

CHESTER BOROUGH
LAND USE BOARD
July 9, 2020

The Regular meeting of the Chester Borough Land Use Board was held at the municipal building located at 50 North Road on July 9, 2020

Opening Statement

Chairman Kenneth Kasper called the meeting to order at 7 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 have been posted on the website at chesterborough.org. Public can register at Zoom.us and to join:

[HTTPS://US02WEB.ZOOM.US/WEBINAR/REGISTER/WN DVTLKCGVTBGXT PXOHMOOW](https://us02web.zoom.us/webinar/register/wn_DVTLKCGVTBGXT_PXOHMOOW) **PASSWORD: 350482**

WEBINAR ID: 827 1946 6932

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 - 7 p.m.

SALUTE TO THE FLAG

ROLL CALL

Present:

Mayor Janet Hoven, Class I
Kerry Brown, Class II
Kenneth Kasper, Class IV
Anita Rhodes, Class IV
Donald Storms, Class IV
Chris Heil, Council Representative, Class III
Stan Stevinson, Class IV
Michael Ferrone, Alternate #2
Stan Quintana, Alternate #3

Absent:

Paul Ferriero, Board Engineer
Adam Sorchini, Alternate # 1
Edd Creter, Class IV

Also Present:

Steven K. Warner, Esq., Board Attorney
David Banisch, Board Planner

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Steven Bolio, Board Engineer
Sarah Jane Noll, Recording Secretary

Minutes – The minutes of the June 11, 2020 were deferred until later in the meeting.

John & Christine King – 73 Collis Lane, Block 107 Lot 5 - Variance application for in-ground pool -Applicant requested to be carried to August 13, 2020 – since there was a deficiency in the notice the applicant will rectify it.

Tack Veterinary Holdings, LLC., - 114 US Highway 206 North, Block 103, Lot 51- Amended Site Plan -Applicant Requested to be carried to August 13, 2020 without further notice.

The Car Wash at Chester, LLC - 45 Maple Ave. Block 131, Lot 5 -Amended Preliminary and Final Major Site Plan and Variance Application, 45 Maple Avenue, Block 131, Lot 5 – continuation from the June 9, 2020 meeting.

Anthony Sposaro, Esq. was present on behalf of the applicant. The plans had revision dates of 6/25/20. He advised that he had two witnesses from the previous meeting that had been sworn. There is a recommendation from Paul Ferrier's office. David Banisch did speak with Paul Ferriero today who advised that it is his opinion that what is proposed may create a bottle neck. He suggested that the Board not consider the existing pattern on the westerly side of the property and that the workers direct vehicles into the lanes and that the Bull nose curbing be extended. Steve Bolio confirmed what Mr. Banisch just indicated. 117 sq. ft. of landscaping is to be removed from the plans and that the 4' wide bull nose showing the walkway is to remain. The left front corner extension is to remain. The applicant has no objection to this. They do want to maintain the walkway, but it appears that that has been accomplished.

Candice Davis, P.E. was called as their next witness and she was reminded that she had been previously sworn. She advised that she had made changes which reflected the comments from the June 9th meeting. The revisions made were that the circulation be maintained as a one-way; enter from right and exist through the front as shown on the site plan consisting of 7 sheets; 6/25/20 is the latest revision on sheet 4 for circulation. They had been forwarded to board members electronically, not paper. The following exhibit was entered into evidence **Exhibit A-7 – consisting of 7 sheets revised through 6/25/20** -sheet 4 within that exhibit is showing the circulation plan. It shows three lanes entering with stop bars and pay for service. There are overhead booms for the vacuum equipment. The full-service vehicles are driven by the attendant and then moved to the back where it is serviced and then exits the site. There are 2 exterior vacuums on the site. 2 have been removed. The full-service vehicles stop; the owner gets out and waits until it has full service. Chairman Kasper asked that either Mr. Banisch or Mr. Bolio explain the change from today. Mr. Bolio explained that the center Island would be eliminated and there would be ~~stripped~~striped lanes for them to exist from. The curbing will be removed with only the painted lines. Cars exiting the car wash could go straight out. The bull nose will be removed. Mr. Banisch worked up a sketch explaining the idea. Ms. Davis testified that a bike rake has been added. She explained the vacuum stations and that changes have been made to sheet 5 according to the Shade Tree Commission in their report of June 9th. She did meet with 2 of the commission members on Monday and discussed the changes which she will be

