

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, March 19, 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: Anthony Buono, Jack Waselik, Terry O'Neill, Joseph Spoltore, Robert Comer, Laura Hayes alt 1, Kenneth Jackson alt 2, Wayne Sabota alt 3,

Staff: Engineer J Michael Fralinger, Jr. PE, CME, Planner Randy Scheule, PP, AIC,
Solicitor Theodore H. Ritter, Esq. and Secretary Vicki Vagnarelli

Absent: Scott Smith, Solicitor Matthew Ritter, Esq

On motion of Robert Comer seconded by Russell Vanella minutes of March 12, approved.

On motion of Jack Waselik seconded by Anthony Buono the following resolution was memorialized.

RESOLUTION 8 - 2018

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

Applicant's Name: Regalbutto Builders, LLC
Application No.: P2-18
Application for: Use Variance and Bulk Variance to construct Residence on undersized lot in Agricultural Zone
Completeness Hearing: February 21, 2018
Technical Hearing: March 12, 2018
Findings of fact:

1. Applicant was represented by Warren H. Carr, Esq.
2. Applicant is the owner of Block 704, Lot 1, which is a triangularly shaped lot on the corner of Centerton Road and Richards Road in the Agricultural Zone. The property address is 243 Centerton Road.
3. Applicant seeks to construct a 1340 square foot single-family residence on the lot, which is 2.17 acres in size.
4. A minimum lot size of 6 acres is required in the Agricultural Zone for the construction of a residence, with 5 of those acres used exclusively for agricultural purposes.

5. Applicant's Counsel conceded during the hearing that Applicant was therefore seeking a Use Variance, and required Bulk Variances, for the construction of the aforementioned Residence.

6. Applicant requires Bulk Variances for lot width (330' where 500' is required), and lot area (6 acres required, 2.17 acres provided). This is an existing, non-conforming condition. The residence is proposed to meet the other bulk standards for the Agricultural Zone.

7. Applicant appeared for a Completeness Hearing on February 21, 2018. The Application was deemed Complete and a Public Hearing scheduled for March 12, 2018 via Resolution 6-2018.

8. The Board accepted 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.

9. Sam Regalbuto was sworn and gave testimony on behalf of the Applicant. Mr. Regalbuto has constructed a number of homes locally, and owns a landscaping supply business and a septic installation business. He has a prospective buyer for the proposed new residence.

10. The lot in question was purchased through a Realtor who informed Applicant that it was a buildable lot. When alerted to the problem, the Realtor approached both contiguous neighboring property owners, neither of whom were willing to sell additional acreage to Applicant.

11. Applicant testified that neither neighbor's parcel met the current 6-acre standard in the Agricultural Zone.

12. The proposed residence will be a prefab rancher of similar design to the neighboring home on Richards Road. It will have a basement but no garage.

13. Mr. Regalbuto further testified that the prior owner lived in Pennsylvania and was unable to develop the property during her years of ownership. No one on the Board could recall the small, landlocked parcel being

farmed in the last 20 years.

14. The Board received and considered the February 16, 2018 Report of Board Planner, Randall Scheule, PP/AICP. Planner Scheule was present for and participated in the public hearing.

15. Planner Scheule discussed the Application and the inability of the Applicant to meet the Rural Residence standards, and thus opined that a Use Variance was required. Applicant agreed.

16. Planner Scheule next discussed the standard for the issuance of a “d” variance, regarding special reasons and any potential detriment to the public good, the zone plan or the zoning ordinance.

17. Planner Scheule advised the Board that he had no objection to the granting of the Bulk Variances for lot width and lot area.

18. The Board also received and considered the February 19, 2018 Report of Board Engineer J. Michael Fralinger Jr., who was present and participated in the public hearing.

19. Engineer Fralinger gave testimony regarding County Planning Board and County Board of Health approvals.

20. A motion was made to open the Public Hearing. No one from the public testified for or against the Application.

21. The Board finds that compliance has been had with each of the various requirements of the Open Public Meetings Law, P.L. 1975 c. 231.

