

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, June 20, 2011 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: Edward Fleetwood, Ernest Holt, Gene Stoms, Russ Vanella, Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik alt # 1, Jr.Alt # 3 Anthony Buono, Sr Alt # 4

Staff: Engineer Robert C. DuBois,P.E., Planner Randy Scheule, PP,AIC, Solicitor Theodore H. Ritter, Esq. and Matthew Ritter, Esq., Secretary Vicki Vagnarelli.

Absent: Louis J. Bramante, (came as soon as we ended)

On motion of Ed Fleetwood, seconded by Ernest Holt minutes of June 13, 2011 meeting unanimously approved.

On motion of Anthony Buono, seconded by Ernest Holt Resolution # 12-2011 was memorialized.

RESOLUTION # 12 - 2011
THE TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

Applicant's Names: Josephine Koerner Garrison and Roy Koerner
Application No.: Z 8-11
Application: Side and rear setback and lot coverage
Property: #1 Lewis Drive
Block 817, Lot 1
Public Hearing: June 13, 2011

FINDINGS OF FACT:

1. Applicant Roy Koerner presented this Application, pro se.
2. Applicant seeks to add a prebuilt garage building measuring 28' x 28' to the improvement at #1 Lewis Drive in the R-2 Zone. The garage will have a wooden floor and will be set on a surface of crushed stone.
3. This is a corner lot with 120 feet of frontage on Lewis Drive and 184 feet on Martin Drive. The home faces Lewis Drive.
4. Martin Drive is a dead end street. The paving terminates at the Koerner rear yard property line.

5. The Koerner lot is already improved with a one story dwelling and a 288 square foot shed. The shed is located in the southerly corner of the property.

6. Mr. Koerner gave testimony regarding the existence of shade trees along Martin Drive, a clothes line supported with four cemented poles on the Martin Drive side of the property as well as the locations of the well and cesspool, respectively.

7. Applicant furnished a hand drawn plot plan which was made apart of the record.

8. Applicant furnished a rendering of the proposed building prepared by Stoltzfus Structures of Atglen, Pennsylvania.

9. All property owners within 200 feet of applicant's were properly served with notice of hearing.

10. Compliance has been had with each of the various requirements of the open public meetings law.

11. No one appeared for or against the application.

12. The Board received and considered the report of Board Planner Randall Scheule, PP/AICP, dated June 8, 2011.

13. The Board received and considered the Upper Deerfield Township Development Application and Checklist as completed by applicant.

14. The Board determined that the following variances are required based upon the evidence submitted, as amended during the public hearing:

A. Side yard setback 20 feet required, 8.5 feet proposed.

B. Rear yard setback 20 feet required, 3.5 feet proposed.

C. Lot coverage (accessory building) – 3.5% permitted, 1.3% exist, 4.9% proposed.

15. The Board finds and determines that the subject lot is grossly undersized containing only 33% of the minimum area when compared with current R-2 lot requirements.

16. The Board considered evidence respecting the perceived visual effect of the location of the proposed garage upon the adjoining property owner whose residence faces Martin Drive on the Northeast side of the Koerner property.

17. The Board has carefully considered the evidence and finds that good cause exist for the granting of the variances, that such relief can be granted without substantial detriment to the public good and the granting of such variances will not substantially impair the intent or purpose of the zone plan of the zoning ordinance of the Township of Upper Deerfield.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Upper Deerfield that the Application of Roy Koerner for side and rear setback variances and a lot coverage variance is hereby approved subject to the following conditions:

A. Applicant share maintain no less than 8.5 feet setback between the side yard property line adjacent to Martin Drive and the front of the new garage building.

B. That compliance be had with all other applicable requirements of the Upper Deerfield Township Zoning Ordinance and Building Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a certified copy of this Resolution be furnished to applicant and notice of this action be advertised as required by law.

TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD

By: _____
BRUNO A. BASILE, CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, Secretary

Memorialized: _____

Roll Call

Bruno Basile –Aye

Russell Vanella – Aye

Pauline Smith –Aye

Terry O’Neill – Aye

Gene Stoms – was ab/no vote

Jack Waselik, Alt #1 – no vote

Vacant, Alt #2

Ed Overdevest – Aye

Ed Fleetwood – cannot vote/absent

Ernest Holt – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – Absent

Anthony Buono, Sr. – no vote

On motion of Jack Waselik, seconded by Pauline Smith Resolution # 13-2011 was memorialized.

RESOLUTION 13-2011

Township of Upper Deerfield Planning Board

Applicant’s Name: Millennium Land Development, L.L.C.

