

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, December 9, 2013 at 7:00 pm 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: Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik, Louis J. Bramante, Jr., Anthony Buono alt# 1, Robert Comer alt# 2, Michael Blandino alt# 3, Joseph Spoltore

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

Absent: Edward Fleetwood, Russ Vanella

On motion of Louis Bramante, seconded by Jack Waselik, Minutes of October 21, 2013 Approved.

On motion of Anthony Buono seconded by Jack Waselik the following resolution(s) was memorialized.

RESOLUTION of UPPER DEERFIELD TOWNSHIP PLANNING BOARD,
re: DEVELOPMENT APPLICATION of COMMUNITY HEALTH CARE, INC.

Resolution 23-2013

WHEREAS, Community Health Care, Inc. (hereafter referred to as "the applicant"), has made application before the Planning Board of Upper Deerfield Township in Cumberland County, New Jersey, seeking, *inter alia*, a use variance allowing for the establishment of a health care services facility at and upon those premises commonly known as 1369 State Highway No. 77 (tax Block 813, Lot 4) in Upper Deerfield Township, Cumberland County, New Jersey; and

WHEREAS, the applicant's Development Application included:

- (1) a completed Planning Board Application Form;
- (2) a Boundary and Topographic Survey prepared by Albert A. Fralinger, Jr., P.A., under date August 15, 2001, depicting the properties designated as tax Block 812, Lot 2, and tax Block 813, Lot 4, respectively, in Upper Deerfield Township, New Jersey;

- (3) a copy of a Commercial Lease Agreement dated September 5, 2013, made between the applicant, Community Health Care, Inc., and the Upper Deerfield Board of Education for those lands and premises situate at and commonly known as 1369 State Highway No. 77 in Upper Deerfield Township, New Jersey; and
- (4) an Affidavit of Service, as filed in accordance with the requirements of N.J.S.A. 40:55D-12(i); and
- (5) a Proof of Publication, as filed in accordance with the requirements of N.J.S.A. 40:55D-12(a); and

WHEREAS, at a public hearing conducted on October 21, 2013, the applicant, Community Health Care, Inc., appeared before the Upper Deerfield Township Planning Board with its attorney, Howard D. Melnicove, Esq., and offered evidence in support of its request for relief. Testimony was presented by Richard Elwell, the Vice-President of Business Services for Community Health Care, Inc., and by James Curtis Edwards, Executive Vice-President for Community Health Care, Inc. On the basis of the evidence presented, the Upper Deerfield Township Planning Board has made the following findings of fact;

(1) The applicant, Community Health Care, Inc. (properly identified as Complete Care Health Network, Inc., doing business as Community Health Care, Inc.), is a New Jersey non-profit corporation which has qualified for tax-exempt status under the provisions of 28 USC § 501(c)(3) of the United States Code. The corporation's principal offices are located at 53 South Laurel Street in Bridgeton, New Jersey. It has existed for 41 years, and its mission is to provide affordable, accessible high quality health care services to the less privileged residents of the communities in which it conducts business. Its "target" market is those persons having an income which is 200% (or more) below the federal poverty guideline. The applicant maintains twenty (20) such health care services facilities at various locations in Cumberland County, Gloucester County and Cape May County, New Jersey;

(2) The applicant has been offered an opportunity to establish a new health care services facility within the former administrative offices of the Upper Deerfield Township Board of Education located at 1369 State Highway No. 77 in Upper Deerfield Township, New Jersey (hereafter referred to as "the Administration Building"). The proposed site would be immediately adjacent to the so-called "Seabrook schools" (i.e., Moore School, Seabrook School, and Woodruff School), and would afford health care services to both the students of those schools and the residents of the immediately surrounding community. The applicant would occupy approximately one-half of the existing, abandoned Administration Building. No other services or activities would be carried on or conducted within the building. The facility would be opened between 8:00 a.m. and 12:00 noon on Monday through Friday, and would be staffed by a medical assistant and a nurse practitioner. The applicant does not anticipate that it would see more than four (4) patients at any one time. There are at least ten (10) available parking spaces within the immediate vicinity of the Administration Building. At present, those spaces are rarely if ever occupied;

