

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

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., Theodore H. Ritter, Esq., Solicitor and Acting Secretary Roy Spoltore.

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

On motion of Wayne Sabota, seconded by Ken Jackson, with a unanimous vote, the minutes of June 14, 2021 were approved.

SNJ Properties LLC, 168 Richards Road – 703/21 - Minor Subdivision – Creating 2 Lots from one lot with 2 existing homes. Attorney Howard Melnicove, Esq, represented the applicant, and Daniel Haer the applicant was present.

Mr. Melnicove explained that this is a Minor Subdivision creating two lots from one lot with two existing dwellings. The subdivision will allow each dwelling to be on their own lot. There will be no new development, the dwellings will be rehabilitated, and the county health department requires septic systems to be on their own lot.

Testimony on completeness was given by Mr. Scheule and Mr. Fralinger. Both professionals agreed to the waivers requested by the applicant as there is no new development. On a motion of Joseph Spoltore seconded by Kenneth Jackson, completeness was approved 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.- Absent

Laura Hayes – Absent

Kenneth Jackson – Aye

Wayne Sabota Alt #1- Aye

William Whelan, Alt #2 – Aye

William Taylor Alt #3 - Absent

Brent Bodine, Alt #4 – Absent

Daniel Haer was sworn in and testified that he would be removing a shed, clearing some trees, upgrading the septic systems and rehabbing the dwellings. Technical reviews by professionals were provided to the Board. Randall Scheule reviewed his report and found that the minor subdivision conformed to the zoning requirements when viewing as a non-farm dwelling. He added the applicant would need to comply with his six technical comments. Mr. Fralinger identified three items to bring the application into compliance in his technical report. The applicant's attorney agreed to the conditions of approval from the professionals and will present a perfected plan. Mr. Melnicove noted that the application does not need to have a public hearing as the subdivision conforms to the Township zoning requirements. Mr. Ritter agreed that a public hearing was not required. The chair suggested that the Board open the meeting up to the public since the meeting is being held virtually.

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

Approval for the Minor Subdivision as described by Solicitor Ritter, with the applicant agreeing to the technical review comments was hereby granted on a motion of Kenneth Jackson, seconded by Jack Waselik, and approved 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.- Absent	Laura Hayes – Absent
Kenneth Jackson – Aye	
Wayne Sabota Alt #1- Aye	William Whelan, Alt #2 – Aye
William Taylor Alt #3 - Absent	Brent Bodine, Alt #4 – Absent

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

**Roll Call**

Russell Vanella - Aye	Jack Waselik – No Vote
Terry O'Neill - Absent	Scott Smith - Aye
Anthony Lamanteer – Absent	Joseph Spoltore – No Vote
Anthony Buono Sr.- Absent	Laura Hayes – Absent
Kenneth Jackson – Aye	
Wayne Sabota Alt #1- Aye	William Whelan, Alt #2 – No Vote
William Taylor Alt #3 - Absent	Brent Bodine, Alt #4 – Absent

**Township of Upper Deerfield Planning Board**

**Applicant:** Cedar-Carl's Corner, LLC  
**Application No.:** P-6-2021  
**Application For:** Minor Subdivision with Variances  
**Property:** Block 1901, Lot 2.02 – Cornwell Drive and North Pearl Street  
**Public Hearing:** June 14, 2021 (via Zoom)

**Findings of Fact:**

1. Applicant appeared before the Board represented by Chris J. Murphy, Esq. of Murphy Schiller & Wilkes LLP.
2. The parcel in question contains the Upper Deerfield Rite Aid, which Applicant proposes to subdivide from the existing adjacent shopping center.
3. The existing shopping center is a 14.83-acre parcel, known as Lot 2.02 of Block 1901. It is located in the B-3 Business Zone.
4. Lot 2.02 would be reduced to 13.2 acres, and the newly subdivided Rite Aid lot would contain 1.63 acres.
5. The minimum lot size in the B-3 Zone is 2 acres, so a variance for lot area is required.
6. Additionally, lot coverage for the Rite Aid parcel would be 78.9%, where the maximum coverage permitted is 75%, necessitating a lot coverage variance.
7. No additional development is proposed for either parcel at this time. The proposed minor subdivision was described as a "finance subdivision."
8. The Board received and considered the following:
  - a. Land Development Application dated March 9, 2021;
  - b. ALTA/NSPS Land Title Survey, Millman National Land Services, dated November 25, 2020;
  - c. Subdivision Plan prepared by Dynamic Engineering, dated January 21, 2021.

