

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday February 26, 2024, 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 Taylor alt 2 and Edward Geletka Alt 3.

Staff: Planner Randy Scheule, PP, AIC, Engineer J. Michael Fralinger Jr. PE, CME, Solicitor Matthew Ritter Esq., Solicitor Rocco Tedesco Esq. and Acting Secretaries Roy Spoltore and Sherrie Dixon.

Absent: Anthony Buono. Sr., William Whelan alt 1, Edward Geletka Alt 3, Ken Mecouch alt 4.

On motion of Jack Waselik, seconded by Kenneth Jackson, the minutes of the January 8th, 2024, meeting were unanimously approved.

APPLICANT DEVELOPMENT:

Bruce & Debra Riley - Ultra Clean Technologies Corporation – 1274 Highway 77 - Block 1201, Lot 1.01 -Expand the existing one-story warehouse with a 25,000 square foot addition and associated improvements. Solicitor Matt Ritter along with Board members Ken Jackson and William Taylor, all recused themselves and sat in the audience for the Ultra Clean application. Conflict Solicitor Rocco Tedesco took over for Matt Ritter. Attorney Keith Davis Esq. Architect Phil Ruggieri, Engineer & Planner Brian Atkins, and Bruce Riley, co-owner of Ultra Clean represented Ultra Clean Technologies Corporation

Bruce Riley stated that the property was purchased in 2012 and the company specializes in contamination control technologies for industries that require contamination-free hoses and tubes. They have 36 employees, 30 on the first shift and 6 for the second. The applicant proposes to construct a 25,003 sq. ft. warehouse addition to the existing 22,880 sq. ft. facility and convert approximately 1,120 sq. ft. of loading dock area on the existing building to office uses. The application requests a variance to permit a 170 sq. ft. backlit façade identification sign (100 square feet permitted) and design waivers.

Randy Scheule went over his report for completeness and had no issues. Mike Fralinger went over his completeness report as well and stated the Geotechnical Exploration Report was sufficient. On a roll call vote motioned by Jack Waselik, seconded by Laura Hayes, the application was deemed complete.

Roll Call:

Russell Vanella -Aye

James Crilley – Aye

Anthony Lamanteer – Aye

Anthony Buono Sr.- Absent

Kenneth Jackson – No Vote

William Whelan, Alt #1 – Absent

Edward Geletka, Alt #3 – Aye

Jack Waselik – Aye

Wayne Sabota - Aye

Joseph Spoltore – Aye

Laura Hayes – Aye

William Taylor Alt #2 – No Vote

Kenneth Mecouch Alt #4- Absent

Architect Philip Ruggieri submitted exhibit A-1 that depicted the site plan which will add 25,003 square feet for a total of 47,883 square feet. The new building will be connected to the existing one and will have a 3-hour firewall between the two. Exhibit A-2 showed the east and north elevation including a wall mounted sign that is 170 square feet. Exhibit A-3 was a preliminary drawing of the existing building by a different architect and the new one. Exhibit A-4 showed the west and south elevation including the 2 loading docks and a window from the office so the employees can see approaching trucks to the loading docks. Brian Atkins, NJ Planner and Engineer with SR3 Engineers, submitted Exhibit A-5, an aerial photo 250 feet off of Route 77. Exhibit A-6 showed an aerial photo with the proposed expansion. There will be 56 parking spaces, which exceeds the 49 that would be required. Mr. Atkins explained that the applicant plans to asphalt the driveway that will be shared with Sika once Sika's project is complete. The trash receptacle will be by the loading docks and will be screened from the public view with evergreens. Mr. Atkins stated that the Stormwater basin meets all State standards. Bruce Riley stated Ultra Clean will still asphalt the shared driveway even if the Sika project falls through. The applicant is asking for a landscape waiver for buffering of the property and one for the proposed lack of sidewalk on Route 77. A sign waiver is needed for truck traffic to find the building more easily.

Randy Scheule went over his technical comments and stated he supported the landscape/ basin waiver and that the sign size is reasonable. Mike Fralinger went over his technical comments. He stated he was okay with the waivers requested. He recommended the perfected plan be submitted to the Fire Marshall to make sure his concerns have been addressed. Bruce Riley stated they will get the fire marshal's comments.

