

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, March 12, 2018 at 7:00 pm in the Municipal Building, Seabrook, N.J.

Chairman: Ed Overdevest 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 Daily Journal and The Press of Atlantic City and filed with the Township Clerk in compliance with said Act.

**Present:**

Chairman Ed Overdevest,  
Vice Chairman Russell Vanella

**Members:** Jack Waselik, Terry O'Neill, Scott Smith, Robert Comer, Kenneth Jackson alt 2, Wayne Sabota alt 3,

**Staff:** Engineer J Michael Fralinger, Jr. PE, CME, Planner Randy Scheule, PP, AIC,  
Solicitor Matthew Ritter, Esq. and Acting Secretary Roy Spoltore

**Absent:** Joseph Spoltore, Anthony Buono, Laura Hayes alt 1, Solicitor Theodore H. Ritter, Esq.

On motion of Russell Vanella seconded by Robert Comer minutes of February 21, approved.

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

RESOLUTION 6 - 2018

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

**Applicant's Name:** Regalbuto Builders, LLC

**Application No.:** P2-18

**Application for:** Bulk Variance and Conditional Use in Agricultural  
Zone – undersized parcel

**Completeness Hearing:** February 21, 2018

**Findings of fact:**

1. Applicant was represented by Warren H. Carr, Esq.
2. Applicant seeks to construct a rural residence comprising 1340 square feet, on a triangularly shaped lot, 2.17-acres in size, located at the intersection of Centerton Road and Richards Road (County Route 605) in the Agricultural Zone.
3. The Board accepts as factual the plans and documents submitted by and on behalf of the applicant.
  - a. Application form.

- b. Plan of survey for Lot 1, Block 704 prepared by Johnson Design Associates, Inc., dated January 22, 2018
  - c. Variance plan prepared by Johnson Design Associates, Inc. dated February 19, 2018, and
  - d. Septic design for Regalbuto Builders, LLC by David J. Battistini dated January 23, 2018.
4. The Board also received and considered the completeness review report of Planning Board Planner Randall Scheule, PP/AICP dated February 16, 2018 and the completeness review report of J. Michael Fralinger, Jr., Board Engineer dated February 19, 2018.
5. The Planning Board 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 scheduling a public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of Upper Deerfield Township deems the application of Regalbuto Builders, LLC complete and schedules the public hearing thereon Monday, March 12, 2018, at the Upper Deerfield Township Municipal Building.

**Roll Call**

Ed Overdeest – Aye	Russell Vanella – Aye
Robert Comer, Aye	Terry O’Neill – Aye
Scott Smith – no vote	Jack Waselik – Aye
Joseph Spoltore - Absent	Anthony Buono, Sr. - Absent
Vacant seat	
Laura Hayes, Alt #1 – no vote/Absent	Kenneth Jackson, alt #2 - Aye
Wayne Sabota, Alt #3 no vote	Vacant seat, Alt # 4

On motion of Robert Comer seconded by Russell Vanella the following resolution was memorialized.

**RESOLUTION 7 - 2018**

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

**Applicant’s Name:** Solar City D/B/A Tesla, Inc.

**Application No.:** P-1-18

**Property Owner:** KMT BRRR, Inc.

**Property Address:** 1042 Parsonage Road

**Block:** 901, Lots 4, 5, 6, and 7

**Application for:** Preliminary and final Major Site Plan Approval for Solar Array  
Accessory Use

**Public hearing dates:** February 21, and March 19, 2018

**Findings of fact:**

1. Applicant was represented by Harvey C. Johnson, Esq. who appeared and presented the application on its behalf.

2. Applicant seeks to erect a ground mounted Solar Array in the General Industrial Zone. This is a permitted accessory use.

3. Applicant will consolidate lots 4, 5, 6, and 7 of Block 901 into one parcel.

4. The Board accepts as factual the following:

A. Upper Deerfield Planning Board application with attachments.

B. Major Site Plan prepare by Pennoni Associates dated January 9, 2018 comprising 19 sheets.

C. Existing tree survey prepared by Pennoni Associates.

D. Lot consolidation plan prepared by Pennoni Associates.

E. Steel motor management prepared by Pennoni Associates.

F. Existing site constraints plan prepared by Pennoni Associates.

G. Glare analysis prepared by ForgeSolar, dated December 4, 2017 prepared by Jeremy Sande, AICP under the supervision of Becky Koze.

