

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday March 13th, 2023, at 7:00 pm in the Municipal Building, Seabrook, N.J.

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.

Present:

Members: Russell Vanella, Jack Waselik, Anthony Lamanteer Class 2, Anthony Buono Sr, Laura Hayes, William Whelan Alt 1, William Taylor Alt 2, and Edward Geletka Alt 3.

Staff: Planner Randall Scheule, PP, AIC, Engineer Thomas Tedesco Jr., PE, Solicitor Matthew Ritter, Esq. and Acting Secretaries Roy Spoltore and Sherrie Dixon.

Absent: James Crilley Class 1, Joseph Spoltore Class 3, Wayne Sabota and Kenneth Jackson.

On motion of William Whelan, seconded by Anthony Lamanteer, the minutes of the meeting of February 13th were unanimously approved.

APPLICANT DEVELOPMENT:

K & E Holding I LLC – Block 707 Lots 2 & 5 - Fox Road & Centerton Road – 3-year periodic review for renewal of sand and gravel mining operation.

Robert Baranowski, Esq. appeared before the Board, along with K & E employees Scott Lester and Lenny Morris and K&E Engineer Joseph Mancini, PE, PP, for their periodic 3-year review of K & E Holding I LLC sand and gravel mining operation. Mr. Baranowski stated the Township Committee granted the Applicant an extension to April 30, 2023, for the current license, in order to allow for the Board's review of this application filed December 14, 2022. The new 3-year license period would run through December 2025. Mr. Baranowski explained there would be no proposed expansion to the site and they will continue to comply with all previously approved requirements. Applicant requested two waivers, which the Board had granted during previous renewal hearings: 1) Property boundaries, existing topographical contour lines of the land involved and abutting lands and roads within 500' and 2) An accurate cross-section or sections showing the location or locations and quantities, in cubic yards, of soil to be removed. Engineer Mancini gave testimony utilizing Exhibits A-1, a colorized overall mining exhibit, and A-2, an overall colorized aerial exhibit. Applicant is mining approximately 3-5 acres per year, depending on demand. Reclamation is nearly complete on Lot 5. Seeding and plantings that did not take last year will be redone/replaced this coming Spring.

The Board received and considered the March 9, 2023, Report of Board Planner Randall Scheule, PP, AICP, who was present and participated in the hearing. The Board also received and considered the February 2, 2023, Report of conflict Engineer Thomas J. Tedesco, Jr., PE, who was present and participated in the hearing. Mr. Tedesco conducted a site inspection prior to issuing his Report. At the Conflict Engineer's request, the Applicant agreed to fertilize and test the pH of the soil. The Applicant, through Counsel, indicated no objection to complying with all comments issued by the Board Planner and Conflict Engineer, including the required bonding and insurance. Both professionals were in agreement that the two waivers could be granted.

Jack Waselik asked about future areas to be mined. Russ Vanella asked if the retention site is different than what was approved. Anthony Buono asked how deep is the Applicant mining? Mr. Lester responded that the Applicant had not mined deeper than was originally approved. Mr. Mancini added that no mining is done below the water table. The Applicant and Mr. Tedesco will meet on the site to review the retention basin. Mr. Tedesco will determine the new bond amount through the renewable period of December 31, 2025. Currently the bond amount is \$227,214.00.

The public hearing portion was opened on a motion of Anthony Buono, seconded by Anthony Lamanteer. With no public comments, the public hearing portion was closed on motion of Anthony Buono, seconded by Anthony Lamanteer. Matt Ritter gave an overview of the application. He stated that it appears that good cause exists for the granting of the two (2) requested waivers based upon the representations and a motion to approve the 3-year extension would be appropriate subject to conditions based on the 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. On a roll call vote made by William Whelan, seconded by Jack Waselik, the Board granted approval for a 3-year extension through December 2025.

Roll Call

Russell Vanella -Aye	Jack Waselik – Aye
James Crilley – Absent	Wayne Sabota - Absent
Anthony Lamanteer – Aye	Joseph Spoltore – Absent
Anthony Buono Sr.- Aye	Laura Hayes – Aye
Kenneth Jackson – Absent	
William Whelan, Alt #1 – Aye	William Taylor Alt #2 – Aye
Edward Geletka, Alt #3 – Aye	

The following resolution was memorialized on a roll call vote motioned by Anthony Lamanteer, seconded by Jack Waselik:

Roll Call

Russell Vanella -Aye	Jack Waselik – Aye
James Crilley – Absent	Wayne Sabota - Absent
Anthony Lamanteer – Aye	Joseph Spoltore – Absent
Anthony Buono Sr.- Aye	Laura Hayes – Aye
Kenneth Jackson – Absent	
William Whelan, Alt #1 – Aye	William Taylor Alt #2 – No Vote
Edward Geletka, Alt #3 – No Vote	

RESOLUTION 02 – 2023

Township of Upper Deerfield Planning Board

Applicant's Name: Katie B. Coleman

Application No.: P-1-2023

Application For: Minor Subdivision
Property: Block 202, Lots 17 & 18 (1549-1553 Highway 77)
Public Hearing: February 13, 2023

Findings of Fact:

1. Applicant, who is an Attorney at Law, appeared before the Board, representing the owner of Lot 17, The Katie B. Coleman Irrevocable Trust.

