

CHESTERFIELD TOWNSHIP PLANNING BOARD

February 4, 2021

The secretary called to order the Reorganization Meeting of the Chesterfield Township Planning Board at 7:09PM. The Open Public Meetings Statement was read and compliance noted Ms. Blazic; Mr. McMahon; Mr. Panfili and Mr. Pollack declared their Oaths of Allegiance. Ms. Blazic was appointed as a Class I member for a one-year term; Mr. McMahon was appointed as a Class II member for a one-year term; Mr. Panfili was appointed a Class III member for a one-year term; Mr. Pollack was appointed as Class IV member for a four-year term.

Roll call was taken showing present: Rita Romeu; F. Gerry Spence; Mr. Davis; Gerard Hlubik; Aparna Shah; Gary Pollack; Glenn McMahon; Belinda Blazic; Lido Panfili; Michael Nei. Absent: Albert Paulsson. Professional staff present: Douglas Heinold, Solicitor; Joseph Hirsh, Engineer.

The Secretary asked for nominations for Chairman. Mr. Panfili nominated Ms. Romeu, seconded by Mr. Spence. There being no other nominations, nominations were closed. All were in favor of Ms. Romeu for Chair.

The Secretary asked for nominations for Vice Chair. Mr. Davis nominated Ms. Shah, seconded by Mr. Panfili there being no other nominations, nominations were closed. All were in favor of Ms. Shah for Vice Chair.

AGENDA MATTER(S) REQUIRING RECUSAL(S)

None

MINUTES

December 15, 2020 Regular Meeting

A motion was made by Mr. Spence seconded by Mr. Pollack to approve the December 15, 2020 Regular Meeting Minutes. All were in favor, with the exception of Ms. Blazic who abstained, motion carried.

RESOLUTIONS

2020-11 RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF CHESTERFIELD GRANTING MINOR SUBDIVISION AND BULK VARIANCE APPROVAL TO PETER & KERILYNN LYNCH FOR PROPERTY AT BLOCK 202, LOT 63 AT 34 FRONT STREET.

A motion was made by Mr. Spence, seconded by Mr. Davis to approve Resolution 2020-11. All were in favor with the exception of Ms. Blazic who abstained, motion carried.

2021-01 Resolution Designating Regular Meeting Time and Place

A motion was made by Mr. Spence, seconded by Mr. Davis, to approve Resolution 2021-01. All were in favor, motion carried.

2021-02 Resolution Appointing Doug Heinold as Attorney for the Chesterfield Township Planning Board.

A motion was made by Mr. Pollack, seconded by Mr. McMahon, to approve Resolution 2021-02. All were in favor, motion carried.

2021-03 Resolution Appointing Joseph Hirsh of Environmental Resolutions Inc. as Engineer for the Chesterfield Township Planning Board.

A motion was made by Mr. Pollack, seconded by Mr. McMahon to approve Resolution 2021-03. All were in favor, motion carried.

2021-04 Resolution Appointing Consulting and Municipal Engineers (CME) as Planner for the Chesterfield Township Planning Board.

A motion was made by Mr. Spence, seconded by Mr. Pollack, to approve Resolution 2021-04 with the correction. All were in favor, motion carried.

DISCUSSION – Letter from John Gillespie regarding HPC Ordinance

Mr. Heinold went over the highlights of the letter with the board. As an example in the letter when the new village was being developed while looking into the lengthy and intensive guidelines some of the submissions by the developer the board had granted waivers. The process is that the application comes to us with the recommendations from HPC and we apply all guidelines according to our ordinances. Our guidelines are set forth by ordinance section 130-83 “architectural and site design standards and guidelines applicable within the Planned Village District”. In the letters conclusion is that the HPC only recommends to the Planning Board and the board is not bound by the recommendations, review and additional testimony can be taken. When the ordinance was adopted one of the efforts was to not have a finance burden on the resident going through the process, if the HPC and applicant disagree a Planning Board review would require professional fees. Mr. Panfili asked for clarification when the application doesn’t agree with the HPC recommendations. Mr. Heinold stated that the Planning Board has the final decision and the applicant would then make the appeal to the Superior Court. We would then need to create a record of the appeal. To give the applicant time to disagree with HPC to the Planning Board the HPC moved their meetings to the first Tuesday of every month. Mr. McMahon suggested that if the applicant appeals the HPC recommendations that they submit an escrow to cover the professional’s fees for review. Mr. Heinold stated that it would be up to the Governing Body under the ordinance. Mr. Davis stated that a member of the HPC should always be present if an applicant appeals the recommendation.

