

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, April 12, 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.

Vice Chairman: Jack Waselik 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:

Vice Chairman: Jack Waselik

Members: Scott Smith, Anthony Buono, Laura Hayes, Kenneth Jackson (7:05), Anthony Lamanteer, Joseph Spoltore, and William Whelan, alt 2.

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

Absent: Russ Vanella, Terry O'Neill, Wayne Sabota alt 1, William Taylor alt 3, Brent Bodine alt 4 and Theodore H. Ritter, Esq., Solicitor

On motion of Joseph Spoltore, seconded by Scott Smith, with a unanimous voice vote, the minutes of March 15, 2021 were approved.

On a motion of Joseph Spoltore, seconded by Anthony Buono, the following resolution was memorialized.

Roll Call

Russell Vanella - Absent

Terry O'Neill - Absent

Anthony Lamanteer – Aye

Anthony Buono Sr.- Aye

Kenneth Jackson – Aye

Wayne Sabota Alt #1- Absent

William Taylor Alt #3 - Absent

Jack Waselik - Aye

Scott Smith – Aye

Joseph Spoltore – Aye

Laura Hayes – Aye

William Whelan, Alt #2 – No Vote

Brent Bodine, Alt #4 – Absent

RESOLUTION # 7-2021

Township of Upper Deerfield Planning Board

Applicant's Name: AB Bridgeton, LLC

Application No.: P-2-2011

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

Application For: Preliminary and Final Major Subdivision Approval, and Preliminary and Final Major Site Plan Approval with "C" Variances

Public Hearing: March 15, 2021

Findings of Fact:

1. Applicant was represented by Robert M. Washburn, Esq., of Flaster Greenberg, who appeared and presented the application on its behalf.

2. Applicant is the owner of Lots 15, 15.03 and 16 of Block 1901. Development is also proposed on contiguous Lot 15.01 (Upper Deerfield Fire Company #3) and Lot 8 (B&B Plaza Properties, LLC), known as Laurel Plaza.

3. The property in question is identified as 61 Cornwell Drive, and sometimes referred to as the Bristol Ponds Redevelopment Area.

4. Applicant has requested Preliminary and Final Major Subdivision Approval and Preliminary and Final Major Site Plan Approval for the development of residential, commercial, public and open space components, on approximately 63.5 acres, pursuant to the Bristol Ponds Redevelopment Plan.

5. The Application was deemed Complete on February 17, 2021, pursuant to Board Resolution 05-2021.

6. The Board received and considered the following:

- A. Transmittal letter from Erik Littlehales, PE to Roy Spoltore dated January 25, 2021;
- B. Upper Deerfield Planning Board Application dated January 20, 2021 with completed Checklists;
- C. Plan of Survey and Topography by Consulting Engineer Services (CES), dated June 30, 2017, last revised September 16, 2019;
- D. Major Subdivision Plan, CES, January 20, 2021;

- E. Preliminary and Final Major Site Plan and Preliminary and Final Major Subdivision Plans (31 sheets), CES, January 25, 2021;
- F. Roadway Improvement Plans (7 sheets), CES, January 25, 2021;
- G. Architectural Plans (9 sheets), 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, January 25, 2021;
- K. Summary of Plan Modifications, CES, January 27, 2021;
- L. Township of Upper Deerfield Resolutions 2019-03 (December 5, 2019) and 2019-04 (December 19, 2019);
- M. Bristol Ponds Redevelopment Plan, David G. Roberts, PP/AICP, adopted March 21, 2019.

7. The application proposes eight (8) new lots with 242 residential units, 27,000 square feet of self-storage, and 18,000 square feet of commercial space in two buildings. Applicant also proposes the dedication of additional acreage to the neighboring Fire Company.

8. Proposed Lot 8 (2.766 acres) will be dedicated to the Township as a public right-of-way, and will contain the existing Laurel Plaza access drive, from Cornwell Drive, which will be upgraded to Township standards, including the installation of a traffic signal.

9. Lot 8.02 (10.907 acres) contains the existing shopping center (Laurel Plaza) which will be reduced from 13.672 acres, by the dedication to the Township of the Cornwell Drive access road.

10. Lot 15.04 (1.073 acres) contains the Upper Deerfield Volunteer Fire Company #3, which will increase in size from 0.63 acres. No additional development is presently proposed for this Lot.