(3) The applicant assures that adequate measures will be taken to protect the safety of any student who may avail himself of the services offered by the proposed health care facility. The student's point of contact will be the school nurse, who will arrange to escort the student from the school to the applicant's health care services facility. The applicant further assures that all medications maintained upon the subject premises will be locked and logged, in accordance with the regulations of the New Jersey Department of Health and Senior Services. Finally, the applicant assures that appropriate measures will be adopted for the disposal of all medical waste generated by the facility, and does not anticipate that it will be necessary to provide any outdoor trash receptacles for these purposes. The applicant agrees, in this regard, that if any such receptacles are required at a later date, they will be properly screened;

(4) The property designated as 1369 State Highway No. 77 in Upper Deerfield Township, New Jersey is located in the Public zoning district. Health care services facilities are not an explicitly permitted use in the Public zoning district; and

WHEREAS, the Upper Deerfield Township Planning Board having considered the comments of its consulting engineer, Robert C. DuBois, P.E., as set forth in his report dated October 7, 2013; and

WHEREAS, the Upper Deerfield Township Planning Board having further considered the comments of its consulting planner, Randall Scheule, P.P. (Karabashian Eddington Planning Group), as set forth in his report dated October 16, 2013; and

WHEREAS, in appearing that notice of the applicant's request for relief was served upon all persons owning property located within 200 feet of the subject premises, in accordance with the provisions of N.J.S.A. 40:55D-12(b), and that notice of the hearing upon such application was published in the newspaper of general circulation in Upper Deerfield Township, New Jersey, as required under the provisions of N.J.S.A. 40:55D-12(a); and

WHEREAS, the Upper Deerfield Township Planning Board having considered the comments of Louis Bramante, Thomas Connelly, Dean Hawk and Nancy Ridgeway concerning the applicant's request for relief;

NOW, THEREFORE, BE IT RESOLVED, that the Upper Deerfield Township Planning Board shall and does hereby make the following determinations with respect to the Development Application of Community Health Care, Inc.;

(1) The applicant's Development Application, as submitted, is complete. In making this determination, the Planning Board grants the applicant a waiver of any requirement to submit a formal site plan depicting its proposed use and development of the subject premises. The Planning Board acknowledges, in this regard, that the applicant's proposed use of the existing Administration Building will not result in any exterior changes to the structure, and that the parking spaces presently available within the immediate vicinity of the Administration Building satisfy the requirements of Section 405.27(15) of the municipality's Zoning and Development Ordinance. As such, the Planning Board has concluded that the Boundary and Topographic Survey prepared by Albert A. Fralinger, Jr., P.A., under date August 15, 2001, as aforesaid, is an adequate representation of the existing conditions upon the subject premises, and that no further site plan is required in connection with the applicant's proposed use of the property;

(2) While the aforesaid Administration Building is located on a separate tax lot (i.e., tax Block 813, Lot 4), such property is immediately adjacent to lands that are also owned by the Upper Deerfield Board of Education – namely, tax Block 813, Lot 3. Under the principles of *Loechner vs. Campoli*, 49 NJ 504 (1967), these properties are deemed to be merged. Consequently, and given that the applicant's proposed use of the Administration Building is not educational in nature, permitting a health care services facility in the structure would constitute allowing a second principle use upon the same lot or parcel of land. As such, a variance is required in order to permit this non-conformity under the municipal Zoning and Development Ordinance;

(3) The applicant's proposed use of the Administration Building as a health care services facility intended for the underprivileged persons of the community is an inherently beneficial use under the provisions of N.J.S.A. 40:55D-4;

(4) After considering the analysis prescribed under the precedent of *Sica vs. Board of Adjustment of Township of Wall*, 127 NJ 152 (1992), the Upper Deerfield Township Planning Board has concluded that the

applicant's proposed use of the Administration Building as a health care services facility can be conducted without causing substantial detriment to the public good, and without substantially impairing the intent and purpose of the municipality's zone plan and zoning ordinance. Any conceived or potential detrimental effects associate with the applicant's proposed use of the property can be addressed by certain reasonable accommodations which have been approved and accepted by the applicant. As such, the Upper Deerfield Township Planning Board shall and does hereby grant the Development Application of Community Health Care, Inc., thereby permitting its proposed use of the Administration Building located at 1369 State Highway No. 77 in Upper Deerfield Township, New Jersey as a health care services facility, notwithstanding that such is not explicitly permitted in the Public zoning district, and notwithstanding that such use would constitute a second principle use upon the subject premises, provided, however, that the applicant shall comply with the following terms and conditions:

