

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, April 11, 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: Ernest Holt, Gene Stoms, Russ Vanella, Pauline Smith, Terry O'Neill, Scott Smith, Anthony Buono, Sr Alt # 4

Staff: Engineer Robert C. DuBois,P.E., Planner Randy Scheule, PP,AIC, Secretary Vicki Vagnarelli.

Absent: Edward Fleetwood, Jack Waselik alt # 1, Bob Whitesall alt# 2, Louis J. Bramante, Jr.Alt # 3
Solicitor Theodore H. Ritter, Esq. and Matthew Ritter, Esq.,

On motion of Ernest Holt, seconded by Anthony Buono minutes of, March 14, 2011 meeting unanimously approved.

On motion of Russ Vanella, seconded by Pauline Smith Resolution # 7-2011 1025 N. Pearl LLC (Dollar General) was memorialized.

RESOLUTION NO. 7-2011
UPPER DEERFIELD TOWNSHIP
PLANNING BOARD

WHEREAS, 1025 North Pearl, LLC, through Howard D. Melnicove, Attorney-at-Law, has returned to the Upper Deerfield Township Planning Board for modification of Final Major Site Plan Approval and for variances for parking spaces and signage; and

WHEREAS, the Applicant previously came before the Board for a public hearing on this application on January 19, 2011; and

WHEREAS, the applicant was previously granted preliminary and final Major Site Plan

Approval for the Dollar General Store use at 1025 North Pearl Street, and;

WHEREAS, the board conducted a public hearing on the application on March 14, 2011.

NOW, THEREFORE, be it resolved that the Planning Board of the Township of Upper Deerfield does find as fact the following:

1. That all property owners within 200 feet of applicant's premises were properly served with notice of the March 14, 2011 hearing.
2. Compliance has been had with each of the various requirements of the open public meetings, law, PL 1975c 231.
3. The property affected by this application is 1.15 acres in size, and located on State Highway 77 in the township's business corridor.
4. The street address of the property is 1025 North Pearl Street. It is in the B-2 Zone and is designated as Lot 5 of Block 1902.
5. Applicant returns to the Board seeking variances for a reduced number of parking places, variances for both pylon and building mounted signage, and for modified Final Major Site Plan Approval for the Dollar General Store and for a second additional use at this property, namely, a furniture store. Applicant also requests waivers from the requirement to install seven trees within the parking lot and for sidewalk along the highway.
6. The evidence adduced before the Board included a letter from applicant's counsel with signage drawings for a wall mounted sign dated April 9, 2009 and for a double-faced pole sign dated November 18, 2010.
7. The Board also received into evidence and considered the two-page Major Site Plan drawings by Midstate Engineering, Inc. under seal of Chester DiLorenzo, PE, LS, PP, bearing a revision date of March 3, 2011.
8. The Applicant also introduced expert testimony from Mr. DiLorenzo.
9. The Board adopts the findings of fact reflected in the Board's Resolution #4-2011, which Resolution was prepared following the Public Hearing of January 19, 2011, and repeats those findings here by reference.
10. The Site Plan bearing a revision date of March 3, 2011 has been modified to include additional landscaping, clarification of traffic flow, relocation of some parking and a reduction in overall parking spaces to 50, including 3 handicapped spaces and two

designated employee parking spaces.

11. The Dollar General Store will occupy 9,532 square feet of the existing building. The proposed furniture store will occupy another 5,921 square feet. A smaller, presently vacant, 1,800 square foot area of the store is available for a third retail use.
12. The Board declines, at this time, to address the modified site plan regarding the proposed third retail use.
13. The location of the pole sign has been moved to the northwest corner of the property.
14. Applicant's engineer and applicant's attorney went over, during the public hearing, the report of Planning Board Planner Randall Scheule, PP/AICP, dated March 9, 2011. Applicant agreed to the Planner's comments regarding landscaping and the revised plans addressed the majority of the Planner's comments.
15. Applicant agreed to install or retain curbs in front of the building to provide a vertical edge to the driveway and confine the planting area. Applicant also agreed to specify on the plan the number and variety of groundcover plantings proposed for this area.
16. Applicant has agreed to comply with all lighting requirements contained within the Upper Deerfield Township Development Ordinance including, without limitation, full cutoff lights.
17. During the public hearing, through its witnesses, applicant provided testimony in support of the requested variances for parking and for signage, and for the design waivers for trees and sidewalk.
18. Applicant agreed to move the freestanding sign to comply with the 15-foot setback requirement of the Ordinance.
19. Applicant agreed to provide a landscape bed at the base of the freestanding sign.
20. Applicant's revised plan addressed the Planning Board Planner's comments regarding on-site traffic circulation.
21. Applicant gave testimony regarding location and dimensions of the three proposed commercial spaces, including the area of the front facade for each respective commercial space.
22. Applicant's attorney and witnesses next went through the report of Board Engineer Robert C. DuBois dated March 1, 2011. Regarding the DuBois report, applicant has agreed:

- A. To increase the width of the diagonal parking spaces in front of the store to nine feet in width each.
- B. To move the handicapped space at the southern end of the building so that parking isn't allowed in front of the access door to the furniture store.
- C. Placing curb stops at the southern end of the building parking to prevent cars from blocking the walk.
- D. The "No Parking" signs shall be mounted on the building, and the "Do Not Enter" sign shall be moved out of the traveled way.
- E. To add a detail of the recycling enclosure to the perfected plan.

Mr. DuBois noted that the Site Plan has been revised to move the traffic flow area.