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making. The changes will be subject to review and approval of the Shade Tree Commission. Because of the recent change, there will be some landscaping changes. Mr. Bolio commented on the landscaping and the height of the shrubbery – finalize with Shade Tree. Anita Rhodes asked to make a comment. She said that some of the beds may be contaminated from the oil company next door. Mayor Hoven said that it is a cleanup site and they do have a clean bill of health from the State of NJ. Mr. Warner said that it is not the jurisdiction of this board if the State has given it a clean bill of health. Ms. Rhodes doesn't want the applicant to put money into landscaping that will not survive. Mr. Warner cautioned that they must trust the DEP if they have been given approval. Her concern is appreciated but it is the jurisdiction of the DEP. The revised exit plan prepared by Mr. Banisch was put on the monitor. There was a dashed blue line cutting off the bull nose area of the island. The attendants will direct the customers to where they should park to have the cars dried off. Messer's Bolio and Banisch both feel that this a safer plan than that which was proposed. Mr. Sposaro asked that they be allowed to submit this revision as a condition of approval. Marked into evidence by the Board was the following exhibit:
LUB-1 –the marked-up site plan prepared by Mr. Banisch showing a portion of sheet 3 of the 7 sheets revised through 6/25/20 with ~~hand-written~~handwritten demarcations.

Mr. Sposaro advised that he has concluded his presentation.

Mr. Banisch advised that in his June 20th report, it called for the removal of movable signs now 4 moveable signs have been added. Ms. Davis addressed this by explaining that they are existing – adjacent to the entrance directing them to enter the building; other two are existing – they list guidance and disclaimers for customers who leave their vehicles. They need variances and 1 additional moveable sign which is specific posting for services. They consist of approximately 10 sq. ft. and are on stands. Mr. Warner said that they are covered under the notice for any additional variances that may be needed. Mr. Banisch did comment on the colors of the awnings; building; equipment and signage. That issue was left for the applicant to supply information which has not yet been provided. Mr. Sposaro agreed with this and he proposed to leave this in the hands of Ferriero's office or Mr. Banisch or the historic committee. No comments from the Board on this and Chairman Kasper decided to have the professionals or the historic committee review cautioning the applicant to not have garish colors. Mr. Bolio addressed his comments which included setback to the metal roof which needs a variance and note on the schedule as pre-existing non-conforming; proposing to relocate the one light fixture and move it to the right side of building where there had been a light pole. He recommends a waiver of the light fixture change. # 14 should be revised to be consistent. The dumpster has been removed from the plans. Mr. Davis advised that the dumpster enclosure is within 3' of a 22" oak tree and that do not want a fence so in lieu of that, they are proposing 2 arborvitaes to help screen. She reviewed the landscaping that is being used to screen.

The meeting was opened to the Board members for questions of the witness and since there were none, it was closed. Kerry Brown advised that there are a few people in the meeting.

Kerry Brown moved to open the meeting to the public for questions of the witness; Donald Storms seconded the motion which was then closed since no one from the public responded.

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Mayor Hoven moved to open the public for comments on the application; Kerry Brown seconded the motion. Since there were no comments from the public, the public portion was closed by motion by Mayor Hoven and Kerry Brown.

There were no closing comments.

A motion to discuss the application was made by Mayor Hoven and seconded by Kerry Brown.

The board members commented; Chris Heil commented that he liked the improvements which created a better flow which can handle more people and will be less chaotic. Stanley Quintana agreed with Mr. Heil's comments and felt it is safer and less hectic. Anita Rhodes has reservations about the addition of the signs which in her opinion are excessive and not very attractive. She would like a condition that the site is be cleaned up every night and that currently it is an eye sore. She is on the fence until the vote. Stanley Stevinson has no problem and respects Anita's concerns and hopes that the owner will acknowledge those concerns. He likes the program and supports it. Janet Hoven stated that it is a difficult application because if this were being built from scratch what is being proposed would never be allowed now. Too much on too small of a lot and she has safety concerns. Chairman Kasper commented that he would vote no because of safety concerns. There were no further comments by the board.

Donald Storms moved to approve the application with conditions stated by the board members; Chris Heil seconded the motion. Mr. Warner feels that he can capture the conditions that have been heard. The motion was approved by the following roll call Vote:

AYES: Mayor Janet Hoven; Kerry Brown; Donald Storms; Chris Heil; Stan Stevinson

NAYS: Kenneth Kasper; Anita Rhodes

Chipotle Mexican Grill, Inc. 141-205 Route 206, Block 128, Lot 4 -Sign variance application – The applicant is proposing one (1) building-mounted sign along the front façade which will measure approximately 35.27 sq. ft. Additionally, the Applicant is proposing two (2) building-mounted signs along the south-west side of the building which will measure approximately 7.06 sq. ft. and 55.31 sq. ft., respectively.

