

CHESTER BOROUGH
LAND USE BOARD
May 12, 2022

The Regular meeting of the Chester Borough Land Use Board was held on May 12, 2022.

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7: 05 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.

SALUTE TO THE FLAG

ROLL CALL

Present:

Janet Hoven, Class I
Margaret Nordstrom, Class II
Chris Heil, Class III
Kenneth Kasper, Class IV
Anita Rhodes, Class IV
Michael Ferrone, Class IV
Adam Sorchini, Class IV
Jason Rothamel, Alternate # 1
Donald Storms, Class IV

Absent:

Paul Ferriero, Board Engineer
Steven K. Warner, Esq., Board Attorney
Stan Quintana, Class IV
Kyle Kopacz, Alternate # 2

Also Present:

Lumarys Mendez, LUB Secretary
Sarah Jane Noll, Committee Secretary
David Banisch, Board Planner
Steve Bolio, Board Engineer
Amanda Wolfe, Esq.

Minutes:

No minutes

Resolution:

Old Chester Road Associates – 191 Main Street, Block 110, Lot 44

The members of the Board suggested some corrections to the resolution as did the applicant’s attorney Anthony Sposaro. Mr. Bolio advised the applicant that no work is to be done on the sign until the sight distance issue is resolved.

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Michael Ferrone moved to adopt the resolution with the changes; Chris Heil seconded the motion which was passed by the following roll call vote:

AYES: Chris Heil; Donald Storms; Michael Ferrone and Jason Rothamel

NAYS: Anita Rhodes; Janet Hoven and Margaret Nordstrom

PUBLIC HEARING:

Chester Town Center (Former Larison's Turkey Farm) - Global Acquisitions Company LLC -2 West Main Street, Block 101, Lots 13, 14, 15 &16

Preliminary Major Subdivision and Site Plan application to construct multiple buildings including a restaurant, CVS Pharmacy, medical office building, general office, affordable housing units, cell tower and an organic farm.

Application deemed complete June 10, 2021. The applicant had granted an extension of tolling time to May 31, 2022. The application was carried to the June 16, 2022, meeting without further notice. An extension was granted to July 31, 2022.

Maria's Café Arinik Realty LLC -56 Main Street, Block 129, Lot 5 - Minor Site Plan

The applicant for the above referenced project is seeking minor site plan and variance approval for the paving of the stone/gravel parking lot, and a proposed new fence for the above referenced property. A variance for maximum lot impervious coverage is required.

Amanda Wolfe, Esq. advised that the notice is in order and the application can be heard by the Board.

The applicant's witnesses and the Board's professionals were sworn in by Amanda Wolfe, Esq.

Completeness:

The April 5, 2022, report prepared by Ferriero Engineering was addressed by Steve Bolio, P.E. Mr. Bolio reviewed the checklist items that the applicant has requested waivers from: # 7, 8,9, 24, 25, 32, 33,34,37, 38, 40 and 41. The application was deemed complete.

Jennifer Porter, Esq. from Chiesa Shahinian & Giantomasi PC introduced herself as representing the applicant.

Daniel Sehnal, P.C. was introduced and accepted as a professional Engineer. Mr. Sehnal reviewed the property and its location which contains a building consisting of 955 s.f. with a café and small bakery area on the first level. The second level is used for storage. He advised the board that the applicant had paved the existing gravel parking area and was not aware that LUB approval was necessary. The applicant is requesting to be allowed to install a 6' high board on board fence along the NE property line and continue it with a 4' high aluminum fence along the rear and side property line. The propose of the proposed

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fence is to keep people from cutting across the property in the rear. There is no delivery or loading done from the parking area but rather from the road in front of the café.

The site plan dated November 10, 2020, and revised through January 11, 2022, prepared by Daniel T. Sehnal of Dynamic Engineering, Chester had been submitted with the application and therefore does not need to be marked as an exhibit.

Mr. Bolio reviewed his report dated April 5, 2022. The review included the hours of operation from 6 a.m. to 5 p.m.; the use of the second level for storage only and which does not include residential or commercial uses. 280 gallons of water are used per day currently. The coverage over the years since the 1998 site plan approval has increased from 71% to 75%. The water runoff is directed to the open drywell. The applicant proposes landscaping for that area. Mr. Bolio feels that curbing will direct the water to the drywell. The runoff is being directed to the rear of the property where there is a landscaping business. Mr. Bolio recommends granite block curbing which is more permanent and will not be damaged by the snowplows. The 1998 site plan had railroad tie curbing. Mr. Sehnal advised that the drywells are functional. There was discussion regarding the light levels. The 1998 plan shows four (4) light posts but only two exist. The applicant will look at the existing lights but does not propose any additional lighting. A design waiver is required for the light levels. It was noted that there are 7 parking spaces, and the requirement is or four (4). A handicap space is required and must be provided. This would then require six (6) spaces. Delivery is not allowed from the street. Chairman Kasper noted that he observed a trailer truck on site this date. The applicant does not use tractor trailers for delivery. The applicant stipulated to #'s 13-18 in the report.

