

CHESTER BOROUGH
LAND USE BOARD
August 11, 2022

The Regular meeting of the Chester Borough Land Use Board was held on August 11, 2022.

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7:04 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
Jason Rothamel
Kyle Kopacz, Alternate # 1
Michael Gurzo, Alternate #2

Absent:

Paul Ferriero, Board Engineer
Steven K. Warner, Esq., Board Attorney
Donald Storms, Class IV
Stan Quintana, Class IV
Kyle Kopacz

Also Present:

Lumarys Mendez, LUB Secretary
Sarah Jane Noll, Committee Secretary
David Banisch, Board Planner
Steve Bolio, Board Engineer
Matt Flynn, Esq. present in the absence of Steve Warner, Esq.

Minutes – Deferred to later in the meeting.

Swearng in of new member:

Board Attorney Matt Flynn, Esq. sworn into office as Alternate #2 Michael Gurzo.

CHESTER BOROUGH
LAND USE BOARD
August 11, 2022

Resolution for Adoption:

Global Acquisitions Company LLC - 2 West Main Street, Block 101 Lots 13, 14, 15 & 16 Phase 1-B. Application approved on June 16, 2022.

Upon the suggestion of Anita Rhodes, the adoption of the resolution was carried to the September 8th meeting giving the board members more time to review.

Mr. Sposaro was present and agree to an extension to September 30, 2022.

Public Hearing:

Mill Ridge Lane Townhouse Redevelopment – Mill Ridge Lane Property LLC- Block 101, Lots 12.07 & 12.08 -This hearing was carried from the July 14, 2022, LUB meeting.

Mr. Sposaro, Esq. was present representing the applicant and reviewed the testimony from the July meeting.

The pavement of Mill Ridge Lane will be milled and repaired as needed; the cul-de-sac bulb will be paved. Steve Bolio on behalf of the Borough Engineer will conduct an inspection prior to the issuance of the first Certificate of Occupancy. It was noted that a 2" overlay will be installed over these areas needing repair. The front portion of Mill Ridge has the topcoat and has been dedicated to the Borough of Chester. It was decided that photos of the roads will be taken before and after construction. Mr. Bolio will inspect the front portion of Mill Ridge. Mr. Sposaro advised that one detention basin is on private property and that he has spoken with the owner who will be consulting with her attorney. Mr. Sposaro's client has agreed to take over the maintenance of the basin at no cost to the property owner. If they cannot reach an agreement, they will come back to the board.

Carolyn Cress of 24 Mill Ridge Lane, Chester, New Jersey, and the owner of the property containing the detention basin was sworn in and testified. Chairman Kasper questioned the witness. She advised that she has spoken with Steve Bolio and received information regarding the drainage and that she feels that she is protected from flooding. She advised that she was not aware that she had responsibility of the basin maintenance. Chairman Kasper advised Ms. Cress that as owner of the property, she is responsible for the maintenance of the basin. The Board had no questions of the witness.

Public Portion

The public portion regarding the questioning of the witness Carolyn Cress was opened and closed by motion of Margaret Nordstrom and seconded by Michael Ferrone. Motion passed. There was no one from the public present.

Mr. Sposaro closed his case.

Public Portion for comment

The public portion for comment was opened to the public by motion by Margaret Nordstrom and seconded by Chris Heil. Motion passed.

CHESTER BOROUGH

LAND USE BOARD

August 11, 2022

Carolyn Cress of 24 Mill Ridge Lane, Chester, NJ questioned the condition of the Mill Ridge Lane pavement and asked for a timeline for its repair. Chairman Kasper advised her that it is currently a private road, and that the Borough has no responsibility to do any repairs until it is dedicated to the Borough of Chester. This was confirmed by Mayor Hoven.

There being no other comments from the public, the public portion was closed by a motion of Margaret Nordstrom and seconded by Chris Heil. Motion passed.

Board Deliberation

By a motion of Margaret Nordstrom and seconded by Chris Heil, the Board deliberated on the application. Motion Passed.

