

The reorganization meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, January 10, 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 the annual reorganization meeting of the Planning Board of the Township of Upper Deerfield. "In compliance with the Open Public Meetings Act" notice of such meeting was published at least 48 hours prior to the meeting in The News of Cumberland County and filed with the Township Clerk in compliance with said Act.

REORGANIZATION MEETING

Present:

Chairman: Bruno Basile

Vice Chairman: Ed Overdevest

Members: Ernest Holt, Gene Stoms, Russ Vanella, Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik alt # 1, Bob Whitesall alt# 2, Louis J. Bramante, 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: Edward Fleetwood

Solicitor Ritter swore in 2 new members; Scott Smith (committeeman) and Anthony Buono, Sr alternate # 4.

Election of Chairman and Vice Chairman Officers:

Chairman Bruno Basile turned the meeting over to Theodore H. Ritter, Solicitor and he requested nominations to elect a 2011 Chairman.

On motion of Ernest Holt seconded by Jack Waselik, Bruno Basile was nominated and approved unanimously as Chairman for 2011.

Theodore H. Ritter, Solicitor turned the meeting over to Chairman Basile and he requested nominations to elect 2011 Vice Chairman. On motion of Ernest Holt, seconded by Gene Stoms, Ed Overdevest was nominated and approved unanimously as Vice Chairman for 2011.

Appointment Of Professionals (made by Township Committee through fair and open process)

Solicitor , Theodore H. Ritter, Esq. and Matthew Ritter

Engineer, Robert DuBois, P.E.

Planner, Randall Scheule, PP, AIC, Karabashian Eddington Planning Group, LLC,

Approval of Advertising Agency: (made by Township Committee)

Approval Of 2011 Meeting Dates & 2012 January Reorganization & Regular Meeting Date:

On motion of Ernest Holt, seconded by Ed Fleetwood the Board approved the meeting dates for 2011 and reorganization 2012.

Township of Upper Deerfield Planning Board

Notice of Public Meeting Dates for 2011 & Reorganization 2012

NOTICE IS HEREBY GIVEN that the meetings of the Planning Board of the Township of Upper Deerfield will be held at 7:00 pm at the Municipal Building, State Highway 77, Seabrook, New Jersey as follows:

Meetings

Monday, January 10, 2011(Reorganization)

Wednesday February 23, 2011

Monday, March 14, 2011

Monday, April 11, 2011

Monday, May 9, 2011

Monday, June 13, 2011

Monday, July 11, 2011

Monday, August 8, 2011

Monday, September 12, 2011

Wednesday, October 12, 2011

Monday, November 14, 2011

Monday, December 12, 2011

Monday, January 9, 2012 Reorganization/Regular Meeting

At the meetings held on the above dates, formal action may or may not be taken.

Planning Board Committees 2011:

On motion of Jack Waselik, seconded by Bob Whitesall Committee Assignments were approved as follows:

Committees Assignments 2011 Planning Board

4 or less Voting Board Members may be on Committee - cannot have a quorum of 5 or more (Alternates fill in if & when needed.)

Budget Committee

Bruno Basile
Edward Overdeest
Scott Smith

Site Plan Review Committee

Work Sessions

Wednesday, January 19, 2011

Monday, February 28, 2011

Monday, March 21, 2011

Monday, April 18, 2011

Monday, May 16, 2011

Monday, June 20, 2011

No Session

No Session

Monday, September 19, 2011

Monday, October 17, 2011

Monday, November 21, 2011

No Session

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Robert C. DuBois, Board Engineer

Edward Fleetwood

Scott Smith

Russ Vanella

Jack Waselik

Alternates

Louis J. Bramante, Jr.

Anthony Buono

Master Plan Review Committee

Randy Scheule, Karabashian Eddington, Planner

Bruno A. Basile

Edward Fleetwood

Edward Overdevest

Bob Whitesall

Blake Maloney, Chairman of Environmental Commission

Southern Economic Development Plan Sub Committee

Randy Scheule, Karabashian Eddington, Planner

Ed Overdevest

Ed Fleetwood

Scott Smith

Pauline Smith

Being no further business for the reorganization meeting on motion of Ed Fleetwood, seconded by Ernest Holt the reorganization meeting was closed at 7:15pm.

