

CHESTER BOROUGH
LAND USE BOARD
June 16, 2022

The Regular meeting of the Chester Borough Land Use Board was held on June 16, 2022

Opening Statement

Donald Storms called the meeting to order at 7: 01 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
Anita Rhodes, Class IV
Michael Ferrone, Class IV
Donald Storms, Class IV – left meeting
Stan Quintana, Class IV
Kyle Kopacz, Alternate # 2

Absent:

Kenneth Kasper, Class IV
Paul Ferriero, Board Engineer
Steven K. Warner, Esq., Board Attorney
Adam Sorchini, Class IV
Jason Rothamel, Alternate # 1

Also Present:

Lumarys Mendez, LUB Secretary
Sarah Jane Noll, Committee Secretary
David Banisch, Board Planner
Steve Bolio, Board Engineer
Kaitlyn Michko, Esq.
John Olivo, Landscape Architect

Minutes:

May 12, 2022 – Deferred to next meeting

Donald Storms stepped down and Anita Rhodes chaired the rest of the meeting.

Resolutions:

The following resolutions were not acted on and were carried to the July 14th meeting:

- **Maria's Café Arinik Realty LLC -56 Main Street – Block 129, Lot 5**
- **Chester Town Center (Former Larison's Turkey Farm) - Global Acquisitions Company LLC -2 West Main Street, Block 101, Lots 13, 14, 15 &16**

Public Hearings

Mill Ridge Lane Townhouse Redevelopment-Mill Ridge Lane Property LLC Block 101, Lots 12.07 & 12.08. Preliminary and final site and Major Subdivision Plan 7. RESOLUTIONS FOR ADOPTION1. Maria's Café Arinik Realty LLC -56 Main Street – Block 129, Lot 5 2. Global Acquisitions Company LLC 2 West Main Street- Block 101, Lots 13,14,15,16 (Phase1A) – **carried to July 14th meeting with no further notice.**

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

(Phase1-A)

Mr. Sposaro asked that the LUB ask the construction office to review the permits for demolition of the wings on the restaurant and the relocation of the Country Store. He acknowledged that the resolution has not been memorialized but they need to demolish the wings. He also asked that they be allowed to submit a permit for the foundation of the CVS Pharmacy. The Board members familiarized themselves with previous discussions regarding this topic. Mayor Hoven pointed out that there is a four-step process in the ordinance having to do with demolition. David Banisch pointed out that the Settlement Agreement supersedes the ordinance, and he feels that they can remove the two wings without further action by the Board and asked the applicant how quickly they would start. Mr. Sposaro advised that work would start within 10 days of the permit being issued. Mr. Sposaro advised that it will take 30 days to stabilize the structure. He also pointed out that the demolition is part of the resolution that should have been considered this evening and has been carried to the July meeting. He again asked that the construction office be directed to issue the permit.

Michael Ferrone made a motion to allow the demolition of the wings prior to the adoption of the resolution; Margaret Nordstrom seconded the motion which was passed by the following roll call vote:

AYES: Margaret Nordstrom; Chris Heil; Janet Hoven; Anita Rhodes; Stan Quintana; Michael Ferrone and Kyle Kopacz

NAYS: None

CVS Pharmacy foundation. Mr. Sposaro asked that the board approve the review of the foundation for the CVS Pharmacy. Mr. Bolio has no objection to that review.

Chris Heil moved to allow the applicant to apply for a foundation permit for the CVS Pharmacy and to be reviewed by the engineer, but the permit is not to be issued until the

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conditions of the resolution have been met; Margaret Nordstrom seconded the motion which was passed by the following roll call vote:

AYES: Margaret Nordstrom; Chris Heil; Janet Hoven; Anita Rhodes; Stan Quintana; Michael Ferrone; Kyle Kopacz

NAYS: None

PUBLIC HEARINGS

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 restaurant, CVS, medical office building, general office, affordable housing units, cell tower and an organic farm. Carried without further notice. Application deemed complete June 10, 2021. **Phase 1A, 1-B and Phase 2 Preliminary major site plan amended.**

Anthony Sposaro, Esq. was present representing the application. The May 23, 2022, report prepared by Steve Bolio of Ferriero Engineering had been received. Mr. Sposaro had one substantive issue in Mr. Olivo's May 10, 2022, report which he feels can be worked out with Marla Roller, Landscape Architect. The issue is the location of the playground for the affordable units. For public health and safety, his client objects to Mr. Olivo's suggested location which would be west of the community building and to the south of the housing units. It was pointed out that it would be right next to a parking area. Other than this issue, they have complied with Mr. Olivo's report.

Mr. Banisch disagrees that it be relocated to the front of the site. The private location to the rear of the building is safer. Mr. Olivo stated his position. He thought that it should be located near the community building and services. Mr. Bolio had nothing to add.

