

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held Wednesday, October 15, 2014 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 South Jersey Times South and The Press of Atlantic City and filed with the Township Clerk in compliance with said Act.

Present:

Chairman: Bruno Basile, Members: Scott Smith, Jack Waselik, Louis J. Bramante, Jr, Anthony Buono, Robert Comer alt 1, Joseph Spoltore alt 2, Michele Mooney alt 3, Laura Hayes alt 4

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

Absent: Vice Chairman: Ed Overdevest, Edward Fleetwood, Russ Vanella, Terry O'Neill,

On motion of Jack Waselik, seconded by Robert Comer Minutes of September 15, 2014 were Approved with Solicitor Ted Ritter amending last paragraph on page 5 to read "On Motion of Jack Waselik, seconded by Anthony Buono, a letter was sent for the Board by the Solicitor to the Construction Code Official regarding the C.O. for the rear portion of the structure."

On motion of Jack Waselik seconded by Robert Comer the following Resolution was memorialized.

RESOLUTION 7- 2014

Township of Upper Deerfield Planning Board

Applicant's Name: Jennifer Allen

Application: P-4-14

Application For: Use, Bulk, and Planning Variances, and Minor Subdivision Approval

Property: 23 Lebanon Road, Block 2701, Lot 38

Public Hearing: September 15, 2014

Findings of Fact:

1. The Applicant appeared and presented the application on her own behalf.
2. Applicant has resided at this location, from which she operates a horse farm, for more than thirteen years.
3. The property is located in the agricultural zone, and the gross acreage is 56.993 acres.
4. Applicant wishes to subdivide off a flag shaped 6.38 acre lot at the front of the property with 237.65 feet of road frontage.
5. The proposed new lot will be encumbered by an access easement 25 feet in width along the westerly lot line of the new lot for a distance of 652 feet to provide access to existing Lot 38 from which the applicant's horse farm is operated. The remainder Lot, which contains applicant's personal residence, will be 50.565 acres.
6. The proposed new Lot 38.01 is being subdivided for the purpose of constructing a handicap accessible new residence for applicant's 76 year old widowed father.
7. The evidence indicates that adjacent Block 2701, Lot 36, is already owned by applicant's father, having been recently purchased by him as a rental investment property. Lot 36 is improved with buildings, which include an older two-

story dwelling rented to a residential tenant. The existing dwelling on Lot 36 would not be suitable for an adult requiring handicap access.

8. The evidence further indicated that applicant's 76 year old widowed father recently suffered a broken hip, which impairs his mobility.

9. Applicant offered, as part of her proofs, a Minor Subdivision Plan prepared by Boston & Seeberger, PC dated May 30, 2014.

10. Applicant also offered an application overview informational filing prepared by Dale E. Boston, PP dated May 28, 2014, which includes a site description, the requested "C" variances, and the negative criteria.

11. After the Board granted the checklist waivers enumerated at the bottom of page-two of Board Planner, Randall Scheule's September 4, 2014 report, it deemed the application complete, and thereafter opened the hearing to the public. No one appeared from the public to testify respecting the application.

12. The Board received, and considered, the report its Planner, Randall Scheule, PP/AIC dated September 4, 2014. Planner Scheule was present and participated in the hearing.

13. The testimony indicates that the access drive is constructed of compacted gravel and stone. Applicant proposes to record an easement, which will require perpetual maintenance of the access driveway by the owner of Lot 38.

14. The Board discussed the fact that the subdivision map showed the access easement to Lot 28, crossing adjacent Lot 36, near the rear of the latter lot. The Board determined that it was an issue which need not be addressed in a Board Resolution since Lot 36 is owned by applicant's father. The Board observed that a future realignment of the access easement to eliminate the encroachment on to Lot 36 was available.

15. The proposed subdivision is determined by the Board to require that the following variance relief:

- a. Lot width variances for both Lots.
- b. Use variance to create new Lot 38.01 solely for residential purposes in the agricultural zone, and;
- c. A public access planning variance to create a lot for residential use (proposed reserved Lot 38 does not abut a publicly approved and improved street)

16. The Planning Board has carefully considered this matter and finds that special reasons exist for the granting of the use variance to permit a single-family lot measuring 6.38 acres in the agricultural zone adjacent to an operating horse farm. The Board finds and determines that providing housing for applicant's elderly, widowed and mobility impaired father, can be accomplished while still retaining some agricultural use on part of proposed lot 38.01. The Board finds that the creation of the new lot will have minimal, if any, impact on the neighborhood. The Board further determines that, by a standard of clearing and convincing evidence, the use variance can be granted without substantial detriment to the public good, and without substantially impairing the intent of the zone plan and zoning ordinance.

17. The Board further finds that (C) Bulk Variances from proposed lot width for Lot 38.01) (237.65 feet) and proposed Lot 38 (Zero feet lot width at the road) can be granted, even though the agricultural district standards ordinarily require a minimum lot width of 500 feet.

18. Finally, the Board finds and determines that a planning variance from Section 405-16, of the Code of Upper Deerfield, which requires that every principal building be built upon a lot, with frontage on an improved public street can be granted since Lot 38 is already accessed by a very long driveway which will be recorded as a permanent easement.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby grant a minor subdivision, a Use Variance for Lot 38.01, lot width Bulk Variances for both Lot 38 and Lot 38.01, and a Planning Variance to applicant pursuant to NJSA 40(55)D-70, and the provisions of Upper Deerfield Township Code provided that the following conditions are met.

1. That the owner of Lot 38 be obligated by the terms of the easement to perpetually maintain the 25 foot wide access easement.

