

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, Feb 22, 2010 at 7:00 P.M. in the Municipal Building, Seabrook, N.J.

Chairman Bruno Basile called the meeting to order and read the following notice:

This is a regularly scheduled meeting of the Planning Board of the Township of Upper Deerfield. In compliance with the "Open Public Meeting Act" a schedule of regular meetings containing the location and time and date of each meeting was approved at the Annual Organization Meeting of the Board, and within seven days following such Organization meeting, a copy of such schedule of regular meetings was posted in the Municipal Building at Seabrook, New Jersey, which Notice has remained so posted throughout the year, and copies of the schedule of regular meetings have been mailed to The News of Cumberland County and filed with the Township Clerk in compliance with said Act.

Present:

Chairman: Bruno Basile

Vice Chairman: Ed Overdevest

Members: Robert Comer, Jodi Hirata, Ernest Holt (came in 7:05pm), Terry O'Neil, Bruce Peterson, alternate # 1 Russ Vanella, alternate # 2 John Timberman, alternate # 4 Gary Barbeck

Staff: Planner Randy Scheule, PP,AIC, Solicitor Theodore H. Ritter, Esq., Secretary Vicki Vagnarelli.

Absent: Edward Fleetwood, Gene Stoms, alternate # 3 David Dean, Engineer Robert C. DuBois,P.E.(not required),

On motion of Jodi Hirata, seconded by Robert Comer the following Resolution was memorialized.

UPPER DEERFIELD TOWNSHIP PLANNING BOARD
POLICIES AND PROCEDURES

RESOLUTION 1 - 2010

February 22, 2010

I. ADMINISTRATION

1.1 **Regular Meetings:** Members of the Planning Board shall be held at the Municipal Building, at 7:00 p.m. on the second and third Mondays of the month. If a regular meeting falls on a legal holiday, such meeting shall be held on the Wednesday of that week.

1.2 **Variance Applications:** Zoning Variance applications shall be routinely scheduled for the second Board meeting of the month.

1.3 **Special Meetings:** Special meetings may be called by the chairman, or in his absence, by the vice-chairman, at any time, or upon written notice of two or more members of the Board, provided that notice be given to each member, and to the public as required by law. An applicant is not entitled to a special meeting. Special meetings at the request of an applicant may be scheduled at the pleasure of the Board provided that the public interest is fairly and reasonably served. The applicants shall be responsible for all fees and costs related to any such special meeting convened at an applicant's request.

1.4 **Quorum:** At all meetings of the Board, a quorum to conduct any business of the Board shall consist of five qualified members. In the absence of a quorum, the members present may convene a meeting only for the purpose of adjourning the same to another date.

1.5 **Open Meetings:** The meetings of the Board shall be open to the public. Nothing herein shall be construed to a limited discretion of the Board to permit, prohibit, or regulate the act of participation of the public in any meeting.

1.6 **Time Limitations:** No new application will be heard after 9:30 p.m. Planning Board meetings will adjourn at 10:00 p.m.

1.7 **Parliamentary Procedure:** Robert's Rules of Order, latest edition, shall be followed whenever a particular procedural or practice is not contemplated by these rules.

II. PROCEDURES

2.1 **Completeness:**

- A. After the applicant submits all application documents, and pays the application and escrow fees, the application will be reviewed by staff for completeness.

- B. Applicant will be advised, within forty-five (45) days of applicant's submission, whether the application is deemed complete or incomplete.
- C. Applicants are advised that their application will not necessarily be scheduled for a public hearing, on the merits, at the first Board meeting after application documents have been submitted.
- D. **Public Hearings:** Once the application is deemed complete by Board staff or by the Board itself, it will be assigned a date for a hearing on the merits.
 - i. Only after an application is deemed complete should the applicant, (if applicable) obtain the 200 foot list and serve the Notice of Hearing upon neighboring property owners, and publish the Notice of Hearing in the *News of Cumberland County*.
- E. At least seven days prior to the public hearing, the applicant shall file with the Planning Board Secretary:
 - a. proof of service of the 200 foot property owner list, and;
 - b. an Affidavit of Publication from the *News of Cumberland County*.

2.2 Variance Application; Site-Plan: All applicants for Zoning

Variations are advised that every Development Application is expected to be accompanied by a site-plan which complies with the minor site-plan requirements in the ordinance, or, if applicable, a major site-plan, except that applicants falling under §98-59(A)2(b) need only submit a plot plan.