Respectfully Submitted,

Vicki Vagnarelli

Recording Secretary

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, January 10, 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.

The regular meeting beginning at 7:16pm of the Planning Board followed the closing of the reorganization meeting.

Present:

Chairman: Bruno Basile

Vice Chairman: Ed Overdevest

Members: Ernest Holt, Gene Stoms, Russ Vanella, Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik alt # 1, Bob Whitesall alt# 2, Louis J. Bramante, 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: Edward Fleetwood

On motion of Ernest Holt, seconded by Pauline Smith minutes of December 13, 2010 meeting was unanimously approved.

On motion of Ernest Holt, seconded by Jack Waselik the following Resolution was adopted & memorialized at the meeting of December 13.

RESOLUTION NO. 25-2010
UPPER DEERFIELD TOWNSHIP
PLANNING BOARD

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

WHEREAS, the five ordinances are:

1. An Ordinance amending Section 98-40.3 of the code of the Township of Upper Deerfield.
2. An Ordinance amending the "Upper Deerfield Redevelopment Area Design Guidelines".
3. An Ordinance amending "Exhibit F" of the Township of Upper Deerfield Redevelopment Plan.
4. An Ordinance amending "Exhibit E" of the "Redevelopment Plan" for the Township of Upper Deerfield, and
5. An Ordinance amending Section 98-7 of the Zoning and Development Code of the Township of Upper Deerfield; and

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

WHEREAS, three of those ordinances were previously referred to and reviewed by the Planning Board at the Board's August 9, 2010, meeting; and

WHEREAS, the Board, in response to feedback from the Township Solicitor and/or the Township Committee, again reviewed, these ordinances at a Planning Board meetings on September 21, 2010, November 15, and December 13, 2010; and

WHEREAS, the Planning Board had previously recommended that the said ordinances be considered for adoption by the Township Committee; 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 are inconsistent with the Master Plan; and

WHEREAS, on December 13, 2010, the Board discussed the Master Plan Consistency

Report from Randall Scheule, PP/AICP, dated December 8, 2010. A copy of that report is attached 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, five ordinances are consistent with and serve to effectuate the Township's Master Plan, and Redevelopment Plan. The Board further finds that no provision in the proposed ordinance revisions is inconsistent with the Master Plan.

CERTIFICATION

This Resolution was duly adopted on December 13, 2010.

TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD

By: _____
BRUNO A. BASILE, CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, SECRETARY

On motion of Jack Waselik, seconded by Pauline Smith the following Resolution was memorialized.

RESOLUTION NO. 26-2010
UPPER DEERFIELD TOWNSHIP
PLANNING BOARD

WHEREAS, Applicant, Nicholas J. Rio, Jr., has made application to the Upper Deerfield Township Planning Board for a use variance, for property known as 95 Husted Station Road, and;

WHEREAS, Public hearings were held by the Board on November 8, 2010, and December 13, 2010, at the Municipal Building, 1325 State Highway 77, Seabrook, Cumberland County, New Jersey, and the Board having heard the testimony presented by the applicant and having heard the sentiment of all persons wishing to speak;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of

Upper Deerfield that the Board does find as facts the following:

1. That all property owners within 200 feet of applicants' premises were properly served with a Notice of Hearing.
2. That compliance has been had with each of the various requirements of the Open Public Meetings Law, P.L. 1975 c. 231
3. The property affected by this application is known as 95 Husted Station Road. It is designated as Lot 7, of Block 607 on the tax map.
4. The property is split zoned. The road frontage up to a point of about 200 feet depth is zoned R-2. The remainder of the property is zoned R-1. The improvements are all within the R-2 Zone.
5. The property has 243.85 feet of frontage along Husted Station Road, and consists of 5.88 acres in area. It has both private well, and septic.
6. The evidence indicated that the property is partially wooded as are the immediately neighboring properties.
7. Applicant offered into evidence a drawing, showing the structures on the lot, literature on the Heatmor wood boiler furnace with specifications, the application checklist, a copy of applicant's homeowner's insurance declarations page, a partial copy of a survey based on a field inspection from October 10, 1991, part of an Affidavit of Title, a copy of a Deed dated December 27, 1990, together with applicant's testimony.
8. The Board received and considered the October 5, 2010, report of Ed Fleetwood, Zoning Official and the November 1, 2010, report of Planning Board Planner, Randall Scheule.
9. The testimony indicted that Mr. Rio has already purchased the wood boiler and that it was an efficient model.
10. At the continuation of the public hearing on December 13, 2010, applicant

