

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday May 8th, 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, James Crilley, Anthony Lamanteer, Joseph Spoltore, Laura Hayes, 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: Anthony Buono Sr.

On motion of Wayne Sabota, seconded by Anthony Lamanteer, the minutes of the March 20th meeting were unanimously approved.

APPLICANT DEVELOPMENT:

Sussex Irrigation, LLC - 50 Polk Lane - Block 502, Lot 18 - Minor Site plan and "D" Use Variance to use existing building for sales and storage of irrigation products used in the agricultural industry.

Matthew Ritter, Esq. and Russell Vanella, both recused themselves for the Sussex Irrigation application and sat in the audience. Beth White, Esq. took over for Matthew Ritter, Esq.

Michael Larreo, Esq. representing Sussex Irrigation LLC stated the applicant is seeking to turn the existing 6162 sf building into an irrigation supply store. He stated there would be no building expansion or site improvements other than to be in compliance with the ADA. Mr. Larreo added that the applicant primarily sells and repairs irrigation equipment for use by farmers. They are before the Board this evening because the sale of the product is not a permitted use.

The applicants Engineer Joseph Maffei of Engineering Design Associates and Store Manager John Loew were both sworn in. Mr. Maffei presented Exhibit A-1 as pictures of the site explaining the parking area would contain 7 parking spots for customers, with wheel stops including 1 handicapped spot. He stated that there would be approximately 5 employees, most of whom work in the field. There would be very few walk-in customers as the majority of the equipment sold is delivered directly to the farmer's property to be assembled. Mr. Maffei and Mr. Larreo reviewed the positive and negative criteria for the use variance and concluded there is sufficient space, the use is similar to other nearby business and is an ag related business that will not negatively affect the master plan. John Lowe stated the hours of operation would be 7:30 to 5 Monday through Friday and 7:30 to noon on Saturday's; there will be no night hours, the building has security lighting, a

private hauler will dispose of the trash and most of the waste will be cardboard. Michael Fralinger went over his completeness review, suggesting approval of waivers for items 15, 34 and 39. Randall Scheule had no objections with those waivers as well.

On a roll call vote motioned by Anthony Lamanteer, seconded by William Whelan, the application was deemed complete.

Roll Call

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

Mr. Scheule reviewed his technical comments, asking about the size of the sign, if concrete aprons would be installed to provide access to the street, outdoor storage of equipment, lighting needs and trash removal. The applicant agreed to comply with the technical comments with the County Planning Board having approval of the need for concrete aprons onto the county road. Mr. Fralinger reviewed his technical comments and agreed that the applicant addressed the positive and negative criteria for the use variance. Mr. Larreo accepted the professional’s comments.

On motion of Anthony Lamanteer, seconded by William Whelan, the public hearing portion was unanimously opened. Resident Donald Johnson stated that this is a good use of the property, there is a need for irrigation equipment for farmers since Farm Rite closed. Resident Frank Loew stated that this type of business is greatly needed in this area with all the farmland in need of irrigation. There being no other comments, on motion of Anthony Lamanteer, seconded by Wayne Sabota, the public portion was unanimously closed.

Beth White, Esq. 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 site plan approval, 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 use 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 William Taylor, the minor site plan and use variance was approved on a roll call vote.

Roll Call

Russell Vanella - Recuse	Jack Waselik – Aye
James Crilley – No Vote	Wayne Sabota - Aye
Anthony Lamanteer – Aye	Joseph Spoltore – No Vote
Anthony Buono Sr.- Absent	Laura Hayes – Aye

Kenneth Jackson – Aye
William Whelan, Alt #1 – Aye
Edward Geletka, Alt #3 –No Vote

William Taylor Alt #2 – Aye
Kenneth Mecouch Alt #4- No Vote

The following resolution was memorialized on motion of Anthony Lamanteer, seconded by William Taylor on a roll call vote:

Roll Call

Russell Vanella -Aye
James Crilley – No Vote
Anthony Lamanteer – Aye
Anthony Buono Sr.- Absent
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 – No Vote

William Taylor Alt #2 – Aye
Kenneth Mecouch Alt #4- No Vote

RESOLUTION 5-2023

Township of Upper Deerfield Planning Board

Applicant’s Names: Prime Construction and Development, LLC
Application No.: P-4-2023
Application For: Minor Subdivision with variance for lot size (Lot 2.06)
Property: Block 1706, Lot 2 – 74 Parkview Heights Drive
Public Hearing: March 20, 2023

Findings of Fact:

1. Applicant appeared before the Board through sole member Phillip Black, Jr., and represented by Michael J. Gruccio, Esq.
2. 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.
3. The corner lot has 427.64’ of frontage on Park Drive, 204.28’ of frontage on Parkview Heights Drive, and 258.99’ of frontage on Parkview Heights Extension.