Michael Lario, Esq. representing the client was present. Mr. Warner advised that the board has the jurisdiction to hear the application; the notices are in order. The taxes have been satisfied according to Kerry Brown. C variance relief for façade signs. Mr. Lario advised that they wish to occupy the site which was previously occupied by Starbucks. 3 façade signs and 2 along the side façade. The side faces Rout 206. They have 2 witnesses. Messer's Banisch and Bolio and the witnesses were sworn in. Mr. Bolio addressed completeness on pages 1, 2 and 3 of his report and recommends that the application be deemed complete and that there is enough information for the hearing to begin tonight.

Tiffany Morrissey – licensed professional planner from Galloway, NJ has been practicing since 1995. She was accepted as an expert witness. Ms. Morrissey explained the site and the tenants. The building has visibility out to Route 206 and into the parking lot. They are proposing a 35.27 sq. ft. sign on the front façade and 2 signs on the side. They have decided to decrease the size of the signage at the side of the building to 23.24 sq. ft. and 7 s.f. for the emblem with a total of

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34.8 sq. ft. for both. Starbuck's signage was approved for 43 sq. ft. Two signs under the canopy as 1.53 sq. ft. – same as what Starbucks had. The plans consist of 9 sheets. The following exhibits were entered into evidence:

Exhibit A-1 consisting of 9 sheets.

Exhibit A-2 consisting of 3 sheets revised through 7-8-20 and submitted today.

Ms. Morrissey addressed the variances being requested feeling that they fit into the scape. She went over the negative comments and the positive criteria. She feels that there is no substantial detriment. She has reviewed the reports of the planner and engineer. Hours of operation are from 10 a.m. to 10 p.m. and have agreed that the signs get turned off when the business closes.

Mr. Banisch addressed his report of July 9th and commented on the changes made with revisions consistent with the 2015 board approval for Starbucks. Mr. Bolio has no comments. The applicant was asked to provide full drawings to the board so there is a copy in the board file. Mr. Warner asked Mr. Banisch if the signage hanging down would require a variance because they are perpendicular signs which are not permitted. Mr. Banisch does not feel they need relief of that. 2 Identification signs slightly over the limit but are pre-existing signs. The variances needed are for # of signs and sign area.

Stan Quintana asked if the signs are illuminated and were the Starbucks illuminated. Mr. Banish said that signs in a shopping area are illuminated. They are consistent with what was there when it was Starbucks. No blinking; flashing; no moving parts. Ms. Morrissey agreed that the signs are consistent with Starbucks and there will be no flashing; blinking or moving parts and will be turned off at the end of the business day. Michael Ferrone asked if these signs are quiet. She said that they do not hum.

There were no further questions from the Board members.

The public portion of the meeting was opened by motion of Kerry Brown and seconded by Stanley Quintana since there was no one in the public, the public portion was closed to the public by motion of Kerry Brown and seconded by Mayor Hoven.

Valery Vargas the installer was present and testified. Chairman Kasper did ask her about noise and flashing lights. Mr. Banisch asked that any damage to the side of the building be repaired. She stated that it would be repaired.

The public portion for questions of this witness was opened by motion by Kerry Brown and seconded by Donald Storms and since there were no questions by the public, the public portion was closed by motion of Mayor Hoven and seconded by Kerry Brown.

Kerry Brown moved to open the meeting to deliberation by the board; Anita Rhodes seconded the motion.

No one had any problems with this application.

Anita Rhodes moved to approve the variance application; Donald Storms seconded the motion which was approved by the following roll call Vote:

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AYES: Mayor Hoven; Kerry Brown; Kenneth Kasper; Anita Rhodes; Donald Storms; Chris Heil; Stanley Stevinson.

NAYS: None

Minutes of June 11th – The minutes of the June 11, 2020 meeting were approved as read.

~~Stanley Stevinson and Stanley Quintana abstained.~~

Don Storms asked if we will be going back to public meetings and advised that the Board of Education is meeting in the high school. Mayor Hoven explained that with the design of the dais and the social distance requirements; it can't be done because of the recording equipment.

There was a very brief discussion about changing the board meeting night. Because of conflicts of several members, the discussion was ended.

RESOLUTIONS - No resolutions at this time

COMMUNICATION/DISCUSSION ITEMS

PUBLIC COMMENT

ADJOURNMENT - There being no further business, the meeting was adjourned at 8:50 p.m. by motion of Kerry Brown and Donald Storms.

Sarah Jane Noll
Recording Secretary