

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Wednesday, February 17, 2021 via Zoom conferencing platform at 7:00 pm. Acting Secretary Roy Spoltore was in the Municipal Building, Seabrook, N.J. while Board members were in their homes.

Chairman: Russ 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.

Present:

Chairman: Russ Vanella

Vice Chairman: Jack Waselik

Members: Scott Smith, Anthony Buono, Laura Hayes, Kenneth Jackson, Joseph Spoltore, and Wayne Sabota alt 1.

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

Absent:

Anthony Lamanteer, Terry O'Neill, William Whelan, alt 2, William Taylor alt 3, Brent Bodine alt 4 and Theodore H. Ritter, Esq., Solicitor

On motion of Joseph Spoltore, seconded by Wayne Sabota, with a unanimous voice vote, the minutes of February 8, 2021 were approved.

APPLICANT/DEVELOPMENT

AB Bridgeton, 61 Cornwell Drive - 1901/8,15,15.01,15.03,16 B-2, R-3, Preliminary and Final Major Subdivision, Preliminary and Final Major Site Plan. Seeking variance lot frontage on Proposed Lot 15.05, lot width on Proposed Lot 15.06, lot width on Proposed Lot 15.07 and lot size and density on Proposed Lot 15.08.

Attorney Robert Washburn and CES Engineer Erik Littlehales represented the applicant. Mr. Washburn explained that the applicant is requesting completeness approval only this evening. Mr. Littlehales was sworn in as an expert witness by Mr. Ritter. Mr. Washburn and Mr. Littlehales confirmed that they reviewed the completeness reviews submitted from Mr. Scheule and Mr. Fralinger and accepted their findings. Testimony on completeness was given by Mr. Scheule and Mr. Fralinger, noting that the applicant is requesting a waiver on providing a photo, identification of wooded species and location of trees larger than six inches in diameter. Mr. Scheule and Mr. Fralinger had no objections to the waiver requests. With no questions from the board, Jack Waselik made a motion, seconded by Joseph Spoltore, to deem the application complete on a roll call vote.

Roll Call

Russell Vanella - Aye

Jack Waselik - Aye

Terry O'Neill - Absent

Scott Smith - Aye

Anthony Lamanteer - Aye

Joseph Spoltore - Aye

Anthony Buono Sr. - Aye

Laura Hayes - Aye

Kenneth Jackson - Absent

Wayne Sabota Alt #1 - Aye

William Whelan, Alt #2 - Absent

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 - Absent

Randall Scheule reviewed a storm water management ordinance that is being required by NJ Department of Environmental Protection. The Board will need to determine consistency of the new ordinance with the master plan. Mr. Scheule's review of the ordinance finds it to be consistent with the master plan.

Resolutions –

On motion of Jack Waselik seconded by Wayne Sabota the following resolution was memorialized.

RESOLUTION #4_- 2021

Township of Upper Deerfield Planning Board

Applicant's Names: Kyle & Tyler Hoehe

Application No.: P-1-2021

Application For: Minor Subdivision with bulk variance for lot width

Property: Block 2701, Lot 40 (619 Irving Ave.)

Public Hearing: February 8, 2021

Findings of Fact:

1. Applicant Kyle Hoehe appeared before the Board, and was represented by Howard D. Melnicove, Esq. Mr. Hoehe was sworn and gave testimony in support of the application.
2. Applicants are the owners of Lot 40 of Block 2701, which is a 25.41-acre parcel in the R-1 Residential Zoning District. The Lot is commonly known as 619 Irving Avenue.
3. Lot 40 currently contains a single-family dwelling along with wooded areas.
4. Applicants propose to subdivide one new lot from existing Lot 40, which would be reduced from 25.41 to 2.0 acres.
5. Proposed Lot 40.01, which would contain approximately 23 acres, would be flag-shaped with 106.95' of frontage on Irving Avenue.
6. There is currently a driveway encroachment relating to the easterly neighboring Lot 39, which extends parallel to the easterly lot line of proposed lot 40.01. Applicant proposes to redraw the common lot line with Lot 39 to follow the existing electrical poles, entirely encompassing the encroachment. Applicant would then deed that area to the owner of Lot 39 as part of the proposed subdivision.
7. Applicant agreed to file a perfected plan which shows the foregoing division, which is not depicted on the filed plan.

