

CHESTERFIELD TOWNSHIP PLANNING BOARD

March 16, 2021

The meeting of the Chesterfield Township Planning Board was called to order by Madam Chair Romeu at 7:00PM. The Open Public Meetings Act statement and Sunshine Statement was read and compliance noted

Roll call was taken showing present: Rita Romeu; F. Gerry Spence (8:08); Jerry Hlubik; Aparna Shah; Gary Pollack; Glenn McMahon; Belinda Blazic; Lido Panfili; Michael Nei and Albert Paulsson. Absent: John Davis. Professional staff present: Doug Heinold Solicitor; Joseph Hirsh, Engineer and Chris Dochney, Planner.

AGENDA MATTER(S) REQUIRING RECUSAL(S)

Ms. Blazic; Mr. Panfili recused themselves from the Kuser Use Variance application.

MINUTES

February 16, 2021 Regular Minutes

A motion was made by Mr. Pollack seconded by Mr. McMahon to approve the February 16, 2021 Regular minutes. All were in favor. Motion carried.

RESOLUTIONS

2021-05 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING BULK VARIANCE APPROVAL TO ALLESANDRA KELLY, 109 BERRYLAND STREET, BLOCK 107.01, LOT 3.

A motion was made by Mr. Pollack, seconded by Ms. Shah to approve Resolution 2021-05. A roll call vote was take:

Ms. Romeu-yes; Mr. Hlubik-yes; Ms. Shah-yes; Mr. Pollack-yes; Mr. McMahon-yes; Ms. Blazic-yes; Mr. Panfili-yes; Mr. Nei-yes; Mr. Paulsson-yes. Motion carried.

2021-06 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD MINOR SUBDIVISION APPROVAL TO FENICK 463, LLC FOR PROPERTY AT BLOCK 300, LOT 5 AT 463 MAIN STREET.

A motion was made by Mr. Pollack, seconded by Ms. Shah to approve Resolution 2021-06. A roll call vote was take:

Ms. Romeu-yes; Mr. Hlubik-yes; Ms. Shah-yes; Mr. Pollack-yes; Mr. McMahon-yes; Ms. Blazic-yes; Mr. Panfili-yes; Mr. Nei-yes; Mr. Paulsson-yes. Motion carried

2021-07 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD DENYING USE VARIANCE APPROVAL TO DONNA NALBONE FOR PROPERTY AT BLOCK 600, LOT 6 AT 216 BORDENTOWN-CHESTERFIELD ROAD.

A motion was made by Mr. Pollack, seconded by Mr. Hlubik to approve Resolution 2021-07. A roll call vote was take:

Ms. Romeu-yes; Mr. Hlubik-yes; Ms. Shah-yes; Mr. Pollack-yes; Mr. McMahon-yes; Ms. Blazic-yes; Mr. Panfili-yes; Mr. Nei-yes; Mr. Paulsson-yes. Motion carried

HPC APPLICATION FOR ACTION

None

APPLICATIONS FOR ACTION

Traditions at Chesterfield Old York Village, Block 206, Lots 24.01, 25.01, 25.02, Revised Site Plan

Mrs. Linda Osman, Attorney gave the board an overview of the application. The applicant is here by the request of the Township to seek a modification of the original site plan by reducing plantings which will become burdensome on the Township. Mr. Sahol was sworn. Mr. Sahol addressed the board with the concern regarding the maintenance of the infrastructure that is about to be installed. With the amount of maintenance that the Township has taking on so far has required the Township to use a third party to help maintain the landscaping. Mr. Sahol shared the plan with the public. Field change modification to the approved site have been done by the Engineer by consolidating the playground equipment and moving some shrubs. The proposal is removing the parking strip, the trees between the sidewalk and the grass and substantial reduction in the number of trees allowing for growth. The idea is so children may have open space to run and play. In addition the Township would like to reduce the landscaping around the basin adjacent to Old York Road. The amount of material hinders the Township being able to maintain the area. The reduction in material will also enhance the site line. The modifications are a joint effort between the Township, the Engineer and Public Works. Mr. Sahol stated that a concern for the Township is a future cost to contract out for the maintenance. Mr. Sahol stated that the developer would contribute an equal amount of funding to offset the cost of the materials that would be removed. The money will be put in a fund and used for future amenities in the development. Also the Township Committee will approve a developer's agreement with modifications to formalize how the monies will be used. Mr. Troy Ulshafer, Public Works Foreman was sworn. Mr. Ulshafer believes that the modification is beneficial to Chesterfield Township. In the original plan the amount of plantings are overwhelming for the small group of public work employees. The Township has contracted out with a landscaper which is costly and if this stays as planned it will increase that cost substantially.

