

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, April 15, 2013 at 7:00 pm 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: Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik, Jr., Anthony Buono alt# 1, Robert Comer alt# 2, **Staff:** Engineer Robert C. DuBois, P.E., Planner Randy Scheule, PP, AIC, Solicitor Matthew Ritter, Esq., Secretary Vicki Vagnarelli.

Absent: Chairman: Bruno Basile, Edward Fleetwood , Russ Vanella, Louis J. Bramante, Michael Blandino alt# 3, Solicitor Theodore H. Ritter, Esq.

On motion of Robert Comer, seconded by Pauline Smith, Minutes of March 11, 2013 Approved. April 8 meeting was Canceled.

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

RESOLUTION 5-2013

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

APPLICANT'S NAME: 2941 Big Oak Road, LLC

APPLICATION NO.: P 1-13

PROPERTY: Block: 802, Lot 2
23-41 Big Oak Road

APPLICATION TYPE: Minor Subdivision, Setback Variances and Design Waiver.

COMPLETENESS HEARING: February 11, 2013

PUBLIC HEARING: March 11, 2013

FINDINGS OF FACT:

1. The applicant L.L.C. was represented by Howard D. Melnicove, Esquire.
2. The Board accepts as factual, the plans and documents submitted by on behalf of applicant:
 - A. Upper Deerfield Township application form and checklist.
 - B. Minor Subdivision Plan of Fralinger Engineering, November 5, 2012.
 - C. Certification of ownership.
3. The Board received and considered the Completeness Review report of Board Planner, Randall Scheule, P.P./AICP, dated January 30, 2013.
4. On February 11, 2013, the Planning Board deemed the Application complete and granted waivers for:
 - A. Constraint provision calculations.
 - B. Contours, and
 - C. Predominant species and size of trees within the wooded area.
5. Applicant presented the testimony of John Epifanio, managing member of the limited liability company and William Jannarone, a real estate broker and manager of the property.
6. Applicant LLC has owned the property since August, 2009.
7. The testimony indicated that there are ten existing homes on the lot and they are served by one on site well.
8. In *This Place Called Home – an illustrated history of the Township of Upper Deerfield, State of New Jersey* authored by F. Alan Palmer, the row of ten small frame dwellings is discussed on page 22. There, Historian Palmer observed that the ten small frame dwellings along with other buildings, described as barracks, were constructed by Seabrook Farms prior to 1934 and that the development was known as “German Row.”
9. Applicant introduced Exhibits APP-1 through APP-4 which are New Jersey Administrative Regulations affecting the potable well water service to these ten residences.
10. All of the residences are rented. The total occupancy presently exceeds 25 persons.
11. The motivation for this application is applicant’s effort to seek declassification of well serving the property as a Public Community Water System.
12. Applicant spent \$9,000.00 during 2012 testing the potable water, pursuant to Public Community Water System Regulations.
13. The testimony indicated that the potable water quality is consistently excellent.
14. Applicant introduced as Exhibit A-5 a copy of a recent letter sent by Mr. Jannarone to the New Jersey D.E.P. Bureau of Safe Drinking Water explaining applicant’s plan to subdivide the ten homes onto two lots with each lot having five homes and with each lot having less than 25 potable water consumers.
15. Applicant’s discussions with the D.E.P. indicate that having two separate wells, each serving less than 25 persons, will allow the property to be declassified as a Pubic Community Water System. It will, instead, fall under the regulatory aegis of the Cumberland County Board of Health which will assure that the landlord continues to provide potable water which meets Health Department standards.
16. Applicant introduced Exhibit A-6 prepared by Fralinger Engineering, dated November 5, 2012, which shows the proposed location of a new above-grade, heated, pump house to serve the westerly five homes. It will be equipped with a portable emergency generator in the event of power failure.
17. The proposed minor subdivision will require side yard setback variances in that the subdivision dividing line will fall between house #31 and house #33 on Big Oak Road. The side yard setback to house #31 will be 12 feet. The side yard setback to house #33 will be 9.3 feet.
18. The Board is sympathetic to the plan of applicant to seek declassification of the presently classified Public Community Water System.
19. No one appeared in opposition to the application.
20. The Board observes that there will be no new construction aside from the new pump house and that the variances requested arise from existing conditions which cannot be readily changed.