HPC APPLICATIONS FOR ACTON

Bob and Lisa Plummer 467A Main Street, Block 300 Lot 3.01, Additions to existing home according to plans.

Mr. Davis went through the HPC memo

Applicant is proposing a first floor addition in the rear of the home—a 12'x10' sitting room. Applicant is also proposing to raise the roof so that the second floor rooms have 8' ceilings. Applicant is also proposing an attic window in the raised front-facing gable. Applicant is also proposing the addition of a second-floor bedroom over the existing kitchen. The siding is to match the existing cedar clapboard. New windows to be Anderson 400 series with applied grilles. Roof to be GAF Timberline shingles. Referencing the Secretary of Interior's Standards for the Treatment of Historic Buildings' guideline dealing with external alterations, page 156, the HPC recommended to the applicant that he work with the Commission over the next month to come up with an acceptable design rather than recommending denial of the application to the Planning Board:

Recommended: Constructing a new addition on a secondary or non-character-defining elevation and limiting its size and scale in relationship to the historic Building; Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged or destroyed; Designing a new addition that is compatible with the historic building; Ensuring that the additions is subordinate and secondary to the historic building and is compatible in massing, scale, materials relationship of solids to voids, and color.

Not recommended: Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character; Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building; Designing a new addition that is significantly different and, thus, incompatible with the historic building; Constructing a new addition that is a s large or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).

The applicant met on site with Debbie Kelly and me on November 18, 2020. After discussing the Secretary of the Interior's Standards and what options might be available, the applicant agreed to work on some alternative plans. He asked for an informal discussion at the December 9, 2020 meeting and at that meeting announced he wanted to proceed with a vote on his original plan. In addition to the above standards not being met, the Township Code Book Chapter 123-13 C. (1) (e) states that "the proposed addition cannot exceed more than 25% of the total above-grade enclosed and livable square footage of the existing building or structure." The applicant could not inform the HPC of the square footage of the existing structure and of the addition, but a quick calculation based on the drawing showed an addition that was in excess of 40% of the existing structure.

For the reasons outlined above, the Commission voted unanimously to recommend to the Planning Board denial of the application.

Mr. Plummer was sworn. He purchased the small house in 2012 and renovated it from an antique shop to a home for his daughter. They would now like to expand it to meet his and his wife's needs. In 2010 it was gutted and rebuilt to look the same as it was but a

new foundation was put in and new lumber was used. The renovations he is suggesting will fit the character of Crosswicks. He has lived across the street for a number of years and has always taken the historically nature in consideration when doing any construction in the village of Crosswicks. The HPC suggested he put the addition in the back of the existing home and he disagrees and that it would not give the living space that is needed. The changes he is seeking will be fitting with the rest of the homes on that street. The home is currently 1,150 sq. ft. and he proposed to add 370 sq. ft. which will increase the footage by approx. 30%. Raising the roof will allow for 8ft. ceilings on the 2nd floor and will also add an attic space above. Adding an addition to the left over the existing kitchen will set back with a small roof which will create an additional bedroom. Ms. Blazic asked about the historic features inside the home, Mr. Davis stated that the HPC only looked at the architectural of the exterior of the home and that each building has its own character. When the Crosswicks Foundation had the contractor tear it down and rebuilt they kept the outside style exactly the way it was but did use new materials. Mr. Davis asked if Mrs. Kelly and Mr. Brick could speak on behalf of the HPC. Mrs. Kelly stated that the HPC mainly only deals with the exterior of buildings. The HPC looked at the significance of the location of the building and they felt that the size was overwhelming and not compatible with the character of the original house also the surround homes which are of similar age. The HPC is very concerned with the front elevations that can be seen from the Street. They are flexible with rear and side elevations and had suggested Mr. Plummer go back one depth of a room to add the addition so as to not be visible from the street. Mr. Brick stated that the building was renovated to bring it back to its original look as much as possible. He believes it should stay that way. Mr. Nei stated that according to the 1976 Historic Registry a front porch was added from the original structure. Mr. McMahon stated that a permit was taken out in 2005 which the Historic Society reviewed and nothing was changed to the exterior of the building. He asked Mr. Plummer why he didn't come back with alternative plans, Mr. Plummer stated that there is not enough room in the back and adding a second floor to just the back wouldn't look good. There was a small conversation regarding compromising between the HPC recommendations and Mr. Plummer's proposal. Mr. Brick stated that anything done to the existing home would change the scale and will change the appearance to Main Street. Mr. Panfili added that with today's standards if the 2nd floor is not usable then what good would the building be to the owner. Mr. Plummer stated that his proposal would make the home on the same scale as the rest of the homes on Main Street.