- 23. Applicant offered the testimony of Jonathan Vogel, one of the owners of the Dollar General Store, who is in negotiations with a prospective furniture store tenant for the 5,921 square feet retail store space.
- 24. Applicant offered the testimony of Tim Keeley who has developed Dollar General Stores at 50 different locations in the State of New Jersey over recent years. Mr. Keeley testified concerning various aspects of the operation of Dollar General Stores including the size of the shopping carts, parking, signage, deliveries, hours of operation, waste management and loading areas. He testified that the Dollar General Store will only receive deliveries of goods once per week.
- 25. Applicant, through its attorney and witnesses, offered to file a copy of the Lease with the furniture store tenant before the Township issues a Certificate of Occupancy for the furniture store. The Lease terms will restrict the hours of deliveries to the furniture store.
- 26. Applicant agreed to add additional grading for the two, stacked, employee parking stalls behind the store. Applicant also agreed to delineate and provide appropriate signs for the designated loading area, and the stacked employee parking spaces at the northeast corner of the site.
- 27. Applicant agreed to revise the graphics on the plan respecting tree and shrub planting to show the top of the root ball at grade.
- 28. Member of the public Tom Connelly testified regarding site lighting and the need to comply with the Ordinance by installing full cutoff lighting.

29. Applicant's proposed freestanding sign will measure 101 square feet. Roughly 50 feet will be reserved for an interior lighted sign for the Dollar General Store. Another, roughly 50 square feet will be reserved on the freestanding sign for the other two uses at the property.
30. Applicant, during the hearing, agreed to modify the Dollar General building mounted sign to be channel letters, 19 inches in height and spelling out the words "Dollar General" over a span of 23 feet in width. All of the building mounted signs will thus conform to the maximum sign size provided in the ordinance. These signs will be internally illuminated.
31. The testimony indicated that the building mounted signs will be centered over the doors of the three stores.

BE IT FURTHER RESOLVED, that the Planning Board has carefully considered the matter and finds that good cause exists for the granting of the waivers sought, the variance for the oversized freestanding sign, the variances for number of parking spaces and for modified preliminary and final Major Site Plan approval for the Dollar General and furniture store uses of the building.

The Board declines, at this time, to grant site plan approval for the occupancy of the third proposed retail space in the building. The Board, instead, will require applicant and/or applicant's proposed retail tenant to return to this Board for review of site plan issues, including parking and signage, prior to the issuance of a Certificate of Occupancy respecting the vacant, proposed retail portion of the building.

BE IT FURTHER RESOLVED that this Board does hereby grant variances for the number of parking spaces, and for the freestanding sign size, as well as modified, preliminary and final Major Site Plan approval to applicant 1025 North Pearl, L.L.C., pursuant to N.J.S.A. 40:55D-70, and the provisions of Upper Deerfield Township Development Ordinance provided that the following conditions are met:

1. That compliance be had with all other applicable requirements of the Upper Deerfield Township Development Ordinance and building code.
2. A perfected Final Site Plan shall be filed prior to occupancy.
3. All proposed new lighting shall be equipped with full cutoffs to prevent nuisance lighting

from spilling onto adjacent properties.

4. All of those conditions contained in the Board’s Resolution adopted following the January, 2011 public hearing except as modified herein.

5. Applicant will file a revised Facade Drawing showing the location of the building mounted signs to scale.

6. All improvements and operations will comport with the testimony adduced at the Public Hearing, as reflected in the above findings of fact.

7. Applicant shall post a cash deposit or other form of surety in a form that is acceptable to the Township Solicitor, in such amount as may be deemed necessary and appropriate by Planning Board Engineer, Robert C. DuBois, to guaranty the installation of the site improvements.

It is noted that Applicant requested and received waivers and is not required to provide sidewalk along State Highway 77, or install trees within the parking lot.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be furnished to applicants, 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

Roll Call

Bruno Basile – Aye
Russell Vanella – No Vote
Pauline Smith – Aye
Terry O’Neill – Aye
Gene Stoms – No Vote
Jack Waselik, Alt #1 – No Vote/Absent
Bob Whitesell, Alt #2 – No Vote/Absent

Ed Overdevest – Aye
Ed Fleetwood – No Vote/Absent
Ernest Holt – Aye
Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – No Vote/Absent
Anthony Buono, Sr., Alt # 4 - No Vote

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Planner, Randy Scheule reviewed the Farmland Preservation Plan and on motion of Gene Stoms, seconded by Ernest Holt the public hearing was opened. Nancy Ridgeway spoke saying it looks like a good plan. Being no other spoke for or against the plan on motion of Gene Stoms, seconded by Anthony Buono, the public hearing was closed.

On motion of Gene Stoms, seconded by Pauline Smith the plan was Approved.

Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Terry O’Neill – Aye

Gene Stoms – Aye

Jack Waselik, Alt #1 – Absent

Bob Whitesell, Alt #2 – Absent

Ed Overdevest – Aye

Ed Fleetwood – Absent

Ernest Holt – Aye

Scott Smith – Aye

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

Anthony Buono, Sr., Alt # 4 - Aye

Draft Ordinance Fee Schedule: Planner, Randy Scheule gave handouts and reviewed with the Board. Request was made to see comparison so Randy will revise a comparison chart. Further discussion at April 18 meeting.

Draft Parking Ordinance: Planner, Randy Scheule gave handouts and reviewed with the Board. Board members will review and will further discuss at the April 18 meeting.

Sign Revision: Planner, Randy Scheule will be taking inventory of height, area, lot sizes, etc. and will bring back to the Board at a later time.

Draft Landscape Ordinance: Planner, Randy Scheule Reviewed and discussed with Board. Minor changes were discussed. Randy will make changes and Ordinance will be placed on April 18 agenda.

Being no further business on motion of Gene Stoms, seconded by Ernest Holt the meeting was adjourned at 8:36pm.

Respectfully Submitted,

Vicki Vagnarelli
Secretary