

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, June 14, 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: 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 (7:18)

Members: Scott Smith (7:20), Laura Hayes, Kenneth Jackson, Anthony Lamanteer, 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 Buono, Terry O’Neill, Joseph Spoltore, William Whelan, alt 2 and William Taylor, alt 3 Brent Bodine, alt 4 and Theodore H. Ritter, Esq., Solicitor

On motion of Anthony Lamanteer, seconded by Wayne Sabota, with a unanimous vote, the minutes of April 12, 2021 were approved.

Cedar Realty Trust Partnership, L.P., 9-47 Cornwell Drive – 1901/2.02 - Minor Subdivision – Subdividing Rite Aid Building from the existing shopping center complex. Variance request for lot coverage and insufficient lot coverage. Attorney Chris Murphy, Engineer Doug Grysko, Planner John McDonough, represented the applicant.

Mr. Murphy explained that this is a Minor Subdivision creating one new lot by subdividing the Rite Aid Pharmacy from the rest of the shopping center and the applicant is seeking approval for two bulk variances.

Testimony on completeness was given by Mr. Scheule and Mr. Fralinger. Mr. Scheule explained that the subdivision is in the B-3 zone and no new development is requested. 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) and noted that three other items were requested to be waived. Mr Grysko, engineer for the applicant stated these three items would be included on the perfected plans. On a motion of Anthony Lamanteer seconded by Ken Jackson, completeness was approved on a roll call vote.

Roll Call

Russell Vanella - Aye

Terry O’Neill - Absent

Anthony Lamanteer – Aye

Anthony Buono Sr.- Absent

Kenneth Jackson – Aye

Jack Waselik - Aye

Scott Smith - Aye

Joseph Spoltore – Absent

Laura Hayes – Aye

Technical reviews by professionals were provided to the Board. Randall Scheule reviewed his report and found the following will be needed: variances granted for minimum lot area and maximum lot coverage, cross easements will be needed as Lot A does not have direct vehicular access to North Pearl Street or Cornwell Drive, final plans will need to be perfected to show items identified in number 10 of his technical review. Michael Fralinger reviewed his comments and conditions for approval located in his report. Mr. Fralinger identified ten technical comments that will need to be modified or obtained prior to the approval of the perfected plan. The applicant's attorney agreed to the conditions of approval from the professionals and will present a perfected plan. Questions from the board members pertained to access, water and sewer easements, ownership of property and maintenance of property. John McDonough, applicant's planner, explained the need for the variances and stated that the benefits outweigh the negative noting that this is a financial subdivision, positive use of the land and promotes the general welfare

On motion of Ken Jackson seconded by Anthony Lamanteer and unanimously approved, the public hearing was opened. There being no comments before the Board, on motion of Anthony Lamanteer seconded by Ken Jackson the public hearing was closed unanimously.

Minor Subdivision approval for the Applicant's proposal as depicted on the plan, approval of the two variances, applicant agreeing to technical review comments along with other conditions described by Solicitor Ritter was hereby granted on a motion of Anthony Lamanteer, seconded by Wayne Sabota, and was approved 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 – Absent

Anthony Buono Sr.- Absent

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

PROFESSIONALS/COMMITTEE/COMMISSION

Randall Scheule reviewed a draft ordinance that allows the Township to opt out of the six licenses permitted by the NJ Cannabis Act that was adopted February 22, 2021. The municipality may prohibit all or permit any of the licenses. If no action is taken the five of the licenses will be permitted in industrial zones and the retail sale will be permitted in business zones. Mr. Scheule reviewed his consistency report that permits the opting out and amends Chapter 405-12B -Prohibited Uses. He added that this permits the Township time to review the laws and determine if there is a license or licenses that would be acceptable to the Township and zoning locations they would be permitted.

On a motion of Ken Jackson, seconded by Laura Hayes, the following resolution was memorialized.