offered two photographs into evidence showing the wood boiler and the location of a neighboring residence.

11. Applicant offered to keep his oil heating system operative and to shut down the wood boiler when the wind was blowing in the direction of his neighbors.

12. The Board received testimony from members of the public Kevin Thompson, Rebecca Thompson, and Sandy Morrissey.

13. The Board received a pamphlet on outdoor wood boilers distributed by the Cumberland County Health Department. The Board also received information issued by the New Jersey Department of Community Affairs, regarding wood boilers, dated November, 2008, and June 3, 2009, respectively.

14. The Board is aware of the adoption of N.J.A.C. 7:27-3.2 barring smoke emissions from stationary indirect heat exchangers. The Board ascertained that the standard is that no visible smoke can be emitted from an outdoor wood boiler for a period of longer than three minutes in any consecutive thirty minute period.

15. Applicant, and at least one member of the public questioned how the Township could permit an outdoor wood boiler on Old Burlington Road, and not grant this applicant a use variance for an outdoor wood boiler on Husted Station Road. The Board's Solicitor explained to the applicant, and to the members of the public, that the evidence and testimony introduced at one public hearing was not indicative of the testimony and evidence introduced at a different public hearing, on a different date, regarding a different property, even though both applications may pertain to similar uses.

The Planning Board finds and determines that the operation of an outdoor wood fired boiler home heating system is not a customarily incidental residential use in Upper Deerfield Township and therefore requires a use variance.

The Board further finds and determines that the applicant has failed to meet his burden of proving of special reasons to allow his use of an outdoor wood fired boiler to heat this single-family residence in this R-2 Zone.

The Board further finds and determines that applicant has failed to clearly and convincingly satisfy the negative criteria by proving that the use of the outdoor wood fired boiler to heat this single-family home would not adversely impact the neighborhood, nor the zone plan, nor the zoning ordinance of the Township of Upper Deerfield.

NOW, THEREFORE, BE IT RESOLVED, that this Board does hereby deny a use variance to applicant pursuant to N.J.S.A. 40:55-D-70(d), and the provisions of the Upper Deerfield Township Zoning Ordinance, Chapter 98, of the Code of Upper Deerfield Township.

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

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Planning Board of Upper Deerfield Township at a regular meeting held on December 13, 2010.

**TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD**

By: _____
BRUNO A. BASILE, CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, Secretary

On motion of Ernest Holt, seconded by Bob Whitsall the following Resolution was memorialized.

**RESOLUTION NO. 27-2010
UPPER DEERFIELD TOWNSHIP
PLANNING BOARD**

WHEREAS, 1082 Parsonage Road, L.L.C., has made application for front yard and side yard variances for an accessory use solar array, together with minor site plan approval for property known as 1082 Parsonage Road, and;

WHEREAS, a public hearing was conducted before the Board on December 13, 2010;

WHEREAS, during the public hearing the applicant through counsel indicated that the application would be revised so that the proposed solar panels would comply with the front and side yard setbacks required by the Township Code; and

WHEREAS, the application proposes additional coverage of 2.6% which does not comply with the one percent (1%) coverage limit contained in Section 98-42.1C.2 of the Township Code, and therefore requires approval of a coverage variance.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Upper Deerfield that the Board does make the following findings of fact:

