

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday November 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, James Crilley, Anthony Lamanteer, Joseph Spoltore, Anthony Buono Sr., Laura Hayes, Kenneth Jackson, Wayne Sabota, 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: Planner Randall Scheule, PP, Jack Waselik, William Whelan Alt1 and William Taylor Alt 2.

The minutes of the October 20, 2023, meeting were unanimously approved on motion of Anthony Lamanteer, seconded by Anthony Buono.

The following resolution was memorialized on motion of Kenneth Jackson, seconded by Anthony Buono on a roll call vote:

Roll Call

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

RESOLUTION 11-2023

Township of Upper Deerfield Planning Board

Applicant’s Names: Sika Corporation

Application No.: P-7-2023

Property: Block 1201, Lots 1 & 3 (1262 State Highway 77)

Application For: Preliminary and Final Major Site Plan Approval with Variances

Public Hearing: October 11, 2023

Findings of Fact:

1. Applicant Sika Corporation was represented by A. Steven Fabietti, Esq., of Hyland Levin Shapiro, LLP, who appeared and presented the application on its behalf.

2. Board Member Taylor recused himself due to a familial relationship with the current property owner.

3. The Applicant is a contract purchaser of the properties in question, which are Lots 1 and 3 of Block 1201, commonly known as 1262 State Highway 77. Together they contain approximately 116.9 acres with 1,500± feet of frontage on Highway 77 and 1,375± of frontage on Seely-Finley Road.

4. The site is primarily agricultural land with some wooded uplands. It is vacant with the exception of a pivot irrigation system.

5. The parcels are in the Eco-Ag Redevelopment Zone, and the Applicant was previously before the Board, in May 2023, to present a single-site Redevelopment Plan for the Board's consideration.

6. The single-site Redevelopment Plan, which amended the existing 2005 Highway 77 Redevelopment Plan, was approved by the Board via Resolution 8-2023, and found to be consistent with the Master Plan.

7. The Township Committee approved the single-site Redevelopment Plan on August 17, 2023, via Ordinance No. 853.

8. The Applicant now requests Preliminary and Final Major Site Plan Approval, with Variances, for Phase I construction of a manufacturing facility for building material products. Phase I includes a 270,816 SF facility, with 27,801 SF of office space, 199,597 SF of warehouse space, and 43,418 SF of industrial space.

9. Phase 2A is proposed to involve expansion of the manufacturing facility and additional parking and loading areas. Phase 2B will involve a distribution facility as well as further parking and loading areas. The description of the subsequent phases was for information only and no application for site plan approval for those phases has been made.

10. Vehicular access is proposed via expansion of the existing driveway on Highway 77, opposite Big Oak Road and adjacent to Ultra Clean Technologies. Secondary access is proposed for Seely-Finley Road.

11. As proposed, the Applicant requires Variances for the number and size of signs, and parking.

12. The Board received into evidence the following documents:

- a. Upper Deerfield Planning Board Application dated August 29, 2023
- b. Completed Checklist Schedule B
- c. Environmental Impact Assessment, by Marathon Engineering & Environmental Services, dated August 25, 2023
- d. Traffic Engineering Assessment, Shropshire Associates, LLC, August 28, 2023
- e. Topographic Plans, Marathon Engineering & Environmental Services, dated December 27, 2022 (7 sheets)
- f. ALTA/NSPS Land Title Survey, Marathon Engineering & Environmental Services, September 13, 2022 (7 sheets)

- g. Preliminary and Final Major Site Plan, Marathon Engineering & Environmental Services, dated August 25, 2023 (47 sheets)
- h. Stormwater Management Report, Marathon Engineering & Environmental Services, August 25, 2023

13. Doug White, Executive Vice President, was sworn. He has worked for the Applicant for 46 years, and now handles master planning and strategic projects. Sika currently maintains 43 locations and 5 distribution sites. Mr. White's testimony included testimony as to the following:

- a. The proposed location would serve the eastern United States, and employ approximately 60-70 employees during Phase I.
- b. It is expected that the facility will operate two shifts initially. Truck and rail activity is anticipated during both shifts.
- c. The manufacturing process will not involve chemical reactions, fumes, or toxins.
- d. If future phases are completed as planned, the site would be Sika's largest in the United States.
- e. Mr. White also touted the Applicant's commitment to the environment and excellent safety record.

14. David Fleming, PE, of Marathon Engineering, was qualified as an expert and sworn. Engineer Fleming indicated that the Board should be familiar with the project as many exhibits had been shared at the time of the Board's review of the single-site Redevelopment Plan.