8. The plan will also be revised to indicate the corner markers as set, or to be set.
9. Applicant requires a lot width variance for proposed lot 40.01, which, despite its significant overall size, is less than the required 200' of width when measured at the front setback line, a point set 50' back from the front lot/ROW line.
 10. The Board received and considered the following application materials:
 - A. Application form dated January 14, 2021.
 - B. Plan of Minor Subdivision by Martinelli Group, dated October 22, 2020.
 11. The Board received and considered the January 22, 2021 Report of Board Planner Randall Scheule, PP, AICP. Mr. Scheule was present and participated in the hearing.
 12. The Board also received and considered the February 3, 2021 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME. Mr. Fralinger was present and participated in the hearing.
 13. Upon recommendation from its Professionals, and after granting the following waivers, the Board deemed the application complete and moved to the technical hearing:
 - A. Checklist B – Item 22 – Contours
 - B. Checklist B – Item 27 – Wooded Areas
 - C. Checklist B – Item 30 – Areas disturbed by grading or construction
 14. The hearing was opened to the public and no one spoke for or against the application.
 15. Applicant's Counsel summarized the application for the Board, and the standards to be applied.
 16. The Township Clerk/Administrator indicated to the Board that a conditional approval from the Cumberland County Planning Board had been received.
 17. The Board finds that compliance was had with each of the various requirements of the Open Public Meetings Law, P.L. 1975 c. 231.

18. The Planning Board has carefully considered this matter and finds that good cause exists for the granting of minor subdivision approval, subject to conditions. The Board further finds that the Applicant has satisfied the positive criteria pursuant to N.J.S.A. 40:55D-70(c) for the granting of the requested lot width variance, and that such relief can be granted without causing substantial detriment to the public good. The Board further finds that the granting of the said variance will not substantially impair the intent and purpose of the zone plan, nor the Development Ordinance of the Township of Upper Deerfield.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby grant minor subdivision approval and a bulk variance for lot width, as described above, pursuant to N.J.S.A. 40:55D-70(c), and the provisions of Upper Deerfield Township Development Ordinance, provided that the following conditions are met:

- A. Applicant must comply with all representations made during the course of Applicant's presentation to the Board, and in all documents filed with the Application.
- B. 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.
- C. Applicant shall obtain approvals and permits as may be required by any other agency having jurisdiction.
- D. Applicant shall comply with all other applicable requirements of the Upper Deerfield Township Zoning Ordinance and Building Code.
- E. Applicant shall confirm the proposed lot designations in consultation with the Upper Deerfield Township Tax Assessor.
- F. Applicant shall prepare and file a perfected minor subdivision plan which addresses the technical comments of the Board Planner and Board Engineer, and which also addresses the encroachments along the line bordering neighboring Lot 39.
- G. The Applicant must submit to the Planning Board Engineer, for his review and approval, the metes and bounds descriptions to be included in the Deeds which will effectuate the subdivision.
- H. Applicant's Counsel 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 February 8, 2021 regular meeting, and memorialized on [insert Resolution date] in Resolution [insert Resolution number]." This text should be followed by

signature lines for Russell S. Vanella, the Planning Board Chairman, and Vicki Vagnarelli, Planning Board Secretary.

- I. Once approved by the Board Solicitor, the Applicant must submit the minor subdivision Deeds to the Planning Board for signature by the Chairman and Secretary. The Applicant 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 this Resolution.
- K. The Planning Board Planner, and Planning Board Engineer, are hereby delegated the authorization to approve minor changes provided that such minor changes are consistent with the Planning Board's approval. Any such changes shall be reported to the Planning Board at its next regular meeting.

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, 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 February 17, 2021, to memorialize action taken on February 8, 2021.

UPPER DEERFIELD TOWNSHIP PLANNING BOARD

By: _____
RUSSELL S. VANELLA, CHAIRMAN

ATTEST:

ROY SPOLTRE, ACTING SECRETARY

Roll Call

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – Aye

Anthony Buono Sr.- Aye

Kenneth Jackson – Absent

Wayne Sabota Alt #1- Aye

William Taylor Alt #3 - Absent

Jack Waselik - Aye

Scott Smith – Aye

Joseph Spoltore – Aye

Laura Hayes – Aye

William Whelan, Alt #2 – Absent

Brent Bodine, Alt #4 – Absent

On a motion of Joseph Spoltore, seconded by Anthony Buono, the AB Bridgeton, 61 Cornwell Drive - 1901/8,15,15.01,15.03,16 B-2, R-3, Preliminary and Final Major Subdivision, Preliminary and Final Major Site Plan application was deemed complete on a roll call vote.