2.3 Requests for Site Plan Waiver: It is the policy of the Planning

Board of Upper Deerfield Township to deny requests for waiver of site-plan. On the contrary, except in the most unusual circumstances, a site-plan will be required

2.4 Filing of Maps and Documents: At least nineteen (19) days prior

to the time appointed for the hearing, the applicant must file with the Planning Board's secretary, the required maps and documents. This time limit is to afford the Board and its professionals an opportunity to review the same prior to the hearing.

2.5 Request for Discussion: The Board will not hear a matter based

upon a hypothetical question. The Board will not render an advisory opinion. A request for informal discussion, pursuant to the Statute, shall be limited to discussion to assist the applicant in the preparation of subsequent plans. No

decisions will be made, and no formal action will be taken during, as a consequence of an informal discussion.

2.6 **Board Committees:** The following Board Committees are established:

- A. Budget Committee
- B. Site Plan Review Committee
- C. Master Plan Review Committee
- D. Southern Economic Development Plan Sub-committee

III. HEARING PROCEDURE

3.1 **Appearance by Parties:** At the time of the hearing on an application, the applicant, or in the case of an appearance by a non-applicant party, such party shall appear in person, or such person may appear through an attorney at law admitted to practice in the State of New Jersey. No corporation shall be heard except through counsel.

3.2 **Continuances:** All cases may be continued to another date certain which shall be the next regularly scheduled Board Meeting unless otherwise determined by the Board. The Board may grant reasonable requests of interested parties to continue a matter in order to afford such parties sufficient time to prepare, engage counsel, obtain witnesses, or for other good cause. However, the Board shall do so only to the extent that the applicant's interests are not unduly compromised, or prejudiced.

3.3 Refusal to Consent to Continuance: When applicant refuses to consent to a continuance, and the Board has had insufficient opportunity to consider the matter, such refusal may be deemed arbitrary and unreasonable by the Board. Under such circumstances, the applicant shall be at risk of a denial of the application for failure to afford the Board the opportunity to reach an informed decision.

3.4 Viewing by the Board; Personal Knowledge of a Board Member: Viewing the property that is the subject of the application shall be permitted upon reasonable notice to, and consent of the party. In that event, or in the event that one or more members of the Board are well acquainted with the subject property, knowledge acquired of any particular fact or facts may be used in the making of a decision, if such member places such facts on the record at the time of the hearing.

3.5 Evidence; exhibits: The formal rules of evidence adopted by the Courts, of the State of New Jersey, shall guide the Planning Board respecting the admission of evidence. The Board may limit a irrelevant, immaterial, or redundant testimony.

3.6 Good cause; Hardship; Special Reasons: - The Board recognizes and will remind applicants that evidence of personal economic hardship does

not provide the basis for a variance, site-plan waiver, or other approval or relief under New Jersey Law.

3.7 **Judicial Notice** - The Board may take Judicial notice of such matters that are so notorious as not to be the subject of reasonable dispute, including matters of common knowledge and the provisions of the municipal land-use law, and the Upper Deerfield Township Development Ordinance.

3.8 **Burden of Proof:** The Burden of Proof is upon the applicant, and it is the applicant's responsibility to supply competent and credible evidence in order that the Board might determine the nature and degree of the relief sought by applicant.

3.9 **Voting Procedure:**

- A. All motions shall require a second. The chair shall allow the discussion on any motion made and duly seconded. A party making a motion, or seconding a motion, need not necessarily vote in favor of the motion.
- B. If a motion to approve an application for development fails to receive the number of required votes, such failures shall be deemed an action denying the application.

3.10 **Abstentions:** Abstentions are disfavored except for good cause. A disqualified member shall not be counted as an abstention. The disqualified member shall, instead, remove himself, or herself, from the panel, and not be involved in the consideration of the application. A tie vote shall defeat an application, and any abstention shall not be construed as a vote for, or against, the application.

3.11 **Review of the Record:** When any hearing before the Board has been continued, a member of the Board who was absent for one or more hearing sessions shall be eligible to vote on the matter upon which the hearing is conducted, notwithstanding the member's prior absence, provided that the member certifies, in writing, that he, or she, has read a transcript, or listened to a recording of the entire session from which, he, or she, was absent.

3.12 **Time of Decision Rule:** If, during the pendency of an application, an ordinance amendment is adopted which affects the application, such amendment shall control the decision of the Board.

3.13 **Conditions of Approval:** The Board shall have plenary power and discretion to impose reasonable conditions in mitigation of specific concerns arising in connection with a proposed project. The Board shall have the power to require that conditions be fulfilled within a stated period of time. The Board

may require that some, or all, conditions of approval be incorporated into a Development Agreement and/or be recorded with the County Clerk. Such conditions must be stated in the resolution adopted by the Board.

