

**The Regular Meeting** of the Planning Board of the Township of Upper Deerfield was held on Monday June 17, 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 (came in at 7:03pm), James Crilley, Anthony Lamanteer, Joseph Spoltore, Anthony Buono. Sr., Laura Hayes, Kenneth Jackson, Wayne Sabota, William Taylor alt 2 and Ken Mecouch alt 4.

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

**Absent:** William Whelan alt 1 and Edward Geletka alt 3.

On motion of Anthony Buono Sr, seconded by Laura Hayes, the minutes from the June 10<sup>th</sup>, 2024, meeting were unanimously approved.

The following resolution was memorialized on roll call vote on motion of Anthony Buono Sr, seconded by Wayne Sabota:

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 – Aye	
William Whelan, Alt #1 – Absent	William Taylor Alt #2 – No Vote
Edward Geletka, Alt #3 – Absent	Kenneth Mecouch Alt #4- No Vote

**RESOLUTION 4-2024**

**Township of Upper Deerfield Planning Board**

**Applicant's Names:** Sika Corporation

**Application No.:** P-3-2024

**Property:** Block 1201, Lot 1 (formerly Lots 1 and 3) (1262 & 1274 State Highway 77)

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

**Public Hearing:** June 10, 2024

**Findings of Fact:**

1. Applicant Sika Corporation (the “Applicant”) was represented by Peter A. Chacanas, Esq., of Hyland Levin Shapiro, LLP, who appeared and presented the application on its behalf.

2. The Applicant is the tenant of the property in question, known as Lot 1 (formerly Lots 1 and 3) in Block 1201, commonly known as 1262 & 1274 State Highway 77 (the “Property”). The Property contains approximately 116.9 acres with 1,500± feet of frontage on Highway 77 and 1,375± of frontage on Seely-Finley Road.

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

4. The Property is in the Eco-Agricultural Zone, which itself is located within the Highway 77 Redevelopment Area of Upper Deerfield Township.

5. The Applicant was designated as Redeveloper of the Property by the Township Redevelopment Entity in Resolution # 2023-03.

6. The Applicant was previously before the Board, in May 2023, to present a single-site Redevelopment Plan for the Board’s consideration.

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

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

9. The Applicant then filed an application requesting Preliminary and Final Major Site Plan Approval, with Variances, for Phase I construction of a manufacturing facility for building material products (the "First Application"). This First Application included the construction of 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.

10. 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.

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

12. The First Application was approved by the Board on October 11, 2023, and Resolution No. 11-2023, memorializing this approval, was adopted on November 20, 2023.

13. The Applicant now seeks amended Preliminary and Final Major Site Plan Approval, with Variances, in order to amend the prior approval to reduce the overall building size and height, including the reduction of the square footage of the warehouse space and office space, the elimination of the training center, along with revisions to the parking layout, landscaping and other items.

14. As proposed, the amended approvals require a Variance from § 405-27 of the Upper Deerfield Township Zoning Ordinance for the number of parking spaces, as 77 parking spaces are proposed where 100 spaces are required.

15. As proposed, the Applicant also requires certain waivers for the landscaping.

16. The Board received into evidence the following documents:

- a. Upper Deerfield Planning Board Application dated May 7, 2024;
- b. Environmental Impact Assessment, by Marathon Engineering & Environmental Services, dated August 25, 2023;
- c. Traffic Engineering Assessment, Shropshire Associates, LLC, August 28, 2023;
- d. Topographic Plans, Marathon Engineering & Environmental Services, dated December 27, 2022 (7 sheets);
- e. ALTA/NSPS Land Title Survey, Marathon Engineering & Environmental Services, September 13, 2022 (7 sheets);
- f. Preliminary and Final Major Site Plan, Marathon Engineering & Environmental Services, dated May 5, 2024 (52 sheets);
- g. Stormwater Management Report, Marathon Engineering & Environmental Services, August 25, 2023, last revised May 2, 2024.

