

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Wednesday, February 23, 2011 at 7:00 P.M. 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, Ernest Holt, Gene Stoms (came in 7:09pm), Russ Vanella, Pauline Smith, Terry O'Neill, Scott Smith, Jack Waselik alt # 1, Anthony Buono, Sr Alt # 4

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

Absent: Bob Whitesall alt# 2, Louis J. Bramante, Jr.Alt # 3

On motion of Ernest Holt, seconded by Ed Fleetwood minutes of January 19, 2011 meeting was unanimously approved.

On motion of Ed Fleetwood, seconded by Russ Vanella the following Resolution was memorialized.

RESOLUTION NO. 3 - 2011
UPPER DEERFIELD TOWNSHIP
PLANNING BOARD

WHEREAS, the Township of Upper Deerfield Planning Board has received Farmland Preservation Plan Report prepared by the Delaware Valley Regional Planning Commission in cooperation with township officials, and;

WHEREAS, each Board member received, the proposed final draft report on or about January 19, 2011, and;

WHEREAS, Suzanne McCarthy of the Delaware Valley Regional Planning Commission attended the Board's meeting on January 19, 2011, and made a Power Point presentation respecting Farmland Preservation and the draft report, and;

WHEREAS, the Board conducted a public hearing at which Board members and staff asked questions of Ms. McCarthy and invited any member of the public to speak regarding the draft Farmland Preservation Plan Report, and;

WHEREAS, the Board received input regarding the Farmland Preservation Plan Report from, Planning Board Planner, Randall Scheule, PP, AICP, who was attendance at the meeting.

And, the Board having discussed and deliberated on the matter.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board of the Township of Upper Deerfield does hereby find that:

1. The report conforms to the guidelines of the State Agricultural Development Committee (SADC) for Municipal Farmland Preservation Plan.
2. This Farmland Preservation Plan element, includes the required plan components, and;
3. The plan sets forth the various actions that Upper Deerfield Township will take to enhance and support the local agricultural industry.
4. The adoption of the Farmland Preservation Plan element as an amendment to the Upper Deerfield Township Master Plan will serve to protect the rural quality of the Township while promoting thoughtful planning for the Township's future.

AND, BE IT FURTHER RESOLVED, that the Board does hereby adopt the Farmland Preservation Plan report as prepared by the Delaware Valley Regional Planning Committee (Draft date: December, 2010) as an element of and amendment to the Upper Deerfield Township Master Plan.

BE IT FURTHER RESOLVED, that 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: February 23, 2011

Roll Call

Bruno Basile – Aye
 Russell Vanella – Aye
 Pauline Smith – Aye
 Terry O’Neill – Aye
 Gene Stoms – a/absent
 Jack Waselik, Alt #1 – Aye
 Bob Whitesell, Alt #2 – Absent

Ed Overdevest – Aye
 Ed Fleetwood – a/no vote
 Ernest Holt – Aye
 Scott Smith – Aye

 Louis J. Bramante, Jr., Alt #3 – Absent
 Anthony Buono, Sr., Alt # 4 -

On motion of Ed Fleetwood, seconded by Ernest Holt the following Resolution was memorialized.

**RESOLUTION NO. 4-2011
UPPER DEERFIELD TOWNSHIP
PLANNING BOARD**

WHEREAS, 1025 North Pearl, LLC, contract purchaser from owner Todd Hesbacher, has made application to the Upper Deerfield Township Planning Board for preliminary and final major site plan approval, and for variances for parking spaces, lot coverage, existing rear setback, for sign setback, and signage size, and;

WHEREAS, the matter came before the Board for a public hearing on the application on January 19, 2011, and;

WHEREAS, the property affected by this application is located at 1025 North Pearl Street, in the B-2 Zone and comprises Lot 5, of Block 1902, and;

WHEREAS, the board having heard the testimony presented by applicant, and having heard the sentiment of all persons wishing to speak.