1. Applicant was represented by Anthony D. Buonadonna, Attorney-at-Law.
2. All property owners within 200 feet of applicant's premises were properly served with notice of hearing.
3. Compliance has been had with each of the various requirements of the Open Public Meetings Law, PL 1975c 231.
4. The property affected by this application is identified on the Township Tax Maps as Block 902, Lot 9 and is situated in the GI Zone at 1082 Parsonage Road. It is triangularly shaped.
5. There are two buildings erected on the site pursuant to a site plan approval memorialized by this Board's resolution #18-2004 adopted on or about August 9, 2004. The 3.52 acre lot currently houses the English Sewage Business which will continue to operate on these premises.
6. The Board accepts as factual, the plans and documents submitted by, and on

behalf of applicant including:

A. Two-page site plan by Site Engineering Services, L.L.C., dated November 10, 2010. By operation of Section 98-66.B of the Township Code, the application does not qualify as a 'minor site plan' and therefore, is considered an amended major site plan requiring preliminary and final approval.

B. Three Photographs labeled App. 1.

C. County Planning Board approval for the solar array dated December 1, 2010.

D. County Planning Board approval for the original site plan dated March 21, 2005.

E. A letter dated December 6, 2010, from Robert Blough CEO of Go Solar Electric.

F. Photographs labeled "App-5A", "5B", and "5C".

7. The Board also received and considered the following additional data:

A. Report of Zoning Officer, Ed Fleetwood, dated October 13, 2010.

B. An interoffice memo issued by the Upper Deerfield Township

Environmental Commission dated December 2, 2010.

C. A report to the Planning Board by Planning Board Planner, Randall Scheule, dated December 7, 2010, and

D. A report to the Planning Board by Planning Board Engineer, Robert C. DuBois, dated December 1, 2010.

8. Applicant, through counsel, explained that the three bank solar array would be repositioned to remove the portions of the application that requested front yard, and side yard setback variances.

9. The Board has previously determined that the principal use of the subject property is a repair and service facility which is a permitted use in the GI Zone.

10. Applicant, through counsel, explained that the solar array was intended to provide an estimated 99.6% of the on-site electric consumption of English Sewage Disposal, Inc. Applicant's witness, Robert Blough, gave testimony regarding the size of the solar panel array, how that size was calculated and the manner of installation.

11. Discussion ensued during the hearing regarding electric poles which are located within the Parsonage Road right-of-way, but which were to be removed from the right-of-way as a condition of the 2004 Major Site Plan approval. Applicant's counsel agreed to supply to the Board, as a condition of approval of the instant coverage variance and minor site plan, with correspondence from the Cumberland County Board explaining that the County Planning Board was monitoring the eventual removal of the electric poles from the paved portion of the right-of-way onto the shoulder of the road.

12. Applicant's counsel, and the Board's staff, explained that the drainage basin would be enlarged to compensate for the solar array footings to be installed in the basin.

13. Discussion ensued regarding screening of the solar array from the road as required by the Township Ordinance. The Board Planner recommended extending the landscape planting to visually screen the proposed panels from Eastbound traffic on Parsonage Road.

14. Member of the public, Dean Hawk, appeared and asked questions regarding the application.

15. No one appeared in opposition to the application.

16. Upon recommendation of the Township Planner, with input from the Township Engineer, the Board deemed the application complete. The waiver requested by the applicant from Item 45 of the Checklist Schedule "B" requiring a landscape plan was denied.

The Board finds and determines that applicant's site plan to install a solar array in the drainage basin (to be enlarged as part of this application), and a bulk variance for solar array coverage for 2.6% of the lot size can each be granted without causing substantial detriment to the public good and without impairing the intent or purpose of the Zoning Ordinance and master plan.

The Board further finds and determines that applicant has shown good cause for the granting of the bulk variance in that a smaller solar array would not provide sufficient electric power to meet applicant's on-site needs.

