

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, July 8, 2013 at 7:02 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:** Russ Vanella, Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik, J. Anthony Buono alt# 1, Robert Comer alt# 2, **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, Louis Bramante, Jr., Michael Blandino alt# 3

On motion of Anthony Buono, seconded by Robert Comer, Minutes of June 13, 2013 Approved.

On motion of Russell Vanella seconded by Pauline Smith the following resolution(s) was memorialized.

**UPPER DEERFIELD TOWNSHIP PLANNING BOARD**

**RESOLUTION 11- 2013**

**RESPECTING CLUSTER DEVELOPMENT**

**WHEREAS**, the Planning Board of Upper Deerfield Township has considered the topic of Cluster Development as it is presently regulated in the Township, and;

**WHEREAS**, Planning Board Planner, Randall Scheule, has provided to the Board reports dated March 26, 2013, and May 14, 2013, respectively, analyzing the Township's existing cluster development regulations, and identifying areas where the existing regulations appear to be inconsistent. A copy of the May 14, 2013, report of Mr. Scheule is annexed hereto and made a part hereof, and;

**WHEREAS**, the Board discussed cluster development at its meetings of April 15, May 13, and June 10, 2013, respectively, and;

**WHEREAS**, the Board wishes to recommend to the Township Committee that cluster development should not be permitted in the R-3 residential zoning district, and;

**WHEREAS**, the Board concurs in, and is satisfied with the present formulation of cluster development regulations which permit such clustering in the R-1 and R-2 zones, and;

**WHEREAS**, in furtherance of the input, received by the Board from Planner Scheule, the Board wishes to recommend increasing the front yard setback for cluster developments, as defined in §405-38, to 40 feet, to allow two-car stacked parking in the driveways of such residences, and;

**WHEREAS**, the Planning Board further recommends that the Section 405-38.A (1) be amended to clarify the minimum densities to be permitted in conjunction with clustering, and;

**WHEREAS**, the Planning Board is assigned the power, under the Municipal Land Use Law to refer to the governing body, issues that would benefit from a revision, or amendment to the zoning ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Upper Deerfield Township Planning Board does hereby recommend to the Township Committee that the Development Ordinance be revised:

- A. To require a 40 foot yard setback for all lots created under the cluster development option found in Development Ordinance Section 405-38, and;
- B. The maximum density permitted should be clarified as set forth below:
  - (a) in the R-1 Zone on minimum tract size of 50 acres without public sewer, the maximum permitted density shall be one dwelling unit per acre.
  - (b) In the R-1 Zone, on minimum tract size of 50 acres with public sewer, the maximum permitted density shall be one and three tenths (1.3) dwelling units per acre.
  - (c) In the R-2 Zone, on minimum tract size of 25 acres without public sewer, the maximum permitted density shall be one dwelling unit per acre.
  - (d) In the R-2 Zone, on minimum tract size of 25 acres with public sewer, the maximum permitted density shall be one and three tenths (1.3) dwelling units per acre, and;
- C. That cluster development should not be permitted in the R-3 Zone.

**BE IT FURTHER RESOLVED**, This 10 day of June, 2013, that this Resolution be forwarded to the Township Committee for study and possible action.

**TOWNSHIP OF UPPER DEERFIELD  
PLANNING BOARD**

By: \_\_\_\_\_  
BRUNO A. BASILE, CHAIRMAN

ATTEST: \_\_\_\_\_  
VICKI VAGNARELLI, Secretary

Memorialized: July 8, 2013

**Roll Call**

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

Ed Overdeest – 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.

**UPPER DEERFIELD TOWNSHIP PLANNING BOARD**

**RESOLUTION NO. 12-2013**

**RESPECTING RESIDENTIAL ACCESSORY STRUCTURES**

**WHEREAS**, the Planning Board of the Township of Upper Deerfield, has considered the topic of Residential Accessory Structures as they are presently regulated in the Township; and

**WHEREAS**, Planning Board Planner, Randall Scheule, PP, AICP, has provided to the Board Memoranda dated November 27, 2012, and December 19, 2012, which analyze the Township's current regulations regarding residential accessory structures. Copies of the memoranda are annexed hereto and made a part hereof; and

**WHEREAS**, the Master Plan Reexamination Report, adopted by the Planning Board on August 9, 2010, recommends a revision to the Zoning Ordinance for residential accessory structures located on non-conforming lots; and

**WHEREAS**, the Planning Board discussed the topic of residential accessory structures at its meeting of December 17, 2012; and

**WHEREAS**, the Board wishes to recommend to the Township Committee, the revision of the minimums for side yard, rear yard, and height for accessory structures related to a permitted residential use, including detached garages and sheds, for lots under single and separate ownership that are deemed to be non-conforming in terms of the required minimum lot area and lot width requirements.

