

CHESTER BOROUGH
LAND USE BOARD
July 17, 2022

The Regular meeting of the Chester Borough Land Use Board was held on July 17, 2022.

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.

SALUTE TO THE FLAG

ROLL CALL

Present:

Janet Hoven, Class I
Margaret Nordstrom, Class II
Chris Heil, Class III
Kenneth Kasper, Class IV
Donald Storms, Class IV
Anita Rhodes, Class IV
Stan Quintana, Class IV
Michael Ferrone, Class IV – 7:22 p.m.
Kyle Kopacz, Alternate # 1

Absent:

Paul Ferriero, Board Engineer
Michael Gurzo
Jason Rothamel
Steven K. Warner, Esq., Board Attorney

Also Present:

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

Minutes – By motion of Chris Heil and seconded by Margaret Nordstrom the minutes of the April 14, 2022, meeting were approved as read. Kenneth Kasper, Stan Quintana, and Kyle Kopacz abstained.

Minutes from the May 12, 2022, and June 16, 2022, meetings were deferred.

Resolutions:

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**Chester Town Center (Former Larison's Turkey Farm) - Acquisitions Company LLC
-2 West Main Street, Block 101, Lots 13, 14, 15 & 16 - Phase 1-A**

Both LUB Professionals David Banisch, Planner and Steve Bolio, Engineer had reviewed the resolution.

Margaret Nordstrom moved to approve the resolution for Phase 1-A of Chester Town Center; Kyle Kopacz seconded the motion which was passed by the following roll call vote:

AYES: Janet Hoven; Margaret Nordstrom; Chris Heil; Anita Rhodes; Stan Quintana; Kyle Kopacz. Kenneth Kasper

NAYS: None

Maria's Café Arinik Realty LLC – 56 Main Street – Block 129, Lot 5

Margaret Nordstrom moved to approve the resolution granting minor site plan approval and bulk variance relief; Chris Heil seconded the motion which was passed by the following roll call vote:

AYES: Janet Hoven; Margaret Nordstrom; Donald Storms; Chris Heil; Anita Rhodes; Stan Quintana; Kyle Kopacz; and Kenneth Kasper

NAYS: None

Public Hearing:

Chester Town Center (Former Larison's Turkey Farm) – Global Acquisitions Company LLC-2 West Main Street, Lots 13, 14, 15 & 16 - This hearing was carried to the August 12, 2022, LUB meeting at 7 p.m. without further notice.

🚦 Michael Ferrone came into the meeting at 7:22 p.m.

Mill Ridge Lane Townhouse Redevelopment – Mill Ridge Lane Property LLC- Block 101, Lots 12.07 & 12.08

Mr. Sposaro, Esq. was present representing the applicant. The plans entitled Preliminary & Final Site and Major Subdivision Plan – Mill Ridge Lane Property LLC, Block 101, Lots 12.07&12.08 (Proposed lots 17-17.20) dated October 20, 2020, revised thru May 26, 2022, revision # 5 prepared by Dynamic Engineering Consultants, P.C. and consisting of 21 sheets. Mr. Sposaro advised that the proposal is for twenty (20) market rate townhouses in six (6) buildings and consistent with the court settlement. He plans to have three (3) witnesses this evening.

Daniel Sehnal, P.E. of Dynamic Engineering Consultants, P.C. located at 45 Main Street, Chester was sworn in and accepted as an expert witness. The following exhibits were entered into evidence:

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Exhibit A-1 -Colorized Aerial map of the site - sheet 2 of 21 and revised thru May 26, 2022, revision # 5. The property consists of 4.39 acres.

Mr. Sehna testified that Mill Ridge Lane runs east/west with one (1) single family residential use to the west. The property is entirely wooded with vacated iron mine shafts in a conservation easement, a portion of a JCP&L easement, and an existing detention basin. The site is relatively hilly with the stormwater running south. It is in a multi-family redevelopment zone.