17. Steve Graham, AIA, NCARB, LEED AP BD+C, of MMPF Architects, was qualified as an expert in the field of architecture and sworn. Architect Graham testified as to the decrease in square footage of the warehouse space and the office space, along with changes to the design of the building including coloring and materials. The specific items testified to by Mr. Graham can be

found in items 1, 2 and 3 on the document entitled Sika Northeast Plant Modifications, incorporated by reference hereto and annexed hereto as Exhibit A.

18. Architect Graham presented and reviewed the following Exhibits:

- a. A-1 – architectural rendering
- b. A-2 – rendering from Route 77
- c. A-3 – rendering from rail spur
- d. A-4 – south wall, as viewed from Seeley-Finley Road

19. David Fleming, PE, PP, of Marathon Engineering, was then qualified as an expert in the fields of professional engineering and planning 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 and the Board's review of the First Application.

20. Engineer Fleming presented and reviewed a colorized sheet 5/52 from the filed Major Site Plan and testified regarding a colorized sheet C-100.

21. Mr. Fleming's testimony included testimony as to the following:

- a. Mr. Fleming provided a revised overview of the access drives, loading areas, parking lots and stormwater management facilities.
- b. Mr. Fleming testified as to the changes in the parking layout, including the reconfiguration of the primary 68-space office parking lot and the elimination of the 42-space training room parking lot, which was removed along with the training room.

- c. Mr. Fleming also noted that the main entry drive was reduced in width from 40' to 32', and that the secondary entry drive from Seely-Finley Road was eliminated and will now serve only as a stone Emergency Fire Department access drive,
- d. Mr. Fleming testified the parking Variance requested in the application as to was appropriate for the site, given Sika's needs and the potential for expansion, as necessary, 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.
- e. Finally, Mr. Fleming gave testimony regarding the requested landscaping waivers. There are 27 infiltration areas proposed, and the landscaping requirements for some would be burdensome and unnecessary for a site with improvements situated so far from travelled roadways, and not generally accessed by the public.

22. Scott Joehlin, the Applicant's Director of Engineering, was sworn. Mr. Joehlin testified as to the operations and number of employees on site, totaling seventy (70) employees over two (2) shifts, and briefly discussed Sika's plans for future development of the Property. Mr. Joehlin also confirmed that no hazardous materials or substances would be used or manufactured on site.

23. The Board next received and considered the comments in the Review letters issued by the Board's Professionals.

24. Engineer Fralinger reviewed the technical comments in his June 7, 2024, Review Letter. For clarity, a copy of that Report is attached hereto and made a part hereof as Exhibit B.

25. Engineer Fralinger noted that the Applicant required a Variance for parking (100 spaces required, 77 proposed).

26. The Applicant agreed to comply with the Engineer Fralinger's Technical Comments. The Applicant and/or Engineer Fralinger made the following exceptions and clarifications:

- a. With respect to comment 12, Engineer Fralinger clarified this was a recommendation, not a requirement.
- b. In response to comment 22, the Applicant indicated that former Lots 1 and 3 in Block 1201 were consolidated into one (1) lot, now known as Lot 1, via deed dated May 15, 2024, recorded in the Office of the Cumberland County Clerk on May 20, 2024, in Book 04255, Page 8658.

27. Planner Scheule reviewed the technical comments in his June 7, 2024 Review Letter. For clarity, a copy of that Report is attached hereto and made a part hereof as Exhibit C.

28. Planner Scheule noted that the Applicant is requesting design waivers for the following landscape standards:

- a. §405-62A(4)j stormwater management areas.
- b. §405-62A(4)(k) Buffers
  - i. Within the yard areas of the property, and in landscape strips along the street frontages, rear and side lot lines per §405-62A(4)(h) and §405-62A(4)(i).

- ii. Within parking lots containing five or more parking spaces and  
between such parking lots and streets from which they are visible.
- c. §405-62A(4)(k)[3.1] Buffer requirements specific to warehouse and industrial-style buildings.
- d. §405-62A4(m) Commercial and industrial streetscapes.
- e. §405-62A4(n) Building perimeter landscaping.
- f. §405-62A4(o) Screening of loading spaces and loading docks.