**NOW, THEREFORE, BE IT RESOLVED**, that the Upper Deerfield Township Planning Board does hereby recommend to the Township Committee that the Zoning Ordinance be revised as follows:

“Side Yard – The minimum side yards for existing lots that are nonconforming in terms of lot width may be reduced as follows:

- Existing lot width divided by the lot width required for a single-family dwelling times 20 feet equals the reduced side yard.

Side yards shall not be reduced to less than 10 feet each.

- R-1 Zone example with a 125 feet wide lot: 125 feet wide lot:  
 $125 \text{ feet} \div 200 \times 20 \text{ feet} = 13 \text{ feet}$  for each side yard.

Rear Yard – 10 feet

Height – 25 feet

Swimming pools shall be located as required by Section 405-32 of the Code.”

**BE IT FURTHER RESOLVED**, this 17<sup>th</sup> day of December, 2012, that this Resolution be forwarded to the Township Committee for study and possible action.

**TOWNSHIP OF UPPER DEERFIELD  
PLANNING BOARD**

By: \_\_\_\_\_  
BRUNO A. BASILE, CHAIRMAN

ATTEST: \_\_\_\_\_  
VICKI VAGNARELLI, Secretary

Memorialized: July 8, 2013

**Roll Call**

Bruno Basile – Aye

Russell Vanella – Aye

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 Russell Vanella seconded by Jack Waselik the following resolution(s) was memorialized.

**UPPER DEERFIELD TOWNSHIP PLANNING BOARD**  
**RESOLUTION NO. 13-2013**  
**RESPECTING COMMUNITY IMPACT STATEMENT**

**WHEREAS**, Planning Board of the Township of Upper Deerfield, on August 9, 2010, adopted the Master Plan Reexamination Report, and;

**WHEREAS**, that Master Plan Reexamination Report recommended a revision to the Zoning Ordinance regarding the Community Impact Statement, and;

**WHEREAS**, the Community Impact Statement is intended to compliment traffic and environmental impact statements, and to inform the Planning Board of potential development impacts on the community, and;

**WHEREAS**, the Board received and considered Memoranda dated November 21, 2012, and December 19, 2012, from Planning Board Planner, Randall Scheule, PP/AICP, copies of both of which are annexed hereto and made a part hereof, and;

**WHEREAS**, the Board discussed the Community Impact Statement at its meeting on December 17, 2012, and;

**WHEREAS**, the Board, having received the recommendation of its Planner, that the submission requirements for preliminary major subdivision and preliminary major site plan applications should be revised to require a Community Impact Statement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Upper Deerfield Township Planning Board that it does hereby recommend to the Township Committee that a new section #405-76.C (28) be added, *verbatim*, as set forth on pages one through five of the annexed November 21, 2012 memorandum, and;

**BE IT FURTHER RESOLVED**, this 17<sup>th</sup> day of December, 2012, that this Resolution be forwarded to the Township Committee for study and possible action.

**TOWNSHIP OF UPPER DEERFIELD  
PLANNING BOARD**

By: \_\_\_\_\_  
BRUNO A. BASILE, CHAIRMAN

ATTEST: \_\_\_\_\_  
VICKI VAGNARELLI, Secretary

Memorialized: July 8, 2013

**Roll Call**

Bruno Basile – Aye	Ed Overdevest – Aye
Russell Vanella – Aye	Ed Fleetwood – Absent
Pauline Smith – Aye	Terry O’Neill – Aye
Scott Smith – Aye	Jack Waselik – Aye
Louis J. Bramante, Jr., Absent	
Anthony Buono, Sr., Alt #1 Aye	Robert Comer, Alt #2 Aye
Michael Blandino, Alt #3 Absent	Vacant Alt #4