Exhibit A-2 -Sheet 5 of 21 and revised thru May 26, 2022. The ordinance requires a minimum of 4.4 acres; they have 4.3 acres and seek to have an undersized lot identified as lot 17. There will be six (6) proposed townhouse units. They are proposing three (3) roadways with two (2) accesses out to Mill Ridge Lane. The roads will be twenty-four (24) feet in width. The Chester Fire Trucks can make the turns in the cul-de-sac. The lighting will be LED style; three (3) fire hydrants and 73,000 s.f. of impervious surface coverage. They are proposing two (2) identification signs and one (1) small retaining wall between buildings 5 & 6. The buildings comply with all setbacks. They are proposing 2.3 parking spaces for each townhouse totaling fifty (50) parking spaces which includes two (2) parking spaces in each driveway. The proposed parking spaces are 8'x18' which will **require a waiver**. He reviewed the Stormwater Management Plan and explained that the development is considered a major development since there is more than ¼ acre of disturbance. They have met with both Mr. Banisch and Mr. Bolio on the stormwater plan. There will be an easement to the Chester Town Center for the sewer and water tie in. He reviewed the proposed lighting which meets the lighting standards. There will be nine (9) decorative LED lights. The uniformity ratio will need a waiver. The landscaping has been designed using deer resistant plantings with a mix of evergreen and deciduous trees. They are listed on the plans. They will use foundation planting selected to enhance the site.

Morris Co. Soil Conservation District – has issued some comments which the applicant will meet.

The June 15, 2022, Ferriero Engineering report was reviewed. Mr. Sposaro questioned the need for fencing around the closed mine shafts. For aesthetic reasons, they prefer not to have fencing and according to Mr. Sposaro there are only two (2) depressions. Mr. Bolio advised that he will leave that decision to the Board. He feels that it is beyond his scope of expertise and cannot speak to the stability of the depressions. Mr. Banisch asked that Mr. Sehna address Item # 7 on page 3 of the Ferriero report, requests remediation if necessary, and Mr. Sposaro advised that he has no objection to this condition.

Resurfacing of Mill Ridge Lane – Mr. Sehna advised that they will put down a tack coat and 2" of pavement rather than 1" of millings. Mr. Bolio wants 3" of pavement. The Board will address this item.

Lighting – A waiver is needed for the uniformity. The applicant was advised that the ordinance in place is for the Chester Town Center, not for Mill Ridge. Mr. Bolio will recommend the waiver be approved.

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HOA – The applicant advised that the Homeowners Association will be responsible for the maintenance of the common areas, including the proposed stormwater management system.

Maintenance Responsibility - Page 9, paragraph 32 – This will be a condition of approval. Mr. Sposaro objected to this feeling that it is unreasonable since the document recorded in 2005 indicated that the owner of lot 12.09 is responsible for the maintenance. Entered into evidence was the following exhibit:

Exhibit A-3 – Recorded declaration. Mr. Sposaro advised the LUB that the basin is not being maintained and that his client has no control over the owner. Mr. Bolio advised that individual homeowners are not allowed to maintain basins and recommends that it be included in the agreement. Mr. Sposaro suggested that the Borough direct the homeowner to maintain the basin. Chairman Kasper said that the Board will look to its attorney who will investigate it. Mr. Banisch advised that original subdivision was approved for single family housing and that only one lot has been developed. As per Chairman Kasper's inquiry, Mr. Sehnael explained the collection of the stormwater and that no modifications are being made to that basin on the neighbor's property. After considerable discussion, the LUB concluded that the document will be reviewed by the Board's experts and attorney. Mr. Kasper was unable to answer Mr. Sposaro's question on why the municipality has not required the owner of the property to maintain the basin.

Board Professional questions. Mr. Bolio reviewed his June 15, 2022, report advising of the need to obtain a soil moving permit if the soil is deposited in the Borough. He asked that the applicant offer testimony on the recharge area and that a Consistency Review be obtained from the Highland's Council. This will be a condition of approval.

Mr. Banisch asked that they look more closely at the mine shafts. Mr. Sposaro advised that they will look at the existing mine shafts.

It was noted that Mr. Ferrone had joined the meeting prior to the start of this application. Mr. Ferrone questioned the sharing of both water and sewer. The approval of the shared water and sewer by the NJDEP will be a condition of approval. It was suggested that a detail of the signs be submitted for review. The Homeowners Association will own the lights and be responsible for them.

