

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, June 11, 2012 at 7:03 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: Ernest Holt, 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, Matthew Ritter, Esq., and Secretary Vicki Vagnarelli.

Township Solicitor Theodore Baker, Esq.

Absent: Chairman Bruno Basile, Edward Fleetwood, Gene Stoms, Pauline Smith, Louis J. Bramante, Jr. Alt # 2, Solicitor Theodore H. Ritter, Esq.,

On motion of Russell Vanella, seconded by Anthony Buono, Minutes of May 21, 2012 Approved.

On motion of Russ Vanella, seconded by Jack Waselik the following Resolution was adopted & memorialized

PLANNING BOARD OF THE
TOWNSHIP OF UPPER DEERFIELD

RESOLUTION #5-2012

GRANTING A VARIANCE TO COMMUNITY HEALTH CARE, INC.
ON BLOCK 1901, LOT 8 ON THE TAX MAP OF THE
TOWNSHIP OF UPPER DEERFIELD
FOR THE ERECTION OF A SIGN

WHEREAS, Community Health Care, Inc. d/b/a Complete Care filed an application before the Township of Upper Deerfield Planning Board to permit the applicant to erect a sign located at premises known as Laurel Shopping Center, Block 1901, Lot 8, 1000 Pearl Street on the Tax Map of the Township of Upper Deerfield; and

WHEREAS, the applicant is seeking a variance pursuant to N.J.S.A. 40:55D-70(c)(2) of the Municipal Land Use Law and Section 405-31(E)(8) of the Land Use Ordinance of the Township of Upper Deerfield; and

WHEREAS, the applicant, Community Health Care, Inc. d/b/a Complete Care, is desirous of erecting an electronic sign on the premises consisting of 64 square feet, 4 feet by 16 feet, consisting of a wall sign that is intended to be erected on the front elevation of the Shop Rite Supermarket located in the Laurel Plaza

Shopping Center; and

WHEREAS, the aforesaid variances are required in order to allow the erection of the aforesaid sign; and

WHEREAS, the Planning Board of the Township of Upper Deerfield heard the presentation of Michael Gruccio, Esquire, counsel for the applicant, and also heard the sworn testimony of Robert Moran of Complete Care and interested members of the public; and

WHEREAS, Township of Upper Deerfield Planning Board has considered the application, testimony, and other evidence provided to the Board and has made the following findings of fact:

1. The application of Community Health Care, Inc. d/b/a Complete Care seeking a sign variance to allow the erection of an 4 x 16 electronic wall sign on the front elevation of the Shop Rite Supermarket within Laurel Plaza, Block 1901, Lot 8, on the Tax Map of the Township of Upper Deerfield is deemed to be complete.

2. The requirement that the applicant provide a complete plan of the premises to scale together with metes and bounds descriptions, property lines, key map, and other identifying information as required by Schedule C Regulations of the Township of Upper Deerfield Planning Board, upon motion duly made and unanimously carried was waived and the application was reviewed together with a proof of publication and mailing and the application was accordingly deemed complete.

3. The information provided by counsel for the applicant, Michael Gruccio, Esquire, confirmed that prior site plan information for Laurel Plaza Shopping Center could not be located by the Planning Board Secretary for the Township and requested a waiver from site plan requirements.

4. Mr. Gruccio explained that the basis for seeking relief from the ordinance and the variance with regard to the sign size.

5. Robert Moran of Complete Care was sworn in and testified that he was an officer of the organization and explained that the signage was being requested by Complete Care, a not for profit entity providing medical services to the underserved community be allowed to erect a 16 x 4 electronic sign on the outside wall of the Shop Rite Supermarket in order to bring attention to the public with respect to its services which are being provided inside the store premises. Mr. Moran testified that visibility to pedestrian and vehicular traffic was restricted and that the numbers of people who could be served by Complete Care within Shop Rite could be increased if the visibility of the signage were increased. Mr. Moran explained that they were unable to put a standalone sign on Route 77 and that there were structural concerns with the additional signage to the standalone pylon sign at the entrance to the premises. In addition he suggested that the owner was unwilling to allow additional signage on the pylon due to a lack of sufficient space. There were also safety concerns with respect to vehicular traffic at the entrance to the premises. As a result, Complete Care was seeking to install a 16 x 4 sign on the side of the building.

