

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday June 12th, 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, Anthony Buono Sr., Laura Hayes, 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: Kenneth Jackson

The draft minutes of the May 8th meeting were modified since they stated that Jack Waselik recused himself for the Sussex Irrigation application, which he participated in the meeting. The modified minutes were unanimously approved on motion of William Whelan, seconded by Anthony Lamanteer.

APPLICANT DEVELOPMENT:

GFJ Rentals LLC- Poor Boy Pallet the applicants attorney submitted a correspondence stated that his clients were withdrawing their application for a minor site plan for 1240 Route 77.

The Township Committee submitted a resolution requesting the Upper Deerfield Township Planning Board review Sika Corporations Single-Site Redevelopment Plan identified as Block 1201, Lot 1 and 3 pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12a-1, Et Seq. for consistency with the Upper Deerfield Township Master Plan. The project is being reviewed as a single site redevelopment project as an amendment to the existing redevelopment plan. The reason for single site redevelopment is because the specifics of this project will not meet certain standards under the existing redevelopment plan and will include a future road dedication. William Taylor recused himself and sat in the audience.

Peter Chacianas Esq., attorney for Sika Corporation gave a brief overview of the proposed development which will include a mortar plant and a distribution center for the products being manufactured. He stated that the Township Redevelopment Entity has named Sika Corporation as the redeveloper of Block 1201, Lots 1 and 3 and the project is a permitted use under the current regulations. Dave Fleming PE, engineer for Marathon, was sworn in to give testimony. He stated that the initial phase of the development would employ approximately 50 people, be around 300,000 square feet and be completely enclosed. It will utilize the railway for delivery of most materials thus reducing truck traffic. Mr. Fleming introduced exhibit A-1 showing the conceptual plan of the proposed development. The primary height of the building will be 50'

high while the back of the building will be 70' for the production of the product. Mr. Chacania explained that the proposed development will exceed the permitted height of the district regulations, specifically the enclosed tower and material elevator, to 125 and 140' respectively, and the proposed development will not have the required setback by the weigh station setback due to the proposed rail spur. Phase 2 will occur later and increase the size of the manufacturing operation as well as adding a distribution center.

Planner Randall Scheule went over his report and reviewed his 15 comments and stated that he believes the project is consistent with the Township Master Plan. Board members asked various questions about the operation of the plant. Mr. Chacania explained that more detailed explanations about the operation would take place at the final site plan proceedings when representatives of Sika would be present. The attorney added that Sika would be requesting preliminary and final site plan approval for Phase I and preliminary approval for Phase II when they come back to the Board.

Matthew Ritter explained the components of the motion for the Planning Board to find and determine that the proposed single-site Redevelopment Plan, which would further amend the 2005 Highway 77 Redevelopment Plan as to Block 1201, Lots 1 & 3 only, is consistent with and serves to effectuate the Township's Master Plan. The motion would also find that no provision in the proposed amendment is inconsistent with the Master Plan of the Township. Anthony Lamanteer made the motion and Jack Waselik seconded the motion and was unanimously approved on a roll call vote.

Roll Call

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

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

Roll Call

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

RESOLUTION 7-2023

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

Applicant's Name: Sussex Irrigation LLC
Application No.: P-5-2023
Application for: Use Variance and Minor Site Plan Approval
Property: Block 502, Lot 18 (50 Polk Lane)
Hearing: May 8, 2023 (Completeness & Technical)

Findings of Fact:

1. Applicant appeared before the Board represented by Michael Lario, Esq., of Nehmad Davis & Goldstein, PC.
2. John Lowe, Manager of Sussex Irrigation LLC, was sworn and gave testimony in support of the Application.
3. Applicant is requesting a use variance and minor site plan approval to permit the subject site to be used for the sale and storage of irrigation products used for agriculture.
4. No changes are proposed to the existing 6,162± SF building, except for the paving of a handicapped parking space. A fenced area behind the building is to be used for outdoor storage. No new signs are proposed.
5. The subject parcel is located in the Agricultural Zone as depicted on the Zoning Map.
6. Board received and considered the following:
 - a. Upper Deerfield Township Application Form w/ attachments, April 21, 2023;
 - b. Partial Topographic Survey, Cape Land Surveying, March 3, 2023;
 - c. Sussex Irrigation Variance Plan, Engineering Design Associates (2 sheets), April 11, 2023
 - d. Report of Randall Scheule, PP/AICP Planning Board Planner, dated May 4, 2023;
 - e. Exhibit A-1 packet of 9 color photos.
7. The Applicant is a business providing irrigation equipment to agricultural businesses. The Applicant will service farms in south and central NJ. Farmers will call and place orders which will be delivered by Applicant to the subject farms. There will be few people coming in to make purchases. Any larger equipment which is ordered will be delivered directly to the customer. No tractor trailers will be coming to the property. Pickups will mostly be done with trailers and a small parts vans.
8. Mr. Lowe testified there are two existing driveways which will remain and the current fencing and gate will remain.
9. Proposed hours are 7:30am to 5:30 pm Monday to Friday and 7:30 am to Noon on Saturday. Applicant anticipates 5 employees to start, and no more than 6 employees. There are generally 2 employees on site.
10. There are 7 existing parking spaces across the front of the building which will include an additional space for handicap parking. This meets the wholesale requirements. As condition of this approval, additional parking will be designated for employees. Concrete wheel stops will be added.
11. Existing are two posts for signage of approximately 36 sq ft at the intersection of Polk