Mr. Hirsh went over his review letter dated March 12, 2021. Items 1-7 identifies the reason the Developer is back before the board for revisions. To point out Item #2 there is no change to landscaping on any private property only on the Township property. Items 3-7 are the changes Mr. Sahol had already describe. His comments reference the scope of work for the developer and the amendments that will be made to the developer's agreement that formalize those changes.

A motion was made by Ms. Shah second by Ms. Blazic to open to public comment, all were in favor, motion carried.

Brett Anderson, 62 Brookdale Way. Mr. Anderson asked why a fence would not be constructed on the berm along Old York Road. Mr. Sahol stated that Phase 7 is the commercial frontage and the developer is obligate to maintain. There is a cost factor to maintain a fence and through discussions the idea to not have the fence is so the area stays open and not closed off. Mr. Anderson feels that having a fence or landscaping would block noise from the busy road.

Samuel Baker, 34 Brookdale Way. Mr. Baker expressed his disappointed in the update. The other parks in the area are well manicured where this area will be open space, he asked if there are plans to maintain the grass. Parks are important to the community, he feels this plan will set their neighborhood apart from the others. Mr. Sahol stated that the developer is obligated to maintain the grass under the performance bond. The developer must maintain the germination as seen fit by the Township Engineer and Public Works until it is turned over to the Township at which point the Township will maintain the area.

Bill Green, 24 Olivia Way. Mr. Green lives next to the retention pond and agrees that it is over planted. However the park is the extreme opposite, it will look like a soccer field not a park. He was one of first homes and he stated that it has been a challenge to get any maintenance done in his area. He requested everyone should think about this.

Noah Freiberg, 46 Olivia Way. Mr. Freiberg asked to share his screen, he presented photos of the view he has. He has lived there for over 1,000 days with unfinished roads and construction. The photo shows a mound of dirt and he stated that it was ok because they looked forward to the finished project. The money the residents in this area that paid on the property with the park which was approved and marketed by the developer is being taken and redistributed elsewhere in town for maintenance issues the town is now having. Mr. Freiberg then showed a slide with the surrounding parks in comparison to what is being proposed. This proposal will devalue the value of the homes near this park compared to other homes in the development. He stated that he pays the same in taxes and is dealing with the construction and feels it's unfair that because the town is dealing with maintenance issues elsewhere. Mr. Freiberg stated that they paid a premium lot price to have the park that was marketed to them not an open space. He asked that a condition, if approved, be that the labor and material cost of the previous plan be in an escrow and allow the residents to work with the Township to come up with a plan that is accepted by all. Ms. Romeu stated that she is open to discussions on this. Mr. Sahol stated that it's his desire to listen to the residents and come up with a conclusion that will benefit everyone. Mr. Freiberg asked if other open spaces had been revised. Mr. Sahol responded that as trees and shrubs have died they have not been replaced. There may have been field changes that he isn't aware of.

