

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday March 20th, 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, Joseph Spoltore Class 3, Anthony Buono Sr, Kenneth Jackson, Wayne Sabota, William Whelan Alt 1, William Taylor Alt 2, Edward Geletka Alt 3 and Ken Mecouch Alt 4.

Staff: Planner Randall Scheule, PP, Engineer Michael Fralinger, PE, Solicitor Matthew Ritter, Esq. and Acting Secretaries Roy Spoltore and Sherrie Dixon.

Absent: James Crilley Class 1 and Laura Hayes.

On motion of Anthony Lamanteer, seconded by William Whelan, the minutes of the March 13th meeting were approved with Joseph Spoltore and Ken Mecouch abstaining.

Ken Mecouch was sworn into the Planning Board as alternate member 4 by Solicitor Matthew Ritter, Esq.

APPLICANT DEVELOPMENT:

Prime Construction and Development LLC, represented by Michael Gruccio, Esq., appeared before the Board for a minor subdivision of Block 1706 Lot 2- 74 Parkview Heights. Phillip Black from Prime Construction and Andrew Schaeffer PP PE of Schaeffer, Nassar, Scheidegg Consulting Engineers LLC were also present representing the applicant. The applicant is the contract purchaser of Lot 2 of Block 1706, an irregularly shaped, 4.83-acre vacant parcel in the Township's R-2 Residential Zoning District. Applicant proposes a minor subdivision for the net creation of four (4) new lots and one remainder lot. As proposed, the applicant would require a bulk variance for lot area for the proposed lot 2.06, which would contain 0.70 acres, where 1 acre is required. All other lots meet all bulk requirements for the R-2 Zone. Planner Randall Scheule went over the items in his completeness report. The applicant is requesting a waiver for the DEP Letter of Interpretation pertaining to the presence of wetlands. The applicant will comply with the other identified items. Michael Fralinger went over his completeness report. The applicant will comply with the identified items. The Township Planning Board Planner and Engineer agreed that the DEP Letter of Intent could be waived based on the applicant's engineer's notation that the NJDEP wetlands mapping indicates that the nearest wetlands are more than 150 feet from the property. On a motion of Jack Waselik, seconded by Joseph Spoltore, completeness

was approved by a roll call vote.

Roll Call

Russell Vanella -Aye	Jack Waselik – Aye
James Crilley – Absent	Wayne Sabota - Aye
Anthony Lamanteer – Aye	Joseph Spoltore – Aye
Anthony Buono Sr.- Aye	Laura Hayes – Absent
Kenneth Jackson – Abstain	
William Whelan, Alt #1 – Abstain	William Taylor Alt #2 – Aye
Edward Geletka, Alt #3 – No Vote	Ken Mecouch Alt#4- No Vote

Phillip Black from Prime Construction and Andrew Schaeffer PP PE of Schaeffer, Nassar, Scheidegg Consulting Engineers LLC were sworn in to give testimony. Mr. Gruccio requested William Whelan recuse himself due to his property being within the 200’ noticed area. Mr. Whelan recused himself from the application. Mr. Gruccio explained that the applicant was proposing to create 4 new lots and 1 remaining lot from current Lot 2 for single family homes. Four of the Lots will conform to the 1 acre minimum required in the R-2 Zone while the 5th Lot will only be .697 acre requiring a lot area variance. The previous owner had given up a portion of Lot 2 to the Township for the creation of a sewage pumping station, otherwise there would have been sufficient property to not need a lot area variance.

Mr. Scheule reviewed his technical comments, requesting the applicant address the positive and negative criteria for the granting of a lot area variance, confirm lot width dimensions and the inclusion of sidewalks. Mr. Fralinger reviewed his technical comments consisting of the placement of corner markers, confirming new lot numbers with the assessor, and reviewing deed descriptions. Mr. Gruccio accepted the professional’s comments.

Mr. Schaeffer, PE stated that 4 of the 5 proposed lots will meet the required lot width and frontage requirements. Mr. Schaeffer stated that each individual lot will have its own stormwater management system at the time of development. He referenced a map showing many other lots in the area, are less than 1 acre in size. Mr. Schaeffer added that new lots are larger than most in the area and the development would decrease the density in the area. Mr. Schaeffer highlighted the irregular shape of the site, the prior conveyance of a portion of the lot for a sewer pump station, and topography. The proposed lots are significantly larger than many of the surrounding residential lots and have all necessary utilities available. Mr. Schaeffer discussed some of the permitted uses of the property, and compared the intensity of those uses to the proposed residential use. Since the parcel is presently owned by the Church of Latter-Day Saints, that use and its intensity was specifically discussed. Michael Fralinger questioned whether the fourth or fifth lot would require additional stormwater drainage requirements for the development.