And, the Board, having conducted the completeness review, makes the following preliminary findings of fact:

1. Applicant was represented by Howard D. Melnicove who appeared for the hearing with witnesses and exhibits.
2. The Board accepts as factual the plans and documents submitted by, and on behalf of applicant:
 - A. Major site plan by Midstate Engineering, Inc. bearing a revision date of January 13, 2011.
 - B. Sign drawings by Dualite Sales and Service, Inc., dated November 18, 2010.
 - C. Floor plan, existing elevations, and proposed elevations dated October 12, 2010.
 - D. Survey by James P. Deady, dated October 20, 2010.
 - E. Upper Deerfield Development application form and checklists.
3. The Board also received and considered the completeness review report of Planning Board Planner, Randall Scheule, PP, AIC, dated January 18, 2011, and;
4. The Board having received and considered the completeness review report by Planning Board Engineer, Robert DuBois, P.E., dated January 17, 2011, and;
5. The Board granted requested waivers for environmental impact statement, and wetlands delineation.
6. The Planning Board further finds, based upon the recommendations of its professional staff that the above referenced data, submitted by and on behalf of applicant, is sufficiently complete for the purpose of conducting the public hearing on the merits.

And, the Planning Board, having proceeded with the hearing on the major site plan together with the requested variances, the Planning Board does further find as fact, the following:

1. That all property owners within 200 feet of applicant's premises were properly served with notice of hearing.
2. Compliance has been had with each of the various requirements of the open public

meetings, law, PL 1975c 231.

3. The property affected by this application is 1.15 acres in size, and located in the township's business corridor.
4. The property is improved with a building presently measuring 19,244 square feet +/- which has previously been occupied, by a series of operators, as a furniture store, and as a business supply store. It is currently vacant, and;
5. Applicant seeks variances for rear yard setback, lot coverage, number of parking places, number of loading spaces, for sign area for a pylon sign, for sign area for a building mounted sign, and for sign setback for the proposed pylon sign.
6. Applicant is under contract to purchase the property, and is also under agreement with Dollar General, a nationwide chain of retail stores, to open a Dollar General store in part of the existing building.
7. Applicant proposes to demolish roughly 2,200 square feet of the existing building. Applicant will personally occupy 9,500± square feet of the existing building. The remaining 7,720± square feet of the building is intended to be rented to a tenant, or tenants, the identity(s) and nature of which are not yet established.
8. Applicant presented the testimony from Chester DiLorenzo, PE, principal of Midstate Engineering, Inc. The testimony of Mr. DiLorenzo dealt with the existing site, the present size of the building, the proposed size of the building after partial demolition, the ordinance parking requirements versus applicant's proposed number of parking stalls, the site lighting, number of employees, hours of operation, handicap parking, loading, impervious coverage, retaining walls, signage, submission to the New Jersey Department of Transportation respecting access, submission to the Cumberland County Planning Board, facade size, storage of waste and recyclables, landscaping, sidewalks, architectural renderings, location of HVAC equipment, traffic flow, and related issues.
9. The testimony indicated that the store will operate seven (7) days a week from 7:00 a.m. to 9:00 p.m.
10. The testimony indicated that the store will employ fifteen (15) persons with a maximum of seven (7) employees on duty at any one time.
11. The site plan proposes fifty-one (51) parking stalls, aside from handicapped parking.
12. The plan proposes indoor storage of solid waste, and recyclables for that portion of the building to be occupied by Dollar General.
13. The Board received and considered the technical review report of Planner Randall Scheule, PP/AICP, Planning Board Planner, dated January 18, 2011 and Mr. Scheule was present at the public hearing.
14. The Board received and considered the report of Engineer Robert C. DuBois, PE, dated January 17, 2011 and Mr. DuBois was present at the public hearing. Based upon the findings of Mr. DuBois, the contours and spot elevations on the revised site plan and the storm water calculations are sufficient.
15. Mr. DuBois' report also indicated that, based upon his review of the drainage calculations, the increase in water runoff should not cause a problem.
16. Applicant agreed to adopt the recommendation of Mr. DuBois that all on-site traffic be routed one-way, circulating around the building in a counter-clockwise direction.
17. Applicant agreed to provide three handicap parking spaces and to label them on a perfected site plan.
18. Applicant's engineer, and other witnesses gave testimony as to the proposed use of the designated loading area and times when deliveries would be made.
19. Applicant's engineer gave testimony regarding the present impervious coverage of 84.2%, the proposed final site plan impervious coverage of 96.1%, and how sheet water