On motion of Wayne Sabota, seconded by Ed Geletka, the public comment portion was opened. Resident Nancy Ridgway stated that this was a great project for the area. Seeing no one else to provide comments, on motion of Wayne Sabota, seconded by Jim Crilley, the public portion was closed. Rocco Tedesco provided an application summary, noting that this is a 25,003 square foot expansion seeking 1 sign variance and 3 waivers. One for the basin, one for the perimeter and one for the sidewalk. Except as otherwise set forth herein, the Applicant has agreed to all of the requirements set forth in the Review reports of the Board Planner, Board Engineer and Upper Deerfield Township Fire Marshal. With regard to the application for façade identification sign variance, the Board finds the proposed increase in the size of the signage would substantially outweigh any detriment, as is more particularly in N.J.S.A. 40:55D-70(c)(2). The Board also finds that the request for design waivers from the provisions of the ordinance requiring sidewalks, stormwater basin, landscaping requirements and perimeter landscaping requirements

are reasonable and within the general purpose and intent of the provisions of the site plan. On a motion of Jack Waselik, seconded by Ed Geletka, the project was approved by 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.- Absent	Laura Hayes – Aye
Kenneth Jackson – No Vote	
William Whelan, Alt #1 – Absent	William Taylor Alt #2 – No Vote
Edward Geletka, Alt #3 – Aye	Kenneth Mecouch Alt #4- Absent

Matt Ritter, Ken Jackson and Bill Taylor all returned from the audience.

PROFESSIONALS/COMMITTEE/COMMISSION:

Randy Scheule explained that the Township Code for Performance Guarantees needs to be updated to be consistent with revisions in state statues for guarantees. Mr. Scheule added that the proposed modifications to the Township Code are consistent with the Township Master Plan. A resolution determining consistency will be voted on later this evening. Russ Vanella stated the Township parking requirements need to be reviewed as it appears the Township is requiring too many spaces for commercial developments. Mr. Vanella suggested that a subcommittee be created to review the requirements and bring their findings back to the board. Ed Geletka, Wayne Sabota, Russ Vanella, Tony Lamanteer and Roy Spoltore will serve on the committee. The committee will look at parking requirement suggestions from the Institute of Traffic Engineers (ITE) and then compare them to the Township’s current requirement.

The following resolution was memorialized by motion of Jack Waselik, seconded by Joe Spoltore, and unanimously approved.

Roll Call:

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

RESOLUTION NO. 1-2024

UPPER DEERFIELD TOWNSHIP

WHEREAS, the Township Committee of the Township of Upper Deerfield has requested

that the Township Planning Board review an Ordinance intended to amend the Township Land Use Code; and

WHEREAS, the proposed Ordinance 861 will amend Ordinance sections 405-65 through 405-68 of the Upper Deerfield Township Zoning and Development Code, by updating the requirements for Performance Guarantees, Inspection Fees and Escrow; and

WHEREAS, the Planning Board is assigned referral power, pursuant to NJSA 40:55D-26, under which the Planning Board shall make and transmit to the governing body, within thirty-five days after referral, a Report, including identification of any provisions of a proposed development regulation, revision, or amendment, which are inconsistent with the Master Plan; and

WHEREAS, the Planning Board reviewed the proposed Ordinances, as required by NJSA 40:55D-64, at its Regular Meeting held on February 21, 2024; and

WHEREAS, at said February 26, 2024, Regular meeting, the Planning Board received, reviewed and discussed a Consistency Report, dated February 23, 2024, consisting of three (3) pages, including attachments, and prepared by Board Planner Randall Scheule, PP, AICP.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Township of Upper Deerfield, does hereby find and determine that the above referenced Ordinance, which amends Ordinance sections 405-65 through 405-68 of the Upper Deerfield Township Zoning and Development Code, is consistent with and serves to effectuate the Township's Master Plan. The Board further finds that no provision in the proposed Ordinance is inconsistent with the Master Plan of the Township.