Landscaping - John Olivo reviewed his June 9, 2022, report and addressed the one waiver request regarding the identification of the trees. Anita Rhodes reported that the Shade Tree Commission weighed in on this request so that they would have some idea of trees that can be exchanged for trees that are being removed. She advised that this is the first time in her 30 years being involved with the Borough, that an applicant has refused to do an inventory. Mr. Banisch concurred with Ms. Rhodes' request also asking for the species of the trees being removed.

Marla Roller, L.L.A. – Dynamic Engineering Consultants, P.C. was reminded that she had previously been sworn in. She testified that she had prepared the plans and has walked the site and has worked closely with Mr. Olivo's office. Ms. Roller advised that she does not feel that there is any value in doing an inventory of existing trees. The decision

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regarding the inventory is left to the LUB. Irrigation will be installed, and a Landscape Maintenance Manual adopted.

Public Portion

The public portion regarding the questioning of this witness Mr. Sehnal and Ms. Roller was opened and closed by motion of Margaret Nordstrom and seconded by Chris Heil since there was no one from the public present. Motion passed.

Robert Zampolin, A.I.A., Architect and owner of Zampolin & Associates located at 187 Fairview Ave., Westwood, NJ was sworn in and accepted as an expert. Using the following exhibits, he explained the 20 units of which there are 12 end units and 8 interior units.

Exhibit A-4 – Sheets A7, A8 and A-9.

Mr. Zampolin described the interior open concept and the covered entrances.

Exhibit A-5 – Sheet A8 revised thru January 8, 2021.

Exhibit A-6 – A7 – Interior layout of the units.

Exhibit A-7 – Rendering of units

Board Questions.

There will be no basements. All (6) units will have three (3) bedrooms; the foundation exterior will be stone; each unit will have a fireplace. The garage doors are double.

Public Portion – opened and closed.

The public portion regarding the questioning of this witness was opened and closed by motion of Margaret Nordstrom and seconded by Chris Heil since there was no one in the public. Motion passed.

Mr. Banisch questioned Mr. Sehnal regarding the mowing of the easement by the Homeowners' Association which will be twice per year and if they would consider using a meadow mix.

Mr. Sposaro suggested using only a tack coating and 2" of pavement for the road and that the applicant will seek the cooperation in the maintenance of the basin from the owner of Lot 12.09.

There was discussion that Mill Ridge Lane has not been dedicated to the municipality yet and the road will have to be accepted by the municipality before it can be dedicated. Mr. Bolio will investigate the current condition of the road and what needs to be done so that the road will meet the standards of the Borough.

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Mr. Sposaro suggested that the Board direct the Board Attorney to draft a resolution for the Board's consideration.

Issues needing to be resolved were listed:

Tree Inventory – the Board is willing to waive this.

Mine Shafts

Milling and paving of Mill Ridge Lane

Maintenance of basin on Lot 12.09

DEP easement going thru conservation easement.

Highland's Consistency review

The application was carried without further notice to the August 11, 2022, LUB meeting at 7 p.m.

The polling time was extended to September 30, 2022.

Communication and Discussion – Chairman Kasper asked Jennifer Cooper who was in the public to speak informally to the Board regarding the Open Space/Recreation Plan that the Environmental & Open Space Committee is working on. Ms. Cooper advised the Board that the Commission has hired the Nature Conservancy to help them with this plan. She explained what is being proposed. They are having their first meeting in August which will be a Zoom Meeting and they are asking for a volunteer from the Land Use Board to sit on this committee since it is a requirement. Margaret Nordstrom will be on the committee as the Borough Administrator. A plan is required before applying for a grant through the Highlands' Council. They are proposing a 10-year meadow restoration which requires spraying, burning, seeding with pollinating flower mix and mowing. It takes three seasons for the meadow to be finished. They are trying to control invasives. They will be putting up bluebird houses which they have built and painted. Mayor Hoven advised that there is no property to purchase but they have property to maintain.

Chairman Kasper asked for a volunteer from the LUB.

Public Comment - none

ADJOURNMENT – There being no further business, the meeting was adjourned at 10 p.m. on a motion by Margaret Nordstrom; seconded by Chris Heil which was passed unanimously by the Board.

Sarah Jane Noll
Committee Secretary