

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, September 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: Edward Fleetwood , Russ Vanella, Pauline Smith, Terry O’Neill, Scott Smith, Jack Waselik, Louis J. Bramante, Jr., 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: Michael Blandino alt# 3, Joseph Spoltore alt#4

On motion of Ed Fleetwood, seconded by Jack Waselik, Minutes of August 12, 2013 Approved with minor change (Vice Chairman Ed Overdevest called meeting to order)

On motion of Ed Fleetwood, seconded by Russell Vanella the following resolution(s) was memorialized.

RESOLUTION 18-2013

Township of Upper Deerfield Planning Board

Applicant’s Names: Jessie and Cathy Smith

Application No.: Z-7-13

Property: 280 Deerfield Road
Block 607, Lot 1.03
R-2 Residential Zone

Application For: Use Variance

Public Hearing: August 12, 2013

Findings of Fact:

1. Applicant was represented by Howard D. Melnicove, Esquire, who appeared and presented the application on his behalf.
2. Applicant seeks to build a new home on an existing, triangularly shaped, .91 acre lot in the R-2 residential zone.
3. Applicant presented a boundary and topographical survey by Mervin H. Chew, PLS, dated February 4, 2013, depicting the location of an existing, one-story residence on the lot, and the approximate proposed location of the contemplated new dwelling.
4. Applicant also presented as Exhibit "A-1" a photograph of the existing dwelling.
5. Testimony from Jesse Smith indicated that Mr. Smith has lived at this location since 2002, and has owned the property since 2008.
6. The testimony further indicated that the existing home measures roughly 850 square feet and is comprised of two bedrooms, one bath, a kitchen, and a living room..
7. Applicant will demolish the existing home, upon completion of the new dwelling. The latter is planned for approximately 1700 square feet.
8. The Board received and considered the report of Board Planner, Randall Scheule, dated August 12, 2013.
9. The Board also received and considered:
 - A. Correspondence from Howard D. Melnicove to Vicky Vagnarelli, dated July 18, 2013.
 - B. Upper Deerfield Township Planning Board Application form and attachments.
 - C. Upper Deerfield Township Checklists, and
 - D. the Exhibits previously referenced herein.
10. Applicant seeks to reside in the existing dwelling while the new home is being built.
11. A Use Variance is required in order to permit two single family homes to (temporarily) exist on the property during construction of the new dwelling.
12. The Board received input from the Board Solicitor to the effect that a Developer's Agreement could be created which would afford protection to the Township and assure removal of the older dwelling upon completion and occupancy of the new dwelling.
13. Applicant and his attorney indicated his willingness to enter into the Developer's Agreement as described by the Board Solicitor.
14. The Planning Board has carefully considered this matter and finds that special reasons exist for the granting of the Use Variance; and that such relief can be granted without substantial detriment to the public good; that the granting of such variance will not substantially impair the intent and purpose of the Zone Plan of the Zoning Ordinance of the Township of Upper Deerfield.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby grant the Use Variance to Applicant pursuant to N.J.S.A. 40:55D-70(d) and the provisions of the Upper Deerfield Township Development Ordinance provided that the conditions hereafter listed are met.

1. That applicant enter into a Developer's Agreement with the Planning Board. That Developer's Agreement will be prepared by the Board Solicitor, and the text finalized through Mr. Melnicove.
2. The legal expense relating to Developer's Agreement will be borne by applicant.
3. Applicant's wife, Cathy Smith, who is not presently in title, will join in the Developer's Agreement.
4. That compliance be had with all other applicable requirements of the Upper Deerfield Township Development 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

EDWARD OVERDEVEST, Vice-Chairman

ATTEST: _____
VICKI VAGNARELLI, Secretary

Roll Call

Bruno Basile – no vote	Ed Overdevest – Aye
Russell Vanella – Aye	Ed Fleetwood – no vote
Pauline Smith – Aye	Terry O’Neill – could not vote
Scott Smith – could not vote	Jack Waselik – Aye
Louis J. Bramante, Jr., no vote	
Anthony Buono, Sr., Alt #1 no vote	Robert Comer, Alt #2 Aye
Michael Blandino, Alt #3 Absent	Joseph Spoltore, Alt #4 Absent

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

RESOLUTION 19-2013

Township of Upper Deerfield Planning Board

Applicant’s Name: Landis Realty Associates

Property: Block 2501, Lots 62 and 63

Hearing Date: August 12, 2013

WHEREAS Landis Realty Associates received preliminary major subdivision approval, following a public hearing on January 17, 2006, as embodied in this Board’s Resolution #2-2006, and;

WHEREAS, the Permit Extension Act of 2008 had the effect of extending that preliminary approval through June 30, 2013, and;

WHEREAS, pursuant to N.J.S.A. 40:55D-136.4(a), the developer is entitled to two (2) one-year extensions commencing June 30, 2013, and;

WHEREAS, by letter dated July 24, 2013, Landis Realty Associates requested a one-year extension of the preliminary approval retroactive to June 30, 2013.

