approve Resolution 2011-06. All were in favor. Motion carried.

APPLICATIONS FOR ACTION

None

DISCUSSION

Memo from Bonnie Haines, Township Clerk regarding parking in Old York Village

Mr. Weismantel mentioned to the Township Committee that there are extra vehicles parking at the end of Harness Way and being left overnight. He believes the vehicles do not belong to residents on Harness Way. The vehicle in question is covered and the Township's code states that a covered vehicle must be on private property. Because the road has not yet been turned over to the Township it is considered a private road. As long as the vehicle is registered and in a parking zone it is not in violation of an ordinance. Mr. Heinold stated that a resolution could be written under Title 39.

Fence Ordinance

Mr. Durr stated that he didn't understand the wording under the proposed added section #5. Mr. Heinold stated that it means if an operating farm abuts a residential property the fencing must comply with a 30 foot set back. After a short discussion it was determined that the height of the fence is the issue. Mr. Heinold stated that SADC has their own regulations regarding wildlife fencing. If the farmer can show they are installing the fence to the regulations it will override our ordinance.

The Agricultural Board suggested that under section A(1) a finished side of a board fence will not work for animals, they will be able to push the board or wire off. Under section D(1) in addition to tillable acreage add cropland, pasture, hay or grazing land. Under Section D(3) in replace of the maximum height shall be four feet, it should read "appropriate height to contain livestock not to exceed 6 feet".

Chairman Panfili opened the meeting for public comment.

Liz Broderick – 47 Chesterfield-Georgetown Road stated that a 30 foot buffer might be extreme but some sort of buffer is needed to protect homeowners.

Kevin Broderick – 47 Chesterfield-Georgetown Road stated that he believes the 30 foot set back is to sever. He stated that we should maintain an agricultural presence. He suggested a minor vegetation buffer.

Mike Mills – 44 Chesterfield-Georgetown Road stated that he has researched set backs with SADC and other Ag Board cases where Townships have required set backs and many have been shut down.

John Niemiec – 40 Chesterfield-Georgetown Road. Stated that a fence was erected on his easement against a court order. Mr. Heinold informed him that the ordinance has not yet been adopted and we are in the process of amending the ordinance.

Mr. Mills suggested that we ask farmers to apply for permits with no cost so that a review could be done by the zoning officer.

It was decided that based on the comments of the board and the public that section #5 which is the set back issue will be removed from the amended ordinance. Mr. LoCascio requested that tillable acreage be defined. Mr. Heinold suggested putting in the ordinance that a permit be required with the fee waived so that a review can be done.

Mr. Heinold will make the adjustments and forward it to the Committee.

Letter from ERI regarding Accessory Building Coverage

It is suggested that the building coverage in the Agricultural Zone be revised to 4% for a single family dwelling on 1.0 acres. Also suggested is to limit the accessory building coverage for a single family dwelling of size between 1 and 3.3 acres to 3% coverage. A Single family dwelling of 3.3 acres remain at 2%.

A motion was made by Mr. Malison, seconded by Mr. Spence to suggest to the Township Committee the amendments to the Accessory Building Coverage Ordinance. All were in favor with the exception of Mr. Durr and Mr. LoCasio who abstained. Motion carried.

Solar Ordinance

It was stated by Mr. Heinold that wind energy issues are different than solar and he suggested the board put wind energy on hold and focus on solar. Wind energy could be discussed at a later date. After discussing the proposed amendments the board decided to have one last review.

Chairman Panfili opened the meeting for public comment.

David Snyder – 12 Chesterfield-Georgetown Road stated he owns a solar array and suggested the board talk to an energy expert to discuss the height of an array. The height depends on the angle of the sun also snow must be able to run off.

Mr. Durr suggested that the board further discuss the situation of a solar farm in a TDR zone. It was decided to take 2 weeks to review and send all comments to Mr. McMahon and he will forward all comments to Mr. Heinold. Mr. Heinold will then send to the Agricultural Board for comments.

Kevin Broderick -47 Chesterfield-Georgetown Road, lives on a corner lot and is 25 feet off of Stelle Road which is the direction of the sun. He asked if this ordinance would lock him in to a 50 foot buffer from his property line. He was told that the State's regulations would require the 50 foot buffer however he would be able to come in and apply for a variance for relief.

CORRESPONDENCE

None

INVITATION FOR PUBLIC TO SPEAK

Chairman Panfili opened the meeting for public comment.

Joann Tillman – 5 Wright Drive would like pavers from the front of her house to the side walk. The ordinance states that a structure is not allowed. This section of the village is still under the developers bond. She asked the board if a review of the definition could be done. The board spoke briefly on revising the definition of the structure within the easements fronting a property. She was informed however that it may take a few months before approval. Chairman Panfili informed her that she could apply for a variance. Mr. Heinold will work with John Gillespie and George Morris to draft an ordinance.

Narayanan Arayath – 18 Singleton Drive would like to erect a fence in the back of his property which is in an easement. He stated that his neighbor has a fence that goes to the back of the property. It has been brought to the board's attention that the fences were erected without permits. Mr. McMahon stated that no notifications have been sent at this time. Mr. Arayath was informed that the piece of property behind his proper was meant to be a buffer between the residents on Bordentown-Crosswicks road and the new homes in the village. Mr. Arayath was informed that a fence cannot be put in a conservation easement and if he wished he could apply for a variance.

Anthony Marrano – 157 Recklesstown Way asked the board if they were aware of when FIOS would be available in the PVD zone. He was informed that it is totally up to Verizon, the Township has no control.

Bev Mills – 44 Chesterfield-Georgetown Road thanked the board for the action they have taken on the fence issue. She would like to understand the process on how the ordinance will be adopted. Mr. Heinold informed her that the Township Committee will have a first reading and then a notice will be published in the newspaper so the public is aware it will be discussed at the next meeting. They will then have a second reading which will be open to the public for public comment. After it is adopted it will be noticed in the newspaper. There are 45 days after the advertisement of the adoption for any appeals. Mrs. Mills asked the board about the site plan issue with Holloway Land. Mr. Heinold stated that mediation is set for April 28, 2011 at the Rutgers Cooperate Extension in Westhampton at 1:00pm. Mediation is not open to the public. Mrs. Mills explained the situation with her driveway and fence which creates a tremendous hazard to her family. She stated that the business will be expanding to 4 days a week and the traffic will become heavier. She asked that Mr. Heinold bring this up at mediation.

Kevin Broderick expressed his concern with the dust and noise from cars and trucks that is created from the customer base. He stated that the owners are absentee landlords therefore they are not there during pick up times. The owners do not suffer the same impact that the neighbors do. He suggested they wet the road down and put up speed signs. Mrs. Broderick ask if a decision is made to remove the fence would it be retroactive. She was told if falls under the site plan than yes, if it does not then no.

EXECUTIVE SESSION

At 9:25 PM a motion was made by Mr. Spence, seconded by Mr. Malison to enter into executive session for the purpose of discussing mediation with Holloway Land, LLC. The vote was unanimous, motion carried. At 9:55 PM the Planning Board returned to open session.

ADJOURNMENT

There being no further business, a motion was made by Mr. Spence seconded by Mr. Coover to adjourn. All were in favor, meeting adjourned @9:55 PM.

Respectfully submitted,

Aggie Napoleon, Secretary