15. Engineer Fleming presented and reviewed the following Exhibits:
- a. A-1 – Overall Site Plan

- b. A-2 – Perspective drawing from the southeast
 - c. A-3 – Perspective drawing looking northeast
 - d. A-4 – Perspective drawing from the rear of the facility
16. Mr. Fleming’s testimony included testimony as to the following:
- a. Mr. Fleming provided an overview of the building, access drives, loading areas, parking lots and stormwater management facilities.
 - b. Mr. Fleming indicated that any trucking that were to occur would not be “intensive.”
 - c. Regarding utilities, it was noted that public water and sewer are available. Applicant will submit a plan for the pump station, to the Cumberland County Utilities Authority, for approval.
 - d. There are no wetlands on site, but they exist on a neighboring property. The Applicant is anticipating that the NJDEP will not require any buffering.
 - e. Mr. Fleming indicated that the proposed scale house had been removed from the Phase I plans.
 - f. Mr. Fleming testified the variances requested in the application as to parking and signage were appropriate for the site and can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the zone plan and ordinance.

17. The Board next received and considered the Completeness comments in the Review letters issued by the Board’s Professionals.

18. Planner Scheule reviewed the following Completeness comments in his October 4, 2023 Review Letter:

- a. Checklist B, Item 16 - Property Lines (to be shown on perfected plan)
- b. Checklist B, Item 27 – Wooded areas (waiver requested)
- c. Checklist B, Item 28 – Location of trees (waiver requested)
- d. Checklist B, Item 41 – Sketch of street system (waiver requested)
- e. Checklist B, Item 42 – Sight site easements (to be shown on perfected plan)

19. Engineer Fralinger reviewed the Completeness comments in his October 9, 2023 Review Letter, which mirrored those of the Planner, with the exception of the following:

- a. Checklist B, Item 50 – Wetlands Delineation (pending with respect to Lot 2; to be provided)

20. The Township Fire Marshal issued a review dated October 5, 2023. The Applicant indicated that it would comply with the five (5) plan modifications requested therein. For clarity, a copy of that Report is attached hereto and made a part hereof.

21. On proper Motion, the Application was deemed Complete, subject to the waivers as set forth above.

22. The Board then moved to Technical Review of the Application.

23. Planner Scheule reviewed the technical comments in his review Report. Mr. Scheule noted that the Applicant required variances for parking (168 spots required, 117 proposed), the number of signs, and the size of the signs proposed (two signs proposed at 150 square feet each where sign size is limited to 100 square feet by §405-31E(13)).

24. The Applicant is also requesting a waiver for sidewalks required by §405-62A(30).

25. The Applicant agreed to comply with the Planner's Review Comments, and, for clarity, a copy of that Report is attached hereto. The Applicant made the following exceptions and clarifications:

- a. In response to comment 23, the Applicant clarified that the figures in the Environmental Impact Study referred to Phase I (72.23 acres) and Phase II (55.1 acres).
- b. In response to comments 12 and 14, the Applicant agreed to provide additional building elevations. The Applicant confirmed that the images shown on Exhibits A1, A2, A3 and A4 depict Applicant's general color scheme and the overall intended appearance of the building and improvements planned for Phase I.
- c. In response to comment 13, it was noted that the architectural plans for the building already provide for a 4-foot parapet that will serve to screen the HVAC units.
- d. In response to comment 24, the Applicant confirmed that Phase I does not call for any disturbance of the landfill area.

26. Board Engineer Fralinger then reviewed the Technical Comments contained in his October 9, 2023 Review Report. Mr. Fralinger indicated that he'd spoken with Applicant's Engineer, that afternoon, and that the Applicant had agreed to "largely comply" with the Technical Comments through additional submissions and a Perfected Plan, which was satisfactory to the Board Engineer. For clarity, a copy of that Report is attached hereto and made a part hereof.

27. Discussion was had regarding the proposed 60' right-of-way dedication to the Township for the connection of Seely-Finley Road to State Highway 77. The Engineer noted his concern that it was unlikely that a roadway could be safely constructed within the proposed right-of-way limits, particularly due to anticipated environmental buffer areas. Talks regarding the roadway dedication will continue, and be addressed on the Perfected Plan.

28. The Applicant agreed to show detail of solid waste facilities on the Perfected Plan.

29. The Applicant indicated that portions of the lot which were not being developed during Phase I would be meadow or perhaps farmed. The Board Engineer indicated that this would affect stormwater calculations, and that proposed uses should be noted on the Perfected Plan, and the stormwater calculations needed to be adjusted accordingly.

30. Scott Joehlin, who was sworn earlier, gave testimony regarding operations, logistics, and truck access. Applicant intends to utilize the proposed rail spur and be shipping by rail in 2026. This would eliminate a significant portion of the anticipated truck traffic. Approximately 1,000 truck trips per year are anticipated in the meantime.

31. Mr. Fleming confirmed that a dedicated left turn lane on Route 77 is anticipated, as are Finley Road improvements.

32. On proper Motion, the meeting was opened to the public.

33. Bruce Riley, a principal of neighboring business Ultra Clean Technologies Corp., was sworn. He indicated that he was in favor of the proposed development, and asked several questions regarding construction and maintenance of the shared access.

34. Nancy Ridgeway was sworn and gave brief testimony in support of the proposed development.

35. There being no further members of the public who wished to speak, on proper Motion, the public portion was closed.

36. The Planning Board has carefully considered this matter and finds that good cause exists for the granting of the requested preliminary and final major site plan approval to Applicant Sika Corporation, along with the requested variances and waivers, subject to conditions.