4. Applicant proposes a minor subdivision for the net creation of four (4) new lots and one remainder lot. Proposed lot 2.05 would contain 1 acre, lot 2.06 would contain 0.70 acres, lot 2.07 would contain 1.04 acres, proposed lot 2.08 would contain 1.09 acres, and remainder lot 2.04 would contain 1 acre.

5. As proposed, applicant requires a bulk variance for lot area as to 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.

6. The proposed subdivision plan indicates a single-family dwelling and driveway for each lot, although applicant indicates that home construction is not a part of the application, and no development is proposed at this time.

7. If successful in its application for minor subdivision, Applicant proposes to address issues such as grading and stormwater as construction permits are pulled for each individual lot. Applicant agreed to install dry wells to pick up rainwater from the roof drains and driveways for the future homes.

8. In that regard, the Board Engineer advised the Applicant of his opinion that the new Stormwater Management Regulations likely applied to the project.

9. The Board received and considered the following application materials:

- A. Land Development Application dated January 19, 2023
- B. Checklists A, B and C
- C. Statement regarding waivers requested
- D. Redacted Contract for Sale of Real Estate
- E. Affidavits of Ownership and Disclosure Statement
- F. Plan of Minor Subdivision, Schaeffer, Nassar, Scheidegg Consulting Engineers, LLC, November 30, 2022

- G. Correspondence from Michael J. Guccio, Esq., dated February 22, 2023 with metes and bounds descriptions, eleven (11) photographs, and Affidavit of Standing.

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

11. The Board also received and considered the February 8, 2023 Report of Board Engineer J. Michael Fralinger, Jr., PE, CME. Engineer Fralinger was present and participated in the hearing.

12. The Applicant indicated, through Counsel, that it would comply with the technical comments of the Board Planner and Engineer.

13. Upon recommendation from its Professionals, and after granting the following waivers, the Board deemed the application complete and moved to the technical hearing:

- A. Checklist B, #14 – Signatures of Chairman & Secretary (subdivision to be filed by Deed)
- B. Checklist B, #15 – 200' list (included with packet)
- C. Checklist B, #27 – Wooded areas
- D. Checklist B, #28 – Location of trees 6" or more in diameter
- E. Checklist B, #37 – Monuments
- F. Checklist B, #39 – Road Dedication (defer to County)
- G. Checklist B, #50 – Wetlands Delineation (statement by Engineer provided)
- H. Checklist C, #13 – 200' list (included with packet)
- I. Checklist C, #44 – Design Calculations (Applicant will comply with applicable Stormwater requirements at time of construction permits for each lot)

14. Applicant's Engineer, Andrew F. Schaeffer, PE was sworn and qualified as an Expert. Engineer Schaeffer utilized a colorized image from Google Maps (A-1) and a highlighted tax map (A-2) to indicate the numerous undersized lots in the immediate vicinity of the proposed subdivision.

15. He confirmed the Applicant's calculation of the width of the proposed lots, which was acceptable to the Board's Professionals.

16. Mr. Schaeffer gave planning testimony regarding Applicant's request for a bulk variance for lot size regarding proposed lot 2.06. He 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.

17. 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.

18. Mr. Schaeffer indicated that the County does not want sidewalks along Park Drive, and stated that there are no other sidewalks in the area. After further discussion, Applicant agreed to install a sidewalk along Parkview Heights and Parkview Heights Extension, in compliance with the RSIS.

19. Phillip Black, Jr., sole member of the Applicant, was sworn and gave testimony in support of the Application. He was agreeable to including language in the deeds to the individual lots which limited the clearing of trees.

20. Mr. Black testified regarding the sample home photos provided to the Board's Professionals with Counsel's February 22, 2023 correspondence. The size of the proposed homes will be approximately 1500 SF.

21. A discussion ensued regarding the required 40' front yard setback, and whether same was adequate for parking vehicles in the driveways of the lots. The Board was concerned with parking along Parkview Heights, and vehicles possibly blocking the sidewalk. Applicant was agreeable to setting the homes back a minimum of 60' from the right-of-way.

22. The driveway for proposed Lot 2.04 will be designed to allow for on-site turnaround of vehicles, in order to prevent cars from backing onto Park Drive.