The Board further finds and determines that applicant has met its burden of proof of the negative criteria that the proposed benefits of the variance outweigh any detriments and that the granting of the variance will not substantially impair the neighborhood, the zone plan, or the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Upper Deerfield Township Planning Board does hereby grants amended preliminary and final site plan approval with the requested bulk lot coverage variance to 1082 Parsonage Road, L.L.C. conditioned upon the following:

- A. A perfected site plan drawing addressing all representations made by the applicant, and addressing all outstanding comments as contained in the Planning Board Engineer's and Planner's respective reports, including correction of the zoning chart on sheet 1-2 of the site plan, is to be filed by applicant and approved by the Township prior to installation of the solar array.
- B. Applicant's counsel shall furnish to the Board, a letter from the Cumberland County Planning Board respecting the status of the removal of the existing electric poles from the paved portion of Parsonage Road.
- C. Applicant shall furnish additional landscaping so as to screen the solar array from eastbound traffic on Parsonage Road. The design of the additional landscaping shall be administratively approved by Board Planner, Randall Scheule, who shall report back to the Board.

D. This approval is subject to applicant securing approval or a non-applicability letter from the Cumberland-Salem Soil Conservation District.

E. 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 guarantee the installation of the improvements.

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

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Planning Board of Upper Deerfield Township at a regular meeting held on December 13, 2010.

**TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD**

By: _____
BRUNO A. BASILE, CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, Secretary

APPLICANT/DEVELOPMENT

P 18-10 - Kirstein - - 1002/6.03 & 7, W. Side Seeley Rd, N. of DuBois Rd, **Minor S/D w Related Variances**, After discussion with the Board on motion of Gene Stoms, seconded by Louis J. Bramante Jr. the public hearing was opened. With no one for or against the application on motion of Gene Stoms, seconded by Ernest Holt the public portion was closed. On motion of Gene Stoms seconded by Ernest Holt applicant was Approved with conditions.

Roll Call

Bruno Basile – Aye
Russell Vanella – Aye
Pauline Smith – Aye
Terry O’Neill – Aye
Gene Stoms – Aye
Jack Waselik, Alt #1 – Aye
Bob Whitesell, Alt #2 –

Ed Overdeest – Aye
Ed Fleetwood – absent
Ernest Holt – Aye
Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 –
Anthony Buono, Sr., Alt # 4 -

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Z19-10 - Barry Glogau – Bk 1102 Lot 2.01 220 Finley Road **Interpretation/Completeness**

Solar Panels on Pole Barn,

After discussion with the Board on motion of Gene Stoms, seconded by Louis J. Bramante Jr. the public hearing was opened. With no one for or against the application on motion of Gene Stoms, seconded by Bob Whitsall the public portion was closed. On motion of Gene Stoms seconded by Pauline Smith applicant was Approved.

On motion of Gene Stoms seconded by Pauline Smith applicant was approved.

Roll Call

Bruno Basile – Aye

Ed Overdevest – Aye

Russell Vanella – Aye

Ed Fleetwood – absent

Pauline Smith – Aye

Ernest Holt – Aye

Terry O’Neill – Aye

Scott Smith –

Gene Stoms – Aye

Jack Waselik, Alt #1 –

Louis J. Bramante, Jr., Alt #3 –

Bob Whitesell, Alt #2 –

Anthony Buono, Sr., Alt # 4 -

P 17-10 -1025 N. Pearl LLC (Wax Bros Bld) 1902/5 **Completeness** Minor S/P w Variance for parking, coverage, size of sign, existing setbacks, Existing & Proposed Use Retail

Attorney Howard Melnicove spoke to the Board conceding the application remains Incomplete. Notices have been mailed for the January 19 meeting.

Secretary read Letter from Attorney Howard Melnicove for Centerton Nursery requesting to be taken off agenda and will re-notice and re-advertise when ready to come before the Board again.

PROFESSIONALS/COMMITTEE/COMMISSION

Randy discussed the Planning Board Work Program and areas that will be revisited such as commercial parking requirements and sign ordinance. Randy also noted that the Draft Landscape Ordinance was sent to committee members.

PUBLIC COMMENT

No public comments

BOARD MEMBER ADDITIONAL INFORMATION

Planning Board Members Address, Telephone, Fax, etc.

Township Committee Members 2010 Address, Telephone, Fax

Work Program for UD Planning Board

The New Jersey Planner December 2010; January 2011

Being no further business on motion of Bruce Peterson, seconded by Russell Vanella the meeting was adjourned at approximately 8:15pm.

Respectfully Submitted,

Vicki Vagnarelli
Secretary