William Taylor asked if the lots would be cleared of trees. Mr. Schaeffer stated no widespread clearing of trees would take place. Mr. Taylor asked if a deed restriction could be added so that the owners cannot clear the trees. Anthony Lamanteer asked if the same builder will build all 5 lots and added that it would be difficult to enforce deed restrictions since no permits are needed to take down a tree. Board members asked about sidewalks as part of the Residential Site Improvement Standards. Mr. Schaeffer stated that the existing neighborhood didn’t have

sidewalks but that can be done. Joseph Spoltore asked if the front setback could be increased from 40 feet to 60 feet. The Board was provided with pictures of the potential homes to be built. Jack Waselik stated that the inlets in the area get clogged due to the gum ball tree droppings. The applicant agreed to remove the gum ball trees on their property and replace them with new street trees.

On motion of Anthony Lamanteer, seconded by Jack Waselik, the public portion was unanimously opened. Belford Miller of Parkview Heights Extension asked how the storm water from the new homes will impact his property as he currently has issues with water collecting in his yard during a heavy rain. He would like to see the storm drain issue addressed prior to building. Brian Vittorini of Parkview Heights was concerned about the driveway entrance on park Drive next to the pump house. He stated the speed limit is 50 mph but people rarely do the speed limit. Anthony Lamanteer asked if the County could reduce the speed limit since it is a residential area. Doug Weber of N Park Drive stated the speed limit is 50 mph but his past experience has been that the County will not put speed limit signs up. Frank Piccioni of Parkview Heights Extension is in favor of the gum ball trees being removed along the road and replaced. He is still concerned about stormwater drainage and would like to see a “No Outlet” sign on Parkview Extension. Seeing no other individuals to make a public comment, the public portion was unanimously closed by motion of Anthony Lamanteer, seconded by Jack Waselik.

Mr. Guccio reviewed his previous comments regarding the positive and negative criteria for the lot area variance. He stated the applicant would take all the residents’ concerns into consideration and submit a revised plan to include the removal of the offending trees, limits on tree clearing, installing sidewalks, increasing the front setback to 60 feet and the technical comments of the Planner and Engineer.

Matthew Ritter reviewed the application, and stated the Planning Board has carefully considered this matter and finds that good cause exists for the granting of the requested minor subdivision approval, with a bulk variance for lot area as to proposed lot 2.06, subject to conditions. The Board further finds that the Applicant has satisfied the positive criteria pursuant to N.J.S.A. 40:55D-70(c) for the granting of the requested bulk variance, and that such relief can be granted without causing substantial detriment to the public good. The Board further finds that the granting of the said variances will not substantially impair the intent and purpose of the zone plan, nor the Development Ordinance of the Township of Upper Deerfield. On a motion of Anthony Lamanteer, seconded by Jack Waselik, the minor subdivision and lot area variance a was approved on a roll call vote.

Roll Call

Russell Vanella -Aye

James Crilley – Absent

Anthony Lamanteer – Aye

Anthony Buono Sr.- Aye

Kenneth Jackson – Aye

William Whelan, Alt #1 – No Vote

Edward Geletka, Alt #3 – Aye

Jack Waselik – Aye

Wayne Sabota - Aye

Joseph Spoltore – Aye

Laura Hayes – Absent

William Taylor Alt #2 – Aye

Ken Mecouch Alt#4- No Vote

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

Roll Call

Russell Vanella -Aye	Jack Waselik – Aye
James Crilley – Absent	Wayne Sabota – No Vote
Anthony Lamanteer – Aye	Joseph Spoltore – No Vote
Anthony Buono Sr.- Aye	Laura Hayes – Absent
Kenneth Jackson – No Vote	
William Whelan, Alt #1 – Aye	William Taylor Alt #2 – Aye
Edward Geletka, Alt #3 – Aye	Ken Mecouch Alt#4- No Vote

RESOLUTION 4-2023

Township of Upper Deerfield Planning Board

Applicant’s Name: K&E Holding I Limited Liability Company

Application No.: P-3-2023

Property: Block 707, Lots 2 & 5

Application For: Periodic Review of Existing Resource Extraction Operation

Public Hearing: March 13, 2023

Findings of Fact:

1. Applicant was represented by Robert S. Baranowski, Jr., Esq., of Hyland Levin Shapiro, LLP, who appeared and presented the application on its behalf.
2. Applicant is the owner of Block 707, Lots 2 & 5 which are located at the corner of Fox Road and Centerton Road in the Township’s Agricultural Zoning District.
3. The existing resource extraction operation was recently reviewed and approved via Board Resolutions 4-2016, 1-2017, 9-2017, and 9-2019.
4. Per Ordinance 405-42, the Applicant seeks a 3-year periodic review of existing

operations.

