

CHESTER BOROUGH
LAND USE BOARD
FEBRUARY 25, 2021

AGENDA

The Regular meeting of the Chester Borough Land Use Board was held remotely on February 25, 2021.

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7:07 p.m. Adequate notice of this meeting of the Chester Borough Land Use Board was given as required by the "Open Public Meetings Act" as follows: notice was sent to the Observer Tribune and the Daily Record, posted on the bulletin board in the Borough Municipal Building and posted on the Borough website and filed with the Borough Clerk. The Land Use Board will hold a regular meeting by web-based platform providing remote access as the meeting will be open to the public remotely. Details for public participation will be posted on the website at chesterborough.org. Public can register at Zoom.us and to join:

[HTTPS://US02WEB.ZOOM.US/WEBINAR/REGISTER/WN_XR3IEPBTQ0CC_PE9VVD0CA](https://us02web.zoom.us/webinar/register/wn_xr3iepbtq0cc_pe9vvd0ca)

WEBINAR ID: 832 1757 8481

In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Zoom web-based virtual meeting room, they may contact the Board Secretary at kbrown@chesterborough.org or 908-879-3660 x 2123

SALUTE TO THE FLAG

ROLL CALL

Present:

Mayor Janet Hoven, Class I
Kerry Brown, Class II
Kenneth Kasper, Class IV
Anita Rhodes, Class IV
Chris Heil, Council Representative, Class III
Edd Creter, Class IV
Adam Sorchini, Class IV
Michael Ferrone, Class IV
Stan Quintana, Alternate #1
Jasen Rothamel, Alternate # 2

Absent:

Paul Ferriero, Board Engineer
Steven K. Warner, Esq., Board Attorney
Steven Bolio, Board Engineer
Donald Storms, Class IV

Also Present:

David Banisch, Board Planner
Margaret Nordstrom, Administrator
Amanda Wolfe, Esq.
Sarah Jane Noll, Recording Secretary

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Minutes – The minutes of the January 14, 2021 were approved as corrected. Janet/Kerry

Resolution:

Manjit Bajwa - 128 Main Street Block 123, Lots 1 & 2 Application for Preliminary and Final Major Site Plan Approval with Variances - B-1 Zone

Chairman Kasper advised that the resolution contains a provision no building permit or c. of o. can be issued until the taxes are paid therefore the resolution can be adopted. Two quarters are in the arrears according to Janet Hoven. Anita Rhodes asked if they can hear an application; can make it a condition of approval according to Amanda Wolfe. Janet would like to hold. Tabled until first meeting in March. Ken wants the lawyer to advise his lawyer.

AYES: Janet Hoven, Chris Heil, Kerry Brown, Ken Kasper, Don Storms, Anita Rhodes, Edd Creter, Adam Sorchini, Michael Ferrone

NAYS: None

8. COMMUNICATION/DISCUSSION ITEMS

A. Highlands Center Wastewater Management Plan & Sewer Plan Expansion Project. –

David Banisch briefed the Board on sites that are connected to the sewer system. He generated a list of 'unsewered properties' 303 residential and 102 nonresidential is in red not connected. Identifies the unsewered by color; overlay blue hatch is where public water is available. 1 acre or less in yellow. This is a different plan that was submitted. The blue hatching was added. Janet said that there are two areas that are not correct: Budd Ave and Elm. This map was taken from the Highland Map. It will be cleaned up. List of sites # 5 in memo. Discuss the sites in the list. Would be advantageous to have those sites connected to the sewer system. Mr. Banisch should like input from the Board now. It was agreed that the areas where Public health and safety issues are come first before growth is considered. The board agreed to Keep the shopping centers on the list as long as the growth issue is first addressed. The Chester Mall in accordance with the Mill Ridge settlement will have apartments above the stores. Interest in getting the larger uses to help the rate payers. Limit to current capacity rather than potential growth. Mayor include building able lots. She asked if anyone wants to see the town change from what is looks like now. Consideration for restaurants. Everyone agreed that the character of Chester today be maintained as it is. Michael Ferrone does want to maintain but he feels that we need to help our commercial residents grow but maintain the current use. Sorchini asked how many more restaurants would be allowed when. Determine what the maximum capacity is for commercial properties. Limit it to the current package. Would like all of the residential areas hooked up. Can go substantially more than 275 gpd according to the State. The number of residents x 300 gpd and see what that is. That much as to be preserved plus the developable lots. What is the gpd of each of the package plants. Commercial uses need growth – Ferrone. Growth has to be modulated based on future conditions. Need enough water for public health and safety. Don't want to be dominated by restaurants but want to cap that so as it is beneficial to the public. 464, 2 lots under contract; 2 lots and 5 lots at 50 North road x 300 d 142,000 gpd needs to be allocated. 141 commercial; 3 churches. Does not include cash or the affordable units. Cash is on the sewer now. Protect the single family. What is the current commercial use now. Janet Wants to go back to the DEP for more allocation. Then we can move forward. What does the Duryea site use? There is a list of those sites. 225 gpd average 4 br. They will have actual number's. He would like to go through the list that Banisch has. Item B. on page 1 of Banisch report which is affordable housing as Chester Mill mixed use overlay on the 7.2 acre site. Just