Wesley Fine, 50 Olivia Way. Mr. Fine asked when the township decide this was an issue. Mr. Sahol responded in the fall when the developer was going to complete the final phases. Mr. Fine lives across the street from the park and is not sure why we are here when it looks like it's done already. Mr. Sahol stated that developer has started but was asked to stop until the outcome of this application. Mr. Sahol stated that the Township does not want any trees planted in the park strip due to the issues of the trees damaging the sidewalks. Mr. Fine stated he paid premium price for the lot and picked his lot based on what they were shown the park would look like and doesn't want to have what looks like a soccer field in front of his house. Mr. Sahol explained that the savings to the developer will be that the job is done faster and for the township it will save hours on maintenance. Mr. Sahol stated that the funds of \$45,000.00 from the developer will be used for improvements, maintenance and amenities in the development.

Minal Baker, 34 Brookdale Way. Ms. Baker feels the residents in this area are being discriminated against because they are not getting the same type of park as the others in the development.

Srinivasan Hariharan, 88 Applegate Way. Mr. Hariharan ask what options can be done to come up with a plan B to keep the park as they were promised. Mr. Sahol stated that the park isn't being taking away only less trees will be planted.

Greg Adams, 48 Olivia Way. Mr. Adams stated that he came to this community because of how beautiful the original design was and now without the sidewalks and separated areas for kids, garden and shrubs, the proposal is not what he had imagined.

Henry Krzewinski, 10 Front St. Mr. Krzewinski asked the board members to think about the many hours the prior board members spent approving the parks and wanted them to mimic Crosswicks and this plan will undo those plans. He would like to appeal to the board to leave it as is.

A motion was made by Ms. Shah second by Mr. Pollack to close public comment.

Mr. Hlubik stated that the residents have made good points and expressed concerns. The plan does go to the extreme and feels that we can come back with a plan that has a little more vegetation that would please the residents.

Mr. Nei said that the plan is a drastic reduction and feels it should be looked at by a landscape architect.

Ms. Shah expressed that it would be a good idea to listen to the residents.

Ms. Romeu stated that she and most of the board would like to discuss some other options.

Mr. Sahol stated that he wouldn't object to listening to what the residents have to say, if approved we could make adjustments.

Ms. Osman understands the concerns of the residents and wouldn't object to coming back next month however would not like to extend it any more than a month due to insurance and bonding issues. Ms. Osman asked if the application could be bifurcated which will allow modification to the site plan to all areas except Olivia Park. The applicant would then come back on August 20th without re noticing to discuss amending the site plan to Olivia Park.

A motion was made by Mr. McMahan second by Mr. Hlubik to approve the application to modify all areas with the exception of Olivia Park. A roll call was taken:

Ms. Romeu-yes; Mr. Hlubik-yes; Ms. Shah-yes; Mr. Pollack-yes; Mr. McMahan-yes; Ms. Blazic-yes; Mr. Panfili-yes; Mr. Nei-yes; Mr. Paulsson. Motion carried.

Frank Ippolito 296 Sykesville Rd., Block 1102 Lot 15, Minor Subdivision

Mr. Ippolito was sworn. Mr. Ippolito sent an original application to subdivide into 3 lots however after meeting with Mr. McMahan and Mr. Hirsh he has amended that application and is now seeking to subdivide into two lots. Keeping the original house on a .3 acres and the rest of the property on another lot which will be 6.9 acres. The .3 acres has an existing house which is in the village zone and 6.9 acres is in the Agricultural Zone.

Mr. Hirsh's letter dated February 8th was based on the original proposal of 3 lots. This property is split zones the lot that fronts Wrightstown/Sykesville Road is Village and the back portion is in the Ag Zone. No variance is needed for the small residential lot which meets all bulk standards with one existing non-conforming condition that is the front yard set back is 5.9 feet where 10 feet is required. Mr. Ippolito stated the fence on the Townships right of way has been removed the same time he cleared hazardous trees. The cesspool is located approx. 50 feet off the back of the existing house. Mr. Hirsh stated

both lots meet the bulk standards for the zones. The back lot is still split zoned however if used as Agriculture no variances are needed. Pending approval Mr. Ippolito will have plans prepared to show the 2 lot subdivision.

Mr. Pollack asked if there was enough room for a well and septic on the front lot. Mr. Ippolito stated the well is in the front between the house and the road and the sewer line runs about 40-50 feet out of the back to the cesspool. Mr. Hirsh believes there would be enough space for a modern septic, depending on the Health Department approval.