Property: Block 1301, Lot 1

Application No.: Z 6-11

Completeness Hearing: June 13, 2011

Findings of Fact:

1. Applicant was represented by Alan Fox, Esquire.
2. The Board accepts as factual the plans and documents submitted by and on behalf of applicant:
 - a. Upper Deerfield Township Zoning Variance Information Sheet.
 - b. Upper Deerfield Township Development Application Form.
 - c. Upper Deerfield Township Schedules “A” and “C”.
 - d. Correspondence from Joseph Raday (ABR) to Vicki Vagnarelli, dated April 29, 2011, requesting waivers and variances.
 - e. Correspondence from Joseph Raday (ABR) to Vicki Vagnarelli, dated April 29, 2011, regarding traffic.
 - f. Stormwater Management Report, ABR Consultants, LLC, dated April 26, 2011.
 - g. Environmental Impact Statement, ABR Consultants, LLC, dated April 2011.
 - h. N. J. DEP Letter of Interpretation/Line Verification, dated February 25, 2005.
 - i. Plan of survey, Pennell Land Surveying, LLC, dated June 10, 2004.
 - j. Use Variance Plan/Site Plan, (24 sheets) ABR Consultants, LLC, dated April 12, 2011.
 - k. ABR Consultant Environmental Impact Addendum Report, dated June 10, 2011.
 - l. Photographs of the property provided by ABR at the hearing.
3. The Board also received and considered the Completeness Review Report of Robert C. DuBois, P.E., dated May 23, 2011.
4. The Board also received and considered the Planner’s Report, of Randall Scheule, PP/AICP dated June 9, 2011.
5. The Planning Board finds, based upon testimony from Joseph Raday (ABR) regarding Checklist requirements, and recommendations of its professional staff, that the above referenced data submitted by, and on behalf of applicant, is sufficiently complete for the purpose of scheduling a public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of Upper Deerfield Township does hereby deem the Application of Millennium Land Development, L.L.C., respecting Block 1301, Lot 1, complete and schedules the public hearing thereon for Monday, July 11, 2011, at the Upper Deerfield Township Municipal building.

BRUNO A. BASILE, Chairman

ATTEST: _____
VICKI VAGNARELLI, Secretary

Memorialized: _____

Roll Call

Bruno Basile – Aye	Ed Overdevest – Aye
Russell Vanella – Aye	Ed Fleetwood – cannot vote/absent
Pauline Smith – Aye	Ernest Holt – Aye
Terry O’Neill – Aye	Scott Smith – Aye
Gene Stoms – was ab/no vote	
Jack Waselik, Alt #1 – no vote	Louis J. Bramante, Jr., Alt #3 – Absent
Vacant, Alt #2	Anthony Buono, Sr. – no vote

On motion of Russ Vanella, seconded by Anthony Buono Resolution # 14-2011 was memorialized.

RESOLUTION 14- 2011

Township of Upper Deerfield Planning Board

Applicant’s Name: Sunset Lake 100, L.L.C.
Application: For Conversion of Existing Approvals (NJSA 45:22A-46.1, et seq.)
Property: Block 1601, Lots 1, 2, and 5; Block 1701, Lot 2
Application No.: P 7-11
Completeness Hearing: June 13, 2011

Findings of Fact:

1. Applicant was represented by Richard J. Hoff, Jr., Esquire who appeared for the Completeness Hearing with witnesses and exhibits.
3. The Board accepts as factual the plans and documents submitted by and on behalf of applicant:
 - a. Conversion Application plan prepared by Maser Consulting, PA, consisting of two sheets, and dated March 14, 2011.
 - b. Traffic Impact Study prepared by Maser Consulting, PA, dated March 25, 2011.
 - c. Letter from Mr. Hoff dated May 12, 2011 explaining the legal basis for the conversion.
 - d. Upper Deerfield Township Development Application Form.
3. The Board also received and considered the procedural background provided by Planning Board Planner, Randall Scheule in his report to the Planning Board dated June 9, 2011. That procedural background included:
 - a. 2001 Sunset Lake 100, LLC filed lawsuit against Upper Deerfield Township.
 - b. December 2, 2002, Planning Board denied Sunset Lake’s application, and second lawsuit filed.
 - c. December, 2003, Fairness Hearing/Settlement Agreement:
February, 2005, Planning Board denies Sunset Lake’s Application.

June, 2005, New Jersey Superior Court grants preliminary and final subdivision approval.

4. The Board also received and considered the Completeness Review Report of Robert C. DuBois, P.E., Planning Board Engineer, dated May 23, 2011.

5. The Board also considered the completeness review contained in the Planner’s Report of Randall Scheule, PP/AICP, dated June 9, 2011.

6. After discussion with the Board, applicant has agreed to supplement the information presently on file as follows:

a. Applicant will provide an outline of its expert planner’s testimony and any other proofs respecting applicant’s burden to demonstrate that the conversion can be granted without substantial detriment to the public good, and that it will not substantially impair the intent and purpose of the Zone Plan, and the Zoning Ordinance, as required by NJSA 45:22A-46.6.c.

b. Applicant will provide information respecting the applicant’s plan for the marketing and management of the sixty eight affordable housing units.

c. Applicant will provide more details respecting the recreational improvements and other amenities as they have been revised to meet the needs of the converted development for review by the Planning Board Engineer.

