

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, April 16, 2012 at 7:04 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: Terry O'Neill, Scott Smith Gene Stoms, Russ Vanella, Jack Waselik alt # 1, Louis J. Bramante, Jr. Alt # 2, Anthony Buono, Sr. Alt # 3, Robert Comer, Alt # 4

Staff: Planner Randy Scheule, PP, AIC, Solicitor Theodore H. Ritter, Esq. and Secretary Vicki Vagnarelli.

Absent: Edward Fleetwood, Ernest Holt, Pauline Smith, Engineer Robert C. DuBois, P.E., Matthew Ritter, Esq.,

On motion of Russ Vanella, seconded by Jack Waselik, Minutes of April 9, 2012 approved.

On motion of Jack Waselik, seconded by Russ Vanella the following Resolution was adopted & memorialized

**UPPER DEERFIELD TOWNSHIP
PLANNING BOARD
RESOLUTION NO. 3-2012**

WHEREAS, 56 Auto Complex/South Jersey Autolines, doing business as 56 Auto Sales has made application to the Board for modification and/or clarification of previously imposed conditions of approved respecting the property at Block 2301, Lot 2, and;

WHEREAS, public hearings were conducted by the Board on March 12, 2012, and April 9, 2012, and the Board having heard the testimony presented by applicant and having heard the sentiment of all persons wishing to speak;

NOW, THEREFORE, BE RESOLVED by the Planning Board of the Township of Upper Deerfield that the Board does find as facts, the following:

1. Applicant was represented by Howard D. Melnicove, an attorney licensed to practice law in the State of New Jersey, and;
2. The business is located on an undersized lot, in the B-2 Zone. The lot size is .74 acres whereas a three acre minimum lot size is ordinarily required for a used car lot in the Township,

and;

3. The Board reviewed Resolutions previously adopted respecting this property, including Resolution 8-2004, adopted following a public hearing on April 12, 2004, and Resolution #17-2009, adopted following a public hearing on August 10, 2009.

4. The Board received and considered plans prepared by T. J. D. Architects, P.C., of Bridgeton, including sheets SP-1, and SP-1.1, and;

5. The Board also received and considered the expert testimony of Thomas J. D'Arrigo, licensed New Jersey Architect, and;

6. The Board also received and considered the testimony of Boyd Wisdom, who is a member of the applicant entity, and;

7. It appears that the Board, in 2004, set a maximum limit of twenty cars for display at the site.

8. The Board, in 2009, allowed an additional twenty-one vehicles to be parked at the site for inventory purposes while continuing to limit to twenty, the number of vehicles on the lot for display.

9. Both prior Resolutions required six parking places to be set aside for employees and customers, and

10. The Board received into evidence Exhibit "A-1" being a photograph of the building and proposed new display area.

11. Buffer shrubbery has been very recently added to the easterly and westerly sides of the property.

12. Mr. Wisdom testified that the business did not need, or wish to increase the total number of cars for sale on the lot, but only to shift the display area.

13. The surface of the proposed new display area would be crushed stone, bordered by a timber strip edging or the equivalent for containment of the crushed stone.

14. At the request of applicant, the Board agreed to waive the filing of a new survey, to waive wetlands delineation, and to waive the filing of an environmental impact statement.

15. Subject to applicant agreeing to provide a soil log, or permeability information, and subject to correction of a detail showing the elevation at the center line of the pipe so that it agrees with the elevation shown on the grading plan as recommended by Planning Board Engineer, Robert C. DuBois, the Board did deem the application complete.

16. The applicant agreed to move the display area northerly by six inches to allow a complete eight foot wide landscape strip.

17. Planning Board Planner, Randall Scheule, recommended the inclusion of some landscaping in the eight foot wide strip bordering the highway.

18. Applicant agreed to limit the number of vehicles for sale on the property to forty-one, and to delineate by signage, the additional six parking places for employees and customers, and the one handicap parking place.

19. The Board received and considered the report of Robert C. DuBois, P.E. dated February 13, 2012. Mr. DuBois was present for the public hearing and had input at that time.

20. The Board also received and considered the report of Randall Scheule, Planning Board Planner, dated February 15, 2012. Mr. Scheule was present at the hearing and had input at that time.

21. During the public portion of the meeting of March 12, 2012, the Board heard from member of the public, Tom Connolly, regarding existing exterior site lighting and the benefits of

complying with the ordinance by installing full cutoff lighting (this site being grand-fathered as result of the prior approvals). Applicant agreed to re-aim the existing exterior lighting.

22. Applicant agreed to add to the plan a maintenance schedule, including replacement policies for all landscape areas.

23. At this point, the Board tabled the application pending submission of a revised plan. Meanwhile, the Board indicated its inclination to eliminate the distinction between inventory, and display vehicles, and thereby increase to not more than forty-one, the total number of vehicles that can be present for sale on the property, at one time, aside from employees and customers.