23. After further discussion, the applicant agreed to remove the existing trees along Parkview Heights Drive, and replace them with street trees, as required by the Township Code, along the new sidewalk.

24. On proper Motion, the meeting was opened to the Public.

25. Belford Miller was sworn and gave testimony regarding runoff from the site. He indicated that his yard floods when it rains. Mr. Miller testified that he was in favor of the installation of sidewalks and removal of the existing trees along Parkview Heights.

26. Brian Vittorini was sworn and gave testimony regarding driveway design.

27. Doug Weber was sworn and gave testimony regarding speeding cars on Park Drive. The placement of additional speed limit signs by the County was discussed.

28. Frank Piccioni was sworn and testified that he preferred that the Board maintain the 1-acre minimum for all lots. He cautioned the Board that additional residential development meant more cars would park along the street creating traffic issues.

29. There was a discussion regarding traffic using Parkview Heights to try to avoid the light at the intersection of Park Drive and Old Deerfield Pike. Cars often speed through this neighborhood and accidents have resulted, despite the installation of speed bumps. The issue was not one that the Board had jurisdiction to address.

30. There being no further members of the public who wished to give testimony, and on proper Motion, the public hearing was closed.

31. The Board Solicitor provided a summary of the issues presented, and indicated the various stipulations presented by the Applicant, including the proposed 60' front yard setback, limits on tree clearing, installation of sidewalk and street trees, and compliance with the review reports of the Board Planner and Engineer.

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

33. 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.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby grant minor subdivision approval, and a variance for lot area as to proposed lot 2.06, provided that the following conditions are met:

- A. Applicant must comply with all representations made during the course of Applicant's presentation to the Board, and in all documents filed with the Application.
- B. 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.
- 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.

- D. Applicant shall comply with all other applicable requirements of the Upper Deerfield Township Zoning Ordinance and Building Code.
- E. Applicant shall provide written confirmation of the lot numbers in consultation with the Upper Deerfield Township Tax Assessor.
- F. 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 identifying corner markers as set or to be set, and revised building setback lines which includes the 60' front yard setback.
- G. The Applicant must submit to the Planning Board Engineer, for his review and approval, the metes and bounds descriptions to be included in the Deeds which will effectuate the subdivision.
- H. Applicant must submit to the Planning 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 March 20, 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. The deeds for proposed lots 2.04, 2.07, and 2.08 shall contain the following language limiting tree clearing: The property owner shall not clear, cut, or remove any trees on the property except as required for reasonable and necessary maintenance of the property, or with the prior written consent of the Upper Deerfield Township Zoning Officer. Such consent shall not be unreasonably withheld if the proposed clearing is consistent with the purpose of this restriction. The property owner may remove trees that are dead, diseased, or pose a safety hazard. Any such removal shall be performed in a manner that minimizes damage to the surrounding vegetation and natural features."
- J. Once approved by the Planning Board Solicitor, the Applicant must submit the minor subdivision Deeds to the Planning Board for signature by the Chairman and Secretary. The Applicant must comply with all above conditions, prior to the Planning 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 this Resolution.
- L. The Planning Board Planner, and Planning Board Engineer, are hereby delegated the authorization to approve minor changes 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 8, 2023, to memorialize the Board's action taken on March 20, 2023.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

Matthew Ritter, Esq. explained that Bristol Ponds, through the applicant's attorney, via correspondence dated April 12, 2023, requested that the Board grant an extension of the previously issued Final Approvals. As justification for the request, Applicant indicates that since Resolution 10-2021 was adopted, it has entered into a Redevelopment Agreement, and multiple financial agreements with the Upper Deerfield Township Committee, and that the Redeveloper expects to complete Resolution compliance and apply for building permits within the next two months. Applicant requests an extension of at least one year, but indicates that, due to the language of §405-95, a 3-year extension would be appropriate due to the size and scale of the project. The Board Planner, Engineer, and Solicitor indicated that they had no objections to the requested three-year extension, so long as all conditions of approval remained in place.

On motion of Wayne Sabota, seconded by Kenneth Jackson, the public portion for discussion of Resolution 6-2023 was unanimously opened. With no one commenting, the public portion was unanimously closed on motion of Anthony Lamanteer, seconded by Wayne Sabota.

