

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, August 12, 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: Russ Vanella, Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik, Robert Comer alt# 2, Joseph Spoltore alt# 4 (New member)

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: Chairman: Bruno Basile, Edward Fleetwood, Louis J. Bramante, Jr., Anthony Buono alt# 1, Michael Blandino alt# 3

On motion of Russ Vanella, seconded by Pauline Smith, Minutes of July 8, 2013 Approved.

On motion of Jack Waselik, seconded by Terry O'Neill the following resolution(s) was memorialized.

RESOLUTION 16-2013

Township of Upper Deerfield Planning Board

Applicant's Name: Dr. Mark Levitsky

Application No.: Z-6-13

Property: 21 Silver Brook Drive
Block 1105, Lot 11

Application For: Rear Yard Set Back Variance

Public Hearing: July 8, 2013

Findings of Fact:

1. Applicant appeared and presented the application together with his contractor, Leigh Marcello.
2. The subject property is located at 21 Silver Brook Drive in the R-2 Zone. It is designated as Block 1105, Lot 11.

3. The property comprises 0.51 acres and is improved with a single family residence.
4. Applicant proposes to construct a 10' by 10' koi pond within the normally required 30' rear yard setback. The pond will be 4' in depth, with 1' being above grade.
5. The Exhibits showed that:
 - A. Portions of a deck serving the residence presently encroach into the 30' rear yard setback; and
 - B. The rear of the lot contains a short retaining wall topped with a 4' chain link fence approximately 1' inside of the rear property line.
6. The Board received and considered:
 - A. A site plan prepared by Fralinger Engineering, dated June 13, 2013;
 - B. A completed Upper Deerfield Township checklist; and
 - C. The completed Planning Board Application; and
 - D. Two photographs of demonstrative koi ponds, marked App-1 and App-2.
7. The Board also received and considered the report of Board Planner Randall Scheule, PP/AIC, dated June 18, 2013. Mr. Scheule was present and participated in the hearing.
8. The Applicant testified that the permitted lot coverage would not be impacted by the addition of a 100 square foot fish pond and the Board Engineer, Robert C. DuBois concurred.
9. The Board and applicant discussed the requirement that the proposed body of water be enclosed by a fence. The Applicant testified that the back yard is already completely fenced. Applicant agreed to make any modifications necessary to the gates to conform with the Ordinance.
10. Board members, and the Board professionals all agreed that this is an attractively maintained property and an asset to this neighborhood.
11. The Board unanimously voted that the application was deemed complete after granting waivers for:
 - A. Wetlands information; and
 - B. Contours.
12. No one from the public appeared and testified regarding the application.
13. The Planning Board has carefully considered this matter and finds that good cause exists for the granting of the rear yard set back variance due to the lot size, existing improvements and site conditions. The Board further finds that such relief can be granted without substantial detriment to the public good and that the granting of such variance will not substantially impair the intent and purpose of the zone plan, nor that of the zoning ordinance of the Township of Upper Deerfield.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby grant a rear yard set back variance to Applicant pursuant to NJSA 40:55D-76(c) and the Upper Deerfield Township Development Ordinance, provided that compliance be had with all other applicable provisions of the Upper Deerfield Township Zoning Board 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.

Upper Deerfield Planning Board

BRUNO A. BASILE, Chairman

ATTEST: _____
VICKI VAGNARELLI, Secretary

Memorialized: August 12, 2013

Roll Call

Bruno Basile – Absent

Russell Vanella – Aye

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 Absent

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – Absent

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 no vote

Joseph Spoltore, Alt #4 no vote

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

RESOLUTION 17- 2013

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

APPLICANT’S NAME: We R Wireless of Bridgeton, LLC, t/a Verizon Wireless

APPLICATION NO.: Z 5-13

PROPERTY: Block: 1208, Lot 4
15 Cornwell Drive, Unit 7

APPLICATION TYPE: Sign Variance

PUBLIC HEARING: July 8, 2013

FINDINGS OF FACT:

1. Applicant was represented by Howard D. Melnicove, Esquire, who appeared and presented the application on its behalf.

2. In the Spring of this year, applicant erected a wall mounted sign at the property following an exchange of emails between the Township Zoning Office and applicant’s vendor: All State Sign of Philadelphia, Pennsylvania.

3. Applicant received e-mail approval, on March 19, 2013, from the Zoning Officer, for a sign measuring 49.5 square feet, including the Verizon checkmark trademark.

4. Applicant’s vendor thereafter erected a sign comprising some 62 square feet, including the check and prior to paying for the sign permit.

5. After notification, applicant removed the checkmark, and removed two lit checkmark signs from the windows of the premises pending this variance application to the Board.

6. Applicant’s Planning Board application for sign variances was filed June 14, 2013.

7. The Board received and considered the following:

A. Correspondence from Howard D. Melnicove dated June 14, 2013.

B. Upper Deerfield Planning Board Application form with attachment, and

C. Upper Deerfield Planning Board Checklist.

D. Applicant’s exhibits A-1 to A-7.

8. The Board also received and considered the report of Planning Board Planner Randall Scheule, PP/AICP, dated June 27, 2013.

9. Applicant offered the testimony of Sonny Kalsi, Principal of applicant LLC.

10. No one from the public appeared in opposition to the application.

11. During the public hearing, through counsel, applicant amended the application to indicate that if the Planning Board allows the reinstallation of the Verizon logo checkmark on the wall mounted sign, applicant will withdraw the portion of the variance application seeking the two, red illuminated checkmark window signs.

12. On recommendation of Planner, Randall Scheule, the Board granted waivers for the completeness items listed on page-two of Planner Scheule’s June 27, 2013, report. The Board then deemed the application complete.