24. The Board resumed the public hearing at its meeting on April 9, 2012.

25. In the interim, the Board and staff received and reviewed the revised site plan of TJD Architects, P.C., dated March 27, 2012, consisting of pages SP1, SP1.1, SP1.2, and SP1.3.

26. The Board also received soil profile data dated March 27, 2012, from G. S. Engineering.

27. Board Engineer Robert C. DuBois indicated that he was satisfied with the revised plans and the soil boring data.

28. The Board received and considered the April 5, 2012, report of Board Planner, Randy Scheule, PP/AIC.

29. Applicant's attorney, Howard D. Melnicove, indicated the applicant's willingness to comply with all recommendations contained in Mr. Scheule's report, including:

A. Applicant will provide a certified copy of a 2009 survey of the property.

B. Applicant has revised the plan to provide site easements.

C. Applicant has requested a waiver from the filing of a soil erosion and sediment control plan and this waiver was approved by the Board.

D. Applicant will mark each of the six parking spaces required by ordinance with "employees/visitor parking" signs.

E. The perfected plan shall provide the minimum dimension between the westerly driveway curb, and the first concrete wheel stop.

F. Applicant will submit a plan for ground cover and/or shrub landscaping within the eight foot landscape space, which plan must be reasonably satisfactory to Planner Scheule.

G. Applicant shall provide additional detail for the plantings proposed for the four foot wide landscape bed along the fourteen space parking area, also to the reasonable satisfaction of Planner Scheule.

H. Applicant shall post performance and maintenance guarantees to insure that the required landscaping is installed and maintained.

I. Applicant has added a six foot vinyl fence to screen the existing trash receptacle on the west side of the building.

J. Applicant shall add to the perfected plan a maintenance plan including replacement policies for all landscape areas.

K. Applicant shall furnish full cut offs on any new light pole fixtures to prevent glare onto adjoining property.

L. Applicant's perfected plan shall include installation of a guardrail, fence or other barrier at the southwest corner of applicant's property to preclude egress from this property over an unauthorized access onto Landis Avenue which barrier, again must be to the reasonable satisfaction of Mr. Scheule.

M. All on site signs shall be approved via site plan approval or zoning permit.

30. When the meeting was opened to the public, neighboring property owner, Nick Carusso, was sworn and testified. He has owned the property, to the west, for more than thirty years. He questions whether the newly installed landscape buffer is entirely on applicant's property. He also asks that construction

debris, deposited on his property at the time of the construction of the building on applicant's property be removed.

31. Several Board members expressed concern over safety issues relating to the continued parking of vehicles for sale in the driveway entrance to the business as well as at locations other than those specified on the site plan.

32. The Board has carefully considered the application and has determined that minor site plan approval can be granted to allow relocation of existing sale vehicle display parking subject to the existing maximum limit of forty-one vehicles being displayed for sale, and maintaining six designated spaces for employee/visitor parking.

NOW, THEREFORE, the Planning Board does hereby grant to 56Auto/South Jersey Autolines/Jeffrey Coccaro, minor site plan approval subject to the following conditions.

A. That compliance be had with all other applicable requirements of the Upper Deerfield Township Development ordinance and building code.

B. Subject to applicant's compliance with all conditions set forth in the April 5, 2012, report of Randall Scheule.

C. That additional landscaping be provided in the northeast corner of the property with the details to be coordinated with the Board's professional planner.

D. That applicant post a performance guarantee for installation and maintenance of the landscaping in an amount to be set by the Board professional planner, and in a form to be approved by Board Solicitors, Theodore H. Ritter, and Matthew W. Ritter.

E. That construction debris located on the neighboring property immediately to the west be identified and removed by applicant.

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 TOWNSHIP PLANNING BOARD

BY: _____
Edward Overdevest, Vice-Chairman

Attest: _____
Vicki Vagnarelli, Secretary

Memorialized: April 16, 2012

Roll Call

Bruno Basile – No vote
Russell Vanella – No vote
Pauline Smith – Absent
Terry O'Neill – Aye

Ed Overdevest – Aye
Ed Fleetwood – Absent
Ernest Holt – No vote/ Absent
Scott Smith – Aye

Gene Stoms – No vote

Jack Waselik, Alt #1 – Aye

Anthony Buono, Sr., Alt #3 Abstain

Louis J. Bramante, Jr., Alt #2 – No vote

Robert Comer, Alt #4 - Aye

APPLICANT/DEVELOPMENT

Z 4-12 - Janice Lupton/Lupton Enterprises LLC 2401/41 210-216 Landis Ave., Appeal/Interpretation, D Variance, Waiver of S/P.