11. Proposed Lot 15.05 (2.756 acres) would have no frontage on a public street, contain eight self-storage buildings totaling 27,000 square feet, along with a 1,200 SF office building and related improvements.

12. Proposed Lot 15.06 (1.080 acres) would contain an 8,000 SF package goods store with parking/circulation areas.

13. Proposed Lot 15.07 (2.842 acres) would contain a 10,000 SF sports bar with parking/circulation areas.

14. Proposed Lot 15.08 (7.882 acres) would contain 8 two-story apartment buildings with 132 total units.

15. Proposed Lot 15.09 (34.130 acres) would contain 7 two-story apartment buildings with 108 total units, a clubhouse (with two employee units), a sanitary pump station, and stormwater management facilities.

16. The application requires several variances:

A. Lot 15.05 – Minimum lot frontage (100' required pursuant to N.J.S.A. 40:55D-35, 0' proposed)

B. Lot 15.06 – Minimum lot width (200' required, 194' proposed)

C. Lot 15.07 – Minimum lot width (200' required, 179' proposed)

D. Lot 15.08 – Minimum lot area (20 acres required, 7.88 acres proposed)

E. Lot 15.08 – Maximum density (12 du/ac required, 16.75 du/ac proposed)

17. Erik Littlehales, PE, of CES, Applicant's Engineer, was sworn, qualified as an expert, and gave testimony.

18. David G. Roberts, PP/AICP, Applicant's Planner, was sworn, qualified as an expert, and gave testimony.

19. The Board received and considered the March 11, 2021 Report of Board Planner Randall Scheule, PP/AICP who was present and participated in the hearing. Mr. Scheule reviewed his Report, point by point, with the Applicant and the Board.

20. The Board also received and considered the March 11, 2021 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present and participated in the hearing. Mr. Fralinger likewise reviewed his Report, point by point, with the Applicant and the Board.

21. The Board also received and considered the March 12, 2021 Traffic Engineering Review Report of David R. Shropshire, PE, PP, who was present and participated in the hearing. Mr. Shropshire also reviewed his Report, point by point, with the Applicant and the Board.

22. All substantive issues from the Professionals' Review Letters were resolved with the exception of trash facilities, mail distribution, and recreational facilities.

23. Steve Patron, a representative of the Applicant, led a discussion with the Board and its Professionals regarding the unresolved issues.

24. Mr. Patron indicated that end users had not been identified for the commercial uses, thus architectural plans were unavailable at this time. As a result, the Applicant indicated that it would only seek Preliminary Major Site Plan Approval for Lots 15.06 and 15.07, at this time.

25. The Applicant agreed to eliminate the package goods freestanding sign, and indicated that the existing Shop Rite sign at the Cornwell Drive and access drive intersection would remain unchanged.

26. Maurice Rached of Colliers Engineering and Design, Applicant's Traffic Engineer, was sworn and gave testimony in response to the Report of Mr. Shropshire.

27. The Applicant further indicated that it had decided to combine proposed lots 15.08 and 15.09, consolidating the residential parcels and open space into a single lot. Such a change would eliminate the need for bulk variances for density and lot area noted above.

28. As a result of that change, and the outstanding issues concerning trash collection, mail delivery, and recreational facilities, the Applicant consented to the Board only considering the granting of Preliminary Major Subdivision and Preliminary Major Site Plan approvals at this time.

29. A discussion ensued, and considering that Applicant had already given notice for Final Approvals, the Board agreed to make an announcement, at the conclusion of the hearing (and if Preliminary Approvals were granted), that the request for Final Approvals would be heard at the Board's April 19, 2021 meeting.

30. The Board then opened the meeting to the public.

31. No members of the public spoke, and the meeting was closed to the public.

32. The Applicant indicated that any updated materials would be provided for public inspection, in accordance with the Development Ordinance, at least ten (10) days prior to the April 19, 2021 meeting.

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

34. 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 preliminary major site plan approval and preliminary major subdivision approval, along with the requested bulk variances, subject to conditions.