Madam Chair Romeu asked Mr. Heinold about public comment. Mr. Heinold stated that the HPC applications are design reviews not variance applications they do not require notice. They are at the Planning Board level strictly to review the HPC recommendations. Mr. Heinold does not recommend opening it up for public comment. If we allow it tonight, we will have to allow it at all other HPC application meetings.

There was a discussion on whether to open to public comment, Madam Chair Romeu asked for a motion, Mr. Hlubik second by Mr. Davis to deny the application. Mr. Heinold corrected the motion by stating the motion was to open to public comment.

A motion was made by Mr. Panfili second by Ms. Blazic to open to public comment, all were in favor with the exception of Mr. Hlubik and Mr. Davis who voted no. Motion carried.

Mr. Plummer asked to meet with a representative with a member from the Planning Board to show his alternative plan. Madam Chair Romeu, Ms. Blazic, and Mr. Davis will meet with Mr. Plummer. The application will carry until the February 16, 2021 meeting. Nancy Mrzljak stated she would like the public to be invited to the meeting with Mr. Plummer. Mr. Heinold stated that the Planning Board and HPC go by design and historic standards that the board has to consider. This meeting is not subject to neighbor input on

the issue.

Matt Weismantel-88 Harness Way. Asked about the motion to deny to the application. Mr. Heinold stated that there was a misunderstanding on what Madam Chair was asking. In regard to public comment. He sits on the HPC and there were 2 public hearings which the public could have participated in. He expressed his concern with the small board being with the applicant, he feels that was the roll of the HPC. Mr. Heinold stated there is no provisions within the ordinance that states the HPC or the Planning Board cannot have subcommittees.

If any changes to Mr. Plummer's application arise during the subcommittee meeting, it was agreed that the HPC would hold a special meeting prior to the Planning Board meeting to discuss the changes.

A motion was made by Mr. Spence second by Ms. Blazic to carry the application to the February 16, 2021 meeting. All were in favor, motion carried.

CORRESPONDENCE

End of year overview from Glenn McMahon, Zoning Officer

Mr. McMahon went over his overview letter.

Mr. Davis stated that the HPC had 16 applications in 2020, 7 roof; 5 siding, 5 window, 4 additions, 2 shutters, 2 porches, 1 demolition; 1 solar panel and 1 fence. The meetings are posted on the website and are encourage the public to be included.

Mr. Spence asked about the demolition on Sykesville Road, Mr. McMahon stated that a permit was issued and the area was not noted as historic area to the Township. The owner was issued a fine by DEP for not getting a permit for disturbing over 5,000 square feet of soil.

Letter from David Atkinson

Documentation for any potential work that would be done at the Old York County Club site. Nothing pending, so no discussion should take place. The letter will be noted as received and kept in correspondence.

ITEMS NOT ON THE AGENDA

Mr. Panfili stated that having zoom meeting or having a pole regarding the County Club, Should the Committee or anyone from Planning Board reframe from attending any of these meetings. Mr. Heinold stated that the board members should be mindful and not to create a conflict. If anyone has a questions about this reach out to Mr. Heinold and he can direct us so that we do not create conflict.

Mr. Panfili stated that the Committee Members and Madam Chair Romeu received a letter that was very disturbing to him. This board has diversity, currently we have 4 members from District 1 and 5 from District 2, representative from HPC and from Environmental Commission. He is very proud of this board and how we represent Chesterfield in its entirety. Madam Chair Romeu agreed with Mr. Panfili she also stated if anyone from the public is interested on sitting on the board to please send in your interest to the Township.

PUBLIC COMMENT

Mr. Spence second by Mr. Pollack to open to public comment.

Jack Gallager-15 Quaker St. He commended Mr. Heinold and the Board for following the law as written in regard to the HPC applicants however a lot of time is being spent on these applicants and the public interest is very valuable. His concern is the current ordinance regarding the lack of accountability up the ladder. An applicant can get stuck because there is no appeal process to the elected officials who are elected by the residents. He believes increasing the budget to allow for appeals would be very valuable.

Mr. Heinold address the comments that came up in the chat. Comments can be sent to the secretary before the meeting and we also have public comment. He did address the few that were there. All of which did not pertain to this board which he stated.

ADJOURNMENT

There being no further business, a motion was made by Mr. Spence seconded by Mr. Pollack to adjourn. All were in favor, meeting adjourned @ 8:39 PM.

Respectfully submitted,

Aggie Napoleon, Secretary