- Lane and Route 77. The Applicant will reuse the existing posts and stay within the 36 sq ft - approx. 6x6. Any new signage will conform to Township Ordinance requirements.
12. Solid waste and recyclables will be in building or dumpster discreetly located, which will be included on a perfected plan. As a condition of the approval, Applicant will work with professionals for placement of dumpster and waste refuse. The Applicant will contract with a company for trash removal. Most associated waste is recyclable.
 13. The business operates during daylight hours and will have no night time hours. Security lighting is existing.
 14. Not much noise is generated by the business and any noise generated would occur during business hours.
 15. There is no proposed clearing of any of the mature trees on the property, and all existing trees along Route 77 will remain. The trees along Route 77 block the area utilized for storage. A waiver for additional landscaping at this location is sought and is appropriate.
 16. Outdoor storage is of pvc pipe which would not exceed the current fence height, which encloses the storage area. Some irrigation reels will be higher than the fence, but “shiny, clean” and will not create an eyesore. Based on location of the storage there is no need for any additional screening.
 17. The Stormwater Regulations are not applicable.
 18. The requested waiver of the concrete apron at the Polk Road driveway is subject to review of the Cumberland County Planning Board.
 19. A motion was made to open the Public Hearing, two members of the public stepped forward to offer comment.
 20. David Johnson offered comment that this is an existing building with no proposed changes. This will be a local business which allows local farmers to have their needs met within the county. Irrigation and irrigation equipment are needed in the area. He further indicated that should this company pull out the Johnson Family is prepared to take over and continue the business. He added that the Johnsons have been here for over 100 years, and they are invested in the success of Cumberland County’s agriculture.
 21. Frank Loew, who clarified that he is no relation to John Lowe, stated that there is a need for irrigation business in the area and other similar business has left the area.
 22. With no other members of the public coming forward, the meeting was closed to the Public.
 23. On proper Motion, the Board voted 7-0 to grant the requested Use Variance as well as the requested Minor Site Plan approval, subject to the various stated conditions.

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 in the Agricultural 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 use does not present a detriment to the public good, nor to the Township zoning plan or zoning ordinance; and

BE IT FURTHER RESOLVED that the Board has carefully considered this matter and finds that good cause exists for the granting of the minor site plan approval subject to conditions, due to the existing site conditions and nature of the proposed use; and.

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.
- 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 abide by any of the other conditions previously stated in this Resolution.
- 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 June 12, 2023, to memorialize action taken on May 8, 2023.

Upper Deerfield Township Planning Board

JACK WASELIK, Chairman

ATTEST:

ROY SPOLTORE, Acting Secretary

PROFESSIONALS/COMMITTEE/COMMISSION:

Randall Scheule reviewed the draft Food Truck Ordinance he prepared. Board members presented their ideas on the concepts of a food truck ordinance with the primary discussion focusing on whether a food truck should be permitted in a commercial area in competition with existing food establishments. Mr. Scheule stated he will try to prepare a revised draft with the comments he received. Joseph Spoltore left the meeting at 8:45 pm.

On motion of William Whelan, seconded by Anthony Lamanteer, the public portion of the meeting was unanimously opened. Resident Nancy Ridgway expressed her ideas concerning the

food truck discussion. With no other comments, the public portion was unanimously closed on a motion of Ken Mecouch, seconded by William Whelan.

With no other business, the meeting was unanimously adjourned on a motion of Laura Hayes seconded by Ken Mecouch.

Respectfully Submitted,

Roy Spoltore, Acting Secretary

Sherrie Dixon, Acting Secretary