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have to zone to permit the use which has been done. His report addresses the developable sites. Residential use on property across from 300 Main Street. Don't want to garden apartment. Commercial and some residential.

F. 50 North Road – open land not encumbered. Municipally owned property. Like it preserved. Would need water and sewer. It is part of the contamination and there are test wells. **Not a priority for additional sewer capacity – was agreed to.**

G. Office Buildings – Mill Ridge – Sewer is going out there but not a priority. They are on septic.

H. Windy Acres – mobile home site – important housing source for lower income. An expansion of the site could be affordable housing if connected. Owner could own the units and rented out. Must be tied to the site for 30 years. The septic field is committed to ½ of the site. If sewer is put on site, then the owner could develop the septic field and become affordable. There is an opportunity if sewer has a potential for affordable housing. Mobile unit 200 gpd

I. Restaurants – allow for mixed use

J. Residential neighborhoods – has direction.

K. Biggest priority

L. Other development sites: discussed the 4 listed sites.

- 65 Maple – potential low-income housing site have to be sewer.
- Oakdale, North Road sites. – Corner is residential. 3 of the 4 could be commercial or a restaurant – light commercial use.

Mill Ridge has to be included as part of the settlement agreement.

Complete a calculation of the buildout. Identifying which have history of septic failure. Physical layout of the site; complete the build out and will come back with a #. Authorize the stream modeling as a study.

Will have numbers in a month but does not know what the board will do with them until the stream modeling is done. Anticipate a 2nd meeting in March.

B. Proposed Ordinance Amendment regarding Shade Tree Commission

Memo from Mr. Banisch with the proposal. Banisch said that the STC has some points to be considered. Align with the State enabling statute.

Violations and penalties – STC adopt a resolution who that enforcement personnel are. There are a number of officials who are authorized for enforcement. Need clarity. Only Shade Tree violations. Review of site plan. An amendment – person preparing the plan does not need to be a landscape Architect. 33a3 – in the land use ordinance to include a landscape plan and to be maintained and enforced by the zoning official. There needs to establish a maintenance schedule. Needs to have an ordinance that requires the owner to replace dead and dying plant material.

9-34 Violations and penalties. STC can establish the fine. They cannot be put into a dedicated fund. Brian Mason suggested a 'restitution provision' rather than a fine. STC will no longer be involved with site plan then isn't there a need for something in the site plan ordinance. Anita clarified that the STC wants a fine for trees that belong to the Borough that grow in the right of way. On some site plan approvals, the street trees are planted in the right of way. She gave an example of a property owner on main street just removed the trees and have never replaced them. People need to know that the trees in the right of way

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are maintained by the municipality. The STC is the prosecutor in court. The SHT commission does not want to be an enforcer. Amanda read from the statute which required a replacement of the tree. Send the ordinance change to the STC and get their input and come back to the LUB.

Ask Amanda what the statute # is from the State.

Mayor – working with the community affairs to develop a letter will go out to all residents with shovel the snow, don't cut the trees.

PUBLIC COMMENT – Ed Ng suggested looking at the cost end – what do we need to make it affordable. Are there grants and what is the impact on the sewers and on people on sewers. Concerned about the cost and maintenance. Mayor Hoven advised his question are for the Mayor and Council. She listed the possible grants/loans that they may apply for. The LUB does the Master Plan and what the town is to look like, not the Mayor and Council. Health and safety issue that has to be looked at. There are many failing septic systems. They can have a payment plan. He wants some sort of feel for the cost. Ken that happens later in the process.

No one else.

ADJOURNMENT - Stan/Anita.

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Public Portion – A motion to open and close the meeting to the public was made and seconded. There were no questions from the public.

Adjournment - There being no further business, the meeting was adjourned at **10 p.m.** by motion of Kerry Brown and seconded by Anita Rhodes.

Sarah Jane Noll
Recording Secretary