

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held Monday, August 11, 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, Vice Chairman: Ed Overdevest,

Members: Terry O'Neill, Scott Smith, Russ Vanella, Jack Waselik, Robert Comer alt# 1, Joseph Spoltore alt# 2, Michele Mooney alt 3

**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:** Edward Fleetwood, Louis J. Bramante, Jr, Anthony Buono

On motion of Anthony Buono, seconded by Jack Waselik, Minutes of July 14, 2014 Approved

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

**RESOLUTION 4 - 2014**

**Township of Upper Deerfield Planning Board**

**Applicant's Name:** Landis Realty Associates

**Property:** Block 2501, Lots 62 and 63

**Hearing Date:** July 14, 2014

**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 its Resolution #19-2013, the Township of Upper Deerfield Planning Board granted a one year

extension of the preliminary approval through June 30,2013, and;

**WHEREAS**, by email dated July 9, 2014, Landis Realty Associates requested a second one year extension of preliminary approval, retroactive to June 30, 2014.

**NOW, THEREFORE**, after consultation with the Board's professional staff, and pursuant to the statute, the Upper Deerfield Planning Board does hereby grant to Landis Realty Associates, a second 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: BRUNO BASILE, Chairman

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

Memorialize: August 11, 2014

**Roll Call**

Bruno Basile – Aye	Ed Overdevest – no vote
Russell Vanella – no vote	Ed Fleetwood – Absent
Terry O'Neill – Aye	Scott Smith – Aye
Jack Waselik – Aye	Louis J. Bramante, Jr., Absent
Anthony Buono, Sr. Absent	Robert Comer, Alt #1 Aye
Joseph Spoltore, Alt #2 Aye	Michele Mooney, Alt #3 Aye

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

**RESOLUTION 5 - 2014**

**Township of Upper Deerfield Planning Board**

**Applicant's Names:** Ronald Overstreet and John F. Chiari, III  
**Property:** Block 801, Lots 7 and 10  
**Application Number:** P-1-14  
**Application:** For Use Variance, Bulk Variances, and to create a lot not fronting on a publicly approved street.  
**Public Hearing Date:** July 14, 2014

**Findings of Fact:**

1. The applicants were represented by Michael P. Fralinger, Esquire, who appeared and presented the application on their behalf.
2. The applicants presented the following documents:

- A. The Upper Deerfield Township Application form and checklists.
  - B. Minor subdivision plan by Fralinger Engineering, dated March 20, 2014.
  - C. 1949 Deed of Easement regarding private roadway referred to Reynolds Road.
  - D. August 22, 2011, Agreement to Sell Development Easement.
  - E. Five pages of photographs depicting Reynolds Road.
3. Applicants propose a minor subdivision of Block 801, Lot 7, to create a separate, three acre lot to accommodate an existing family dwelling.
    4. The purpose of the minor subdivision is to further applicants' pending application with the Cumberland County to place Lot 7 into the Farmland Preservation Program.
    5. Lot 10 is included in the application to document an existing easement utilized to access the dwelling on proposed net Lot 7.05.
    6. Applicant Ronald Overstreet testified that the dwelling has existed since 1997, and that it was constructed with proper permits.
    7. Lot 7 presently comprises 23.791 acres, much of which is devoted to the owners' nursery farm operations.
    8. Mr. Overstreet went through the five pages of photographs, and identified the location of each one while referring to the Fralinger Engineering Minor Subdivision map.
    9. He testified that the application to place Lot 7 in Farmland Preservation has been pending since 2011.
    10. The dimensions of the proposed, new, three acre lot are 303 feet by 508 feet. The new lot will not front on an approved street.
    11. Prior to subdivision, Lot 7 of Block 801 had 49.8 feet of frontage on Old Burlington Road.
    12. Lots 7 and 10 are zoned for agricultural use.
    13. Discussion was had with the Board, Mr. Overstreet and his counsel regarding the road easement deeded in 1949.
    14. The Board received and considered input from Board Planner Randall Scheule, and Board Engineer, Robert C. DuBois, regarding completeness.
    15. Waivers were granted for:
      - A. Contours at two foot intervals.
      - B. Predominant species of wooded areas.
      - C. Location of well and septic system.
    16. The Planning Board finds, upon recommendations of its professional staff, that the above referenced data submitted by and on behalf of applicants is sufficiently complete to move forward with the public hearing.
    17. The following variances are required if the minor subdivision is to be granted:
      - A. use Variance to create a lot to be used solely for residential purposes in the Agricultural Zone.
      - B. bulk Variance for lot size, six (6) acres being the minimum lot size

in the Agricultural Zone.

- C. bulk Variance for lot width.
- D. bulk Variances for side, rear, and front yard setbacks.
- E. a Planning Variance to create a lot that does not publicly abut an approved street.

18. Applicant submitted proof that Cumberland County Planning Board subdivision approval was issued, under Cumberland County Planning Board File Number: UD-1-14, on June 10, 2014.