Roll Call

Russell Vanella - Aye

Jack Waselik - Aye

Terry O'Neill - Absent

Scott Smith – Aye

Anthony Lamanteer – Aye

Joseph Spoltore – Aye

Anthony Buono Sr.- Aye

Laura Hayes – Aye

Kenneth Jackson – Absent

Wayne Sabota Alt #1- Aye

William Whelan, Alt #2 – Absent

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 – Absent

RESOLUTION #5-2021

Township of Upper Deerfield Planning Board

Applicant's Name(s): AB Bridgeton, LLC

Application No.: P-2-2011

Property: Block 1901, Lots 8, 15, 15.01, 15.03, & 16 (61 Cornwell Drive)

Application For: Major Subdivision and Major Site Plan Approval (Completeness)

Date of Hearing: February 17, 2021

Findings of Fact:

1. Applicant appeared before the Board represented by Robert Washburn, Esq. of Flaster Greenberg, PC.
2. Applicant is the designated Redeveloper for the Bristol Ponds project, having been so designated by Township Resolution 2019-3, and the current owner of Lots 15, 15.03, and 16. Lot 8 (which is minimally impacted) is owned by B&B Plaza Properties, LLC and Lot 15.01 contains the Upper Deerfield Volunteer Fire Company #3.
3. By way of background, the Board conducted a properly advertised public hearing on December 14, 2015, and thereafter adopted Resolution 15-2015, which declared the Bristol Ponds site to be an Area in Need of Redevelopment.

4. Thereafter, on June 7, 2018, the Township Committee adopted Resolution 18-121, which directed the Planning Board to update its designation, if necessary, with reference to a proposed Redevelopment Plan.

5. As directed, the Board considered the July 6, 2018 Preliminary Investigation Bristol Ponds Redevelopment Area Report of Board Planner Randall E. Scheule, PP/AICP, and conducted a public hearing. The Board then adopted Resolution 14-2018 which found the Bristol Ponds site (including the part of Lot 8 which is proposed to be overlaid with an easement) to be an Area in Need of Redevelopment.

6. The Board next considered the September 4, 2018 Redevelopment Plan prepared by David G. Roberts, PP/AICP, which was presented to the Board at its November 19, 2018 meeting. Said meeting was duly noticed according to Statute.

7. Thereafter, the Planning Board adopted Resolution 20-2018, finding that the Redevelopment Plan was consistent with the Township's Master Plan, and recommending to the Township Committee that the Plan be adopted.

8. The Bristol Ponds Redevelopment Plan was adopted by the Township Committee on March 21, 2019, by way of Resolution 2019-04. The Plan indicates that the anticipated development will consist of approximately 20.98 acres of residential, 7.12 acres of commercial, 1.80 acres of public, and 21.03 acres of open space.

9. The Concept Plan, located at figure 4 of the Plan, illustrates a development consisting of 240 residential units, a 10,000 SF sports bar, a 10,000 SF package goods store, and a 27,000 SF self-storage facility.

10. At a special meeting, properly advertised and held on February 4, 2021, the Applicant appeared before the Township Committee, sitting as the Redevelopment Entity, seeking a consistency determination for the within development proposal.

11. As part of their review, the Redevelopment Entity considered a document dated January 27, 2021, titled Summary of Plan Modifications, prepared by Consulting Engineer Services.

12. At the aforementioned meeting of February 4, 2021, the Redevelopment Entity found and determined that the proposed plan modifications were consistent with the previously adopted Redevelopment Plan. A Resolution is forthcoming.

13. The submitted application includes a major subdivision creating eight (8) new lots, and a major site plan proposing 242 residential units, 27,000 SF of self-storage, and 18,000 SF of commercial space in two buildings.

14. Access to the commercial sites is proposed from Cornwell Drive via a private road (Ponds Lane), while access to the residential neighborhood and club house, via Bristol Lane, is proposed from a widened and improved Shop Rite access road.

15. A stormwater basin is proposed adjacent to the clubhouse.

16. The Board received and considered the following plans and documents which make up the development application:

- A. Correspondence from Erik Littlehales, PE to Roy Spoltore, dated January 25, 2021.
- B. Upper Deerfield Planning Board Application, dated January 20, 2021.
- C. Plan of Survey and Topography prepared by Consulting Engineer Services ("CES"), dated June 30, 2017, last revised September 16, 2019.
- D. Major Subdivision Plan by CES, dated January 20, 2021.
- E. Preliminary and Final Major Site Plan and Preliminary and Final Major Subdivision Plan (31 sheets), prepared by CES, dated January 25, 2021.
- F. Roadway Improvement Plan (7 sheets), CES, dated January 25, 2021.
- G. Architectural Plans (9 sheets), by L&M Design, LLC, January 19, 2021.
- H. Stormwater Management Report (CES), November 2019, last revised January 2021.
- I. Maintenance Plan for Stormwater Management Measures (CES), January 2021.
- J. Environmental Impact Statement (CES), dated January 25, 2021.
- K. Traffic Impact Study, Maser Consulting, August 23, 2019, last revised January 25, 2020 (2021).