NOW THEREFORE BE IT RESOLVED that the Board has carefully considered this matter and finds that good cause exists for the granting of a “d(1)” Variance for the construction of a residence on the lot in question, subject to conditions. The Board also finds, by clear and convincing evidence, that the property in question is especially suited for the proposed use, and that therefore special reasons exist for the granting of the aforementioned Variance, and that the proposed residence does not present a detriment to the public good, nor the Township zoning plan or zoning ordinance.

Comment [RS1]: I think this is d1 since they did not seek relief from the Rural Residence conditional use requirements.

BE IT FURTHER RESOLVED, that the Board further finds that good cause exists for the granting of a Bulk Variance for the pre-existing, non-conforming lot width condition of 330 feet where 500 feet is required, and lot area, (6 acres required, 2.17 acres provided) due to the lot size, shape, and surrounding conditions. Such Bulk Variance relief can be granted without substantial detriment to the public good and that the granting of such variance will not substantially impair the intent and purpose of the zone plan, nor that of the zoning ordinance of the Township of Upper Deerfield.

BE IT FURTHER RESOLVED that the Board does grant the relief described herein subject to the following conditions:

- C-1. Applicant must pay any and all required fees that are due, or become due to the Township, and replenish any outstanding escrow accounts as directed, within seven (7) days' notice thereof.
- C-2. Applicant must comply with all representations made through any representative during the course of Applicant's presentation to the Board, and in all documents filed with the Application.
- C-3. Applicant shall obtain approvals and permits as may be required by any other agency having jurisdiction, including, but not limited to the Cumberland County Planning Board, Cumberland-Salem Soil Conservation District, and Cumberland County Board of Health.
- C-4. Applicant must comply with any requirements imposed by the County Board of Health.
- C-5. That compliance be had with all other requirements of the Upper Deerfield Township Development Ordinance and building code.
- C-6. Any further development of the lot will be subject to the bulk standards of the R-1 Residential Zone.
- C-7. The Planning Board Planner and Planning Board Engineer are hereby delegated the authorization to approve minor site plan changes requested by the Applicant or Applicant's Professionals, provided that such minor changes are consistent with the Board's approval. Any such changes will be reported to the Planning Board at its next regular meeting.

Comment [RS2]: R1 requires minimum 2 acre lot, and all setbacks as proposed will comply

Applicant Solar City DBA TESLA, Inc. for (KMT) 901/5, 5, 6, 7 1042 Parsonage Road Preliminary and final major Site Plan Approval for Solar array Accessory Use with Bulk Variances Public Hearing was represented by Attorney Harvey Johnson, Mike Williams, Bethann Grasso, Qais Feroz, Becky Koze. Professionals presented changes that the Board requested from the prior meeting. Planner Scheule updated his report.

On motion of Russell Vanella seconded by Joseph Spoltore the public hearing was opened. Sandy Morrissey questioned if the applicant is made to adhere to the tree ordinance and should replace x number of trees could the x number of trees be planted someplace else in the Township.

Lynn Maun commented she is proponent for using native species and native insect pollination is in

dire straits. She found Pinelands Nursery has native seed mixture specifically for solar arrays low growing, flowering grasses.

On motion of Anthony Buono seconded by Jack Waselik the public hearing was closed.

On motion of Russell Vanella seconded by Joseph Spoltore the Board Approved the application for Major Site Plan Preliminary and Final with Variances.

Roll Call

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

On motion of Jack Waselik seconded by Robert Comer the public portion of the meeting was opened. Mrs. Lorraine Richmond of 127 Old Burlington Road block 801 lot 7.01 came before the Board to explain she would like to add an addition to her home which is on a non conforming lot. Solicitor Ritter explained what she would need to do with regard to filing an application and to follow up with the board secretary.

On motion of Wayne Sabota seconded by Anthony Buono the public portion of the meeting was closed.

Being no further business on motion of Joseph Spoltore seconded by Robert Comer the meeting was adjourned.

Respectfully Submitted,

Vicki Vagnarelli
Secretary