29. The Applicant agreed to comply with the Planner's Review Comments (per Exhibit C, attached hereto). In that regard, the Applicant made the following exceptions and clarifications:

- a. With respect to comment 8, the Applicant received a waiver from the requirement that sidewalks be provided along the frontage, particularly along Seely-Finley Road and NJSH Route 77, as part of the First Application (as noted in comment 2 in Engineer Fralinger's review letter), which carries over to this approval.
- b. With respect to comment 13, the Applicant received a variance for the proposed 150 sq. ft. monument sign as part of the First Application, which carries over to this approval.

30. After significant back-and-forth with the Board, the Applicant testified that it intends to include appropriate plantings with future phases of the project, particularly along Route 77, as the site starts generating revenue. Landscaping proposed with the instant application includes: a grass-covered berm along Route 77, shrub plantings at the Route 77 entrance drive, street trees along the driveway and foundation plantings adjacent to the office. Applicant testified



that it intends to provide a greater degree of conformity with the requirements of §405-62A *et. seq.*, in conjunction with future phases of site development.

31. The Applicant indicated that the Property, including those portions which are not being developed during Phase I, would not be farmed.

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

33. Nancy Ridgeway was sworn and inquired as to the potential for the creation/manufacturing of paint products, and Mr. Joehlin confirmed that no paint or paint products would be created or otherwise manufactured on site.

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

35. 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.

36. The Planning Board has carefully considered this matter and finds that good cause exists for the granting of the requested amended 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, many

of which carry over from initial approvals:

- 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 (Exhibit B hereto), Planner's Report (Exhibit C hereto), 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. As an essential and non-severable condition of this approval, the Applicant shall comply with all affordable housing obligations, including, but not limited to those created by the Statewide Non-Residential Development Fee Act, signed into law in July, 2008 (codified as N.J.S.A. 40:55D-8.1 *et. seq.*).
- M. 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 June 17, 2024, to memorialize action taken on June 10, 2024.

**Upper Deerfield Township Planning Board**

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RUSSELL S. VANELLA, Chairman

ATTEST:

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ROY SPOLTORE, Secretary

**PROFESSIONALS/COMMITTEE/COMMISSION:**

Planner Randall Scheule went over his findings from the last meeting's discussion on commercial parking requirements. The Board reviewed the table based on previous discussions by the Board. The Board agreed with his revised parking table and came to the agreement that the hardware sales stores should remain at 2 spaces per 1,000 square feet. Mr. Scheule will prepare a draft ordinance for review for the next meeting.

Randall Scheule then reviewed the proposed fence ordinance as previously discussed at the Board meeting on June 10<sup>th</sup>, 2024. Board member and Zoning officer, Anthony Lamanteer Jr. stated he would like to see residents be required to provide a survey along with the permit application. He feels it will alleviate problems in the future with any discrepancy of lot line issues with neighboring properties. Mike Fralinger, engineer suggested having a “Lot Line Determination” instead of a more costly survey. The Board was in agreement that the fence should be contained within the property of the individual constructing a fence with the good side facing toward the neighbor. Mr. Scheule will work on a proposed Ordinance for the next meeting.

On motion of Kenneth Jackson, seconded by Laura Hayes, the public comment portion was unanimously opened. Resident Anthony Lamanteer Sr., former Zoning Officer and previous Board member, stated asked if it is a good idea to put the fence on the property line and that you cannot always go by the metal markers in the ground since people can move them. The property markers should be confirmed. Resident Nancy Ridgway stated she does not want anyone encroaching on her property to maintain their fence. With no other comments, the public comment was unanimously closed on motion of Laura Hayes seconded by Anthony Buono Sr,

Roy Spoltore noted that two minor subdivision applications, a parking variance request and a site plan for a cold storage facility are all requested to be heard in July. The Board reviewed their schedules and no other date in July was workable. The Secretary will speak with all potential applicants. With no further business, the meeting was unanimously closed on motion of Laura Hayes, seconded by William Taylor.

Respectfully Submitted,

Roy Spoltore, Secretary

Sherrie Dixon, Secretary

