

**The Regular Meeting** of the Planning Board of the Township of Upper Deerfield was held on Monday, October 18, 2021 via Zoom conferencing platform at 7:00 pm. Acting Secretary's Roy Spoltore and Sherrie Dixon were in the Municipal Building, Seabrook, N.J. while Board members were in their homes.

Chairman: Russell Vanella 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. Both adequate & electronic notice has been provided on the Township web site at least 7 days prior to the next meeting. Documents were available at the Township Building for public inspection at least 2 days prior to the public meeting. The agenda was also posted on the Township web site. Public comment can be submitted through electronic mail or written letter and read aloud and addressed at the public meeting. This is not available on development applications because it is not subject to cross examination. Other public comment will be made available when the board opens up the public portion of the meeting.

**Present:**

**Chairman:** Russell Vanella

**Vice Chairman:** Jack Waselik

**Members:** Scott Smith, Kenneth Jackson, Joseph Spoltore, Wayne Sabota alt 1, William Whelan, alt 2

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

**Absent:** Anthony Buono, Laura Hayes, Tony Lamanteer, Terry O'Neill, William Taylor, alt 3, Brent Bodine, alt 4.

On motion of Jack Waselik, seconded by Joseph Spoltore, with a unanimous vote the minutes of September 13, 2021 were approved.

**PROFESSIONALS/COMMITTEE/COMMISSION**

Randall Scheule reviewed the following items to possibly be amended in the zoning ordinances

- a. Discussion Mahlan – B1 to B2 proposal. The Board reviewed changing the B1 zone off Highway 77 in Seabrook to a B2 zone and the different permitted uses between the two zones. The Planner presented his master plan consistency report.
- b. Discussion Block 1207 zone change to permit warehouse uses or allowing Redevelopment area Business Park zone designation to allow for warehousing. The Board reviewed the Planners initial concepts that would permit additional uses in Block 1207 and Block 1202 or change the zoning. After discussion and a recommendation by the planner the Board asked the planner to prepare a draft ordinance that would permit additional uses, specifically warehousing and light manufacturing in the Business Park zone.

On a motion of Jack Waselik, seconded by Ken Jackson, the following resolution was memorialized.

**Roll Call**

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – Absent

Anthony Buono Sr.- Absent

Kenneth Jackson – Aye

Wayne Sabota Alt #1- Aye

William Taylor Alt #3 - Absent

Jack Waselik – Aye

Scott Smith – Aye

Joseph Spoltore – Aye

Laura Hayes – Absent

William Whelan, Alt #2 – Aye

Brent Bodine, Alt #4 – Absent

RESOLUTION 18-2021

**Township of Upper Deerfield Planning Board**

**Applicant's Name:** Katie B. Coleman  
**Application No.:** P-8-2021  
**Application For:** Minor Subdivision  
**Property:** Block 202, Lots 17 & 18 (1549-1553 Highway 77)  
**Public Hearing:** September 13, 2021

**Findings of Fact:**

1. Applicant, who is an Attorney at Law, appeared before the Board, self-represented. The owner of Lot 17 is the Katie B. Coleman Irrevocable Trust.
2. Tax Map Lot 17 is an irregularly shaped 2.86-acre parcel in the Township's B-2 zoning district. It is presently improved with three residential dwellings, which are non-conforming.
3. Tax Map Lot 18 contains a church, cemetery, and residential dwelling, and has 510.48' of frontage along Route 77.
4. Applicant proposes a lot line adjustment which would reduce Lot 17 to 1.84 acres, and increase Lot 18 from 2.39 acres to 3.41 acres.
5. The proposed minor subdivision would allow the Church to expand the existing church cemetery. However, no development is proposed at this time.
6. Lot 17 has pre-existing non-conformities for front yard setback and side yard setback, which are not affected by the proposed subdivision.
7. Likewise, Lot 18 has a pre-existing non-conformity for side yard setback, which is not affected by the proposed subdivision.
8. The Board received and considered the following:
  - a. Land Development Application
  - b. Minor Subdivision Plan prepared by Zenith/Nadir Survey, dated April 10, 2021

c. Aerial photograph

9. The Board voted unanimously to deem the application complete after Waivers were granted for:

a. Checklist B, Item 9 – Key Map

b. Checklist B, Item 14 – Signature spaces

c. Checklist B, Item 15 – 200' list

d. Checklist B, Item 17 – Zoning district and requirements

e. Checklist B, Item 22 – contours (no development proposed at this time)

f. Checklist B, Item 27 – Wooded areas indicating predominant species and size (no development proposed at this time)

g. Checklist B, Item 49 – Narrative regarding waivers

h. Checklist B, Item 50 – NJDEP Wetland delineation

10. The Board received and considered the September 3, 2021 Report of Board Planner Randall Scheule, PP/AICP, who was present and participated in the hearing.