9. Douglas Grysko, Applicant's Engineer, was sworn and qualified as an Expert.

10. John McDonough, Applicant's Planner, was sworn and qualified as an Expert.

11. The Board received and considered the Completeness comments contained in the May 11, 2021 Report of Board Planner Randal Scheule, PP/AICP, who was present and participated in the virtual hearing.

12. The Board next received and considered the Completeness comments contained in the June 9, 2021 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present and participated in the virtual hearing.

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

- a. Checklist B, Item 7 – Metes and Bounds (to be supplied as a condition of approval);
- b. Checklist B, Item 15 – 200' list (supplied with proofs package);
- c. Checklist B, Item 20 – Polaroid or other photograph;
- d. Checklist B, Item 22 – Contours (no development proposed at this time);
- e. Checklist B, Item 37 – Location of Monuments (to be supplied as a condition of approval).

14. The Board then received and considered the Technical Comments from the Board Planner's May 11, 2021 Report.

15. Cross-access easements will be needed to allow for vehicular access, and for shared utilities, and stormwater controls, if applicable.

16. The Board also received and considered the Technical Comments contained in the Board Engineer's June 9, 2021 Report.

17. The Engineer noted that NJDOT approval was required due to frontage on State Highway 77.

18. Mr. Grysko gave testimony regarding the Site Plan.

19. Mr. McDonough gave planning testimony regarding the necessity of the variances requested. He also discussed business retention and economic development.

20. Mr. McDonough pointed out several nearby businesses occupying lots of less than the required 2 acres.

21. It was noted that there is an existing non-conformity for front yard setback along Cornwell Drive, regarding the building which is presently occupied by Pizza Hut. The required front yard setback for the B-3 zone is 30 feet and the building presently occupied by Pizza Hut is noted as 17.96 feet from Cornwall Drive on the ALTA/NSPS survey provided by the Applicant. That non-conformity is not affected by the proposed subdivision.

22. It was noted that there is an existing non-conformity for excessive impervious lot coverage regarding the lot containing the existing shopping center. That non-conformity is not affected by the proposed subdivision.

23. The meeting was opened to the public on proper Motion, with all voting in favor.

24. No one from the public testified, and the public hearing was closed.

25. The Board Solicitor instructed the Board regarding the development proposal and variance relief requested.

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

27. 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 with the requested bulk variances.

**NOW THEREFORE BE IT RESOLVED** that the Board does hereby grant minor subdivision approval with variances 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 updated 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.
- F. Applicant shall prepare cross-access easements covering both lots, which shall be reviewed and approved by the Board Engineer and Board Solicitor, if applicable. Once approved, the easements shall be recorded with the Cumberland County Clerk.
- G. 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.
- H. 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 June 14, 2021 regular meeting, and memorialized on July 12, 2021 in Resolution 13-2021. This text should be followed by signature lines for Russell S. Vanella, the Planning Board Chairman, and Roy Spoltore, Acting Planning Board Secretary.
- I. Once approved by the Board Solicitor, the Applicant must submit the minor subdivision Deeds to the Planning Board Secretary, for signature by the Board Chairman and Secretary.
- J. The Applicant must comply with all above conditions, prior to the Board Chairman and Secretary signing the Deeds.
- K. 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.
- L. 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 Applicant 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 July 12, 2021, to memorialize action taken on June 14, 2021.

**Upper Deerfield Township Planning Board**

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RUSSELL S. VANELLA, Chairman

ATTEST:

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ROY SPOLTRE, Acting Secretary

**PROFESSIONALS/COMMITTEE/COMMISSION**

There were no Professional or Committee comments this evening.

On motion of Jack Waselik seconded by Kenneth 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, Jack Waselik made a motion, seconded by Kenneth Jackson to close the public portion of the meeting unanimously carried.

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

Respectfully Submitted

Roy Spoltore, Acting Secretary