6. The Planner's report was reviewed and it was noted that a signage variance pursuant to Section 405-31(E)(8) of the Township Ordinances would be required. The applicable standard of review is set forth in N.J.S.A. 40:55D-70(C)(2). The Planner's report notes that there is already a circular 100 square foot sign on the facade and a pharmacy sign which is 28" x 144", for a total of 128 square feet. The existing ordinance provides for a maximum coverage of 120 square feet.

7. At the conclusion of Mr. Moran's testimony counsel for the applicant addressed the

applicable variance standards as set forth in N.J.S.A. 40:55D-70(C)(2) that relief from the area limitation for signs under the Township Ordinance, Section 405-31(E)(8) may be granted where the relaxation of the strict application of the requirements of the Township Ordinance regarding sign size would be advanced by a deviation from the ordinance and that the benefits of the deviation would substantially outweigh any detriment to the Master Plan and Zone Plan and that the evidence presented regarding the purposes for which the sign is being erected, the location of the building from the highway, unavailable space on the existing pylon, potential hazards associated to additional signage along the roadway, and potential structural limitations to erect additional signage on the pylon all militated in favor of granting the relief requested. In addition, counsel argued that the evidence demonstrated that the proposed relief would substantially outweigh any detriment and that there would be no substantial detriment to the public good and the intent and purpose of the Zone Plan and Zoning Ordinance would not be impaired or undermined.

8. The Board considered the testimony and the reasons advanced by the applicant and opened the matter to the public for comment.

9. No member of the public opposed the relief requested. Members of the public suggested that the sign should, if possible, be placed along the roadway but it was explained that the application was to place it upon the building and that the Board would have to consider the relief requested. Members of the public testifying were generally in favor of allowing the sign on the side of the Shop Rite Supermarket building if it could not be placed along the roadway. Thomas Conley and Nancy Ridgway, members of the public, spoke.

After considering the foregoing testimony and upon motion duly made, seconded, and unanimously carried, it was RESOLVED by the Planning Board of the Township of Upper Deerfield as follows:

1. That the application of Community Health Care, Inc. d/b/a Complete Care to erect a 16 x 4 electronic sign on the facade of the Shop Rite Supermarket building, located in the Laurel Shopping Plaza, Block 1901, Lot 8, 1000 Pearl Street, on the Tax Map of the Township of Upper Deerfield in accordance with plans and specifications submitted be and the same is hereby granted.

2. The Board specifically finds that the applicant has met the standards for a variance as set forth in N.J.S.A. 40:55D-70(C)(2) on the basis that the sign is necessary for a beneficial purpose on behalf of the public, that the relief granted would not impair the intent or purpose of the Zone Plan or the Master Plan, that the benefit of allowing the additional sign to serve the medical needs of the underserved community outweigh any detriment to the granting of such relief and that the applicant has set forth sufficient bases and reasons for allowing the variance.

3. The grant of this relief is subject to the sign being in compliance with the application and subject to the plans submitted to the Township, to be installed and erected in conformance therewith, that all representations and submissions to the Board have been truthful and accurate, that all fees required to be paid in connection with the application together with any escrows have been fully paid and satisfied, that all taxes with respect to the property are current, and subject to any other approvals being obtained from any other agencies having jurisdiction.

CERTIFICATION

I hereby certify the foregoing is a true copy of the Resolution adopted by the Planning Board of the Township of Upper Deerfield in the County of Cumberland at a meeting thereof held on

June 11, 2012

Vicki Vagnarelli, Secretary

Bruno A. Basile, Chairman

Roll Call

Bruno Basile – Absent

Russell Vanella – Aye

Pauline Smith – Absent

Terry O’Neill – Aye

Gene Stoms – Absent

Jack Waselik, Alt #1 – Aye

Anthony Buono, Sr., Alt #3 Aye

Ed Overdevest – Aye

Ed Fleetwood – Absent

Ernest Holt – Aye

Scott Smith – Aye

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

Robert Comer, Alt #4 - Aye

Louis C. Joyce, Planner Consultant – Review for Consistency of Master Plan.