2. A Deed description of the proposed access easement shall be provided to the Planning Board Engineer, and Planning Board Solicitor, respectively, for review and approval prior to recording the subdivision.

3. The access easement shall be recorded with the County Clerk and a filed copy filed with the Planning Board Secretary.

4. Applicant shall secure verification from the Township Tax Assessor regarding the lot numbers assigned to the two new lots.

5. If the subdivision is to be recorded by Deed, the proposed Deeds shall be submitted to the Board Engineer, and the Board Solicitor, respectively, for approval prior to execution and recording.

6. If the subdivision is recorded by Deed, copies of the recorded Deeds shall be filed with the Board Secretary, following recording, for the Board's permanent record.

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

Upper Deerfield Planning Board

EDWARD OVERDEVEST, Vice-Chairman

ATTEST: _____
VICKI VAGNARELLI, Secretary

Memorialized October 15, 2014

Roll Call

Bruno Basile – no vote
Russell Vanella – Absent
Terry O'Neill – Absent
Jack Waselik – Aye
Anthony Buono, Sr. Aye
Joseph Spoltore, Alt #2 Aye
Laura Hayes, Alt #4 no vote

Ed Overdevest – Absent
Ed Fleetwood – Absent
Scott Smith – no vote
Louis J. Bramante, Jr., Aye
Robert Comer, Alt #1 Aye
Michele Mooney, Alt #3 Aye

APPLICANT/DEVELOPMENT

1020 Bridgeton Chicken LLC, t/a Popeyes 1901/8.01 1020 N. Pearl St., Preliminary Maj. S/P w Sign Variances. Representatives for application was Attorney Howard Melnicove, Engineer Carl Jenne of Jenne Associates LLC and Architect David Keefrider Senior Project manager with Albert Taus & Associates. Attorney Melnicove and Mr. Jenne discussed completeness issues with the Board and on motion of Jack Waselik seconded by Robert Comer the application was deemed Complete.

Roll Call

Bruno Basile – Aye
Russell Vanella – Absent
Terry O'Neill – Absent
Jack Waselik – Aye
Anthony Buono, Sr. Aye
Joseph Spoltore, Alt #2 Aye
Laura Hayes, Alt #4 Aye

Ed Overdevest – Absent
Ed Fleetwood – Absent
Scott Smith – Aye
Louis J. Bramante, Jr., Aye
Robert Comer, Alt #1 Aye
Michele Mooney, Alt #3 Aye

Further discussion regarding building facade, windows, signs, lighting, trash enclosure, basin, etc. continued to be discussed with Mr. Jenne, Attorney Melnicove and adding David Keefrider. Sign size above double doors changed to make smaller to follow sign ordinance and applicant will comply with lighting ordinance. Maintenance of basin will be responsibility of applicant to maintain. Final plans will have all additional information discussed to add on plans.

Public hearing was open on motion of Louis Bramante seconded by Jack Waselik.

Sandy Morrissey representing Environmental Commission came forward and thanked the applicant regarding maintaining a clean basin.

Nancy Ridgway was happy to hear engineer is aware of lighting and mentioned she has been working to get a crosswalk and

stripes in road due to no sidewalks and having many who walk or ride a bus to get to this area. She mentioned maybe the applicant would consider sidewalks so the walking individuals could get to their place of business easier.

Being no one else came forward on motion of Anthony Buono, seconded by Robert Comer the public hearing was closed.

On motion of Anthony Buono seconded by Robert Comer the Site Plan was Approved.

Roll Call

Bruno Basile – Aye

Ed Overdevest – Absent

Russell Vanella – Absent

Ed Fleetwood – Absent

Terry O’Neill – Absent

Scott Smith – Aye

Jack Waselik – Aye

Louis J. Bramante, Jr., Aye

Anthony Buono, Sr. Aye

Robert Comer, Alt #1 Aye

Joseph Spoltore, Alt #2 Aye

Michele Mooney, Alt #3 Aye

Laura Hayes, Alt #4 Aye

On motion of Louis Bramante seconded by Jack Waselik the Sign Variances were Approved.

Roll Call

Bruno Basile – Aye

Ed Overdevest – Absent

Russell Vanella – Absent

Ed Fleetwood – Absent

Terry O’Neill – Absent

Scott Smith – Aye

Jack Waselik – Aye

Louis J. Bramante, Jr., Aye

Anthony Buono, Sr. Aye

Robert Comer, Alt #1 Aye

Joseph Spoltore, Alt #2 Aye

Michele Mooney, Alt #3 Aye

Laura Hayes, Alt #4 Aye

PROFESSIONALS/COMMITTEE/COMMISSION

Matt Pisarski, CC Planning-will present updates regarding CC Farmland Preservation Plan November 10th

PUBLIC COMMENT

On motion of Jack Waselik, seconded by Robert Comer the public portion of the meeting was open and with no one coming before the Board on motion of Louis Bramante with all in favor it was closed.

BOARD MEMBER ADDITIONAL INFORMATION

NJ Planner for July/August was distributed at meeting

Monday, October 20, 2014 meeting will be Canceled due to Turkey Creek LLC requesting a Continuance to gather further evidence.

Robert Comer informed the Board regarding Retro Fit lighting and how only bulbs need to be changed not complete fixtures. Chairman Basile requested Mr. Comer work with Randy to review and possible incorporate this within the Township lighting ordinance.

On motion of Jack Waselik seconded by Robert Comer the meeting was adjourned at 8:47pm.

Upper Deerfield Township Planning Board
October 15, 2014
Page 5

Respectfully Submitted,

Vicki Vagnarelli