Board Questions:

Kyle Kopacz was advised that the suggested location would be 160' closer to the road and would be fenced in. After considerable discussion, it was the opinion of the Board that the playground be kept at the rear of the buildings.

The applicant is seeking modified Phase 1-A, 1-B and Phase 2 preliminary major site plan approval to provide a 6,376-sf restaurant, the 14,148 sf CVS store, a 1,152-sf sewage treatment facility building and 36 affordable housing units, a cell tower and an organic farm.

Mr. Sposaro advised the Board of a report from the NJDEP dated November 11, 2021, regarding the WMQP management plan amendment for centralized wastewater collection and treatment. The report had been sent to the prior owner of the property and their engineer; consequently, this applicant never received the letter. A January 11, 2022, disapproval letter from the NJDEP which was sent to the municipality. The disapproval was without prejudice for the lack of the applicant submitting additional information that had been requested by the Department. They have engaged a firm and will be submitting information within the next two weeks.

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The Ferriero Engineering report dated May 23, 2022, was reviewed by Mr. Sposaro. A second dumpster will be obtained and if necessary, they will increase the pickups to twice per week. Item #7 on page 4 -Signage was deferred to the traffic engineer. Shrubbery in the detention basin is not permitted; the planting is limited to grass. The Bio-retention basins are allowed to have shrubbery. They will confirm what can be planted with John Olivo. A brush hog will not be used to mow. A design waiver is required from Section 163-47. A.(41)(e) which Mr. Bolio recommends. The Applicant thinks there is enough lighting, and they will work with the board professionals, but they do not want to light the place up. Mr. Banisch agrees that there are enough lights for safety. The Applicant will work with the Board Professionals on any proposed lighting for the restaurant patio. Hot boxes are not required however If they are, they will be back to the Board to show where they will be located and what they will look like. They will work with NJ Water and the Board. The turning movements have been reviewed by the Traffic Engineer and must be confirmed by the Chief of the Fire Company and the Fire Official from Mt. Olive. The engineering report review was concluded and followed by some questions by Mr. Bolio. Mr. Quintana was advised that the cell tower cables will be underground. The utilities will all be underground and put there during Phase 1-B and 2.

Mr. Sposaro had no further information to present, and that his client has stipulated to both reports. This concludes the modified Phase 1-A, Phase 1-B and Phase 2.

Parking Lot Islands: A waiver is being sought from the standards of Section 163-81(B)(2) width of parking islands in Mr. Olivo's report dated May 10, 2022. Mr. Olivo agreed to this waiver.

Restaurant Patio Wall Plantings: A waiver of this item 6.h. on page 4 is requested.

Anita Rhodes asked when there had been testimony on the changes that have been made.

Public Portion Opened

By motion of Chris Heil and seconded by Margaret Nordstrom, the public portion for questioning of this witness was opened

Carolyn Crews residing on Mill Ridge Lane questioned the stormwater and sewer and drainage for Mill ridge and was advised that that hearing had been carried to the next meeting.

Ed Ng - 45 Ammerman Way, Chester New Jersey asked if Mr. Byrne will supervise the demolition of the wings on the restaurant. He answered yes.

Public Portion Closed

Stanley Quintana moved to close the public portion; Margaret Nordstrom seconded the motion which was passed unanimously by the Board.

The applicant assured Mayor Hoven that the municipality will be notified of when the demolition will be taking place.

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Deliberation –

Chris Heil moved to deliberate; Margaret Nordstrom seconded the motion which was passed unanimously by the Board.

Mr. Banisch discussed the conditions of approval and their conformity with the settlement agreement. He is not clear what is included in these phases 1-B and 2. The cell tower should be on the plan and in the resolution. Mr. Quintana asked when the general store will be moved. The applicant is not sure of the schedule. Mayor Hoven was advised by the applicant that his grandson no longer will be running the organic farm. They do intend to preserve the farm. The restaurant will serve the farm products and will be a farm to table restaurant.

By motion of Chris Heil and seconded by Stanley Quintana, the deliberation was closed.

Michael Ferrone moved to approve Phase 1-A, 1-B and 2 as per the plans and to include the waivers for lighting and landscaping and the conditions discussed and agreed to by the applicant; Margaret Nordstrom seconded the motion which was passed by the following roll call vote:

AYES: Janet Hoven; Margaret Nordstrom; Chris Heil; Anita Rhodes; Michael Ferrone; Stan Quintana and Kyle Kopacz.

ADJOURNMENT – There being no further business, the meeting was adjourned at 8:50 p.m. on a motion by Chris Heil and seconded by Margaret Nordstrom and passed unanimously by the Board.

Sarah Jane Noll
Committee Secretary