11. The Board also received and considered the September 9, 2021 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present and who participated in the hearing.

12. The subdivision will require NJDOT approval as it has frontage along State Highway 77.

13. No public notice was required for the proposed conforming Minor Subdivision. The Chairman did, as a courtesy, inquire of all those present on Zoom if they had any comments about the Application. No members of the public responded.

14. At the Chairman's request, the Board Solicitor then summarized the application, and the standards to be applied.

15. The Board found that compliance was had with each of the various requirements of the Open Public Meetings Law, P.L. 1975 c. 231.

16. The Planning Board has carefully considered this matter and, based upon the representations and testimony presented on the Applicant's behalf, as well as the information set forth in the application materials, and the input from the Board's professionals, finds that good cause exists for the granting of the minor subdivision approval, as requested.

**NOW THEREFORE BE IT RESOLVED** that the Board does hereby grant minor subdivision approval to Applicant, provided that the following conditions are met:

- A. Applicant must pay any and all required fees that are due, or become due to the Township, and replenish any outstanding review escrow accounts as directed, within seven (7) days' notice thereof.
- B. That 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. The 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 and NJDOT.
- D. Applicant shall provide written confirmation of the lot numbers in consultation with the Upper Deerfield Township Tax Assessor.
- E. Applicant shall submit a revised Plan, to the satisfaction of the Board Engineer, which depicts the entirety of Lot 18, and which includes the building setback lines and zoning table for each lot. The revised Plan should also include the missing building height and lot coverage information.
- F. The Applicant must submit to the Board Engineer, for his review and approval, the metes and bounds descriptions to be included in the Deeds which will effectuate the subdivision.
- G. The Applicant must submit to the Board Solicitor, for review and approval as to form, the Deeds that will effectuate the subdivision. The minor subdivision Deeds must contain the statement "Minor subdivision approval of the premises described herein was granted by the Upper Deerfield Township Planning Board at its September 13, 2021 regular meeting, and memorialized on October 18, 2021 in Resolution 18-2021. This text should be followed by signature lines for Russell S. Vanella, the Planning Board Chairman, and Roy Spoltore, Acting Planning Board Secretary.
- H. Once approved by the Board Solicitor, the Applicants must submit the minor subdivision Deeds to the Planning Board Secretary, for signature by the Chairman and Secretary.
- I. The Applicants must comply with all above conditions, prior to the Board Chairman and Secretary signing the Deeds.

- J. Applicant must record the minor subdivision Deeds in the Cumberland County Clerk's Office, and file the Deeds with the Township Engineer and Tax Assessor, within 190 days of the date of adoption of this Resolution.
- K. That compliance be had with all other requirements of the Upper Deerfield Township Development Ordinance and building code.

**BE IT FURTHER RESOLVED** that a Certified copy of this Resolution be furnished to Applicants and Notice of this action be advertised as required by Law.

The undersigned, Secretary of the Upper Deerfield Township Planning Board, hereby certifies that the above is a true copy of a Resolution adopted by said Board on October 18, 2021, to memorialize action taken on September 13, 2021.

**Upper Deerfield Township Planning Board**

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RUSSELL S. VANELLA, Chairman

ATTEST:

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ROY SPOLTRE, Acting Secretary

On a motion of Joseph Spoltore, seconded by Jack Waselik, the following resolution was memorialized.

**Roll Call**

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – Absent

Anthony Buono Sr.- Absent

Kenneth Jackson – Aye

Wayne Sabota Alt #1- Aye

William Taylor Alt #3 - Absent

Jack Waselik – Aye

Scott Smith – Aye

Joseph Spoltore – Aye

Laura Hayes – Absent

William Whelan, Alt #2 – Aye

Brent Bodine, Alt #4 – Absent

RESOLUTION NO. 19-2021

UPPER DEERFIELD TOWNSHIP

PLANNING BOARD

**WHEREAS**, the Township Committee of the Township of Upper Deerfield has requested that the Township Planning Board review an Ordinance intended to amend the Township Land Use Code; and

**WHEREAS**, proposed Ordinance 831 would amend the Zoning Map in Section 405-5 of the Upper Deerfield Township Zoning and Development Code, by changing the zoning district designation of Lots 1, 2 and 3 of Block 805, and Lots 1.02 and 2 of Block 806 from B-1 Business to B-2 Business; and

**WHEREAS**, the Planning Board is assigned referral power, pursuant to NJSA 40:55D-26, under which the Planning Board shall make and transmit to the governing body, within thirty-five days after referral, a Report, including identification of any provisions of a proposed development regulation, revision, or amendment, which are inconsistent with the Master Plan; and