- (a) that all parking spaces located within the immediate vicinity of the existing Administration Building shall be signed and explicitly designated for the exclusive use of the employees and patients of the proposed health care services facility;
- (b) that the applicant shall consult with the Planning Board's professional staff (i.e., its engineer and planner) to confirm that any lighting provided for the proposed health care services facility will be adequate to ensure the security of the facility during the evening hours;
- (c) that the applicant shall consult with the municipal building inspector and code enforcement officer to confirm that the Administration Building is equipped with an alarm system that satisfies the requirements of all applicable ordinances and building codes;
- (d) that in the event that it is necessary that the applicant add outdoor trash receptacles to serve the proposed health care services facility, then those receptacles shall be properly screened in a manner approved by the municipal planner and/or zoning officer; and
- (e) that any proposed sign identifying the health care services facility shall be submitted to the Planning Board's professional staff for review and approval, and shall conform to all of the requirements to the municipal zoning ordinance; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the applicant's attorney, and that notice of this action shall be published, according to law.

Vote Date: October 21, 2013

The vote upon the Motion made to grant the applicant's Development Application was recorded, as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Bruno Basile	X		
Russell Vanella	X		
Jack Waeslik	X		
Anthony Buono	X		
Robert Comer	X		
Michael Blandino	X		
Joseph Spoltore	X		

Witnessed or Attested By:

Upper Deerfield Township Planning Board

Vicki Vagnarelli, Secretary

By: _____
Bruno Basile, Chairman

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution that was duly-adopted by the members of the Upper Deerfield Township Planning Board at a regular meeting conducted on December 9, 2013, at the Upper Deerfield Township Municipal Building, 1325 State Highway No. 77, in Seabrook, New Jersey.

Vicki Vagnarelli, Secretary

APPLICANT/DEVELOPMENT

(P 13-13) K & E Holding I LLC – 707/2 & 5 Fox & Centerton Rd Completeness
Pre/Final Maj. Site Plan, Conditional Use Variance & Variance relief (resource extraction/mining operation currently utilizing lot 5, request to utilize lot 2) Applicant was represented by Attorney Michael Fralinger. Discussion was on Planners Engineers & Environmental review. Engineer requests test pits be completed so engineer Mulford will contact Mr. DuBois. Environmental report did not request and impact report. Planner Scheule has no objections to waivers. Planning Board Attorney, Ted Ritter explained to the public the process and that the public hearing will be carried to January 13, 2014, which at that time the public will be heard. Attorney Fralinger stated he would re-advertise. The Board found the application Complete.

Roll Call

Bruno Basile – Aye	Ed Overdevest – no vote
Russell Vanella – Absent	Ed Fleetwood – Absent/no vote
Pauline Smith – Aye	Terry O’Neill – no vote
Scott Smith – no vote	Jack Waselik – Aye
Louis J. Bramante, Jr., Aye	
Anthony Buono, Sr., Alt #1 Aye	Robert Comer, Alt #2 Aye
Michael Blandino, Alt #3 Aye	Joseph Spoltore, Alt #4 no vote

(P 10-13) Glick Harvey L.L.C. – Nicey’s Ebay Store, 1708/12 12 Park Drive Use Variance, Waivers, Minor Site Plan 2 principal uses on one lot(house currently used for storage - request it be returned to prior residential use)
Represented by Attorney Paul Kienzle and Michael Weist. Exhibits (pictures) GH# 1-7 were entered into evidence. The business is a consignment shop that sells on Ebay and they no longer need the house for storage; would like to rent out house.