2. Tax Map Lot 17 is an irregularly shaped 2.86-acre parcel in the Township's R-2 zoning district. It is presently improved with three residential dwellings, which are non-conforming.

3. Tax Map Lot 18 contains a church, cemetery, and residential dwelling, and has 510.48' of frontage along Route 77.

4. The Applicant proposes a lot line adjustment which would reduce Lot 17 to 1.84 acres and increase Lot 18 from 2.39 acres to 3.41 acres.

5. The proposed minor subdivision would allow the Church to expand the existing church cemetery. However, no development is proposed at this time.

6. Lot 17 has a pre-existing non-conformity for side yard setback, which is not affected by the proposed subdivision.

7. Likewise, Lot 18 has pre-existing non-conformities for front yard setback and side yard setback, which are not affected by the proposed subdivision.

8. The Board received and considered the following:

- a. Correspondence from Katie B. Coleman, Esq. dated November 30, 2022.
- b. Land Development Application
- c. Minor Subdivision Plan prepared by Zenith/Nadir Survey, dated April 10, 2021
- d. Aerial photograph
- e. Copy of Board Resolution 18-2021.

9. Pursuant to Resolution 18-2021, the Applicant received minor subdivision approval for the identical plan set forth above. However, due to various reasons, the Applicant did not follow through and the subdivision was not perfected at that time.

10. Therefore, Applicant requests a re-approval of the previously approved minor subdivision.

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

- a. Checklist B, Item 9 – Key Map
- b. Checklist B, Item 14 – Signature spaces
- c. Checklist B, Item 15 – 200’ list
- d. Checklist B, Item 17 – Zoning district and requirements
- e. Checklist B, Item 22 – contours (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 49 – Narrative regarding waivers
- h. Checklist B, Item 50 – NJDEP Wetland delineation

12. The Board received and considered the September 3, 2021, Report of Board Planner Randall Scheule, PP/AICP, who was present and participated in the hearing.

13. The Board also received and considered the September 9, 2021, Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present and who participated in the hearing.

14. The subdivision will require NJDOT approval as it has frontage along State Highway 77.

15. No public notice was required for the proposed conforming Minor Subdivision. The Chairman did, as a courtesy, open the meeting to the public who were present. No members of the public responded.

16. At the Chairman’s request, the Board Solicitor then summarized the application, and the standards to be applied.

17. The Board found 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, 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 re-approval of the minor subdivision, 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, which conditions are identical to those provided in prior Board Resolution 18-2021:

- 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 lot numbers in consultation with the Upper Deerfield Township Tax Assessor.
- E. Applicant shall provide the Board Secretary with the written consent of the owner of Lot 18, Deerfield Methodist Church, to the proposed Subdivision (satisfied).
- F. Applicant shall submit a revised Plan, to the satisfaction of the Board Planner, which depicts the entirety of Lot 18, and which includes the building setback lines and zoning table for each lot. The revised Plan should also include the missing building height and lot coverage information (satisfied).
- 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 February 13, 2023 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 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 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 Planning Board, hereby certifies that the above is a true copy of a Resolution adopted by said Board on March 13, 2023, to memorialize action taken on February 13, 2023.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

The following resolution was memorialized by a roll call vote motioned by William Whelan, seconded by Jack Waselik:

Roll Call

Russell Vanella -Aye

James Crilley – Absent

Anthony Lamanteer – Aye

Anthony Buono Sr.- Aye

Kenneth Jackson – Absent

William Whelan, Alt #1 – Aye

Edward Geletka, Alt #3 – No Vote

Jack Waselik – Aye

Wayne Sabota - Absent

Joseph Spoltore – Absent

Laura Hayes – Aye

William Taylor Alt #2 – No Vote

RESOLUTION 3-2023

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

Applicant's Name: Wilbert & Margie's Precious Jewels, LLC
Application No.: P-2-2023
Application for: Use Variance and Waiver of Site Plan
Property: Block 1701, Lot 17 (229 Laurel Heights Drive, Suite 229)
Hearing: February 13, 2024 (Completeness & Technical)

Findings of Fact:

1. Applicant appeared by the Board represented by Robert J. Casella, Esq., of Testa Heck Testa & White, P.A.
2. Tanisha Russell-Cohen, a member of the Applicant LLC, was sworn and gave testimony in support of the Application.
3. Applicant is requesting a use variance and waiver of site plan to permit the conversion of an existing office condo unit into a day care center. Applicant also proposes signage and a fenced play area.
4. No material modifications to the building, vehicular access, or parking are proposed.
5. The subject property is in the B-2 Business Zone where childcare centers are not a permitted use.
6. Board received and considered the following:
 - a. Correspondence from Attorney Casella, dated December 29, 2022
 - b. Development Application dated December 28, 2022
 - c. Photos of property
 - d. Site Plan, BEM Systems, Inc., July 1994
 - e. Floor Plan, Roominders

7. Ms. Russell-Cohen indicated that a 300 SF fenced outdoor area was proposed for recreation and would be protected by the installation of parking bollards.