**WHEREAS**, the Planning Board reviewed the proposed Ordinance 831, as required by NJSA 40:55D-64, at its Regular Meeting held on October 18, 2021; and

**WHEREAS**, at said October 18, 2021 Regular meeting, the Planning Board received, reviewed and discussed a Consistency Report, dated October 11, 2021, consisting of five (5) pages, including attachments, and prepared by Board Planner Randall Scheule, PP, AICP.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Township of Upper Deerfield, does hereby find and determine that proposed Ordinance 831, which would amend Zoning Map in Section 405-5 of the Upper Deerfield Township Zoning and Development Code, is consistent with and serves to effectuate the Township's Master Plan. The Board further finds that no provision in the proposed Ordinance is inconsistent with the Master Plan of the Township.

#### **CERTIFICATION**

The undersigned, Chairman of the Upper Deerfield Township Planning Board, hereby certifies that the above is a true copy of a Resolution adopted by said Board on October 18, 2021 to memorialize action taken on that same date.

Upper Deerfield Township Planning Board

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RUSSELL S. VANELLA, Chairman

ATTEST:

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ROY SPOLTORE, Acting Secretary

On a motion of Jack Waselik, seconded by William Whelan, the following resolution was memorialized.

**Roll Call**

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – Absent

Anthony Buono Sr.- Absent

Kenneth Jackson – Aye

Wayne Sabota Alt #1- Aye

William Taylor Alt #3 - Absent

Jack Waselik – Aye

Scott Smith – Aye

Joseph Spoltore – Aye

Laura Hayes – Absent

William Whelan, Alt #2 – Aye

Brent Bodine, Alt #4 – Absent

**RESOLUTION #20-2021**

**Township of Upper Deerfield Planning Board**

**Applicant's Names:** Loretta Dilks

**Application No.:** P-4-2021

**Application For:** Reaffirmation of Minor Subdivision Approval w/ Bulk Variance

**Property:** Block 1102, Lot 3 - 351 Old Deerfield Pike

**Public Hearing:** April 12, 2021 / October 18, 2021 (Reaffirmation)

**Findings of Fact:**

1. On April 19, 2021, the Upper Deerfield Township Planning Board adopted Resolution 9-2021 granting minor subdivision approval to Applicant, along with a variance for frontage upon an improved street.
2. Despite diligent effort, Applicant does not expect to meet the conditions set forth in the original Resolution within the time required by N.J.S.A. 40:55D-47(d).

3. Therefore, Applicant's Attorney, Howard D. Melnicove, Esq., requested a reaffirmation of the minor subdivision approval.

4. At the Board's regularly scheduled meeting of October 18, 2021, the Board concluded that neither the applicable zoning ordinance requirements, nor the facts and circumstances it considered in granting the approval, have changed in a manner that would affect the approval since the date on which the Board adopted the original approval Resolution.

**NOW THEREFORE BE IT RESOLVED** by the Upper Deerfield Township Planning Board that the minor subdivision approval memorialized by Resolution 9-2021 is hereby reaffirmed subject to the following conditions:

- A. The Applicant must comply with all conditions set forth in the original Resolution.
- B. The Applicant must record the approved minor subdivision Deeds with the Cumberland County Clerk, and file copies of the recorded Deeds with the Township Engineer and Tax Assessor, on or before May 4, 2022 (190 days from October 26, 2021, which was the original deadline under Resolution 9-2021). This condition replaces condition "L" of Resolution 9-2021.

**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.

The undersigned, Chairman of the Upper Deerfield Township Planning Board, hereby certifies that the above is a true copy of a Resolution adopted by said Board on October 18, 2021, to memorialize action taken on that same date.

**Upper Deerfield Township Planning Board**

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RUSSELL S. VANELLA, Chairman

ATTEST:

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ROY SPOLTRE, Acting Secretary

On motion of Jack Waselik seconded by Ken Jackson and unanimously carried, the public comment



Upper Deerfield Township Planning Board

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portion of the meeting was opened. Nancy Ridgway stated it was an interesting meeting and she would see everyone next month. With no other comments before the Board, Ken Jackson made a motion, seconded by Wayne Sabota to close the public portion of the meeting unanimously carried.

Bill Whelan informed the Board that the South Jersey Development Council will be holding a presentation to discuss where commercial development is going. Chairman Vanella asked the planner to update his review of food truck regulations and bring it to the Board.

Being no further business, on motion of Jack Waselik, seconded by William Whelan the meeting was adjourned.

Respectfully Submitted

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Roy Spoltore, Acting Secretary

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Sherrie Dixon, Acting Secretary