

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, August 13, 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: Robert Comer, Joseph Spoltore, Jack Waselik, Anthony Buono, Terry O'Neill, Kenneth Jackson alt 2, Wayne Sabota alt 3 (arrived 7:04),

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

Absent: Scott Smith, Laura Hayes alt 1, Solicitor Matthew Ritter, Esq.

On motion of Russ Vanella seconded by Robert Comer, Minutes of July 9, Approved.

On motion of Anthony Buono seconded by Jack Waselik Resolution 13-2018 was memorialized.

RESOLUTION 13 - 2018

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

Applicant's Name: George and Scarlett Weist
Application No.: P5-18
Application for: Use Variance for Residence in Agricultural Zone
Property: Block 1003, Lot 8.07
Completeness Hearing: July 9, 2018
Technical Hearing: July 9, 2018
Findings of fact:

1. Applicants appeared before the Board without legal counsel.
2. Applicants are the owners of Block 1003, Lot 8.07, commonly known as 74 Seeley Road in the Agricultural Zone. The lot is one acre in size.
3. Applicants were sworn and gave testimony regarding their desire to construct a residence on Lot 8.07.

4. The Agricultural Zone does not permit residential dwellings unless associated with a farm. The ground across the street from Applicant's lot is zoned R-1. In the neighborhood, there are numerous residences on lots sized similarly to Applicants' lot.

5. The Board accepted as factual the plans and documents submitted by and on behalf of the applicant.

a. Application form dated June 23, 2018

b. Application for Zoning Permit dated June 25, 2018

6. Michael Weist, neighboring property owner and father of applicant George Weist, was sworn and gave testimony regarding the history of lot 8.07, which he sold to his son on March 12, 2018.

7. Mr. Weist recalled that the lots had been subdivided by his parents in the 1970s.

8. The Board received and considered the July 6, 2018 Report of Board Planner, Randall Scheule, PP/AICP. Planner Scheule was present for and participated in the public hearing.

9. Planner Scheule next discussed the standard for the issuance of a "d" variance. He explained the special reasons concept and the need for the Board to consider any potential detriment to the public good, the zone plan or the zoning ordinance.

10. Planner Scheule opined that the Applicants' testimony had met the standard for the granting of a use variance pursuant to N.J.S.A. 40:55D-70(d)(1).

11. Planner Scheule further indicated that any approval should be conditioning on the proposed residence complying with the R-2 Residential Zoning District bulk standards.

12. Engineer J. Michael Fralinger, Jr. was present and participated in the hearing. He had no objection to the use variance.

13. A motion was made to open the Public Hearing.

14. Daniel and Sharon Bowen, owners of 72 Seeley Road (lot 8.05) were sworn. They indicated their concerns regarding the installation of a well and septic on Applicants' lot. The Board Engineer was able to address those issues.

15. After hearing from their Professionals, the Board deemed the Application complete.

16. 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 special reasons exist for the granting of the aforementioned Variance. The Board further finds that the proposed residence does not present a detriment to the public good, nor to the Township zoning plan or zoning ordinance.

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

- C-1. Applicants 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. That compliance be had with all other requirements of the Upper Deerfield Township Development Ordinance and building code; and
- C-5. Any further development of the lot will be subject to the bulk standards of the R-2 Residential Zone.

Roll Call

Ed Overdeest – Aye

Robert Comer, Aye

Scott Smith – Absent

Joseph Spoltore – Aye

Vacant seat

Laura Hayes, Alt #1 – Absent

Wayne Sabota, Alt #3 Aye

Russell Vanella – Aye

Terry O'Neill – no vote

Jack Waselik – Aye

Anthony Buono, Sr. - Aye

Kenneth Jackson, alt #2 - Aye

Vacant seat, Alt # 4

APPLICANT/DEVELOPMENT

Mr. Louis Hankin & Mr. Anthony John Hibbeln – (purchased Stone Bridge Run) Block 1808 Lots 2, 3, 16, 17, Laurel Heights Drive – Request for One Year Extension –Request reschedule September 10 meeting

PUBLIC HEARING

Preliminary Investigation report for the proposed Bristol Pond Redevelopment Area which involves Block 1901 Lots 15, 15.02, 15.03, 16 and a portion of Lot 8

Planner Randall Scheule reviewed/discussed changes within report.

Attorney Robert Washburn who represents AB Realty LLC had professionals Stephen Patron developer representing AB Realty LLC, David Roberts, Laura Staines-Giardino, and Eric Little Hales attend to give testimony on behalf of the project Bristol Ponds and answer questions the Board and the public might have. Laura Staines Giardino along with other professionals for Bristol Pond explained the project.

After review of project on motion of Russ Vanella second by Jack Waselik the Public Hearing was opened. Dean Hawk requested the board be turned to face audience and explain project again.

He questioned how the road being discussed would get to Big Oak Road.

On motion of Joseph Spoltore seconded by Wayne Sabota the Board approved revised preliminary investigation report for proposed Bristol Pond.

Roll Call

Ed Overdevest – Aye

Robert Comer, Aye

Scott Smith – Absent

Joseph Spoltore – Aye

Vacant seat

Laura Hayes, Alt #1 – Absent

Wayne Sabota, Alt #3 Aye

Russell Vanella – Aye

Terry O’Neill – Aye

Jack Waselik – Aye

Anthony Buono, Sr. - Aye

Kenneth Jackson, alt #2 - Aye

Vacant seat, Alt # 4

On motion of Wayne Sabota seconded by Joseph Spoltore the public portion of the meeting was opened and being no one came before the Board on motion of Jack Waselik seconded by Robert Comer the public portion was closed.

Russ Vanella questioned Mr. Spoltore on status of older approved applications and why fence around Lidl. Lidl currently in limbo and fence is to keep people out of building, Solar fields non existents, Medexpress building cleaned up and in limbo

BOARD MEMBER ADDITIONAL INFORMATION

Scheduled CC Dept. of Planning Matt Pisarski for November 14, 2018 meeting to review Annual Update of Farmland Preservation Plan, incorporated revisions to project area and targeting priorities, to ensure plan continues to reflect municipal interest and garner input from Board members.

Being no further business on motion of Russ Vanella seconded by Jack Waselik the meeting adjourned

Respectfully Submitted,

Vicki Vagnarelli