19. No one appeared to testify during the public hearing for or against the application.

**NOW, THEREFORE**, the Board does find that the use variance can be granted to applicant due to the extraordinary and exceptional circumstances and special reasons which impact existing Lot 7, and the dwelling located on proposed new Lot 7.05. The Board does further find that the granting of the use and bulk variances, and the planning variance under NJSA 40:55-D-36, will promote the permanent preservation of farmland within Upper Deerfield Township as mentioned under section two of the Municipal Land Use Law. The Board observes that the preservation of farmland is a key stated goal within Upper Deerfield Township's Master Plan. The Board further notes that no new construction is being proposed. Finally, the Board finds that the approvals can be granted without causing substantial detriment to the public good, and that the granting of the approvals will not substantially impair the Zone Plan, nor the Zoning Ordinance of the Township of Upper Deerfield.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board of the Township of Upper Deerfield does grant minor subdivision with the above listed variances approval, to applicants, subject to the following conditions:

- 1. Applicant shall file with the Board a revised minor subdivision plan adding the existing setbacks of the residence structure and appurtenances from the proposed new lot lines for new Lot 7.05.
- 2. The Deeds memorializing the subdivision be submitted to, and reviewed by Board Solicitors, Matthew W. and Theodore H. Ritter, prior to execution and recording.
- 3. Copies of the recorded deeds be filed with the Board Secretary after return of from the Cumberland County Clerk.
- 4. That the recorded easement serving proposed new Lot 7.05 shall be widened where it crosses over remainder Lot 7. However, the Planning Board does not require that the actual roadway be moved, so long as applicants secure a license from the owner of Lot 10, namely DuBois Properties Limited Liability Company, allowing the owner of new lot 7.05 to continue using the existing roadway where that existing roadway crosses over a portion of the DuBois property to access new Lot 7.05.

Upper Deerfield Planning Board

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By: BRUNO BASILE, Chairman

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

Memorialized: August 11, 2014

**Roll Call**

Bruno Basile – Aye	Ed Overdevest – no vote
Russell Vanella – no vote	Ed Fleetwood – no vote/Absent
Terry O’Neill – no vote	Scott Smith – no vote
Jack Waselik – Aye	Louis J. Bramante, Jr., Absent
Anthony Buono, Sr. Absent	Robert Comer, Alt #1 Aye
Joseph Spoltore, Alt #2 Aye	Michele Mooney, Alt #3 Aye

**Applicant/Development:**

Z 3-14 Khristian & Christina Gates – 1301/4 232 Old Deerfield Pike – Application came in as a Use variance. Proposed storage garage/pole barn not subordinate in size to principal residential use. Mr. Gates spoke on behalf of the application and testimony determined applicant needed a Bulk Variance. On motion of Jack Waselik seconded by Russell Vanella Completeness was Approved

**Roll Call**

Bruno Basile – Aye	Ed Overdevest – Aye
Russell Vanella – Aye	Ed Fleetwood – Absent
Terry O’Neill – no vote	Scott Smith – no vote
Jack Waselik – Aye	Louis J. Bramante, Jr., Absent
Anthony Buono, Sr. Absent	Robert Comer, Alt #1 Aye
Joseph Spoltore, Alt #2 Aye	Michele Mooney, Alt #3 Aye

There was further discussion between the Board and Mr. Gates. On motion of Jack Waselik the Public portion was open with all Board members in favor. No one came for or against the applicant so on motion of Jack Waselik with all in favor the public portion was closed. On motion of Ed Overdevest seconded by Jack Waselik the Bulk Variance was Approved.

**Roll Call**

Bruno Basile – Aye	Ed Overdevest – Aye
Russell Vanella – Aye	Ed Fleetwood – Absent
Terry O’Neill – no vote	Scott Smith – no vote
Jack Waselik – Aye	Louis J. Bramante, Jr., Absent
Anthony Buono, Sr. Absent	Robert Comer, Alt #1 Aye
Joseph Spoltore, Alt #2 Aye	Michele Mooney, Alt #3 Aye

**PROFESSIONALS/COMMITTEE/COMMISSION**

Planner Scheule: Master Plan Consistency Report Storm Water Ordinance w Resolution (resolution memorialized 7/14/14 but was not discussed) - The Board approved to send to the Township Committee.

**Roll Call**

Bruno Basile – Aye	Ed Overdevest – Aye
Russell Vanella – Aye	Ed Fleetwood – Absent
Terry O’Neill – Aye	Scott Smith – Aye
Jack Waselik – Aye	Louis J. Bramante, Jr., Absent

Anthony Buono, Sr. Absent  
Joseph Spoltore, Alt #2 Aye

Robert Comer, Alt #1 Aye  
Michele Mooney, Alt #3 Aye

Administrator/Clerk, Roy Spoltore: Chairman Basile requested Administrator Roy Spoltore discuss Green Acres, status of Ordinances approved by Planning Board and sent to Township Committee and COAH.

Mr. Spoltore discussed Retail Sales Petition that will be circulating for signatures to have a place on the November voting ballot. This is with regard to the Township applying for Consumption License for restaurants/businesses which allows for patrons to drink/consume alcohol. Consumption license is 1 for every 3000 people and a package good store is 1 for every 7,500 people.

**BOARD MEMBER ADDITIONAL INFORMATION**

CC Dept. of Planning –Properties enrolled into Permanent Farmland Preservation  
Nicholas & Sarilee Rio 301/18.01 & Estate of Frank Fox 404/32  
May/June NJ Planner

**PUBLIC COMMENT**

Nancy Ridgway voiced support for the consumption license.  
Chairman Basile announce Pauline Smith’s resignation due to moving out of Upper Deerfield Township

**ADJOURNMENT**

On motion of Jack Waselik with all in favor the meeting was adjourned at 7:54pm.

Respectfully Submitted,

Vicki Vagnarelli