21. The Board finds and determines that applicant has shown good cause for the granting of the side yard setback variances due to existing conditions.

NOW, THEREFORE, the Upper Deerfield Township Planning Board does hereby grant the requested minor subdivision to applicant. The Board does further grant side yard setback variances, as aforesaid, and a design waiver allowing multiple principal structures on one lot, again, due to existing conditions. The Board's actions are conditioned upon the following:

1. That applicant file a perfected plan
 - (a) showing the new pump house;
 - (b) include the Zoning Schedule of District Regulations for the Agricultural Zone; and
 - (c) include compliance with the conditions listed in paragraph six of the Board Planner's Report dated January 30, 2013.

2. That applicant record a cross easement for the shared driveway serving houses #31 and #33 Big Oak Road. The form of the cross easement as well as the forms of the Deeds memorializing the minor subdivision shall each be submitted to the Board Engineer and Board Solicitor, respectively, for approval prior to recording.

3. That compliance be had with all other applicable requirements of the Upper Deerfield Township Zoning Ordinance and Building Code.

BE IT FURTHER RESOLVED that a Certified copy of this Resolution be furnished to applicant and 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

Roll Call

Bruno Basile – Absent
 Russell Vanella – Absent
 Pauline Smith – Aye
 Scott Smith – Aye
 Louis J. Bramante, Jr., Absent
 Anthony Buono, Sr., Alt #1 Aye
 Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye
 Ed Fleetwood – Absent
 Terry O'Neill – Aye
 Jack Waselik – Aye

 Robert Comer, Alt #2 Aye
 Vacant Alt #4

On motion of Anthony Buono, seconded by Robert Comer the following resolution(s) was memorialized

RESOLUTION 6-2013

Township of Upper Deerfield Planning Board

Applicant's Name: Bridgeton First Wesleyan Church

Properties: 109 and 115 Old Deerfield Pike
Block 1601, Lots 3 and 4

Application: Minor Subdivision (re-division – lot line adjustment) with
Variances for Existing Conditions

**Completeness and
Public Hearing Hearings:** March 11, 2013

Findings of Fact:

1. Applicant was represented by Robert Pryor, Esquire, who presented the applicant's testimony and Exhibits.
2. The Board accepts as factual the plans and documents submitted by and on behalf of applicant including:
 - a. Upper Deerfield Township Application Form and Checklist;
 - b. Minor Subdivision Plan by Reale Associates, L.L.C. dated November 5, 2012.
 - c. Parking Easement granted in 1979.
3. The Board also received and considered the Report of Planning Board Planner Randall Scheule, PP/AICP dated February 25, 2013. Planner Scheule was present for and participated in the Completeness and Public Hearings.
4. The Board also received and considered the Report of Board Engineer Robert C. DuBois, P.E., dated March 4, 2013.
5. Upon the recommendation of the Board's professionals, the Planning Board deemed the Application complete and granted waivers for
 - a. Information regarding wetlands;
 - b. A photograph from the opposite side of the street; and
 - c. Contours.
6. The applicant, Bridgeton First Wesleyan Church is the owner of two adjacent, improved parcels of land on Old Deerfield Pike, located north of the Church building and designated 109 (Lot 4) and 115 (Lot 3) Old Deerfield Pike, respectively. Both lots are located in the R-3 Residential Zone.
7. Lot 3 of Block 1601, designated 115 Old Deerfield Pike, is presently occupied by a one-story older, frame dwelling and an accessory structure, both of which are used for Church-related activities including youth group meetings, bible studies and a food distribution ministry.
8. In its present configuration, Lot 3 contains 0.93 acres of land and has frontage on Old Deerfield Pike of 130 feet.