- L. Summary of Plan Modifications, CES, January 27, 2021.
- M. Township of Upper Deerfield Resolution 2019-03, December 5, 2019.
- N. Township of Upper Deerfield Resolution 2019-04, December 19, 2019.
- O. Bristol Ponds Redevelopment Plan, David G. Roberts, AICP, PP, LLA, LEED, APNO, DG Roberts Planning and Design, LLC, adopted March 21, 2019.

17. As proposed, the Applicant's development requires the following bulk variances:

- A. Proposed lot 15.05 – minimum lot frontage 100' (0' proposed)
- B. Proposed lot 15.06 – minimum lot width 200' (194' proposed)
- C. Proposed lot 15.07 – minimum lot width 200' (179' proposed)
- D. Proposed lot 15.08 – minimum lot size 20 acres (7.88 ac proposed)
- E. Proposed lot 15.08 – maximum density 12DU/ac (16.75DU/ac proposed)

18. Applicant's Engineer, Erik Littlehales, PE, of Consulting Engineer Services, was sworn and qualified as an expert witness. Mr. Littlehales gave testimony regarding the project and answered questions posed by members of the Board.

19. The Board received and considered the February 9, 2021 Completeness Review of Board Planner Randall Scheule, PP/AICP of Scheule Planning Solutions, LLC. Mr. Scheule was present and participated in the hearing.

20. The Board also received and considered the February 12, 2021 Completeness Review of Board Engineer J. Michael Fralinger, Jr., PE, CME. Mr. Fralinger was present and participated in the hearing.

21. The Applicant requested, and after consultation with its Professionals, the Board granted Waivers from the following items contained in Upper Deerfield's Checklist for Submissions – Schedule B:

Preliminary Major Subdivision

- 20. Provide a Polaroid or other similar photograph of the premises in question taken from the opposite side of the street.

27. Wooded areas indicating predominant species and size.
28. Location of trees six inches or more in diameter, as measured four feet above ground level, outside of wooded area, designating species of each.

Final Major Subdivision

20. Provide a Polaroid or other similar photograph of the premises in question taken from the opposite side of the street.

Preliminary Major Site Plan

20. Provide a Polaroid or other similar photograph of the premises in question taken from the opposite side of the street.
27. Wooded areas indicating predominant species and size.
28. Location of trees six inches or more in diameter, as measured four feet above ground level, outside of wooded area, designating species of each.

Final Major Site Plan

20. Provide a Polaroid or other similar photograph of the premises in question taken from the opposite side of the street.

22. The Board finds, based upon the submissions and testimony of the Applicant, and the recommendations of its professional staff, that the application can be deemed complete for purposes of scheduling the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Upper Deerfield deems the Application of AB Bridgeton, LLC complete, subject to the following conditions:

- C-1. Applicant will rectify any financial responsibility to the Township.
- C-2. Applicant will comply with all other requirements of the Upper Deerfield Township Development Ordinance and Redevelopment Plan.
- C-3. Applicant shall comply with the statutory notice requirements respecting this application.
- C-4. The public hearing shall be conducted on March 15, 2021, or such later time as may be fixed.

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 February 17, 2021, to memorialize action taken on that same date.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

Randall Scheule review of the storm water management ordinance finds it to be consistent with the master plan. On a motion of Joseph Spoltore, seconded by Jack Waselik, the storm water management ordinance was deemed consistent with Master Plan by resolution on a roll call vote.

Roll Call

Russell Vanella - Aye

Jack Waselik - Aye

Terry O'Neill - Absent

Scott Smith – Aye

Anthony Lamanteer – Absent

Joseph Spoltore – Aye

Anthony Buono Sr.- Aye

Laura Hayes – Aye

Kenneth Jackson – Aye

Wayne Sabota Alt #1- Aye

William Whelan, Alt #2 – Absent

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 – Absent

RESOLUTION NO. 6-2021

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 820 will replace the existing Municipal Stormwater Control Ordinance, which is Chapter 345 of the Township Code; 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 as required by NJSA 40:55D-64, at its Regular Meeting held on February 17, 2021; and

WHEREAS, at said February 17, 2021 Regular meeting, the Planning Board received, reviewed and discussed a Consistency Report, dated February 12, 2021, consisting of three (3) pages, 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 the above referenced Ordinance, which replaces the current the Municipal Stormwater Control Ordinance, Chapter 345, 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 February 17, 2021 to memorialize action taken on that same date.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

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

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the public portion of the meeting unanimously carried.

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

Respectfully Submitted

Roy Spoltore, Acting Secretary