David Banisch, Borough Planner reviewed his report dated May 12, 2022. Shade trees are required in the parking area. There is presently only one (1) tree and a shrub.

Entered into evidence was the following exhibit:

Exhibit A-1 Site plan prepared by Ferriero Engineering dated October 5, 1998, last revised October 20, 1998. A planting strip on the applicant's property can accommodate the trees. The applicant is willing to plant one (1) tree.

It was noted that one parking space has been removed because of the paving. It was suggested by Mr. Banisch that the condition of the drywells be investigated and that a condition of approval be the certification of the function ability of the seepage pits. The applicant stipulated to this. The applicant agreed to address the gravel vs. paved conditions to ascertain that the stormwater will not exceed what was in place in 1998. They will work with Mr. Bolio and Mr. Banisch on this.

Questions of Board members.

Mayor Hoven suggested using a camera to see if there is an additional seepage pit. She asked if the parking can be limited to the use by the patrons of a private business. Mr. Bolio and Mr. Banisch will investigate the ordinance to see if this parking area can be restricted. It was noted that the Real Estate listing says that there is an apartment on the second floor. There was discussion about the second level use, and it was noted that the apartment use is not before the board. The applicant's attorney Ms. Porter suggested that

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the listing can be removed. Ms. Porter advised that the reason for the fence is that the applicant has had a lot of lawsuits from people injuring themselves while cutting across the property. She advised that her client purchased the property in 2019 and paved the parking area shortly after. Mr. Banisch advised that the ordinance, Section 163-81 requires a 5' buffer of planting of shrubbery or shade trees. Anita Rhodes questioned the outdoor seating which totals eight (8) seats. Mayor Hoven questioned why they are not asking for an apartment. The allowable gallonage depends on the # of bedrooms. It was determined that a one-bedroom apartment and 8 seats is allowed. Amanda Wolfe advised that the notice does not include the residential use. Michael Ferrone questioned the proposed fencing which is to be black aluminum along the west property line. Anita Rhodes suggested that the plans contain notes regarding the plantings.

Public Portion Opened

By motion of Janet Hoven and seconded by Michael Ferrone, the public portion for questioning of this witness was opened.

Donald Duryea, Chester, NJ – questioned if this is a major site plan and advised that he is the owner of Lot 4 and that he requests that curbing be installed so that cars will stop running over his property. Since Mr. Duryea was giving testimony, he was sworn in. He feels that the parking should be for all the businesses and that he does not like the limitation of parking for the café's customers only. He advised that the stormwater does not run over on Lot 4 but does run onto Lot 17 which is located to the rear of the café's property. He feels the curbing will retain the water. He questioned the need for 6' high fencing in Chester. The site plan should be checked into since it is not consistent with his survey. Mr. Banisch defined 'minor site plan' for Mr. Duryea. The expansion of a site triggers a major.

Public Portion Closed

By motion of Margaret Nordstrom and seconded by Donald Storms, the public portion for questioning of the witness was closed.

Ms. Porter asked for a 10-minute break to speak with her client.

The board took a recess at 8:30 p.m.

At 8:39 p.m. the hearing was resumed.

Ms. Porter advised that the applicant wishes to proceed with the application in front of the Board.

Board Deliberation

By motion of Anita Rhodes and seconded by Jason Rothamel, the Board deliberated on the application.

The members discussed the proposed fencing; the water runoff; planting of additional trees and shrubbery and lighting and came to the following conclusions:

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- Install curbing along the rear property line and extend it up the property line subject to the engineer's approval.
- Install three (3) lights at rear of property.
- Provide landscaping along the side of property. Three (3) shade trees are to be installed along the side and rear and approved by the Shade Tree Commission.
- Fence – Replace the existing board on board fence on the side, no fencing at the rear or side.

Mr. Banisch suggested installing flat steppingstones connecting the parking areas.

A motion made by Jason Rothamel and seconded by Donald Storms was withdrawn.

Jason Rothamel moved to approve the minor site plan subject to the conditions discussed and that the board-on-board fence on the left side of the property can be replaced but no side and rear fencing is to be installed; Donald Storms seconded the motion which was approved by the following roll call vote:

AYES: Jason Rothamel; Adam Sorchini; Anita Rhodes; Janet Hoven; Kenneth Kasper; Don Storms; Michael Ferrone; Chris Heil and Margaret Nordstrom

NAYS: None.

Communication/Discussion Items – Chairman Kasper advised that he has spoken with HomeGoods regarding the parking of carriages on the sidewalks. Also noted was that there is laundry stored at the rear of the Massage Parlor.

There was a brief discussion regarding the Publick House and the status of the sale. There is no known purchase currently. The Liquor License has Federal liens on it. 3.4 million is owed on the property.

Public Portion – None

ADJOURNMENT – There being no further business, the meeting was adjourned at 9:25 p.m. on a motion by Margaret Nordstrom; seconded by Michael Ferrone which was passed unanimously by the Board.

Sarah Jane Noll
Committee Secretary