

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, August 9, 2021 via Zoom conferencing platform at 7:00 pm. Acting Secretary 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

Members: Anthony Lamanteer, Scott Smith, Kenneth Jackson, Wayne Sabota alt 1, William Taylor, alt 3

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

Absent: Jack Waselik, Anthony Buono, Laura Hayes, Terry O'Neill, Joseph Spoltore, William Whelan, alt 2, Brent Bodine, alt 4.

On motion of Ken Jackson, seconded by Wayne Sabota, with a unanimous vote, the minutes of July 12, 2021 were approved.

PROFESSIONALS/COMMITTEE/COMMISSION

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

- a. Accessory Setbacks – The Board reviewed the definition of a garden shed and a discussion occurred about the size of a shed and that electric should be permitted.
- b. Checklist Submission – The Planner wants to updated the checklist
- c. Sign Ordinance – The Board reviewed a sign summary and the Planner will need to review all zoning ordinances to determine consistency.
- d. Ordinance creating definition of Bona Fide Food Services to be consistent with Chapter 114 – the Board agreed that it is consistent with the master plan.

On a motion of Anthony Lamanteer, seconded by Wayne Sabota, the following resolution was memorialized.

Roll Call

Russell Vanella - Aye

Terry O'Neill - Absent

Anthony Lamanteer – No Vote

Anthony Buono Sr.- Absent

Kenneth Jackson – No Vote

Wayne Sabota Alt #1- Aye

William Taylor Alt #3 – No Vote

Jack Waselik – Absent

Scott Smith - Aye

Joseph Spoltore – Absent

Laura Hayes – Absent

William Whelan, Alt #2 – Absent

Brent Bodine, Alt #4 – Absent

RESOLUTION #14- 2021

Township of Upper Deerfield Planning Board

Applicant's Name: SNJ Properties, LLC
Application No.: P-7-2021
Application For: Minor Subdivision
Property: Block 703, Lot 21 – 111 Richards Road
Public Hearing: July 12, 2021

Findings of Fact:

1. Applicant appeared before the Board and was represented by Howard D. Melnicove, Esq.
2. Daniel and Delena Haer, both members of the Applicant LLC, were sworn and gave testimony in support of the requested minor subdivision.
3. Applicant is the owner of Lot 21 of Block 703, commonly known as 111 Richards Road. The property contains 7.68 acres and is improved with two single family residences and various other structures.
4. The lot is located in the Agricultural Zone and within the Bucks Air Hazard Area.
5. Currently, 6.75 acres of the lot is assessed as farmland.
6. Applicant proposes to subdivide Lot 21 into two conforming lots of 4.68 acres and 3.00 acres, respectively. Each lot which will contain one of the existing residences.
7. Both proposed lots meet or exceed the minimum bulk requirements for the zone and no variances are required.
8. Both lots will receive new septic systems.
9. Access is provided via Woodruff Road and Richards Road, both of which are County Roads.
10. No new development is proposed at this time, however Applicant will need to remove an existing frame shed as indicated on the Plan.
11. The Board received and considered the following:
 - a. Land Development Application dated June 25, 2021, with attachments

b. Property descriptions for Lots 21 and 21.02, prepared by Vargo Associates, dated April 12, 2021

c. Minor Subdivision Plan prepared by Vargo Associates, dated April 12, 2021

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

a. Checklist B, Item 20 – Polaroid or photograph

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

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

d. Checklist B, Item 23 – cliffs and rock outcroppings (not applicable)

e. Checklist B, Item 26 – Aquifer recharge areas (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 29 – Areas in which construction is precluded (not applicable)

h. Checklist B, Item 34 – Location of existing well and septic systems

i. Checklist B, Item 39 – Road dedication (defer to County)

j. Checklist B, Item 50 – NJDEP Wetlands delineation (no development proposed at this time)

13. The Board received and considered the July 8, 2021 Report of Board Planner Randal Scheule, PP/AICP, who was present and participated in the hearing. Mr. Scheule indicated that the residences would qualify as “non-farm dwellings” under Ordinance 801, a permitted use in the Agricultural Zone.

14. The Board also received and considered the July 8, 2021 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present and who participated in the hearing.

15. 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.

16. Attorney Melnicove provided a summary of the applicant’s proofs to the Board.

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

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

19. 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 and Cumberland County Health Department. 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 address any plan revisions and provide additional information as may be required by the Planning Board.
- F. Applicant's Surveyor shall confirm that there are no encroachment issues with the existing septic system for Lot 21.02, per the Engineer's review comment.
- 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 (submitted with application).
- 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 July 12, 2021 regular meeting, and memorialized on August 9, 2021 in Resolution 14-2021. 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 Applicants must submit the minor subdivision Deeds to the Planning Board Secretary, for signature by the Chairman and Secretary.

- J. The Applicants 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 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 August 9, 2021, to memorialize action taken on July 12, 2021.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

On a motion of Kenneth Jackson, seconded by Anthony Lamanteer, the following resolution was memorialized.

Roll Call

Russell Vanella - Aye	Jack Waselik – Absent
Terry O'Neill - Absent	Scott Smith - Aye
Anthony Lamanteer – Aye	Joseph Spoltore – Absent
Anthony Buono Sr.- Absent	Laura Hayes – Absent
Kenneth Jackson – Aye	
Wayne Sabota Alt #1- Aye	William Whelan, Alt #2 – Absent
William Taylor Alt #3 - Aye	Brent Bodine, Alt #4 – Absent

RESOLUTION NO. 15-2021

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 in section 405-3, Attachment 2, and Attachment 4 of the Upper Deerfield Zoning and Development Code, by adding a definition for "Bona Fide Food Services" and including Bona Fide Food Services as a permitted use in the B-3 and Town Center zones in 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 August 9, 2021; and

WHEREAS, at said August 9, 2021 Regular meeting, the Planning Board received, reviewed and discussed a Consistency Report, dated August 5, 2021, consisting of eight (8) 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 405-3, Attachment 2, and Attachment 4 of the Upper Deerfield 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 August 9, 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 Kenneth Jackson seconded by Anthony Lamanteer and unanimously carried, the public comment portion of the meeting was opened. There being no public comments before the Board, Kenneth Jackson made a motion, seconded by Wayne Sabota to close the public portion of the meeting unanimously carried.

Russell Vanella reported that he presented the Planning Boards plaque to Ed Overdevest at the Township committee meeting in August and the Township Committee honored Ed Overdevest as well.

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

Respectfully Submitted

Roy Spoltore, Acting Secretary