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

**UPPER DEERFIELD TOWNSHIP PLANNING BOARD**

**RESOLUTION 14-2013**

**RESPECTING THE SIGN ORDINANCE**

**WHEREAS**, the Planning Board of Upper Deerfield Township has considered the topic of Signs as presently regulated in the Township, and

**WHEREAS**, on October 15, 2012, Planning Board Planner, Randall Scheule, provided to the Board, a nine page report respecting the Sign Ordinance. A copy of said report is annexed hereto and made a part hereof.

**WHEREAS**, the Board discussed the Sign Ordinance and Planner Scheule’s report at its meeting on November 14, 2012, and;

**WHEREAS**, the Board wishes to recommend to the Township Committee that the Sign Ordinance be considered for the revisions discussed in the annexed report, and;

**WHEREAS**, the Planning Board is assigned the power, under the Municipal Land Use Law to refer to the governing body issues that would benefit from a revision or amendment to the zoning ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Township of Upper Deerfield, does hereby recommend to the Township Committee its consideration of Sign Ordinance revisions as contained in the annexed October 15, 2012 report of Randall Scheule, PP, AICP including the regulation of sign size based on complexity of the roadway environment and travel speed, sign heights, sign setbacks, number of signs, building signs, and electronic message centers.

**BE IT FURTHER RESOLVED** this 14th day November, 2012, that this resolution, and annexed report, be forwarded to the Township Committee for study and possible action.

**TOWNSHIP OF UPPER DEERFIELD  
PLANNING BOARD**

By: \_\_\_\_\_  
BRUNO A. BASILE, CHAIRMAN

ATTEST: \_\_\_\_\_  
VICKI VAGNARELLI, Secretary

Memorialized: July 8, 2013

**Roll Call**

Bruno Basile – Aye	Ed Overdevest – Aye
Russell Vanella – Aye	Ed Fleetwood – Absent
Pauline Smith – Aye	Terry O’Neill – Aye
Scott Smith – Aye	Jack Waselik – Aye
Louis J. Bramante, Jr., Absent	
Anthony Buono, Sr., Alt #1 Aye	Robert Comer, Alt #2 Aye
Michael Blandino, Alt #3 Absent	Vacant Alt #4

On motion of Russell Vanella seconded by Pauline Smith the following resolution(s) was memorialized.

**RESOLUTION 15-2013**

Township of Upper Deerfield Planning Board

**Applicant’s Name:** Kim Sod Company (Partnership)

**Property:** Block 707, Lot 5

**Application:** Renewal of Mining Permit

**Renewal Hearing:** June 10, 2013

**Findings of Fact:**

1. On May 30, 2013, applicant, Kim Sod Company, through General Partner, Donald Rogers, Jr., submitted a Development Application for the renewal of a land mining license.

2. A conditional use allowing the mining of this property was granted on July 14, 1986 by Resolution 32-1986, subject to conditions outlined, at that time, by Township Engineer, George A. Shock.

3. The May 30, 2013, Kim Sod Development Application was accompanied by a letter requesting a waiver of a new site plan stating that disturbance at the site, over the last three years, has been minimal.

4. The Board has received the June 7, 2013, report of Board Engineer, Robert C. DuBois, who had made an inspection of the property and who confirmed that the work performed at the site, since the last license renewal, has been minimal, as represented by the applicant. Mr. DuBois' report confirmed that the site is still in compliance with the approved plans. Mr. DuBois expressed no objection to the land mining license being renewed for another three years without requiring the filing of a new site plan.

5. The Board notes that there is a restoration bond in place, along with a final grading and soil erosion plan prepared by Albert A. Fralinger, Jr., P.A., dated April 10, 2007.

6. The Board Secretary has confirmed that there is also an inspection escrow fund in place to cover expenses of Board Staff in conjunction with the mining license renewal application.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board of Upper Deerfield Township that the land mining license of Kim Sod Company is renewed for a three year period. Furthermore, based upon its Engineer's June 7, 2013 report, the Board grants a waiver for the submission of a new site plan.