9. Lot 4 of Lot 1601 designated 109 Old Deerfield Pike, is a flag-shaped parcel of land containing .60 acres and having 60 feet of frontage on Old Deerfield Pike. It is occupied by a newer one-story frame dwelling in which the Pastor of the Bridgeton First Wesleyan Church resides.

10. Neither lot conforms with the current R-3 Zone regulations for lot size nor for road frontage.

11. Applicant makes this subdivision application for re-division (lot line adjustment) following the erection of an above ground swimming pool on the rear and easterly of the Pastor's residence. The swimming pool is actually on Lot 3 and encroaches upon the minimum side yard setback requirements.

12. The minor subdivision map prepared by Reale Associates indicates that there is a shed located on Lot 4 and a retaining wall serving Lot 4, both of which encroach onto adjacent lots.

13. The applicant presented the testimony of Herman Evans, Chairman of the Church Board. The testimony indicated that the encroaching shed will be moved elsewhere onto the property to a location that will not require any set back variance.

14. The testimony of Mr. Evans also indicated that negotiations are ongoing with neighboring property owners regarding the retaining wall encroachment and a request by the Church for an access easement across adjacent Block 1701, Lot 20 owned by H & M Medical Office Building, L.L.C., to the parsonage.

15. There will be no new construction. There will be no new lots created. Frontage and lot size dimensional variances all relate to existing conditions.

16. The Board discussed the setback of the existing structure on Lot 3 which is 38.27 feet from Old Deerfield Pike.

17. In anticipation that the Cumberland County Planning Board will require a road widening easement from applicant in conjunction with the minor subdivision application, the Board grants a front yard setback variance to applicant for the frame dwelling structure on Lot 3 to allow a 30-foot front yard setback to the Old Deerfield Pike right-of-way.

18. No one appeared in opposition to the application.

19. The Board finds and determines that the re-division of Lots 3 and 4 of Block 1601 will benefit the public good in that the properties in question, as reconfigured will allow for a more sensible and reasonable use of the respective parcels. The Board further finds that there will be no negative impact on the general public.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of Upper Deerfield Township grants a minor subdivision to Bridgeton First Wesleyan Church together with the aforementioned 30-foot front yard setback variance for Block 1601, Lot 3, as well as variances for frontage and lot size, subject to the following conditions:

1. Subject to such conditions as may be imposed by the Cumberland County Planning Board, including a potential Old Deerfield Pike right-of-way widening dedication.

2. That compliance be had with all other applicable requirements of the Upper Deerfield Township Zoning Ordinance and Building Code.

BE IT FURTHER RESOLVED that a Certified copy of this Resolution be furnished to applicant and 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

Roll Call

Bruno Basile – Absent

Russell Vanella – Absent

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 Aye

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – Absent

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 Aye

Vacant Alt #4

PROFESSIONALS/COMMITTEE/COMMISSION

Planner Randall Scheule – reviewed revisions regarding Split Zone Parcels Map 2 and on motion of Anthony Buono, seconded by Robert Comer the Board approved referring to the Township Committee once a resolution is drawn and memorialized.

Planner Scheule reviewed/discussed Cluster Development Regulations. The Board is to review for further discussion at the May 13 meeting.

PUBLIC COMMENT

No one from the public spoke to the Board.

BOARD MEMBER ADDITIONAL INFORMATION

The following paperwork was received by Board secretary

Freshwater Wetlands Application Checklist - Block 1705/1 Sunset Lake Road

Freshwater Wetlands Application Checklist - Electric Utility Right of Way Seabrook Farms to Carlls Corner Substation

CC Dept. of Planning letter from Matthew Pisarski informing Block 703 Lot 1 (Grace Elizabeth Fox) has enrolled into permanent farmland preservation program.

Regarding Financial Disclosures, Roy Spoltore Administrator/Clerk informed the Board the state has changed information several times. We should receive information in emails.

Being no further business on motion of Robert Comer, seconded by Jack Waselik the meeting was adjourned at 8:30pm

Respectfully Submitted,

Vicki Vagnarelli
Secretary