Roll Call

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – Aye

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 – Absent

Laura Hayes – Aye

William Whelan, Alt #2 – Absent

Brent Bodine, Alt #4 – Absent

RESOLUTION # 10-2021

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: Final Major Subdivision Approval and Final Major Site Plan Approval

Public Hearing: April 19, 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. Applicants' representatives and experts (each of which had been previously qualified) were sworn in by the Board Solicitor.
3. 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.
4. The property in question is identified as 61 Cornwell Drive, and sometimes referred to as the Bristol Ponds Redevelopment Area.
5. The Application was deemed Complete on February 17, 2021, pursuant to Board Resolution 05-

6. Applicant received Preliminary Major Subdivision Approval, and Preliminary Major Site Plan Approval, with variances, on March 15, 2021, as memorialized in Resolution 7-2021, adopted April 12, 2021.

7. In addition to the items previously submitted, the Board received and considered the following in conjunction with the request for final approvals:

- A. Transmittal letter from Erik Littlehales, PE to Roy Spoltore dated April 5, 2021;
- B. Preliminary and Final Major Site Plan and Preliminary and Final Major Subdivision Plans, last updated April 1, 2021;
- C. Subdivision Plan, last revised March 25, 2021;
- D. Architectural Plans dated March 29, 2021;
- E. Stormwater Management Report, last revised April, 2021.

8. The revised Plans addressed the many comments of the Board's Professionals as indicated in their respective prior Review Letters.

9. At the time preliminary approvals were granted, there were a few items which remained unresolved: the sizes/layouts of the residential units, mailbox location(s), the consolidation of the residential uses into a single lot, and recreational facilities.

10. Unit sizes were provided by email from Laura Staines Giardino, AIA, PP dated April 16, 2021. Each building will contain sixteen (16) units.

11. The revised Site Plan moved the mailboxes to three separate areas, and each area has a parking spot for the mail delivery vehicle.

12. The revised Subdivision Plan consolidated the residential uses onto a single lot, eliminating the need for bulk variances.

13. The Applicant revised the Site Plan to include a 5' wide, 10-station fitness trail, adjacent to the residential area, approximately ½ mile in length.

14. Additionally, the Applicant submitted concept plans for the Clubhouse, Sport Bar, and Package Goods Store.

15. The Applicant previously received the following variances in conjunction with preliminary approvals:

- 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)

16. The Board received and considered the April 15, 2021 Report of Board Planner Randall Scheule, PP/AICP who was present and participated in the hearing

17. The Board also received and considered the April 16, 2021 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present and participated in the hearing.

18. The Board's Traffic Engineer, David R. Shropshire, PE, PP was unable to issue an additional Report, and was unable to attend the Zoom meeting due to a scheduling conflict.

19. Applicant's Traffic Engineer, Maurice Rached, PE, testified that he had recently spoken to Mr. Shropshire, and that, going forward, the Applicant agrees to address any traffic-related issues raised by Mr. Shropshire/

20. The Applicant agreed to revise the Roadway Improvement Plan to incorporate the proposed traffic signal.

21. Although additional notice for final approvals was not required, the Solicitor had announced at the conclusion of the March 15, 2021 meeting that the request for Final Approvals would be heard at the Board's April 19, 2021 meeting. Therefore, as a courtesy, the meeting was opened to the public.

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

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

24. 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 Final Major Site Plan approval and Final Major Subdivision approval, subject to conditions.

NOW THEREFORE BE IT RESOLVED by the Board that, for the foregoing reasons, Final Major Site Plan approval and Final Major Subdivision approval, 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. 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 deposited with the Township.
- G. Applicant's Engineer shall supply the Board Engineer with connection details for the connection of the water main under the existing railroad tracks. Permission from the railroad and an easement across Township owned Lot 1 of Block 1808 will be required.
- 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. Applicant's Engineer shall submit as-built drawings and certify the functionality of the drainage basin prior to the release of surety.
- L. 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 May 17, 2021, to memorialize the Board's action taken on April 19, 2021.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

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

Roll Call

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – Aye

Anthony Buono Sr.- Absent

Kenneth Jackson – Aye

Jack Waselik - Aye

Scott Smith - Aye

Joseph Spoltore – Absent

Laura Hayes – Aye

RESOLUTION #11 – 2021

Township of Upper Deerfield Planning Board

Applicant's Names: Zachary Large

Application No.: P-5-2011

Application For: Minor Subdivision

Property: Block 1102, Lot 1.01 – 87 DuBois Road

Public Hearing: April 19, 2021

Findings of Fact:

1. Applicant appeared before the Board and was represented by Michael P. Fralinger, Esq.
2. Applicant was sworn and gave testimony in support of the requested minor subdivision.
3. Applicant's grandfather is the owner of Lot 1.01 of Block 1102, an irregularly shaped 18.56-acre parcel with frontage on both DuBois and Seeley-Finley Roads.
4. Applicant proposes to subdivide Lot 1.01, creating two new lots of 6 acres each. Lot 1.01 would be reduced in size to 6.56 acres.
5. All three lots would meet all bulk standards for the Agricultural Zone. There is an existing side yard nonconformity on Lot 1.01 that is not affected by the proposed division.
6. If granted, Applicant proposes to build a house to be near his parents and grandfather. However, no development is proposed at this time.
7. Applicant measured the existing structures and gave testimony that they are conforming as to height.
8. The Board received and considered the following:
 - a. Land Development Application dated March 26, 2021

b. Checklists A and B

c. Plan of Minor Subdivision, prepared by Pennell Land Surveying, Inc., dated February 12, 2021

d. Proposed legal descriptions for Lots 1.01, 1.15 and 1.16.

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

a. Checklist B, Item 15 – 200' list (no notice required)

b. Checklist B, Item 21 – constraints provisions calculations (no development proposed at this time)

c. Checklist B, Item 24 – Floodplains (no development proposed at this time)

d. Checklist B, Item 25 – Watercourses, etc. (no development proposed at this time)

e. Checklist B, Item 26 – Aquifer recharge areas (no development proposed at this time)

f. Checklist B, Item 39 – Road dedication (defer to County) (no development proposed at this time)

10. The Board received and considered the April 14, 2021 Report of Board Planner Randal Scheule, PP/AICP, who was present and participated in the hearing.

11. The Board also received and considered the April 16, 2021 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present and who participated in the hearing.

12. 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.

13. The Board Solicitor instructed the Board that the proposed minor subdivision was “by right” in that it required no variances.

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

15. The Land Use 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. A road widening easement is anticipated.
- D. Applicant shall provide written confirmation of the lot numbers in consultation with the Upper Deerfield Township Tax Assessor.
- E. Applicant shall prepare and file a perfected minor subdivision plan which addresses the technical comments of the Board Planner and Board Engineer. This would include the missing Lot 1.01 information, and corrected front yard setbacks for the new lots, which each have frontage on two streets.
- 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 (submitted with application).
- 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 April 19, 2021 regular meeting, and memorialized on June 14, 2021 in Resolution 11-2021." 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 Land Use Board, hereby certifies that the above is a true copy of a Resolution adopted by said Board on June 14, 2021, to memorialize action taken on April 19, 2021.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTORE, Acting Secretary

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

Roll Call

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – Aye

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 – Absent

Laura Hayes – Aye

William Whelan, Alt #2 – Absent

Brent Bodine, Alt #4 – Absent

RESOLUTION NO. 12-2021

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, the proposed Ordinance will amend the Township’s zoning regulations to prohibit all manner of marijuana-related land use and development within the Township; 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 June 14, 2021; and

WHEREAS, at said June 14, 2021 Regular meeting, the Planning Board received, reviewed and discussed a Consistency Report, dated June 8, 2021, consisting of seven (7) 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 amends section 405-12B of the Upper Deerfield Zoning and Development Code by adding certain prohibited uses related to cannabis, 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 June 14, 2021 to memorialize action taken on that same date.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

Upper Deerfield Township Planning Board

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ROY SPOLTORE, Acting Secretary

On motion of Wayne Sabota 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, Wayne Sabota made a motion, seconded by Ken Jackson to close the public portion of the meeting unanimously carried.

Being no further business, on motion of Wayne Sabota, seconded by Ken Jackson the meeting was adjourned.

Respectfully Submitted

Roy Spoltore, Acting Secretary