NOW THEREFORE BE IT RESOLVED by the Board that, for the foregoing reasons, preliminary major site plan approval, and preliminary major subdivision approval, along with the requested bulk variance relief, are hereby granted subject to the following conditions:

- A. That compliance be had with all other applicable requirements of the Upper Deerfield Township Development Ordinance and Building Code.
- B. That Applicant obtain approvals from all other agencies having jurisdiction including, but not limited to the Cumberland County Planning Board, Cumberland-Salem County Conservation District, Upper Deerfield Township Utility Department, and State of New Jersey. Proof of such approvals shall be filed with the Planning Board Secretary as they are received.
- C. That Applicant must comply with all representations made through any witness and/or representative during the course of applicant's presentation to the Board, and in all documents filed with the application.
- D. That Applicant satisfy any financial responsibility to the Township related to the review of this Application.
- E. Applicant shall provide written confirmation to the Planning Board Secretary once lot numbers are assigned by the Township Tax Assessor.

- F. Applicant shall confer with the Board's Professionals and submit revised plans to the Board, in support of the requested Final Approvals, at least ten (10) days prior to the Board's April 19, 2021 meeting.
- G. Should Applicant receive Final approval(s), an Engineer's estimate of site improvements shall be submitted by the Applicant to the Board Engineer for review and determination of the performance bond and inspection escrow amounts. No work is to be performed on the site until the required funds are in place with the Township.
- H. Prior to commencing construction, Applicant shall obtain required approvals from the Redevelopment Entity and shall enter into a Redeveloper's Agreement with Upper Deerfield Township regarding the project.
- I. All applicable conditions attached to prior Planning Board or Redevelopment Entity approvals remain in effect unless modified by the approvals granted herein.
- J. The Applicant shall comply with the phasing plan which is described in Upper Deerfield Township Resolution 2021-03.
- K. The Planning Board Planner, and Planning Board Engineer, are hereby delegated the authorization to approve minor Site Plan changes requested, 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 April 12, 2021, to memorialize the Board's action taken on March 15, 2021.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTORE, Acting Secretary

Solicitor Matthew Ritter, Esq. stated that the application and public hearing for A Milkhouse Party, LLC, 1714 Route 77, Elmer, NJ – 102/2 A, seeking variance to expand use and increase number of events on preserved farmland would be held on May 10, 2021.

Love Lane Partners, LLC, Love Lane, 1301/1.11 - Final Site Plan. Multiple Community Solar Facilities.

Attorney Al Marmero, Engineer Mike Brown, Principal John Renz and Principal Bradd Forstein represented the applicant. Mike Brown and John Renz were sworn in by the Solicitor. Mr. Marmero explained that the property previously received preliminary site plan approval for the 9 lot subdivision and the applicant is seeking final site plan approval for Lot 1.11 which would provide net metering from the solar array to Cumberland Regional High School. John Renz stated that soil samples were taken along the ROW and frontage and confirmed that lead and arsenic are still present. The applicant intends to replace 24” depth of soil, 32’ wide, for a distance of 450’ along Love Lane, which will be done under the supervision of Marathon Engineering. Engineer Mike Brown stated that the site plans show the easements and landscaping and there would be berms along Love Lane.

Testimony on completeness was given by Mr. Scheule and Mr. Fralinger, and both professionals agreed to waive the requirement for a 200’ list (as no notice was required) and the requirement for a Photo (photographs previously provided). On a motion of Anthony Lamanteer seconded by Anthony Buono, completeness was approved on a roll call vote.

Roll Call

Russell Vanella - Absent

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 – Aye

Wayne Sabota Alt #1- Absent

William Whelan, Alt #2 – Aye

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 – Absent

Technical reviews by professionals were provided to the Board. Randall Scheule reviewed his report and found the following will be needed: filing of the previously approved subdivision with the county, standards for the remediation plan, height of the berm. Michael Fralinger reviewed his comments and conditions for approval located in his report. Mr. Fralinger was concerned about potential damage to Love Lane which was recently paved. He suggested that no patching could be done and if a section is damaged the applicant would repave the entire 450 feet of frontage to the center line. The applicant discussed the decommissioning plan and bond and the landscaping bond. The Applicant also requested an extension of the Use Variance granted in April, 2019, to which the Board was agreeable, given the complicated nature of the project(s) and related remediation. The applicant agreed to the conditions of approval from the professionals and will present a perfected plan. Questions from the board members pertaining to fence location, berms, life of solar panels & their removal and direction of panels were answered by the applicant.

Final Major Site Plan approval for the Applicant’s proposal as depicted on the plan, along with various conditions described by Solicitor Ritter was hereby granted on a motion of Anthony Lamanteer seconded by Anthony Buono and was approved on a roll call vote.