There was a brief discussion on the existing historic home regarding preserving it or what the requirements would be to demolish and rebuild. Mr. Hirsh will look into this. He suggested a condition of approval for if it were to be demolished he would have created self-created hardship and not be able to rebuild.

A motion was made by Mr. Hlubik second by Ms. Shah to open the meeting to the public, all were in favor, motion carried.

Agnes Marsala, 42 Cromwell Drive. Ms. Marsala questioned how the house was referred to as the oldest in Chesterfield. Mr. McMahon informed her that it is one of the oldest homes in the historic village of Sykesville.

Dominic Bellusci, 202 Old York Road. Mr. Bellusci stated his house is from 1717.

Hearing no further comment, a motion was made by Ms. Shah second by Mr. McMahon to close public comment. All were in favor, motion carried

Mr. Heinold stated that the applicant is a conforming subdivision with conditions as discussed pertaining to septic field and the historic house implications if it were demolished.

A motion was made by Mr. Spence second by Mr. McMahon to approve the application. A roll call vote was taken:

Ms. Romeu-yes; Mr. Spence-yes; Mr. Hlubik-yes; Ms. Shah-yes; Mr. Pollack-yes; Mr. McMahon-yes; Ms. Blazic-yes; Mr. Panfili-yes; Mr. Nei-yes. All were in favor, motion carried.

Lawrence Kuser 142/144 Bordentown-Georgetown Rd., Block 800 Lot 1.01 & 1.02, Minor Site Plan/Use Variance

Brian Kuser, son of Mr. Lawrence Kuser and Jim Miller, Planner were sworn. Mr. Kuser testified that the education center was started in 2005. It is a nonprofit organization to get children engaged with nature thru field trips. Over the years they have added after school programs, vacation camp days and looking to expand to a nature preschool. Their mission is to get children hands on with nature and in small groups. It is nonprofit therefore the property is leased and is run by a board of trustees. The operation is in the barnyard area on 142 Bordentown-Georgetown Rd. Mr. Kuser is the Executive Director of Education since 2013 and the summer camp Director since 2008. He is seeking approval to operate the education center on the 9.2 acres exempted area of farmland preservation. Through discussions with the Townships Professionals he learned that they didn't have the approval and would like to have the appropriate approvals. The current Agricultural uses are; a wholesale nursery, a CSA and a banquet facility. The banquet facility is weekends and nights and the education center is during the week days.

The facility can handle 100 to 150 students, there could be up to 25 employees however normally its 5-15. The summer camp is 7:30am till 5:30pm and winter hours are 8:00am till 6:00pm. To maintain the summer camp license, the well water must be tested

regularly and is certified by the Department of Public Health. All utilities are operational. Mr. Miller testified that the property is in the AG Zone. This farm has currently been added to the State Registry of historic places. Fernbrook Farm has had several prior approvals. This application is seeking a D-1 use variance for the education facility. Mr. Miller explained to the board the purposes that support the use variance. He also gave examples of how the use is suitable for the location. There is ample parking with 50 spaces for the banquet/bed and breakfast; 17 spaces adjacent to the education center and 75 or more overflow spaces which will support the use that is proposed. A site plan waiver is being requested because he feels that parking spaces, access roads and the existing improvements already on site are ample to service the use in question. Mr. Miller stated the negative criteria is that there will be no negative impact on the public welfare in fact, the education center interacts with the agriculture use of the farm. The dominant use will remain agricultural.

Chris Dochney, Board Planner asked the applicant to clarify the need for the education center to which Mr. Miller replied that it is a unique facility that provides a basic environmental program which exposes children to outside elements not offered in many schools. Mr. Dochney asked if this was a full time school, Mr. Kuser stated that it offers summer camps with weeklong sessions, field trips where children come and go, home school classes are once a week and by the semester and a potential nature based preschool which would be 5 days a week. They also have an afterschool program which is 5 days a week. For field trips busses will drop off, for summer camps buses and parents drop off and pick up at staggered times. Mr. Dochney asked the applicant to talk about traffic and noise impact on the neighbors, Mr. Miller testified that there is no visible impact and there is no significant impact with traffic. The farm is located on a road which is capable of handling the low traffic that would occur.

