

**TOWNSHIP OF BORDENTOWN  
PLANNING BOARD – ZOOM MEETING**

**July 23, 2020**

A Virtual Zoom Meeting of the Bordentown Township Planning Board was called to order at approximately 7:03 PM.

**PRESENT:** Stephen Benowitz, Mayor, Class I  
 Bill Grayson, Class II (left meeting at 8:30 pm)  
 Eric Holliday, Deputy Mayor, Class III  
 George Chidley, Chairman, Class IV  
 Kevin Hirschfeld, Vice-Chairman, Class IV  
 Danielle Esser, Class IV  
 Timothy Fairlie, Class IV  
 MaryAnn Holston, Class IV  
 Brian Carlin, Attorney  
 Fred Turek, II PE, PP, CME, CPWM, Engineer  
 Mike Theokas, Interim Dir. of Comm. Dev./ Alt. Bd. Secretary  
 Cindy Dziura, Alt. Bd. Secretary/Recording Secretary

**ABSENT:** Erica Bowyer, Class IV  
 Linda Schiano, Alt. #1  
 Nicholas D’Angelo, Alt. #2  
 Jack Carman, RLA, FASLA, PP, Planner / Landscape Arch.  
 James L. Kochenour, PE, Traffic Engineer

The meeting was opened by Chairman Chidley. Roll call was taken by Alt. Board Secretary Dziura. The open public meetings announcement was read by Chairman Chidley.

**MINUTES:**

The minutes from the June 25, 2020 meeting were presented. Mr. Fairlie made a motion to approve the minutes; Vice-Chairman Hirschfeld seconded the motion.

Roll call: AYE: Esser, Fairlie, Grayson, Holston, Holliday, Benowitz, Hirschfeld, Chidley  
 NAY: None  
 ABSENT: Bowyer, Schiano, D’Angelo  
 ABSTAIN: None  
 NOT VOTING: None

**RESOLUTION(S):** None

**OLD BUSINESS:**

	<b>COMPLETENESS AND HEARING</b> <i>(Application adjourned from June 25, 2020 &amp; July 9, 2020 meetings)</i>	
<b>ZB-2020-01</b>	<b><u>UPMANIS, CHRIS &amp; TERESA</u></b>	<b>ESCROW #990000</b>
Received: 1/2/2020	Applicant is seeking variance relief to existing 20’ x 11’ concrete patio that is within 1 foot of property line where 5’ is required.	Block 49.01, Lot 14
Escrow fees: PAID	Patio was installed to alleviate drainage issues.	885 East Drive
Taxes: PAID	<b><u>REPORTS BY BOARD PROFESSIONALS:</u></b> None	Zoned: R-6

Planning Board Secretary Theokas stated that Chris & Teresa Upmanis requested another extension, to the August 13, 2020 meeting. The Community Development Office is still waiting for a survey from them. (Their application is a result of a zoning violation, and they are receiving protection under their filed application.) The Board can grant the request for adjournment –or- deem the application incomplete, which would require them to re-notice.

Vice-Chairman Hirschfeld made a motion to deem this application incomplete; Mr. Grayson seconded the motion.

Roll call: AYE: Esser, Fairlie, Grayson, Holston, Holliday, Benowitz, Hirschfeld, Chidley  
 NAY: None  
 ABSENT: Bowyer, Schiano, D’Angelo  
 ABSTAIN: None  
 NOT VOTING: None

**NEW BUSINESS:**

<i><b>COMPLETENESS AND HEARING</b></i>		
<b>ZB-2020-05</b>	<b><u>PALUMBO, MARK &amp; ALICIA</u></b>	<b>ESCROW #990600</b>
Received: 7/2/2020	Applicant is seeking a variance for a pool, retaining wall setbacks and buffer.	Block 93.05, Lot 1
Escrow fees: PAID		30 Waterford Drive
Taxes: PAID	<b><u>REPORTS BY BOARD PROFESSIONALS:</u></b> None	Zoned: R-30

Attorney Carlin stated the applicant provided proof of service to residents within 200’ of the property and the Planning Board has jurisdiction. The Board should also waive the requirement to only be heard for completeness at the first meeting.

Ms. Esser made a motion to deem the application complete and waive the requirement to only be heard for completeness at the first meeting; seconded by Vice-Chairman Hirschfeld.

Roll call: AYE: Esser, Fairlie, Grayson, Holston, Holliday, Benowitz, Hirschfeld, Chidley  
 NAY: None  
 ABSENT: Bowyer, Schiano, D’Angelo  
 ABSTAIN: None  
 NOT VOTING: None

Attorney Carlin gave a history of the application and said the construction was inconsistent to the approved plan that was submitted. A cease work order has been put into place which required the applicant to come back to the Planning Board to ask for a number of setbacks and a bulk variance.