NOW, THEREFORE, upon the advice of the Board’s professional staff, and pursuant to the statute, the Upper Deerfield Planning Board does hereby grant to Landis Realty Associates a one-year extension of the approval referenced above, as conditioned within the terms of the Board’s Resolution #2-2006.

Upper Deerfield Planning Board

By: EDWARD OVERDEVEST, Vice-Chairman

ATTEST: _____
VICKI VAGNARELLI, Secretary

Roll Call

Bruno Basile – no vote

Russell Vanella – Aye

Pauline Smith – Abstained

Scott Smith – Aye

Louis J. Bramante, Jr., no vote

Anthony Buono, Sr., Alt #1 no vote

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – no vote

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 Aye

Joseph Spoltore, Alt #4 Absent

APPLICANT/DEVELOPMENT

Z 9-13 David Tribbett 2703/2 37 Victory Rd 2nd floor addition 2 side yard setbacks. Mr. Tribbett and builder Bill Carr spoke to the board regarding application. On motion of Louis Bramante seconded by Jack Waselik the Board granted Conditional Completeness.

Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., no vote

Anthony Buono, Sr., Alt #1 no vote

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – no vote

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 no vote

Joseph Spoltore, Alt #4 Absent

Mr. Bramante opened public portion of hearing with all approved. No one came before or against applicant so Ed Overdevest closed public portion with all approved. Board requested a copy of the original plan from 1976 On motion of Russ Vanella, seconded by Jack Waselik the Board Approved Variances.

Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., no vote

Anthony Buono, Sr., Alt #1 no vote

Michael Blandino, Alt #3 Absent

Ed Overdevest – Aye

Ed Fleetwood – no vote

Terry O’Neill – Aye

Jack Waselik – Aye

Robert Comer, Alt #2 no vote

Joseph Spoltore, Alt #4 Absent

INFORMAL/INTERPRETATION

Nicey’s Ebay Store – Mr. Michael Weist came before the Board to discuss house on property currently being used as storage reverting back to a residential use. In 2009 the resolution stated "There will be no residential use of the property absent a further formal application to this Board". Prior Zoning Board member’s recollection of this statement was concern over traffic and traffic patterns.

Engineer DuBois informed applicant to bring updated plan and to consider keeping driveways flowing in and out as they are only 12’ wide. Solicitor Ritter informed Board and applicant this would be a Minor Site Plan so 200’ list & Notice would not apply.

PROFESSIONALS/COMMITTEE/COMMISSION

Planne, Randy Scheule – Streetlights – updates from August 12, 2013 report was handed out and Board will discuss further at October 6th meeting.

Planner, Randy Scheule - Present proposal to prepare a Storm Water Management Plan and update the ordinance – Plan is updated on a regular basis by Township Engineer. Planner, Scheule is awaiting copy and he will review with Planning Board Engineer DuBois..

Solicitor Ted Ritter & Planner, Randy Scheule - lot coverage at Levitsky property, 21 Silverbrook Drive – discussion with Board regarding after approval and receiving revised copy showing lot coverage it was over the percentage allowed and approved. The Board discussed and on motion of Ed Fleetwood, seconded by Robert Comer the Board approved to Amend resolution to Retroactively Permit Lot Coverage.

Roll Call

Bruno Basile – No Vote

Ed Overdevest – Aye

Russell Vanella – Aye

Ed Fleetwood – 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 no vote

Robert Comer, Alt #2 no vote

Michael Blandino, Alt #3 Absent

Joseph Spoltore, Alt #4 Absent

PUBLIC COMMENT

Nancy Ridgway agreed with Board regarding Levitsky because no one came forth against the applicant at the time of their hearing.

Chairman Basile announced Monday, September 16 meeting will be Canceled; no applicants scheduled.

Once Planner Scheule finishes the map showing approved projects, etc he will email to Board members for review.

Board member Comer mentioned Wawa is complete with Diesel, however, two signs on canopy are not installed. Zoning officer will send out letter.

Being no further business on motion of Ed Fleetwood, seconded by Anthony Buono with all in favor meeting was adjourned at 8:06pm.

Respectfully Submitted,

Vicki Vagnarelli
Secretary