Joe Hirsch, Board Engineer does not recommend a site plan waiver. The circulation on the property is unclear on how it works, a site plan would show the site distance for the entrance and exit from the property. There should be provisions for handicap parking for the banquet facility and education center. Mr. Hirsch expressed his concern with the lighting and suggested a lighting study be done to make sure the lighting meets the Township's ordinance.

Mr. Heinold stated that the application is a bifurcated use variance with a condition of approval that the applicant comes back for a site plan approval knowing the use variance is in place.

A motion was made by Mr. Spence second by Mr. Hlubik to open to public comment. All were in favor, motion carried.

Christine Connely, 39 Rt. 545, Brightview Farm. Ms. Connely stated that the education center is a hands on experience and a great component of Agriculture farming. She believes it's a great asset to our community and its reputation will enhance Chesterfield.

Joe Smith, 182 Recklesstown Way. Mr. Smith is a camp Director and he stated in lieu of covid, more camps and schools are looking for outdoor education activities. He believes the board should take advantage of this.

Erin Pinelli, 225 Bordentown-Georgetown Rd. Ms. Pinelli stated she grew up on Fernbrook Farm. She has a child that attends the after school program and it has done wonders for her child. She is also a teacher in a city, she brings her students there on field trips and it's a great experience for them. She has never had an issue pulling in or out or an issue with parking. She has never heard loud music and she lives 1 mile down the road. She completely supports everything they do.

Cassie Greenberg, 55 Newbold Lane. Ms. Greenberg's daughter attends the after school program, summer program and camp. She moved here 4 years ago and her draw to Chesterfield was knowing Fernbrook was in Chesterfield. She applauds everything they did through the pandemic.

Ashley Watson, 454 Main Street. Ms. Watson sent all her children to Fernbrook, we should be proud to have it in Chesterfield. The Kusers are passionate and are good at it. She never had a parking issue.

Todd Hutchinson, 455 Main Street. Mr. Hutchinson stated his family has benefited greatly from Fernbrook and looks forward to it in the future.

Larry Kuser thanked everyone who spoke on his behalf. The credit goes to his son Brian. The farm provides something very unique. The traffic is controlled and they are concerned about the safety and they take pride in that.

Hearing no further comment, a motion was made by Mr. Spence second by Mr. Hlubik to close for public comment. All were in favor, motion carried.

A motion was made by Mr. Spence second by Mr. Hlubik to approve the Use Variance with the condition that a Site Plan be submitted. A roll call vote was taken: Ms. Romeu-yes; Mr. Spence-yes; Mr. Hlubik-yes; Ms. Shah-yes; Mr. Pollack-yes; Mr. McMahan-yes; Mr. Nei-yes. All were in favor, motion carried.

CORRESPONDENCE

Letter from Churchill Consulting Engineers regarding Statewide Multi-Permit Application.

Letter from Dewberry Engineers regarding replacement of Iron Bridge Road Bridge

Letter from Greg Hessinger regarding proposed warehouse development at Old York Country Club.

Letter from Lori Their regarding proposed warehouse development on Old York Country Club property.

DISCUSSION

Zoning permit application for the altering of two-door garage doors into one garage door. Mr. McMahan stated that a resident in the Planned Village would like to change the garage doors from 2 to 1. The architectural design standards of a 2 door garage was to eliminate anyone wanting to make the garage into a livable space. The resident has trouble parking in the 2 door garage. Mr. McMahan would like to have a discussion on whether the board should recommend the Governing Body amending the ordinance to allow the change. Mr. Heinold suggested getting Mr. Dochney involved to look into the history of why it was done that way. Mr. Dochney stated that he believes it may have been done for the esthetic historic look, but is willing to look into it further.