Attorney, Rocco Tedesco represented applicant. Application was Tabled and carried from April 9th meeting to have a full voting board. Mr. Tedesco discussed with Board what has been in building in the past and that most was approved administratively. Mr. Lupton has 3 employees. Mr. Ron Lupton's wife Janice is setting up the company and K2 is the trade name. Attorney Tedesco try to dispel rumors regarding this being a retail store and a cell phone business. This will not be a retail store or a cell phone business and no retail sales will take place. No inventory is stocked. Morton building was looked into possibly for his fathers business, but not worth pursuing as they would need a variance. Mr. Lupton's business is networking, design, servers, service work for small to medium business. Most of the business is done off site. Mr. Lupton will go to business and may bring back computers to work on if need be. Hours will be Monday – Thursday 9-5 and Friday 9-3. Fed Ex and or UPS would make one delivery a day if needed. Sometimes the part is sent direct to customer.

Mr. Frank Catalana, current owner of property was called to testify. He discussed previous occupants and the amount of traffic per day getting up to 25 clients.

Planner, Randall Scheule went over his review dated April 12 making a correction of the Zone being R-2 rather than the B-2 he had listed. He recommended completeness. Mr. Scheule mentioned a number of site conditions that were concerns from prior approvals and applicant needs to verify the following:

- a. That adequate on-site parking exists
- b. That permits have been obtained for any signage
- c. That the site lighting is in conformance with the township Code
- d. That adequate storage is available for refuse and recyclable materials

On motion of Russell Vanella, seconded by Gene Stoms the public hearing was opened.

Neighbor Chris Sammuels a computer technician read a prepared statement against retail sales.

Neighbor Jeremy Warburton concern with increased traffic, questioned whether zone should have gone back to residential when Wilson Hearing moved.

Neighbor Casper Sparacio is concerned if this passes and retail is going on what his recourse is and what course of action he can take.

Bruce Peterson owner of Hopewell Sub & Pizza a neighboring business of Mr. Luptons testified there is almost no foot traffic and there have been no retail sales. Mr. Peterson thought it ashamed they are leaving Hopewell but as a resident of UD would want a business like this. He has used their business.

Tom Connelly questioned lighting with regard to shielded or full cutoffs.

Mary Dean realtor worked at real-estate office 20 years ago and at least 10 residents a day visited, she has used Mr. Luptons services for her home and office and he comes to her, she has asked for product and Mr. Lupton tells her to contact a particular company or store so no retail is going on, as a realtor this building is a commercial building not residential.

Casper Sparacio asserts Mr. Lou Totoro presented in 1971 a drawing in person to him showing a 2 story Colonial home with black shutters and no signs. The building that is there now should never have been there should have been a house.

Nancy Ridgway questioned if company is paying a business fee.

On motion of Gene Stoms, seconded by Russ Vanella the public hearing was closed.

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On motion of Russ Vanella, seconded by Louis Bramante the Board approved granted a zoning permit for the transfer of business operations to 210 Landis Avenue

Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Absent

Terry O’Neill – No Vote

Gene Stoms – Nay

Jack Waselik, Alt #1 – Aye

Anthony Buono, Sr., Alt #3 Aye

Ed Overdevest – Aye

Ed Fleetwood – No Vote

Ernest Holt – Absent

Scott Smith – No Vote

Louis J. Bramante, Jr., Alt #2 – Aye

Robert Comer, Alt #4 – No vote

PROFESSIONALS/COMMITTEE/COMMISSION

Randall Scheule: Continued Discussion - Ordinance Amending Chapter 405-31 of the Code of the Township of Upper Deerfield with Respect to Signs (members received copies & Randall Scheule discussed Consistency Review @ 4/9/12 meeting)

On motion of Robert Comer, seconded by Russ Vanella the Board approved to forward Ordinance back to the Township Committee.

Roll Call

Bruno Basile – Aye

Russell Vanella – Aye

Pauline Smith – Absent

Terry O’Neill – Aye

Gene Stoms – Aye

Jack Waselik, Alt #1 – Aye

Anthony Buono, Sr., Alt #3 Aye

Ed Overdevest – Aye

Ed Fleetwood – Absent

Ernest Holt – Absent

Scott Smith – Aye

Louis J. Bramante, Jr., Alt #2 – Aye

Robert Comer, Alt #4 – No Vote

Ed Overdevest, Chair of Zone/Open Space subcommittee announced meeting is April 17.

PUBLIC COMMENT

Nancy Ridgway was happy to see Amending of sign ordinance because the Township needs to help businesses.

BOARD MEMBER ADDITIONAL INFORMATION

Letter from Solicitor’s Ted & Matt Ritter answered Site Plan Subcommittee member’s questions with respect to proper role and restrictions.

Being no further business on motion of Gene Stoms, seconded by Jack Waselik the meeting was adjourned at 8:30pm

Respectfully Submitted,

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Vicki Vagnarelli