- runoff would be addressed.
20. Applicant agreed to construct a concrete curb along the northerly property line and grade the curb toward Route #77.
 21. The Board received and considered the report of the Upper Deerfield Township Environmental Commission dated January 19, 2011.
 22. Applicant called as a lay witness Jonathan Vogel, who is a member of the applicant LLC. Through Mr. Vogel, applicant introduced photographs of the Exhibits A-1 through A-6, depicting the site in question, a Dollar General Store in Gloucester City, New Jersey, and a Dollar General Store in Trenton, New Jersey. Both the Gloucester City, and Trenton stores are also owned by the same principals as 1025 North Pearl, LLC.
 23. Applicant also called as a witness, Curtis Pachtinger, the Dollar General Real Estate Manager for the State of New Jersey. Mr. Pachtinger testified regarding parking, the 9,300 retail stores presently operated by Dollar General, and the fact that Dollar General has been in business for roughly seventy (70) years.
 24. Mr. Pachtinger also testified regarding standard signage for Dollar General stores at other locations, as well as restricted delivery.
 25. Members of the public Michael Vittorini and Neil Pierce, as well as property owner Todd Hesbacher all testified during the public hearing. Mr. Vittorini and Mr. Pierce are both partners in the Athey and Company accounting firm whose office is located immediately to the South of subject property.
 26. None of the witnesses testifying at the public hearing voiced any objection to the site plan, nor to the variances requested.
 27. The Planning Board has carefully considered the matter, and finds that good cause exists for the granting of variances sought for rear year setback, lot coverage, number of parking spaces, number of loading spaces, and for conditional preliminary and final major site plan approval for the proposed site improvements directly related to Dollar General.
 28. The Board declines, at this time, to grant final site plan approval for occupancy of the remainder of the building by a prospective (presently unknown) tenant of applicant.
 29. The Board, instead, elects to phase the approvals. Phase 1 pertains to Dollar General; Phase 2 relates to certain improvements related to the remainder portion of the building. The Planning Board will require that applicant and/or applicant's proposed tenant return to this Board for review of site plan issues, including, but not necessarily limited to, parking and signage, prior to final site plan approval for Phase 2 and the issuance of a certificate of occupancy respecting the vacant portion of the building.

BE IT FURTHER RESOLVED, that this Board does hereby grant the requested variances pertaining to rear setback, lot coverage, number of parking spaces and number of loading spaces, as well as conditional preliminary and final major site plan approval to applicant for the Dollar General store use at 1025 North Pearl Street, pursuant to N.J.S.A. 40:55D-70, and the provisions of Upper Deerfield Township Ordinance Chapter #98 provided that the following conditions are met:

1. That compliance be had with all other applicable requirements of the Upper Deerfield Township Zoning Ordinance and building code.
2. The floor plan shall be revised to indicate the area to be used for storage of solid waste and recyclable material
3. The site plan shall be revised to provide additional landscaping of the front of the site adjacent to Highway #77, to be landscaped with a variety of trees, shrubs and ground cover to provide an attractive appearance along the highway and to screen vehicles

parked at the front of the site. The landscape plan should include ornamental trees and ground cover plantings at the front of the property.

4. The landscaping plan should be revised to identify the number and size of all proposed plant material, root condition, on-center spacing, maintenance notes, and warranty/replacement information.
5. The landscaping plan should be revised to also address the proposed grass area adjoining the new front entry to the building, and how applicant will control and accommodate pedestrian traffic. A detailed landscaping plan should be provided for this area, which could be designed as an attractive asset to the site, including hardscape and a variety of plant materials.
6. All proposed new lighting shall be equipped with cut-offs to prevent nuisance lighting from spilling onto adjacent property.
7. The plan shall be revised to note the wattage of the new wall-mounted light.
8. The plan shall be revised to show the sidewalk widths abutting the parking spaces.
9. The architectural plan shall be revised to indicate the maximum building height proposed, the dimensions and area of the front facade to be occupied by Dollar General, and indicating the locations on the roof of all HVAC equipment.
10. Site triangles at the driveway shall be added to the perfected plan.
11. The perfected plan will show three handicap parking places.
12. The perfected plan will show two employee parking spaces near the southeast corner of the building.
13. Applicant shall construct a concrete curb along the northerly property line and grade the curb to Route #77.
14. The base of the freestanding sign shall be protected from vehicles by concrete curb or bollards, which are to be shown on the final plan.
15. Applicant shall revise the site plan to clearly indicate the limits of, and site modifications associated with, each of the two respective phases of this proposed development.
16. Applicant shall obtain permits and/or approval from all agencies having jurisdiction including, without limitation, the Cumberland/Salem Soil Conservation Service, and the State of New Jersey Department of Transportation.