IV. **TAKING ACTION**

4.1 **Decision Based on Evidence:** Each case will be decided strictly on the basis of the facts produced at the hearing viewed in light of the statutory and ordinance requirements.

4.2 **Memorializing Resolution:** After a decision has been reached by the Board as to whether the relief requested by applicant is to be granted or denied and upon what terms, the Board's findings of fact and conclusions of law will be embodied in the form of a written resolution. The application shall either be approved or disapproved by voice vote and thereafter the memorializing resolution will be adopted. The Board attorney shall prepare the resolution. Once the resolution has been prepared, and has been voted upon favorably by the members of the Board, it shall become and memorializing resolution of the decision of the Board.

4.3 **Publication of Notice of Decision:** A Notice of Decision shall be mailed to the applicant or his, or her, attorney promptly after the date of decision. A copy of the memorializing resolution shall be filed in the Office of

the Board's secretary, and shall be available to the public upon adoption. A brief notice of the decision shall be published in the *News of Cumberland County*.

4.4 Time for Adoption of Resolution: The resolution of memorialization shall be adopted within forty five (45) days of the voice vote by the Board.

4.5 Res Judicata: If the same parties, or the substantial equivalent shall seek the same relief, in the same factual setting, the case may be dismissed on the ground that it has already been decided. If a second application seeks relief which is substantially different, or is of lesser proportion than the first application, the second application shall not be barred.

V. ALTERNATE MEMBERS

5.1 Appointment of Alternate to Serve on Case: During the absence or disqualification of any regular member, the chair shall recognize one of the alternate members to serve in place of said regular member. Alternate members shall be appointed to hear applications in the order designated in the Board Roster (i.e. alternates number one through number four).

5.2 Alternate to Serve Until Final Disposition: In the event of a disqualification or absence of a regular member for any hearing or matter, the

alternate member who has been designated to sit in place of the regular member, and who has participated in such hearing or matter, coming before the Board, shall continue to act in the place of the regular member until the final disposition of said matter by the Board.

5.3 **Participation by Alternates in Discussions:** Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member. No vote shall be delayed in order that a regular member may vote instead of an alternate member.

VI. **SETTING OF ESCROW FEES** Escrow fees will be set and collected in accordance with the applicable then-current Township Ordinance.

VII. **MISCELLANEOUS**

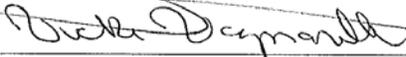
7.1 **Proof of Payment of Taxes:** The applicant, at the time of the filing of the application for development, shall file with the Board, a Certification of the Tax Collector that municipal taxes and/or assessments have been paid.

7.2 **Amendments to Procedural Rules:** The Planning Board may, from time to time, by simple majority of those present and voting, amend any part of these procedural rules and policies.

7.3 **Members' Handbook:** Upon appointment to the Upper Deerfield Township Planning Board, each new member shall be provided with a member handbook by the Board Secretary. The Member Handbook will include a copy of this Resolution. The Handbook will remain the property of the Township, and will be returned to the Secretary upon completion of the Board Member's term in office.

CERTIFICATION

I hereby certify that the foregoing is a true copy a Resolution adopted by the Upper Deerfield Township's Planning Board on February 22, 2010.


Vicki Vagnarelli, Secretary

Roll Call

Bruno Basile – Aye
Robert Comer – Aye
Jody Hirata – Aye
Terry O'Neill – Aye
Gene Stoms – Absent
Russell Vanella Alt #1 – Aye
David Dean Alt #3 – Absent

Ed Overdeest – Aye
Ed Fleetwood – Absent
Ernest Holt – Absent (came in at 7:05pm)
Bruce Peterson – Aye

John Timberman, Alt #2 – Aye
Gary Barbeck Alt # 4 – Aye

SOLICITOR, PLANNER, ENGINEER, & BOARD:

Planner Randy Scheule will have assistance from the subcommittee and Planning Board will request 1 member from Environmental Commission serve on committee if they so desire.

COMMITTEE/COMMISSION

Eileen Clark, Environmental Commission hosting workshop "Where Rivers are Born" at Senior Center 7pm February 23. She also asked the Board to inform her if there were any particular programs they would like to see.

ADDITIONAL INFORMATION

Giving out plans and paperwork on Comet Development, LLC for upcoming meeting
Added to Work Schedule - Review of Southern Rehabilitation

Being no further business at this time on motion of Ed Fleetwood, seconded by Ernest Holt the meeting was adjourned at 8:15pm.

Respectfully Submitted,

Vicki Vagnarelli
Planning Board Secretary