CERTIFICATION

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 February 26, 2024,

to memorialize action taken on that same date.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTORE, Secretary

The following resolution was memorialized by motion of Wayne Sabota, seconded by Laura Hayes, on a roll call vote.

Roll Call:

Russell Vanella -Aye	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 – Absent	William Taylor Alt #2 – Aye
Edward Geletka, Alt #3 – No Vote	Kenneth Mecouch Alt #4- Absent

RESOLUTION 2-2024

TOWNSHIP OF UPPER DEERFIELD PLANNING BOARD

Applicant’s Name: GFJ Rentals, LLC

Application No.: P-1-2024

Application for: Minor Subdivision, Use Variance, and Bulk Variance

Property: Block 201, Lot 2 (45 Finley Road)

Hearing: January 8, 2024 (Completeness & Technical)

Findings of Fact:

1. Applicant appeared before the Board represented by Raymond Went, Jr., Esq. and Howard D. Melnicove, Esq., both of Nehmad Davis & Goldstein, PC.

2. The applicant is requesting minor subdivision approval to subdivide existing Lot 2 into two lots. Applicant also requests, use and bulk variance approvals.

3. The Lot in question is a 26.70-acre triangular parcel in the Eco-Agricultural Overlay Zone. There are multiple current uses on the lot, which is bisected by wetlands. It has frontage on both Finley Road and NJ Route 77.

4. On the Finley Roadside is Poor Boy Pallet, which is not a permitted use in the Zone (it was previously granted a Use Variance in 2007, via Resolution 11-2007). On Route 77 side of the parcel is Griffin Greenhouse Supplies, Inc.

5. Because the lot size on which the pallet business operates is proposed to be reduced to 10.524 acres, a new use variance is required for the expansion of that non-conforming use.

6. Proposed Lot 2.02, which will contain the greenhouse supply business, will contain 14.356 acres.

7. No additional development is proposed at this time.

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

- a. Cover letter from Counsel dated November 17, 2023
- b. Application form with attachments
- c. Completed Checklists B & C
- d. Survey prepared by Remington & Vernick Engineers, dated November 9, 2023, one sheet.

- e. Plan of Minor Subdivision, prepared by Remington & Vernick Engineers, dated July 13, 2022, last revised October 31, 2023, one sheet.
- f. December 3, 2023, email from Counsel to Roy Spoltore regarding new lot numbers.

9. Applicant's Engineer, Chip Adamson, PE was sworn and qualified. He gave testimony regarding the following exhibits:

- a. A-1 Minor Site Plan
- b. A-2 Property survey
- c. A-3 Package of photos

10. The Board next received and considered the December 5, 2023, and January 2, 2024, Reports of Board Planner, Randall Scheule, PP/AICP. Planner Scheule was present for and participated in the meeting.

11. The Board next received and considered the November 30, 2022, Report of Board Engineer J. Michael Fralinger, Jr., PE, CME, who was present for and participated in the meeting.

12. On proper Motion, the Board voted unanimously to deem the application complete, after granting the following waivers:

- a. Checklist B, Item 14 – signature spaces (perfected plan)
- b. Checklist B, Item 22 – contours (no development proposed)
- c. Checklist B, Item 27 – wooded areas
- d. Checklist B, Item 34 – wells and septic systems (no development proposed)
- e. Checklist B, Item 39 – road dedication (deferred to County and NJDOT)
- f. Checklist B, Item 50 – Wetlands delineation (pending NJDEP)
- g. Checklist C, Item 36 – road dedication (deferred to County and NJDOT)

13. Engineer Adamson continued his testimony and indicated approval was pending from the NJDEP for the proposed wetlands delineation.

14. Because the County has not yet reviewed the application, it was anticipated that they would require a maximum of 8.5' roadway dedication along Finley Road. The existing structures on proposed Lot 2.01 will require a setback variance of 22.25' where 30' is required.

15. Applicant's Engineer gave testimony in support of the requested use variance and described the unique shape of the property. He indicated no adverse impacts from the reduction in the size of the lot on which the pallet business operates.