8. The proposed hours are 6:00am to 11:45pm weekdays. Applicant anticipated 4 employees and no more than 15 children per shift.

9. Two drop-off periods of 6:30-7 am and 2-230 pm are proposed.

10. Any new signage will conform to Township Ordinance requirements.

11. Existing trash collection areas for the complex will be utilized.

12. The Board received and considered the February 10, 2023, Report of Board Planner, Randall Scheule, PP/AICP. Planner Scheule was present for and participated in the meeting.

13. The Board also received and considered the February 10, 2023, Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present for and participated in the meeting.

14. The Solicitor instructed the Board that, since a Use Variance was implicated, the Class I and Class III members of the Planning Board would not participate.

15. The Board voted unanimously to deem the application Complete after granting waivers for:

- a. Checklist C, Items 1 through 4 - Plat Specifications
- b. Checklist C, Items 5 through 17 – General Information
- c. Checklist C, Item 28 – Location of Existing Structures
- d. Checklist C, Item 44 – Drainage Calculations

16. Planner Scheule indicated his opinion that the proposed day care use would have little effect on the area, and no negative impact on the Master Plan. He deferred to the Zoning Officer on the Applicant's request for a waiver of site plan.

17. The Zoning Officer indicated that he had no objection to the Board waiving formal site plan, as the site was fully developed, and the proposed use in this one unit did not propose any changes to existing building, circulation, parking, landscaping, or lighting.

18. The Board Engineer briefly discussed State licensing requirements.

19. A discussion was held regarding the existing site lighting, as drop-off and pick-up times will often be during darkness. The Applicant agreed to confirm with the property owner that the existing site lighting was sufficient to allow safe ingress and egress for clients at pre-dawn and post-sunset hours.

20. A letter from Stephen F. Levitt, Managing Member of Levco Enterprises, the property owner, was received on February 27, 2023. The correspondence indicated that the existing building and parking lot lighting was sufficient.

21. A motion was made to open the Public Hearing, however no members of the public wished to give testimony. The meeting was therefore closed to the Public.

22. The Board finds that compliance has been had with each of the various requirements of the Open Public Meetings Law, P.L. 1975 c. 231.

23. On proper Motion, the Board voted 7-0 to grant the requested Use Variance as well as the requested waiver of formal site plan.

NOW THEREFORE BE IT RESOLVED that the Board has carefully considered this matter and finds that good cause exists for the granting of a “d(1)” Variance for the operation of a day care facility in the B-2 Business Zone, subject to conditions. The Board also finds, by clear and convincing evidence, that the property in question is especially suited for the proposed use, and that special reasons exist for the granting of the aforementioned Variance. The Board further finds that the proposed residence does not present a detriment to the public good, nor to the Township zoning plan or zoning ordinance.

BE IT FURTHER RESOLVED that the Board has carefully considered this matter and finds that good cause exists for the granting of the requested waiver of formal site plan pursuant to Ordinance §405-69(2)(b), due to the existing site conditions and nature of the proposed use.

BE IT FURTHER RESOLVED that the Board does grant the foregoing relief described herein subject to the following conditions:

- A. Applicant must pay any and all required fees that are due, or become due to the Township, and replenish any outstanding escrow accounts as directed, within seven (7) days' notice thereof.
- B. 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. 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 the New Jersey Department of Children and Families.
- D. That compliance be had with all other requirements of the Upper Deerfield Township Development Ordinance and building code. Any new signage shall conform with all Ordinance requirements.
- E. Applicant shall supply the Planning Board Engineer with detail drawings of the proposed parking bollards prior to their installation.
- F. 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, Secretary of the Upper Deerfield Township Planning Board, hereby certifies that the above is a true copy of a Resolution adopted by said Board on March 13, 2023, to memorialize action taken on February 13, 2023.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

On a unanimous vote, the public portion of the meeting was opened by motion of Anthony Buono, seconded by Anthony Lamanteer. Resident Dean Hawk stated that the facility must be doing a good job because there were no complaints from the neighboring properties. With no other comments, the public portion was unanimously closed on a motion of Anthony Lamanteer, seconded by Anthony Buono.

PROFESSIONALS/COMMITTEE/COMMISSION:

Randall Scheule stated that there will be a subcommittee meeting regarding food trucks at 6:30 pm prior to the March 20th meeting. Anthony Buono Jr. asked if there was any update on Big Al's clean-up on Burlington Rd. Anthony Lamanteer stated that there has been progress and they have been to court several times but they still have more to do.

Russell Vanella suggested that the Board members take a ride by properties that submit applications prior to the meetings to educate themselves about the proposals.

With no further business on the agenda, the meeting was unanimously adjourned on a motion of William Whelan, seconded by Anthony Lamanteer.

Respectfully Submitted,

Roy Spoltore, Acting Secretary

Sherrie Dixon, Acting Secretary