(Mr. Joyce presented for review/discussion 5/14/12, further discussion 6/11/12, Township Committee introduced 5/17/12)

Ordinance amending Chapter 405-57 of the Code of the Township of Upper Deerfield (conditional use for large scale retail) and Ordinance Amending Chapter A430 of the Code of the Township of Upper Deerfield with Respect to the Redevelopment Plan of the Township of Upper Deerfield, Section VI(A)(2) with Regard to Smart Growth Planning

Planner, Randall Scheule recused himself

Mr. Louis C. Joyce mentioned these Ordinances were restructured not major changes.

Two examples;

Regarding large retail/big box stores: Current acreage is minimum 25 acres - Change is minimum 20 acres.

Regarding Redesign Guidelines: Current redesign guidelines are mandatory - Change is they are not mandatory.

When applicant meets with Township Committee, who they need to meet with first, if applicant meets what committee believes to be the goals and standards for Redevelopment Plan the applicant will then be sent to Planning Board. Mr. Joyce mentioned Township Committee meeting of July 19 may be the public hearing for final adoption of the 2 ordinances.

On motion of Russell Vanella, second by Jack Waselik the Board Memorialized/Approved the following Resolution regarding both Ordinances.

RESOLUTION NO. 6-2012

UPPER DEERFIELD TOWNSHIP

PLANNING BOARD

WHEREAS, the Township Committee of the Township of Upper Deerfield has introduced two ordinances proposing to amend the Township Land Use Code; and

WHEREAS, those two ordinances are:

1. Ordinance amending Chapter 405-57 of the Code of the Township of Upper Deerfield; and
2. Ordinance amending Chapter A430 of the Code of the Township of Upper Deerfield with respect to the Redevelopment Plan of the Township of Upper Deerfield, Section VI (A)(2) with regard to smart growth planning; and

WHEREAS, the Township Committee has referred these two ordinances to the Planning Board as required by NJSA 40:55-D-64; 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 of a proposed development regulation, revision, or amendment, which are inconsistent with the Master Plan; and

WHEREAS, on June 6, 2012, the Planning Board received by transmittal from the Planning Board Secretary and reviewed the June 4, 2012 Consistency Report of Louis C. Joyce, PP/AICP, Planner Consultant to the Township Committee; and

WHEREAS, the Planning Board reviewed these two ordinances at the Planning Board meeting of June 11, 2012 and discussed them and the Consistency Report with Mr. Joyce;

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

CERTIFICATION

This Resolution was duly adopted on June 11, 2012.

TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD

By: _____
EDWARD OVERDEVEST, VICE CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, SECRETARY

Roll Call

Bruno Basile – Absent

Russell Vanella – Aye

Pauline Smith – Absent

Terry O’Neill – Aye

Gene Stoms – Absent

Jack Waselik, Alt #1 – Aye

Anthony Buono, Sr., Alt #3 Aye

Ed Overdevest – Aye

Ed Fleetwood – Absent

Ernest Holt – Aye

Scott Smith – Aye

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

Robert Comer, Alt #4 - Aye

Randy Scheule – Review remainder of Section 405.31 Signs – Mr. Scheule informed the Board he left the Electronic Message Center section open for board discussion. Mr. Scheule mentioned speed may be a factor in the size (area/height) of signs. A comparison chart will be made available for distribution by Mr. Scheule.

Ed Overdevest – Zone/Open Space subcommittee Vacant land study report- Review/feedback from Board Members. Board member Comer requested the white areas on the map be identified whether farmland, approved development, farmland preserved, etc.

Mr. Scheule mentioned the County has a new Sewer Service Map and it may impact Open Space time line. Mr. Spoltore questioned why there would be public comment at this time as nothing is being changed; the map is a product of what already exists and it is being used as a tool/guide for the Open Space subcommittee to follow with their timeline for reviewing certain areas of interest.

Mrs. Ridgway questioned and said it sounded like the Master Plan was being changed. Are you doing something with MP, are we looking to have more open space, are you looking to make more acres to build houses on?

Vice Chairman Overdevest asked if consensus was for subcommittee to move forward and head nods indicated yes.

Thank you card from Pauline Smith read. Secretary Vagnarelli informed board card was sent to Mr. Bramante for shoulder surgery

Vice Chair Overdevest announced the meeting for June 18 will be Canceled due to no business.

Being no further business on motion of Ernest Holt, seconded by Anthony Buono the meeting was adjourned at 8:15pm.

Respectfully Submitted

Vicki Vagnarelli