37. The Board further finds that such variance relief can be granted without substantial detriment to the public good and that the granting of such variances will not substantially impair the intent and purpose of the zone plan, nor that of the Zoning Ordinance of the Township of Upper Deerfield.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Upper Deerfield does grant the application of Sika Corporation, for preliminary and final Major Site Plan approval with variances and waivers as set forth above, subject to the following conditions:

- A. That compliance be had with all applicable requirements of the Upper Deerfield Township Development Ordinance and Building Code.
- B. That Applicant rectify any financial responsibility to the Township related to the review of this application.
- 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 obtain approvals from all other agencies having jurisdiction including, but not limited to, the Cumberland County Planning Board, Cumberland-Salem County Conservation District, New Jersey Department of Transportation, New Jersey Department of Environmental Protection, Upper Deerfield Township Utility Department, Cumberland County Utilities Authority, and OmniTrax/Bureau of Structural and Railroad Engineering Unit.
- E. The Applicant shall provide letters of service availability from all required utilities.
- F. That Applicant prepare and file a Perfected Plan which is in accordance with the Planning Board comments, Engineer's Report, Planner's Report, Fire Marshal's Report, and the contents of this Resolution.
- G. The Perfected Plan shall reflect the roadway dedication in a design which is satisfactory to the Township and Board Engineers. Any buffer or bulk variance relief created thereby, as affects future improvements shown on the Perfected Plan, shall be addressed and approved during the Board's Phase II review.
- H. Any "future improvements" which are denoted on the Perfected Plan shall be for informational purposes only, and are not approved by this Resolution.

- I. The Applicant shall provide an engineer's cost estimate of the site improvements, a Site Safety and Stabilization Bond, and a Performance Bond in an amount to be set by the Planning Board Engineer, in a form to be approved by the Township Solicitor. Per the Board Engineer's Technical Comment #30, no site disturbance is to occur until the Site Safety and Stabilization Bond is approved by the Planning Board Engineer and is in place with the Township.
- J. The Applicant shall enter into a Redevelopment Agreement with the Township's Redevelopment Authority, the form of which shall be satisfactory to the Township Solicitor, and shall comply with all terms thereof.
- K. The Applicant shall fully comply with the provisions of the Single Site Redevelopment Plan for the property.
- L. The Planning Board Planner, and Planning Board Engineer, are hereby delegated the authorization to approve minor Site Plan changes, requested by the Applicant's professionals, provided that such minor changes are consistent with the Planning Board's approval herein. 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 November 20, 2023, to memorialize action taken on October 11, 2023.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTRE, Acting Secretary

The Municipal Zoning officer Anthony Lamanteer expressed his concerns with the Township's current ordinance regulating fences. Specific concerns include the need for a zoning application and fee, and compliance with required setbacks. Randall Schuele was not in attendance; however

his memorandum was supplied to the Board members. Mr. Scheule suggested that all fences and walls require a Zoning permit and a fee be established form the permit. Currently, a permit is only required when the fence or wall does not conform to the ordinance. The Board recommended that the proposed fence ordinance amendment be approved with the following items to be included: a \$25 fee for the zoning permit for a fence, the full growth of a hedgerow species shall be one half the diameter plus 2 feet, invasive species such as bamboo can not be used for a hedge row and add rear yard setbacks as a condition. Everyone agreed that the zoning fee schedule should be reviewed in the future.

An ordinance to amend the Performance Guarantee portion to provide language for new state regulations pertaining to site, safety stabilization performance guarantees was tabled as the Township Solicitor wanted to review and amend the proposed Ordinance. Michael Fralinger said that the ordinance is outdated and that the site safety stability bond should be included.

Anthony Buono Sr. made a motion, seconded by Anthony Lamanteer, to open the public comment portion of the meeting. Resident Nancy Ridgway of Irving Avenue stated that she's been suggesting a fence ordinance for years and would like to see the setback be increased from 1 foot to at least 2 feet and to allow the homeowner to maintain both sides of the fence. Resident Dallas Peterson of Shadow Brook thought the distance between 2 neighboring fences should be at least 30 inches, giving each homeowner access to maintain the back of their fence or hedgerow. Seeing no other public comment, the public portion was closed on motion of Wayne Sabota, seconded by Anthony Lamanteer and unanimously approved.

After hearing the public's feedback, the Board added a requirement that a fence or hedgerow be 30 inches from the property line.

Russ Vanella stated that the Board should take a look at the requirements for parking spaces in 2024. Anthony Lamanteer reported that The Reserve at Buttonmill approval required an agricultural buffer of 150 feet, which does not permit any sheds, outbuildings, pools, to be constructed. Each property owner would need a variance to allow an accessory use on the property. Matt Ritter, Esq. said that he needs to be look into what options may be available.

The next Board meeting will be December 11th, 2023. With no further business, the meeting was unanimously adjourned on motion of Kenneth Jackson, seconded by Laura Hayes.

Respectfully Submitted,

Roy Spoltore, Acting Secretary

Sherrie Dixon, Acting Secretary