H. Landscape rendering by Pennoni Associates.

I. Aerial view of KMT Solar Array site.

J. Letter from NJDEP dated August 9, 2017 regarding fresh water wetlands verification.

K. Letter from NJDEP dated November 20, 2017 regarding flood hazard area verification approval.

5. Applicant requested waivers for the following Checklist items:

a. Wooded areas indicating predominant species and size.

b. Location of trees six inches or more in diameter.

c. Environmental impact report.

6. Applicant requested design waivers for:

a. Buffer design (year-round high-level screening);

b. Landscape buffer widths;

c. Replacement of trees;

d. Fence height;

e. Buffer in rear of site; and

7. Variances are required for:

- a. Front yard setback
- b. Rear yard setback

8. The Board received and considered the February 14, 2018 report of its Planner, Randall Scheule, PP/AICP. Planner Scheule was present for and participated in the meeting to determine completeness.

9. The Board received and considered the February 14, 2018 report of Board Engineer, J. Michael Fralinger, Jr. Mr. Fralinger was present for and participated in the hearing for completeness.

10. The Planning Board finds based upon the recommendations of its professional staff, that the above referenced date considered by and on behalf of applicant is sufficiently complete for the purpose of conducting the public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of Upper Deerfield Township deems the application of Solar City D/B/A Tesla, Inc. complete. The Board commenced the public hearing on Monday, February 19, 2018 without concluding same. The public hearing will continue on March 19, 2018 at the Upper Deerfield Township Municipal Building.

**Roll Call**

Ed Overdevest – Aye	Russell Vanella – Aye
Robert Comer, Aye	Terry O’Neill – Aye
Scott Smith – no vote	Jack Waselik – Aye
Joseph Spoltore - Absent	Anthony Buono, Sr. - Absent
Vacant seat	
Laura Hayes, Alt #1 – no vote/Absent	Kenneth Jackson, alt #2 - Aye
Wayne Sabota, Alt #3 no vote	Vacant seat, Alt # 4

P 2-18 Regalbuto Builders LLC 704/1 243 Centerton Rd – Bulk Variance and Conditional Use in Ag zone – undersized parcel - continued public hearing

Attorney Warren H. Carr Esq. represented applicant and at last meeting only Completeness discussed and approved carrying over public hearing.

There was discussion on whether the application is a Conditional use or a Use Variance with the Bulk Variance for lot area. It was decided that it was a Use Variance and the applicant addressed special reasons and provided testimony on relief from any detriment to MP or Zone Ordinance.

On motion of Robert Comer seconded by Russell Vanella the public hearing was opened. No one came before the Board for or against the applicant so on motion of Russell Vanella seconded by Jack Waselik the public portion was closed.

On motion of Robert Comer seconded by Jack Waselik the applicant was Approved.

**Roll Call**

Ed Overdevest – Aye	Russell Vanella – Aye
Robert Comer, Aye	Terry O’Neill – No vote (due to use variance)
Scott Smith – No vote (due to use variance)	Jack Waselik – Aye
Joseph Spoltore - Absent	Anthony Buono, Sr. - Absent
Vacant seat	
Laura Hayes, Alt #1 - Absent	Kenneth Jackson, alt #2 - Aye
Wayne Sabota, Alt #3 Aye	Vacant seat, Alt # 4

Upper Deerfield Township

March 12, 2018

Page 5

On motion of Robert Comer seconded by Russell Vanella the public portion of the meeting was opened with no one coming before the Board so on motion of Russell Vanella seconded by Jack Waselik the public portion was closed

Chairman Overdevest reminded Board Solar City/KMT continued public hearing is next weeks meeting.

Being no further business the meeting was adjourned on motion of Jack Waselik seconded by Robert Comer

Respectfully Submitted,

Vicki Vagnarelli