The following Resolution was memorialized on a roll call vote motioned by Anthony Lamanteer, seconded by William Whelan:

Roll Call

Russell Vanella -Aye
James Crilley – Aye

Jack Waselik – Aye
Wayne Sabota - Aye

Anthony Lamanteer – Aye
Anthony Buono Sr.- Absent
Kenneth Jackson – Aye
William Whelan, Alt #1 – Aye
Edward Geletka, Alt #3 – No Vote

Joseph Spoltore – Aye
Laura Hayes – Aye
William Taylor Alt #2 – No Vote
Kenneth Mecouch Alt #4- No Vote

RESOLUTION 6-2023

Township of Upper Deerfield Planning Board

Applicant's Name: Bristol Ponds, Upper Deerfield LLC
Application No.: P-2-2011
Property: Block 1901, Lots 8, 15, 15.01, 15.03, and 16 (61 Cornwell Drive)
Application For: Extension of Final Major Subdivision Approval with Variances
Hearing: May 8, 2023

Findings of Fact:

1. Applicant Bristol Ponds, Upper Deerfield, LLC is the designated Redeveloper, and contract purchaser of Lots 15, 15.03, and 16 of Block 1901. These Lots are to be subdivided into new lots 15.05, 15.06, 15.07 and 15.08, pursuant to Final Approvals granted to AB Bridgeton, LLC on May 17, 2021, via Resolution Number 10-2021.

2. The applicant is represented by Sean R. McGowan of Greenbaum Rowe Smith & Davis, LLP.

3. Upper Deerfield Township Ordinance §405-95 specifies that any variance or other relief granted by the Planning Board shall expire and become void if construction, alteration or conversation has not been completed, and the use thereof commenced within two years from the date of the Board's approval.

4. Therefore, the Applicant, via correspondence dated April 12, 2012, requested that the Board grant an extension of the previously issued Final Approvals.

5. As justification for the request, Applicant indicates that since Resolution 10-2021 was adopted, it has entered into a Redevelopment Agreement, and multiple financial agreements with the Upper Deerfield Township Committee, and that the Redeveloper expects to complete Resolution compliance and apply for building permits within the next two months.

6. Applicant requests an extension of at least one year, but indicates that, due to the language of §405-95, a 3-year extension would be appropriate due to the size and scale of the project.

7. The Board Planner, Engineer, and Solicitor indicated that they had no objections to the requested three-year extension, so long as all conditions of approval remained in place.

8. Although additional notice for the requested extension was not required, as a courtesy, the meeting was opened to the public.

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

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

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Township of Upper Deerfield hereby finds and determines that good cause has been shown, allowing the Applicant to be granted a three-year extension of the previously granted Final Approvals, including the bulk variances granted therewith, from May 17, 2023, and running through May 16, 2026.

BE IT FUTHER RESOLVED that the Board does grant the aforementioned Extension subject to the following Conditions:

A. That compliance be had with all requirements set forth in all prior Board Resolutions, unless modified herein.

- B. That compliance be had with all requirements set forth in any Resolution of the Upper Deerfield Township Committee, including any action by the Redevelopment Authority, relative to this project, unless modified herein. Specifically, the Applicant shall comply with the phasing plan which is described in Upper Deerfield Township Resolution 2021-03.
- C. That Applicant satisfy any financial responsibility to the Township related to the review of this Application, and replenish any escrow within seven (7) days of a request therefore.
- D. That compliance be had with all other applicable 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, 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 8, 2023, to memorialize the Board's action taken on that same date.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTORE, Acting Secretary

PROFESSIONALS/COMMITTEE/COMMISSION:

Randall Scheule gave an update regarding the Food Truck Ordinance. He stated that he is working on a rough draft including days/times and places to keep a balance with the existing brick and mortar food establishments in the area.

On motion of Jack Waselik, seconded by Anthony Lamanteer, the public portion of the meeting was unanimously opened. Resident Nancy Ridgway stated that when the public spoke in regards to the

Sussex Irrigation they were not sworn in. Resident Dean Hawk was concerned about the safety of the food trucks, specifically the use of propane. He was assured that the food trucks would be subject to inspection by the Fire Marshall and the Cumberland County Health Department. Dallas Peterson questioned if the same thing applies to food trucks that deliver prepared food to the local farms. Anthony Lamanteer stated that the food from those trucks is not usually prepared in the truck but just kept at the correct temperature. With no other comments, the public portion was unanimously closed on motion of Laura Hayes, seconded by William Whelan.

Roy Spoltore reported that Mod Wash just informed the Township that they are not going forward with their project at this time.

With no other business, the meeting was unanimously adjourned on motion of Jack Waselik, seconded by William Taylor.

Respectfully Submitted,

Roy Spoltore, Acting Secretary

Sherrie Dixon, Acting Secretary