On motion of Jack Waselik, seconded by Joseph Spoltore the Board Approved Completeness with waivers

Roll Call

Bruno Basile – Aye	Ed Overdevest – aye
Russell Vanella – Absent	Ed Fleetwood – Absent/no vote
Pauline Smith – Aye	Terry O’Neill – no vote
Scott Smith – no vote	Jack Waselik – Aye
Louis J. Bramante, Jr., Aye	
Anthony Buono, Sr., Alt #1 Aye	Robert Comer, Alt #2 Aye
Michael Blandino, Alt #3 no vote	Joseph Spoltore, Alt #4 no vote

On motion of Jack Waselik seconded by Louis Bramante the Public Hearing was Opened
Eileen Clark – been a business for 17 yrs and in 1996 was recommended for commercial use only, has narrow drives, 2 buildings are connected and should be one or the other business or residence, heavily traveled road. With no one else coming before the Board on motion of Anthony Buono seconded by Jack Waselik the public hearing was Closed. On motion of Louis Bramante seconded by Jack waselik the Board Approved the Use Variance Minor S/P

Roll Call

Bruno Basile – Aye	Ed Overdevest – aye
Russell Vanella – Absent	Ed Fleetwood – Absent/no vote
Pauline Smith – Aye	Terry O’Neill – no vote
Scott Smith – no vote	Jack Waselik – Aye
Louis J. Bramante, Jr., Aye	
Anthony Buono, Sr., Alt #1 Aye	Robert Comer, Alt #2 Aye
Michael Blandino, Alt #3 no vote	Joseph Spoltore, Alt #4 no vote

(P 12-13) SBS Energy Partners LLC – for Seabrook Bros. 905/9 85 Finley Rd - Amended Pre/Final Site Plan with Waivers (request to expand 8 acres of existing solar) Attorney Emily Givens, Bob Mulford of Fralinger Engineers and William Shiminske represented applicant. Applicant wants to install additional solar panels around the existing panels approved in 2010. On motion of Jack Waselik seconded by Robert Comer Board found application Complete.

Roll Call

Bruno Basile – Aye	Ed Overdevest – Aye
Russell Vanella – Absent	Ed Fleetwood – Absent/no vote
Pauline Smith – Aye	Terry O’Neill – Aye
Scott Smith – Aye	Jack Waselik – Aye
Louis J. Bramante, Jr., Aye	
Anthony Buono, Sr., Alt #1 Aye	Robert Comer, Alt #2 Aye
Michael Blandino, Alt #3 no vote	Joseph Spoltore, Alt #4 no vote

On motion of Jack Waselik seconded by Anthony Buono the Public Hearing was Opened. No one came forward for or against applicant so on motion of Jack Waselik seconded by Robert Comer the Public Hearing was Closed. During discussion of reviews Dubois requests Impervious coverage be put on plan. Bonds will be needed for landscape. Planner informs if shade trees are on plans no need for waivers.
On motion of Jack Waselik seconded by Anthony Buono the Board Approved Amended Pre/Final S/P

Roll Call

Bruno Basile – Aye

Russell Vanella – Absent

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Aye

Anthony Buono, Sr., Alt #1 Aye

Michael Blandino, Alt #3 no vote

Ed Overdevest – Aye

Ed Fleetwood – Absent/no vote

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 Aye

Joseph Spoltore, Alt #4 no vote

PROFESSIONALS/COMMITTEE/COMMISSION

Matt Pisarski of CC Dept. of Planning: Presentation of Farmland Preservation Plan (yearly update) did not present will present in January

Streetlights – Randall Scheule requested Board members review prior memos and should be able to finalize at 2nd meeting in Jan 2014

Planner Randall Scheule – PB Work Planning Proposal year 2014

Chairman Basile requests Vicki add 2014 Work Plan to previous info and to get update from Township Committee with regard to Ordinances sent to them from Planning Board.

PUBLIC COMMENT

Eileen Clark spoke regarding Burlington Road business looking like a junk yard, the expansion of propane business on Burlington Road and Car lot on Landis Ave. having too many vehicles on lot.

Mrs. Clark was informed to contact Ed Fleetwood, Zoning Officer.

Board member Scott Smith said the Landis Avenue car lot has made noticeable adjustments.

Chairman Basile would like to discuss possible subcommittee regarding Burlington Road

BOARD MEMBER ADDITIONAL INFORMATION

The NJ Planner Sept/Oct issue

Being no further business all were in favor of adjourning the meeting at 8:43pm.

Respectfully Submitted,

Vicki Vagnarelli
Secretary