16. Gary Macklin, general manager for the Applicant, was sworn in. He described daily operations at Poor Boy Pallet and indicated that the public does not access the business. 7-10 truck deliveries per day are the norm.

17. The purpose of the subdivision is to sell proposed lot 2.02 to tenant Griffin Landscape Supply.

18. Board Member Waselik inquired whether pallets were being stored within the wetlands, and Chairman Vanella complained of their visibility from Route 77. The Board's prior Resolution granting the use variance mandated that the pallets be properly screened.

19. Mr. Macklin testified that trees were planted to screen the pallets, but they died due to being planted within the wetlands. Significant back-and-forth between the Applicant and Board ensued.

20. The Board Planner and Engineer reviewed the technical portions of their Reports. Planner Scheule discussed the side yard setback variance for proposed Lot 2.01 for an existing accessory structure.

21. The applicant requested and received a five-minute break to discuss options for screening the pallet business.

22. After the break, Applicant's Counsel informed the Board that his client did not believe that screening was possible due to the wetlands present. He further indicated that the business had been operating without screening for decades and that because of the size and shape of the lot, current operations could not be modified to allow for other screening opportunities.

23. Co-owner Dennis Macklin was sworn and indicated that it would simply be too expensive for Applicant to comply with the screening requirements in the 2007 Resolution.

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

25. Sandy Acevedo was sworn and inquired as to the operation on proposed Lot 2.02.

26. Retired Zoning Officer Tony Lamanteer was sworn and indicated the Applicant's many years of cooperation with his office. He was of the opinion that the Board should await NJDEP approval prior to deciding on screening.

27. There being no further members of the public who wished to testify, on proper Motion, the public hearing was closed.

28. A discussion ensued regarding the height of the stored pallets relative to what is permitted under the applicable fire code. Applicant indicated that the stacks are no more than 16' high.

29. The Solicitor reviewed the Application and recommended that the Board consider the use variance separately from the other items, as it required 5 affirmative votes.

30. 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.

31. On proper Motion, the Board voted 7-0 to grant the requested D(2) Use Variance. A second vote on the requested minor subdivision and side yard setback variance was also granted 7-0.

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(2) Use Variance for the expansion of a non-conforming pallet use in the Eco-Agricultural Overlay 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 existing pallet business 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 minor subdivision and side yard setback variance, also subject to conditions. With regard to that bulk variance, the Board finds that the Applicant has satisfied the positive criteria pursuant to N.J.S.A. 40:55D-70(c) for the granting of the 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 side yard variance will not substantially impair the intent and purpose of the zone plan, nor the Development Ordinance of the Township of Upper Deerfield.

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, the New Jersey Department of Transportation, and the New Jersey Department of Environmental Protection.
- D. That compliance be had with all other requirements of the Upper Deerfield Township Development Ordinance and building code.
- E. Applicant shall prepare and file a perfected minor subdivision plan which addresses the technical comments of the Board Planner and Board Engineer.
- F. 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.
- G. 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 January 8, 2024, regular meeting, and memorialized on February 26, 2024, in Resolution 12-2023."
- H. 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.
- I. The Applicant must comply with all above conditions, prior to the Board Chairman and Secretary signing the Deeds.
- J. 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 February 26, 2024, to memorialize action taken on January 8, 2024.

Upper Deerfield Township Planning Board

RUSSELL S. VANELLA, Chairman

ATTEST:

ROY SPOLTORE, Secretary

The public comment portion was opened on motion of Joe Spoltore, seconded by Jim Crilley and unanimously carried. Resident Nancy Ridgway stated that NJ Transit has a bus route that runs along Route 77. Resident Dallas Peterson asked about the need for the performance guarantee resolution. Randy Scheule explained that the State requirements have changed for performance guarantees, and the Township needs to update their language. Seeing no other comments, on a motion of Bill Taylor, seconded by Wayne Sabota, the public portion was closed. With no further business, the meeting was unanimously adjourned by motion of Bill Taylor, seconded by Jack Waselik.

Respectfully Submitted,

Roy Spoltore, Secretary

Sherrie Dixon, Secretary