

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, April 9, 2012 at 7:00 P.M. in the Municipal Building, Seabrook, N.J.

Vice Chairman Ed Overdevest 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:

Vice Chairman: Ed Overdevest,

Members: Edward Fleetwood, Pauline Smith, Terry O'Neill, Scott Smith, Russ Vanella, Jack Waselik alt # 1, Anthony Buono, Sr. Alt # 3, Robert Comer, 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: Chairman Bruno Basile, Ernest Holt, Gene Stoms, Louis J. Bramante, Jr. Alt # 2,

On motion of Edward Fleetwood, seconded by Pauline Smith, Minutes of March 12, 2012 approved.

On motion of Edward Fleetwood, seconded by Robert Comer the following Resolution was adopted & memorialized

UPPER DEERFIELD TOWNSHIP PLANNING BOARD

RESOLUTION NO. 2-2012

WHEREAS, 1025 North Pearl Street, L.L.C., through Howard D. Melnicove, attorney at law, has made application to the Upper Deerfield Township Planning Board for final amended major site plan approval and the issuance of a zoning permit, and;

WHEREAS, the property effected by this application is located in the B-2 Zone and comprises Lot 5, of Block 1902, and;

WHEREAS, the Board has previously granted major site plan approval on or about January 19, 2011, and;

WHEREAS, the Board, by its Resolution No. 7-2011, thereafter granted amended preliminary and final major site plan approval for the Dollar General Store use and a separate

furniture store tenant at the property, and;

WHEREAS, the Board declined, in its Resolution #7-2011, to address the modified site plan regarding a proposed third retail unit in the vacant 1800 square foot area of the building, and;

WHEREAS, the Board received information through applicant and its counsel regarding the proposal to lease the remaining 1800 square foot commercial space for a retail beauty supply store, and;

WHEREAS, the Board considered this matter at its March 12, 2012, meeting.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the township of Upper Deerfield, that the Board does find as fact, the following:

1. That public notices were not required for this review.
2. The Board has complied with all of the various requirements of the open public meetings law.
3. Applicant returns to the Board following amended major site plan approval to allow occupancy of the 1800 square foot, third, and smallest, retail space at the property.
4. Evidence was produced in the form of testimony from LLC member Avram Holzer, and through photograph exhibits A-1, and A-2, and;
5. The Board heard from its Professional Engineer, Robert C. DuBois, and its Professional Planner, Randall Scheule, regarding the status of applicant's compliance with conditions imposed at the time of adoption of the Board's previous Resolutions respecting the redevelopment of this property, and
6. The Planning Board, having carefully considered the matter and finding that the parking, and the existing site plan and signage approvals are adequate to permit the issuance of a zoning permit for the beauty supply retail use of the third, and smallest, retail space in the 1025 North Pearl Street building, and;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the occupancy of the third proposed retail space in the building at this time, being satisfied that it has adequately addressed all site plan issues, including parking and signage, and;

BE IT FURTHER RESOLVED, that the Board does hereby grant its approval subject to the following conditions:

- a. That compliance be had with all other applicable requirements of the

Upper Deerfield Township Development Ordinance and Building Code.

b. Subject to applicant's compliance with all conditions set forth in earlier resolutions.

c. That the exterior display of merchandise by applicant's tenant, Levi's Furniture, be permanently discontinued.

d. That applicant's tenant, Levi's Furniture, must remove and cease display of temporary advertising signs in the area between the parking macadam and the landscaping adjacent to Highway #77.

e. That applicant's tenant, Levi's Furniture, remove the "Grand Opening" banner affixed to the outside of the building.

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

TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD

By: _____
EDWARD OVERDEVEST, VICE-CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, SECRETARY

Memorialized: April 9, 2012

Roll Call

Bruno Basile – Absent

Russell Vanella – No vote

Pauline Smith – Aye

Terry O'Neill – Aye

Gene Stoms – Absent

Jack Waselik, Alt #1 – Aye

Anthony Buono, Sr., Alt #3 Aye

Ed Overdevest – Aye

Ed Fleetwood – Aye

Ernest Holt – Absent

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #2 – Absent

Robert Comer, Alt #4 - Aye

APPLICANT/DEVELOPMENT

P 1-12 – Continued Public Hearing for 56 Auto Complex/South Jersey Autolines – 2301/2 268 Landis Avenue, Minor S/P proposed to add display parking. Attorney Howard Melnicove representing the applicant discussed application with Board and reviewed with Planner the April 5 Planners Report. Engineer DuBois made note soil tests were satisfactory. On motion of Jack Waselik, seconded by Ed Fleetwood the

public hearing was opened. Nick Caruso, neighboring business owner would like to see the concrete blocks behind his building, he says are the applicants from when the building was built, taken out, believes shrubs are on his property and would like to see survey. Planner Scheule asked Mr. Caruso if he was opposed to a fence and Mr. Caruso said as long as it was not on his property.

Being no other person(s) coming forth for or against the applicant, on motion of Ed Fleetwood, seconded by Jack Waselik the public hearing was closed.