Present giving testimony representing applicant were:  
 Mark Palumbo, Homeowner  
 Chris Chrysanthou, Pool Town

The representatives were sworn-in and the hearing commenced.

Attorney Carlin announced there is a formal objector, Veena Sawant, Professional Planner, on behalf of Mark Roselli, 16 Bentwood Drive. Mr. Roselli cross-examined Ms. Sawant, Mr. Palumbo, and Mr. Chrysanthou. Mr. Roselli was also sworn-in as a fact witness by Attorney Carlin and presented photographs.

8:30 pm – Mr. Grayson left the meeting.

Ms. Esser made a motion to open to the public; seconded by Mr. Fairlie.

Roll call: AYE: Esser, Fairlie, Holston, Holliday, Benowitz, Hirschfeld, Chidley  
NAY: None  
ABSENT: Grayson, Bowyer, Schiano, D'Angelo  
ABSTAIN: None  
NOT VOTING: None

Seeing no comments, Ms. Esser made a motion to close to the public; seconded by Mr. Hirschfeld.

Roll call: AYE: Esser, Fairlie, Holston, Holliday, Benowitz, Hirschfeld, Chidley  
NAY: None  
ABSENT: Grayson, Bowyer, Schiano, D'Angelo  
ABSTAIN: None  
NOT VOTING: None

Vice-Chairman Hirschfeld made a motion to deny the application for the requested variances as the proofs failed to meet the burden of proof required for either a C1 or C2 variance; seconded by Mr. Fairlie.

Roll call: AYE: Esser, Fairlie, Holston, Holliday, Benowitz, Hirschfeld, Chidley  
NAY: None  
ABSENT: Grayson, Bowyer, Schiano, D'Angelo  
ABSTAIN: None  
NOT VOTING: None

Attorney Carlin stated that every request for a variance under C1 and C2 was denied because the burden of proof was not met. Board Secretary Theokas told Mr. Palumbo that the Community Development Office would be in touch with him regarding the memorialization of the resolution and the next steps.

**ADMINISTRATIVE ITEMS FROM THE COMMUNITY DEVELOPMENT OFFICE:**

Board Secretary Theokas stated the next Zoom meeting is scheduled for August 13, 2020. The Board will receive the packets for the Curaleaf application by August 3, 2020, and the exhibits will be posted on the website.

**PUBLIC COMMENT:**

Vice-Chairman Hirschfeld made a motion to open the meeting for public comment; seconded by Ms. Esser.

TOM ARMITAGE, 95 Windingbrook Road: Mr. Armitage said he was Mr. Palumbo's father-in-law. Mr. Armitage stated that there was yelling by Mr. Roselli at the site, and inquired if there is a conflict of interest since Mr. Roselli was the Township's ex-mayor. Attorney Carlin responded, there is no conflict of interest, and the Township was careful as to what Mr. Roselli was presenting as an attorney and as a fact witness. Mr. Armitage said there was a lot of favoritism. Attorney Carlin responded, the Board's responsibility is to look at the variance, carry out the standard, and evaluate it without personalities. Mr. Armitage said he was surprised that the Township would go against a resident for six inches. In addition, the fence will not be 7 foot high; it is behind the wall, not on top of it.

CHRIS CHRYSANTHOU, 5500 Route 9 South, Howell, NJ (Representing Pool Town): Mr. Chrysanthou asked why all the variances were flat-out denied together, and without any remedies.

ALICIA PALUMBO, 30 Waterford Drive (homeowner): Ms. Palumbo asked Attorney Carlin if it is a conflict because Mr. Roselli is also the attorney for Old Bridge Township and his Planner works for Old Bridge Township. Attorney Carlin responded there is no conflict. She also asked Attorney Carlin if any other pool in Bordentown has been denied over six inches. Attorney Carlin responded he did not know. Board Secretary Theokas reminded Ms. Palumbo that this is public comment, not public question and answer. Ms. Palumbo said she had no further comment.

Vice-Chairman Hirschfeld made a motion to close the meeting for public comment; seconded by Ms. Esser.

**ADJOURNMENT:**

Vice-Chairman Hirschfeld made a motion to adjourn the meeting at approximately 10:25 pm; seconded by Mr. Fairlie.

Roll call: AYE: Esser, Fairlie, Holston, Holliday, Benowitz, Schiano, Hirschfeld, Chidley  
NAY: None  
ABSENT: Bowyer, D'Angelo, Grayson  
ABSTAIN: None  
NOT VOTING: None