5. Prior to the adoption of the present Ordinance 405-42, the property had been licensed as a mine since 1989.

6. The Township Committee granted 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.

7. Applicant has submitted a Rider to its application which details the dimensions of the parcels, the two waivers requested, and the nature of the application.

8. In conjunction with the Periodic Review, the Board received and considered the following:

- A. Planning Board Application Form dated December 14, 2022 with Rider.
- B. Narrative Statements and Environmental Impact Statement, Mark V. Shourds Consulting, September, 2022.
- C. Section 405-42D Checklist
- D. Mining volume per Plan
- E. Site Plan (5 sheets), by Mark V. Shourds Consulting
- F. Boundary and Topographic Survey – West, dated September 16, 2022.
- G. Boundary and Topographic Survey – East, dated September 16, 2022.
- H. Stipulation of Settlement dated January 30, 2017
- I. Planning Board Resolutions 4-2016, 1-2017, 9-2017, and 9-2019.

10. Applicant requested the following waivers, which the Board had granted during previous renewal hearings:

- A. Property boundaries, existing topographical contour lines of the land involved and abutting lands and roads within 500'.

B. An accurate cross-section or sections showing the location or locations and quantities, in cubic yards, of soil to be removed.

11. The Board also received and considered the March 9, 2023, Report of Board Planner Randall Scheule, PP, AICP, who was present and participated in the hearing.

12. The Board further 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.

14. Scott Lester and Lenny Morris appeared for the Applicant. Mr. Lester was sworn and indicated, in response to questioning, that the Applicant had not mined deeper than was originally approved.

15. 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.

16. Applicant's Engineer, Joseph Mancini, PE, PP was sworn and qualified as an expert.

17. Engineer Mancini gave testimony from Exhibits A-1, a colorized overall mining exhibit, and A-2, an overall colorized aerial exhibit.

18. Applicant is mining approximately 3-5 acres per year, depending on demand.

19. Reclamation is nearly complete on Lot 5. Seeding and plantings that did not take last year will be redone/replaced this coming Spring. At the Conflict Engineer's request, the Applicant agreed to fertilize and test the pH of the soil.

20. A question was raised regarding prior issues with the functioning of the retention basin on Lot 5. The Applicant's Engineer agreed to work with Engineer Tedesco, including a site

visit, if necessary, to confirm the basin was functioning properly.

21. A motion was made to open the meeting to the public. No members of the public wished to give testimony, so, on proper Motion, the public hearing was closed.

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, and by unanimous vote, finds that good cause exists for the granting of the two (2) requested waivers, and approval of Applicant's periodic review application, subject to conditions.

NOW THEREFORE BE IT RESOLVED by the Board that, for the foregoing reasons, Applicant's periodic review application is hereby approved, 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 issuance of permits by the Upper Deerfield Township Committee, Cumberland Soil Conservation District and Cumberland County Planning Board (if applicable). Proof thereof shall be provided to the Planning Board Secretary.
- C. 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.
- D. That Applicant rectify any financial responsibility to the Township related to the review of this application.
- E. That Applicant shall comply with the Technical Review Comments (including any requested plan revisions) contained in the Board Planner and Conflict Board Engineer's respective Review Letters, copies of which are attached hereto for reference.
- F. Applicant shall reseed any needed areas and shall replace any dead plantings in the Spring of 2023. Applicant agrees to fertilize and test the pH of the soil in conjunction with the reseeding/replanting.

- G. Applicant shall confirm the functioning of the basin to the reasonable satisfaction of the Conflict Engineer.
- H. Applicant will be subject to a new periodic review in December, 2025.

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, 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 March 20, 2023, to memorialize the Board's action taken on March 13, 2023.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTORE, Acting Secretary

The public comment portion of the meeting was unanimously opened on motion of Anthony Lamanteer, seconded by Wayne Sabota. Nancy Ridgway of Irving Avenue mentioned the County intends to place a roundabout at the intersection of Mayor Aiken Drive and park Drive near Sunset Lake. Seeing no one else, the public comment portion was unanimously closed on a motion Anthony Lamanteer, seconded by Anthony Buono Sr. Ken Mecouch said he would contact the County regarding the speed limit on Park Drive. On a motion of Jack Waselik, seconded by Anthony Buono Sr., and unanimously approved, the meeting was adjourned.

Respectfully Submitted,

Roy Spoltore, Acting Secretary

Sherrie Dixon, Acting Secretary