Planner Scheule thought a fence or guard rail could be placed on applicant's property to close off pass through. Mr. Melnicove will speak with applicants Engineer & put on plan and will work with Planner Scheule. Mr. Fleetwood would like to make certain Mr. Coruso gets feed back on what will happen. On motion of Terry O'Neil, seconded by Jack Waselik the Board Approved application

Roll Call

Bruno Basile – Absent

Russell Vanella – No vote

Pauline Smith – Aye

Terry O'Neill – Aye

Gene Stoms – Absent

Jack Waselik, Alt #1 – Aye

Anthony Buono, Sr., Alt #3 Abstain

Ed Overdevest – Aye

Ed Fleetwood – Nay

Ernest Holt – Absent

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #2 – Absent

Robert Comer, Alt #4 - Nay

Z 4-12 - Janice Lupton/Lupton Enterprises LLC 2401/41 210-216 Landis Avenue, Appeal/Interpretation, possible D Variance, waiver of Site Plan. Attorney Rocco Tedesco represents applicant. Planning Board solicitor Theodore Ritter gave his knowledge of background on property. Interpretation was to be heard by the Board first. Mr. Tedesco conferred with client and decided to Table the application due to the Board having 6 rather than 7 voting members. On motion of Jack Waselik, seconded by Anthony Buono the Board voted All in Favor to Table application. The application will be carried to the April 16 meeting with no further notice. Planner Scheule asked applicant to look over the checklist for next week.

PROFESSIONALS/COMMITTEE/COMMISSION

Ed Overdevest – Chairman of Zone/Open Space Subcommittee (met Feb 27, April 2) gather information to create a map with a complete picture, will come back to board with ideas.

Randall Scheule- COAH housing update – gave handout dated March 12, 2012 with brief summary



Memorandum

To: Planning Board
Township of Upper Deerfield

From: Randall Scheule, PP/AICP
Planning Board Planner

Date: March 12, 2012

Re: COAH

As a result of builder's remedy lawsuits filed against Upper Deerfield in 1998, 2001 and 2003, the NJ Superior Court Judge entered a Case Management Order that:

- Consolidated the initial two Mt. Laurel actions
- Protected Upper Deerfield Township from additional Mt. Laurel litigation
- Appointed Philip Caton as Special Master

The following is based upon a July 17, 2003 report prepared by Philip Caton, PP, AICP. The Caton report provides a preliminary review of Upper Deerfield's Draft Housing Element and Fair Share Plan, and an analysis of the suitability of the sites for inclusionary housing.

COAH Fair Share Allocation for 1987 – 1999

<u>Category</u>	<u>Number of Units</u>
Indigenous Need	49
Reallocated Present Need	<u>29</u>
Present Need (1993)	78
Prospective Need (1993-1999)	<u>180</u>
Total Need (1993-1999)	258
Prior Cycle Prospective Need	<u>43</u>
1987-1999 Total Need	301
Demolitions	0

filtering	-9
Conversions	-1
Spontaneous Rehabilitation	<u>-3</u>
Housing Market Adjustments	-13
<i>Precredited Need</i>	288
Reductions	0
Credits from First Round	0
20% Cap	<u>0</u>
<i>Calculated Need</i>	288

COAH has assigned the Township an indigenous need of 49 units and also projects that three units were spontaneously rehabilitated by the operation of natural market forces during the compliance period, resulting in a rehabilitation component of 46 units.

As indicated above, COAH has allocated to Upper Deerfield a precredited fair share for the period 1993-1999 of 288 units. After subtracting the 46-unit rehab component, the remainder of the precredited need is 242 units. This is typically referred to as the "new construction" component.

Upper Deerfield's draft Housing Element and Fair Share Plan dated April 2000, requests 326 credits for the rehab of rental units as Countryside Village Apartments to address both its rehab and new construction obligations. The draft plan also indicates that the Township's inclusionary zoning may result in a minimum 150 future affordable units. The Township's inclusionary zoning requires all residential developments of 20 or more units to provide a 10% set-aside for affordable housing.

New Construction - If it is determined that the 326 affordable rental units at Countryside Village are eligible for new construction credit, the Township will have complied with its second round fair share obligation. If it is determined that the prior rehabilitation of Countryside Village is not eligible for new construction credit, these units may be eligible for rehabilitation credit.

The Township may be eligible for potential new construction credits and rental bonuses related to an existing group home. The potential unit yield associated with the inclusionary zoning plan will be determined by the amount of suitably zoned land with access to public sewer and water, the required set-aside and densities.

Upper Deerfield Township Planning Board

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Randall Scheule – Consistency Review – Ordinance Amending Chapter 405-31 of the Code of the Township of Upper Deerfield with Respect to Signs. (Introduced & Adopted first reading 4/5, second reading scheduled for 4/19)
Randy went over his Master Plan Consistency Report and Amended Ordinance, members received copies for further discussion Monday April 16.

PUBLIC COMMENT – No one from the public came forward to speak

BOARD MEMBER ADDITIONAL INFORMATION

The NJ Planner Jan/Feb 2012

Being no further business on motion of Ed Fleetwood, seconded by Pauline Smith the meeting was adjourned at 8:30pm