Mr. Heinold stated that this should be a design standard not a variance process. Mr. McMahan will circulate an email to start the discussion process.

Village lot sizes, Mr. Heinold stated an application last month raised concern by resident's comments that the lot sizes in the village zone should be increased and the residents also brought the concern to the HPC as well. One of the residents was a professional planner and his comments have merit that the board may want to look into. Mr. Panfili stated that he agrees with the residents and would rather have larger lot sizes in the village. Mr. Heinold said that he will send an email to Mr. Dochney and Mr. Gillespie and get a process on how to continue. Mr. Panfili asked if Mr. Hirsh could put together any lots that could be subject to this. Mr. Hirsh asked to be included in the email so that he can respond with that information.

ITEMS NOT ON THE AGENDA

None

INVITATION FOR PUBLIC COMMENT

A motion was made by Mr. Spence second by Mr. Pollack to open to public comment, all were in favor, motion carried.

Agnes Marsala-42 Cromwell Dr. Ms. Marsala said that applications and comments tonight were on agriculture natural and she asked the board to keep that in mind for any land use variances that come before the board. She believes a warehouse has no place in Chesterfield.

Rizwana Takliwala, 4 Farrington Way. Ms. Takliwala asked how long until the garage door discussion will take place. Mr. McMahan stated he would meet with Mr. Hirsh, Mr. Dochney and other owners and he hopes to be back before the board next month.

Joe Smith, 182 Recklesstown Way. Mr. Smith would also like have the change from 2 door to 1 door on the garage.

Templeton Builders, Hamilton. He is the contractor who submitted the application to convert the garage doors. He stated that only the center post will be removed and the outside trim will remain the same. Removing the center post makes it safer because if it is hit it may collapse the room above.

Kathy Herity, 79 Recklesstown Way. Ms. Herity her garage faces an alley and she was given the option of 1 or 2 doors when she purchased her home. She asked if this issue was for front facing garages. Ms. Blazic stated the code states if the garage faces the alley it can have either 2 or 1 doors.

Todd Hutchinson, 455 Main St. Mr. Hutchinson expressed his concern regarding the lot sizes in the village. The old school house/firehouse is vacant and he is concern on how many homes could be approved. He asked the board to look into this as soon as possible.

Lori Thier, 153 Chesterfield-Crosswicks Rd. Ms. Their asked if the Planning Board had received a land use variance on Old York Country Club. Mr. Heinold replied no, Ms. Thier asked who would see a land use variance first the Township Committee or Planning Board, Mr. Dochney explained that the area in need of rehabilitation was done months ago and therefore the area in need of rehabilitation or redevelopment can be rezoned and adopted by ordinance. The Township is considering the redevelopment and if adopted

the applicant would go the Committee first then the Planning Board. Note: Comment made in error and corrected at April 18, 2021 meeting to indicate that the Committee has adopted the Planning Board recommendation to designate Old York Country Club as an area in need of rehabilitation.

Sherri Dudas, 258 Ellisdale Road. Ms. Dudas and her husband own Honeybrook Farm, and has worked hard on the farmland preservation program. Chesterfield has been a role model for farmland preservation and if the proposed warehouse is approved it will chip away at the hard work of preserving Chesterfield.

Amanda Layendecker, 106 Bordentown-Georgetown Rd. Ms. Layendecker lives directly behind Old York Country Club and the open space is what attracted them to purchase there, she asked the board to keep the history and spirit of Chesterfield in mind.

Doreen Falgiano, 460 Main St. Ms. Falgiano expressed her concern with small lot sizes and the importance of revisiting this.

Hearing no further public comment a motion was made by Mr. Spence second by Mr. Pollack to close public comment, all were in favor, motion carried.

ADJOURNMENT

A motion was made by Mr. Spence seconded by Mr. Hlubik to adjourn. All were in favor, meeting adjourned at 10:46 PM.

Respectfully submitted,
Aggie Napoleon, Secretary