Roll Call

Russell Vanella - Absent

Jack Waselik - Aye

Terry O'Neill - Absent

Scott Smith – Aye

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Anthony Lamanteer – Aye

Joseph Spoltore – Aye

Anthony Buono Sr.- Aye

Laura Hayes – Aye

Kenneth Jackson – Aye

Wayne Sabota Alt #1- Absent

William Whelan, Alt #2 – Aye

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 – Absent

Loretta Dilks, 1102/3 – Minor Subdivision – Subdividing existing lot with homes and making two lots, one for each home – 11.05 acres and 10.07 acres.

Applicant Loretta Dilks was present. Ms. Dilks stated that there are currently two homes on one parcel and she intends to subdivide the 21.12 acre parcel into one 11.05 acre lot and another 10.07 acre lot.

Testimony on completeness was given by Mr. Scheule and Mr. Fralinger, and both professionals agreed to waive the following checklist item requirements: 15, 20, 21, 22, 23, 26, 27, 28, 29, 40, 49 and 50. On a motion of William Whelan seconded by Joseph Spoltore, completeness was approved on a roll call vote.

Roll Call

Russell Vanella - Absent

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 – Aye

Wayne Sabota Alt #1- Absent

William Whelan, Alt #2 – Aye

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 – Absent

Technical reviews by professionals were provided to the Board. Randall Scheule stated that the two homes should be viewed as existing permitted uses in the agriculture zone. A variance for Lot 3 is required as there is no road frontage for this lot as they are using an easement off of Old Deerfield Pike for their access to the property. Mr. Scheule requested that an accommodation be made for a turn around, in the event a fire truck needs to access the property. Ms. Dilks stated that oil trucks access the property to deliver oil and have no trouble turning around. Michael Fralinger reviewed his comments and conditions for approval located in his report. Ms. Dilks stated she would comply the five conditions. Questions from the board members pertaining to material and condition of the access road, width of the access road and access for emergency vehicles were answered by the applicant.

On motion of Joseph Spoltore seconded by Anthony Buono and unanimously approved, the public hearing was opened. There being no comments before the Board, on motion of Joseph Spoltore seconded by William Whelan, the public hearing was closed unanimously.

Matthew Ritter described a motion to approve a minor subdivision, with a variance approval for road frontage. On motion of Anthony Buono seconded by Joseph Spoltore, the application was approved on a roll call vote.

Roll Call

Russell Vanella - Absent

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 – Aye

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Wayne Sabota Alt #1- Absent

William Whelan, Alt #2 – Aye

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 – Absent

PROFESSIONALS/COMMITTEE/COMMISSION

Farmland Preservation – Block 1201, Lot 1 and Block 706, Lots 1, 4 & 4.01

Roy Spoltore stated that the Township received an email today from the State Agricultural Development Committee regarding the possible farmland preservation for Block 1201, Lot 1 and Block 706, Lots 1, 4 & 4.01. The State is requesting comments from the Township within 30 days.

Regarding Block 1201, Lot 1, the Board noted that the parcel has been located in a Redevelopment Area since 2005, is currently zoned for Commercial use, is an approved sewer service location and outside the Agricultural Development Area, 68% of the Township’s land either farmland or woodland assessed, parcel has over 1,000 feet of rail access, access to the Township’s water main along Finley Road, access to a sewer force main along the railroad and is adjacent to a CCUA sewer pump station. The Board therefore voted unanimously to oppose the preservation of Lot 1 of Block 1201.

The three parcels in Block 706 were also discussed. It was first noted that these three parcels are located within the Township’s Farmland Preservation Plan and in a planning incentive area, which would certainly tend to favor preservation. However, although presently zoned agricultural, these parcels are immediately adjacent to the Township Redevelopment Zone, and would potentially have water and sewer access. The Board noted that the parcels have frontage on Big Oak, Richards, and Centerton Roads and discussed the potential impact of the planned Big Oak Road extension. Given the occasionally conflicting goals of preservation and economic development, the Board voted unanimously to take a neutral position on the potential preservation of Lots 1, 2, and 4.01 of Block 706. The Board recommends that the Township Committee review the development potential of these parcels, and the possibility that this ground could be rezoned in the future.

On motion of Anthony Buono seconded by Joseph Spoltore 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 Lamanteer made a motion, seconded by Anthony Buono to close the public portion of the meeting unanimously carried.

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

Respectfully Submitted

Roy Spoltore, Acting Secretary