Upper Deerfield Planning Board

By: \_\_\_\_\_  
BRUNO A. BASILE, Chairman

ATTEST: \_\_\_\_\_  
VICKI VAGNARELLI, Secretary

Memorialized: July 8, 2013

**Roll Call**

- |                                 |                          |
|---------------------------------|--------------------------|
| Bruno Basile – Aye              | Ed Overdevest – Aye      |
| Russell Vanella – Aye           | Ed Fleetwood – Absent    |
| Pauline Smith – Aye             | Terry O’Neill – Aye      |
| Scott Smith – Aye               | Jack Waselik – Aye       |
| Louis J. Bramante, Jr., Absent  |                          |
| Anthony Buono, Sr., Alt #1 Aye  | Robert Comer, Alt #2 Aye |
| Michael Blandino, Alt #3 Absent | Vacant Alt #4            |

**APPLICANT/DEVELOPMENT**

Z 6-13 Mark Levitsky & Leigh Marcello addressed the Board regarding applicants Area Variance for 10x10 Koi Pond 1105/11, 21 Silver Lake Road. Entered into evidence 2 pictures App1 & App2. On motion of Robert Comer, seconded by Jack Waselik the public portion was opened. No one came before the Board for or against the applicant so on motion of Jack Waselik, seconded by Robert Comer the public hearing was closed. Applicant needs to double check lot coverage amount. On motion of Anthony Buono, seconded by Robert Comer Completeness was approved.

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**Roll Call**

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 no vote

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – Absent

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 no vote

Vacant Alt #4

On motion of Anthony Buono, seconded by Robert Comer rear yard setback Variance was approved.

**Roll Call**

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 no vote

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – Absent

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 no vote

Vacant Alt #4

Z 5-13 Sonny Kalsi – Verizon Sign Variances 1208/4, 12-58 Cornwell – represented by Attorney, Howard Melnicove and Sony Kalsi, one of principal owners. Mr. Melnicove and Mr. Kalsi presented application to Board and entered into evidence A 1- 7. On motion of Anthony Buono, seconded by Pauline Smith public portion was opened.

Mr. Tom Connelly discussed red lettering does not bother your vision

Being no one further addressed the Board on motion of Jack Waselik seconded by Russell Vanella the public portion was closed. Through discussion the Board did not want the window signs but would approve the wall mount sign. On motion of Jack Waselik, seconded by Robert Comer Completeness was approved.

**Roll Call**

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 no vote

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – Absent

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 no vote

Vacant Alt #4

On motion of Terry Oneill, seconded by Jack Waselik the check mark sign Variance was approved.

**Roll Call**

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 no vote

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – Absent

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 no vote

Vacant Alt #4

Attorney Melnicove withdrew variance for window sign.

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**PROFESSIONALS/COMMITTEE/COMMISSION**

Randy – Streetlights Randy will discuss with Bob Comer due to knowledge speaking with AC Electric. Will have information for August meeting.

Work Program Addendum (possible prioritize)Randy gave handout titled “Township of Upper Deerfield 2013/2014 Planning Board Work Program”

Engineer Robert DuBois and Planner Randall Scheule will work together to bring Storm Water Management Plan in compliance with State Standards.

Board member Anthony Buono questioned the Outdoor Wood Boiler and Randy informed it is in the Township Committee hands.

Chairman Basile has made the following requests:

- Randy creates a map 36 X 42 of Township and outline in Red what has been approved.
- Basile also requested secretary to give update regarding Ordinances that have been referred to Township Committee on a quarterly basis.

**PUBLIC COMMENT**

On motion of Jack Waselik with all in favor the public portion of the meeting was opened.

Eileen Clark spoke of updating, correcting mistakes, within Open Space Plan and Farmland Preservation Plan. She also requested the Planning Board talk to the state about allowing approvals from 40 years ago, referring to the property on Hoover Drive. Solicitor Ritter explained lots were subdivided way back then and each property has been paying taxes.

On motion of Anthony Buono with all in favor public portion was closed.

Being no further business on motion of Jack Waselik with all in favor meeting was adjourned at 8:56pm.

Respectfully Submitted,

Vicki Vagnarelli  
Secretary