13. The Board has taken into account, applicant’s argument that the distance of the store from Cornwell Drive justifies the erection of an oversized sign.

14. The Board has also taken into account the size of the signs on nearby properties.

15. The Planning Board has carefully considered this matter and finds that good cause exists for the granting of the sign variance for an oversized building mounted sign, including a red Verizon logo checkmark, and channel lettering, at 15 Cornwell Drive, Unit 7; and that the granting of such variance will not substantially impair the intent and purpose of the zone plan, and zoning ordinance of the Township of Upper Deerfield.

BE IT FURTHER RESOLVED that this Board does hereby grant a sign variance to applicant pursuant to NJSA 40:55D-70 and the provisions of the Upper Deerfield Township Development ordinance provided that the following conditions are met.

A. That the overall size of the wall mounted sign, including the red checkmark Verizon logo, will not exceed sixty-two square feet.

B. That the applicants requests for two red illuminated checkmark window signs is withdrawn and those previously removed window signs will not be reinstalled.

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

NOW, THEREFORE, BE IT RESOLVED that a certified copy of this resolution be furnished to applicant, through counsel of record, and notice of this action be advertised as required by law.

TOWNSHIP OF UPPER DEERFIELD
PLANNING BOARD

By: _____
BRUNO A. BASILE, CHAIRMAN

ATTEST: _____
VICKI VAGNARELLI, Secretary

Memorialized: August 12, 2013

Roll Call

Bruno Basile – Absent

Russell Vanella – Aye

Pauline Smith – Aye

Ed Overdeest – Aye

Ed Fleetwood – Absent

Terry O’Neill – Aye

Scott Smith – Aye

Jack Waselik – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 Absent

Robert Comer, Alt #2 no vote

Michael Blandino, Alt #3 Absent

Joseph Spoltore, Alt #4 no vote

APPLICANT/DEVELOPMENT

Z 7-13 Jesse Smith 607/1.03 280 Deerfield Road – Use Variance requesting to live in existing dwelling while new dwelling is being constructed. Applicant was represented by Attorney Howard Melnicove. Jesse Smith addressed the Board and answered questions. Entered into evidence Exhibit A-1 Photo of front and westerly side of existing dwelling. On motion of Jack Waselik, seconded by Russell Vanella the public portion of the hearing was open. Being no one came before the Board for or against the applicant on motion of Robert Comer, seconded by Jack Waselik public portion was closed. Mr. Smith believed within 14 months he would have the proposed dwelling complete. Applicant agreed 90 days would be sufficient for removal of existing dwelling once CO is given for new constructed dwelling.

On motion of Jack Waselik, seconded by Robert Comer the Board Deemed Application Complete, Granted Waivers and Use Variance.

Roll Call

Bruno Basile – Absent

Ed Overdevest – Aye

Russell Vanella – Aye

Ed Fleetwood – Absent (cannot vote)

Pauline Smith – Aye

Terry O’Neill – cannot vote

Scott Smith – cannot vote

Jack Waselik – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 Absent

Robert Comer, Alt #2 Aye

Michael Blandino, Alt #3 Absent

Joseph Spoltore, Alt #4 Aye

P 8-13 Landis Realty 2501/62 & 63 - 50.17 acres, R-2, 125 Landis Ave & 139 Landis Ave between Orillia and Danna made Request for Extension. The approval ran out August 2013 and applicant is allowed two one year extensions with written request. On motion of Russell Vanella, seconded by Jack Waselik the Board Approved Extension.

Roll Call

Bruno Basile – Absent

Ed Overdevest – Aye

Russell Vanella – Aye

Ed Fleetwood – Absent

Pauline Smith – Abstain

Terry O’Neill – Aye

Scott Smith – Aye

Jack Waselik – Aye

Louis J. Bramante, Jr., Absent

Anthony Buono, Sr., Alt #1 Absent

Robert Comer, Alt #2 Aye

Michael Blandino, Alt #3 Absent

Joseph Spoltore, Alt #4 Aye

INFORMALS:

Kim Fleetwood and Keith Stoms requested direction from the Board regarding Block 501 Lot 3, 9+ acre of land. Part of the land is B2 and part is Ag. After much discussion and suggestions Solicitor Ritter suggested speaking to professional Engineer or Surveyor.

Ron Overstreet was not present regarding Block 801 Lot 7 - 129 Old Burlington Road Farmland Preservation is

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almost complete as the County has been assisting for approximately 2 years.

Randy spoke to the Board to explain his conversations with Mr. Overstreet.

Mr. Overstreet is contemplating subdividing 3 acres around the dwelling and what steps he would need to take. After much discussion Vice Chair Overdevest requested Randy draw up letter for the county informing of issues after the fact.

PROFESSIONALS/COMMITTEE/COMMISSION

Randy – distributed map of Block 2301 Lot 13 Hubschmidt 1 Farm property. County requested consideration of rezoning from R1 and R2 to Agriculture. After discussion Vice Chair requested Randy inscribe letter to county.

PUBLIC COMMENT

Eileen Clark questioned extensions regarding applicants.

BOARD MEMBER ADDITIONAL INFORMATION

The NJ Planner May/June 2013

Update on Contact info due to new member, along with Meeting Dates, Committee Assignments and Planning/Zoning Board information. (this information has been distributed in the past–given again to refresh memory).

Board member Robert Comer informed the board AC Electric will change over to full cut off LED as poles need replacing.

Being no further business on motion of Jack Waselik with all in favor meeting was adjourned at 8:55pm.

Respectfully Submitted,

Vicki Vagnarelli
Secretary