BE IT FURTHER RESOLVED, that the Board tables at this time, applicant's requests for variances for the size of the Dollar General building mounted sign, the size of the proposed pylon sign, and the setback of the proposed pylon sign. The Board will act upon those issues upon the presentation of additional testimony from the Applicant in this regard, and through adoption of a separate resolution at a subsequent meeting.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be furnished to applicants, 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

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Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Terry O’Neill – Aye

Gene Stoms – a/absent

Jack Waselik, Alt #1 – Aye

Bob Whitesell, Alt #2 – Absent

Ed Overdevest – Aye

Ed Fleetwood – a/no vote

Ernest Holt – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – Absent

Anthony Buono, Sr., Alt # 4 -

Secretary read letter pertaining to applicant 1025 N. Pearl LLC (Dollar General)

Request was as follows: I am requesting that the Planning Board, at tonight’s meeting, discuss my request to have this matter placed upon the Board’s February 28, 2011 agenda. This matter was continued from the hearing on January 19, 2011 where portions of the application were preliminarily approved but the sign variances and the use of the property by the second and third commercial tenants were deferred. In conjunction with this request for the tabling of this matter to February 28, 2011, the applicant requests that the public be advised of the date and time of the February 28, 2011 meeting and, further, that the applicant will not be required to give additional notices and publication.

The applicant waives the time limit against approval for hearing the above referenced portions of the application.

Planner Randy Scheule discussed matter with the Board and the Board scheduled the applicant for March 14, 2011 as they must re-notice.

Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Terry O’Neill – Aye

Gene Stoms – Aye

Jack Waselik, Alt #1 –

Bob Whitesell, Alt #2 – Absent

Ed Overdevest – Aye

Ed Fleetwood – Aye

Ernest Holt – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – Absent

Anthony Buono, Sr., Alt # 4 -

Cumberland Regional High School came before the Board to perform a capital project review furnishing input pertaining to the Canopy of Solar panels that will be placed in the faculty parking lot on the Silver Lake side.

Representatives were Mr. Andrew McIlvaine, Business Administrator/Board Secretary, Christine M. Yearing, Esq., John Middleton, PE, LEED AP and Steven Becica, AIA, LEED AP. Chairman Basile gave Board members and the public a chance to ask questions even though no public hearing was required.

Motion to open for discussion by Jack Waselik, seconded by Ernest Holt.

Resident Eileen Clark questioned how the project will affect taxes.

Public Portion was closed on motion of Russell Vanella, seconded by Ed Fleetwood.

On motion of Ed Fleetwood, seconded by Gene Stoms Board voted on acknowledgement of project

Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Aye

Terry O’Neill – Aye

Gene Stoms – Aye

Jack Waselik, Alt #1 –

Bob Whitesell, Alt #2 – Absent

Ed Overdevest – Aye

Ed Fleetwood – Aye

Ernest Holt – Aye

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #3 – Absent

Anthony Buono, Sr., Alt # 4 -

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Chairman Basile questioned whether we need to revisit our sign ordinance? If so we could discuss at the April 18 meeting.

Board members verified name, address, telephone, etc. on paper for Township clerk

Mr. Roy Spoltore informed the Board the new name for Farmland Preservation committee is Agricultural Advisory Committee.

No further business on motion of Ed Fleetwood, seconded by Ernest Holt meeting adjourned at 7:49pm.

Respectfully Submitted,

Vicki Vagnarelli
Secretary