The Board discussed the following:

No fencing to be in conservation easement.
Landscaping manual.
Meadow seeding.
Compliance with Board professionals' reports.
Inventory of trees – has been waived.

Margaret Nordstrom moved to approve the Preliminary/Final major site plan and subdivision with requested waivers and conditions noted; Chris Heil seconded the motion which was passed by the following roll call vote:

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

NAYS: None

Chester Village Square-Benito's Trattoria, 50 Main Street – Block 129, Lot 3

A letter dated August 3, 2022, from Patrick J. Dwyer, Esq. requesting a one-year extension to start construction per Condition # 15 of the November 12, 2020, resolution, was received by the Board.

A motion granting an additional extension of Condition # 15 in the Resolution adopted on November 12, 2020, and previously extended for one year until August 11, 2022, and to now be extended until August 11, 2023, was made by Margaret Nordstrom and seconded by Chris Heil. The motion was passed unanimously by the following roll call vote:

AYES: Jason Rothamel; Anita Rhodes; Janet Hoven; Michael Ferrone; Chris Heil; Margaret Nordstrom; Kenneth Kasper and Michael Gurzo

NAYS: None

Communication/Discussion items

Manjit Bajwa Pleasant Market – 128 Main Street, Block 123, Lot 1

Manjit Bajwa of 128 Main Street, Chester, N.J. was present and explained that he would like a paved area where people can sit which is different from the site plan the Board approved. Matt Flynn Esq. responded to Chairman Kasper's questions regarding the changes by advising that Mr. Bajwa must come back to the LUB with an amended application and requiring public notice of the hearing. Steve Bolio advised the Board that there have been other on-site changes made that need to have board approval which include a stone wall, a patio larger than approved, and the septic has been installed in the road right of way. A full as-built plan must be submitted along with an amended application.

Minutes

May 12, 2022 – By motion of Margaret Nordstrom and seconded by Chris Heil, the minutes of the May 12, 2022, meeting were approved as read. Kenneth Kasper abstained

June 16, 2022 –By motion of Margaret Nordstrom and seconded by Chris Heil, the minutes of the June 16, 2022, meeting were approved as read. Jason Rothamel and Kenneth Kasper abstained.

July 17, 2022 –By motion of Margaret Nordstrom and seconded by Chris Heil, the minutes of the July 1y, 2022, meeting were approved as corrected. Michael Gurzo abstained.

Public Comment – There was no one from the public present.

Executive Session – 7:55 p.m.

A motion to close the meeting to the public and conduct an Executive Session was made by Anita Rhodes and seconded by Margaret Nordstrom. Motion passed.

The LUB came back into the regular meeting at 8:08 p.m.

Margaret Nordstrom moved to terminate Steve Warner, Esq. as legal counsel for the Borough of Chester Land Use Board as per the contract and to pay any outstanding invoices associated with his work and to hire Amanda Wolfe, Esq. along with the authorization to sign contracts with Amanda Wolfe, Esq. which are not to exceed \$175. per hour. Chris Heil seconded the motion which was passed by the following roll call vote:

AYES: Jason Rothamel; Michael Gurzo; Anita Rhodes; Janet Hoven; Kenneth Kasper; Michael Ferrone; Chris Heil and Margaret Nordstrom

NAYS: None

Environmental & Open Space-Committee. Chairman Kasper advised that he had not had any volunteers to serve on the committee and therefore decided to join it himself.

Mayor Hoven announced that Benjamin Spinelli has been named the Executive Director of the New Jersey Highlands Council.

CHESTER BOROUGH

LAND USE BOARD

August 11, 2022

David Banisch advised that he had met with Benjamin Spinelli and the Borough has filed suit regarding the obligation to provide affordable housing since they are in the Highlands. Chester Borough is a Planning Area town and did not get the relief sought. Mr. Spinelli has defended the Borough in the past since he is an advocate for Highland towns with affordable housing.

ADJOURNMENT – There being no further business, the meeting was adjourned at 8:25 p.m. on a motion by Margaret Nordstrom; seconded by Chris Heil which was passed unanimously by the Board.

Sarah Jane Noll
Committee Secretary