7. The Board is satisfied that a current survey can be submitted later in the process. The Board is also satisfied that adequacy of the water supply system, and the sanitary sewer system can be addressed at a later stage in the review process.

8. The Planning Board finds, based upon the recommendations of its professional staff, that the above referenced data, as supplemented, will be sufficiently complete for the purpose of conducting the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Upper Deerfield Township deems the application of Sunset Lake 100, LLC, conditionally complete, subject to the Applicant furnishing of the additional data, set forth above, at least ten (10) days prior to the scheduled hearing. The public hearing is scheduled for Monday, July 25, 2011, at 7:00 p.m. at the Upper Deerfield Township Municipal building.

Upper Deerfield Planning Board

BRUNO A. BASILE, Chairman

ATTEST: _____
VICKI VAGNARELLI, Secretary

Memorialized: _____

Roll Call

Bruno Basile –Aye

Russell Vanella – Aye

Pauline Smith –Aye

Terry O’Neill – Aye

Gene Stoms – was ab/no vote

Jack Waselik, Alt #1 – Aye

Vacant, Alt #2

Ed Overdevest – Aye

Ed Fleetwood – was ab/cannot vote

Ernest Holt – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – Absent

Anthony Buono, Sr. – no vote

On motion of Ed Fleetwood, seconded by Jack Waselik Resolution # 15-2011 was memorialized.

RESOLUTION NO. 15-2011
UPPER DEERFIELD TOWNSHIP PLANNING BOARD

WHEREAS, the Township Committee of the Township of Upper Deerfield has introduced and passed on first reading, three ordinances that will be considered for final adoption at an upcoming public hearing; and

WHEREAS, the three ordinances are:

1. An Ordinance amending the Township's **Off Street Parking Requirement**.
2. An Ordinance amending the Township's **Landscaping Requirements**.
3. An Ordinance amending **Article XIII Fees**.

WHEREAS, the Township Committee has referred these three ordinances to the Planning Board as required by NJSA 40:55-D-64; and

WHEREAS, the Board, with input from, the Board Solicitor, the Planning Board Engineer, and the Planning Board Planner, reviewed these ordinances at a Planning Board Meeting on June 13, 2011; and

WHEREAS, the Planning Board, received and reviewed Consistency Reports prepared by Randall Scheule, PP/AICP, respecting each of the three proposed ordinance amendments, with all three of the Consistency Reports by Mr. Scheule being dated June 7, 2011, and

WHEREAS, the Planning Board is assigned referral power, pursuant to

NJSA 40:55D-26, under which the Planning Board shall make, and transmit, to the governing body, within thirty-five days after referral, a report, including identification of any provisions in a proposed development regulation, revision, or amendment, which may be inconsistent with the Master Plan; and

WHEREAS, the Board reviewed, agrees with and adopts the Consistency Reports prepared by, Board Planner, Randall Scheule, PP/AICP, copies of which are annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Township of Upper Deerfield, does hereby find and determine that the above referenced, three ordinances are consistent with and serve to effectuate the Township's Master Plan, and Redevelopment Plan. The Board further finds that no provision in any of the proposed ordinance revisions referenced above is inconsistent with the Master Plan.

TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD

By: _____
BRUNO A. BASILE, CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, SECRETARY

Memorialized: _____

Roll Call

Bruno Basile –Aye

Russell Vanella – Aye

Pauline Smith –Aye

Terry O’Neill – Aye

Gene Stoms – was absent/no vote

Jack Waselik, Alt #1 – Aye

Vacant, Alt #2

Ed Overdevest – Aye

Ed Fleetwood – was absent/no vote

Ernest Holt – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – Absent

Anthony Buono, Sr., Alt #4 – no vote

APPLICANT/DEVELOPMENT

P 9-11 Riley Subdivision Block 1201/1 West side of Rte 77 at Big Oak Road Total acreage 123.37 S/D 5.0 acres making 1 new lot. Attorney Jeffrey H. Sutherland represented applicant and after explaining application to the Board, Chairman Basile chose to on motion of Anthony Buono, seconded by Jack Waselik open up to the public even though a public hearing was not required. Being no one spoke for or against the applicant on motion of Ed Fleetwood seconded by Pauline Smith the public portion was closed. Zon motion of Ed Fleetwood, seconded by Ernest Holt the Board approved the Minor S/D application.

Roll Call

Bruno Basile –Aye

Russell Vanella – Aye

Pauline Smith –Aye

Terry O’Neill – Aye

Gene Stoms – Aye

Jack Waselik, Alt #1 –no vote

Vacant, Alt #2

Ed Overdevest – Aye

Ed Fleetwood – Aye

Ernest Holt – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – Absent

Anthony Buono, Sr., Alt #4 – no vote

Being no further business, on motion of Ed Fleetwood, seconded by Ernest Holt the meeting adjourned at 7:27pm.

Respectfully Submitted,

Vicki Vagnarelli
Planning Board Secretary