

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday July 15, 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, Anthony Buono Sr.(Came in at 7:02pm.), Laura Hayes, Kenneth Jackson, Wayne Sabota, William Whelan alt 1, 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., and Secretaries Roy Spoltore and Sherrie Dixon.

Absent: Joseph Spoltore and Ken Mecouch alt 4.

On motion of Kenneth Jackson, seconded by Laura Hayes, the minutes of the June 17, 2024, were unanimously approved.

APPLICANT/DEVELOPMENT

Biren Patel of Shivshatki Investment Group, owner of 71 Button Mill Road - Block 1406 Lot 8, is seeking a Minor Subdivision to create two parcels, one being an .86-acre lot and the other being a .94-acre lot. They are requesting a variance for lot size. The Shivshatki Investment Group is represented by Attorney Terrance Bennett, Esq. and Architect Tom D'Arrigo. Randall Scheule reviewed his Planner's Report and agreed to waivers requested and recommended the application deemed complete. Mike Fralinger went over his report and made the same recommendation to deem the application complete. On a roll call vote motioned by Wayne Sabota, seconded by James Crilley, and unanimously carried, the application was deemed complete.

Russell Vanella- Aye

James Crilley – Aye

Anthony Lamanteer – Aye

Anthony Buono Sr.- Aye

Kenneth Jackson – Aye

William Whelan, Alt #1 – Aye

Edward Geletka, Alt #3 – No Vote

Jack Waselik-Aye

Wayne Sabota - Aye

Joseph Spoltore – Absent

Laura Hayes – Aye

William Taylor Alt #2 – No Vote

Kenneth Mecouch Alt #4- Absent

Mr. Bennett stated that a variance was needed for lot size as the zoning required 1.5 acres. Mr. Bennett stated that most of the existing homes in the area are on lots that are similar or smaller in size than what is being proposed. Mr. D'Arrigo discussed the placement of the proposed houses, and that the existing area has no sidewalks currently. Board members were concerned with possible water run-off. Mr. D'Arrigo stated he would work with the professionals to minimize new run-off.

On motion of Anthony Buono Sr., seconded by William Taylor, and unanimously carried the public hearing portion was opened. Resident and former Zoning Officer Anthony Lamanteer stated he felt the project was a good project, Mr. Patel purchased the old farmhouse and demolished the home due to its condition. Resident Walt Kellen expressed concern as to whether the houses would be rentals or owner occupied, the potential for water run-of onto his property and the age of the trees on the property. Resident Bruce Peterson stated he has lived on Sentry Drive for 40 years and that most of the properties in the area are approximately .50 acre. Crystal Smith-Bey stated she was also concerned about the homes being rental units and the potential for water run-off onto Colonial Terrace. With no other comments, the public hearing portion was closed on a motion of Anthony Buono Sr., seconded by William Taylor and unanimously carried. Mr. Patel stated that the properties will be built for sale and since he lives in the area, he would also like to make sure they look nice. Mr. D'Arrigo stated he is willing to work with professionals to address concerns about run-off. Mike Fralinger stated the size of the development doesn't trigger Stormwater management.

Matthew Ritter summarized that the Planning Board has carefully considered this matter and the neighbors' concerns and finds that good cause exists for the granting of the requested minor subdivision approval, with bulk variances for lot area, along with the requested waivers. 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 variances, 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 motion of William Whelan, seconded by Jack Waselik, the Minor Subdivision with variance for lot size and waiver for sidewalks and lot shape was approved on the following roll call vote:

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

James Pierson, Esq. of Angelini, Viniar, & Freedman, LLP, represented Zawa Upper Deerfield LLC -14 Centerton Road - Block 2001 Lot 3 for a parking variance, requesting approval for 44 spaces where 53 are required. The application was previously approved as a Major Site Plan in 2022 for 2,276 SF Chipotle and 4,650 SF of retail space. Representing the developer were Nick Aspras of Zawa and Nathan Mosley, Traffic Engineer from Shropshire Associates.

The applicant requested an amendment to the Preliminary and Final Major Site Plan approval from 2022, with a parking variance, in order to permit the conversion of 1550 SF of the remaining 4650 SF of retail space into a Wingstop restaurant. Mr. Mosely explained that the three proposed uses, Chipotle, retail, and Wingstop, would require a total of 53 parking spaces pursuant to the Township Ordinance. The applicant is proposing a total of 41 parking spaces (42 previously approved with two additional spots for a possible loading zone for a total of 44 spaces) and therefore requires a parking variance. The allocation of the spaces would be 12 for Wingstop, 15 for Chipotle, and 14 for the remaining retail space. Mr. Mosley indicated that the actual parking demand is 41 spaces and 44 are proposed. If accepted by the Board, this would leave 17 spaces for the undefined retail space. The applicant is also requesting that it not be required to return to the Board for additional approvals, so long as a tenant for the retail space is located, which permitted use does not require in

excess of the 17 parking spots proposed/allocated to that space within the application.

Randall Scheule reviewed his Planner's Report with the board and applicant. Mike Fralinger went over his report with the board and applicant. No Completeness vote was needed as the Application had previously been deemed Complete.

On motion of Ken Jackson, seconded by Anthony Buono Sr., and unanimously carried the public hearing portion was opened. Resident Bruce Peterson who owns property immediately to the north, spoke in favor of the application. He indicated that the Township should strive to reduce excess parking and impervious surfaces where appropriate. With no other comments, the public hearing portion was closed on motion of Anthony Buono Sr., seconded by James Crilley.

Matthew Ritter summarized that 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 the Applicant and further finds that good cause exists for the granting of the requested parking variance, which can be granted without substantial detriment to the public good and the granting of which will not impair the intent and purpose of the zone plan and zoning ordinance of the Township of Upper Deerfield. H. The Applicant will not be required to return to the Board for additional parking relief, so long as a tenant for the retail space is located, which permitted use does not require in excess of the parking 17 spots.

On motion of William Whelan, seconded by Laura Hayes, the Minor Subdivision was approved on the following roll call vote:

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

Michael Fralinger, PE, William Whelan and Edward Geletka recused themselves and sat in the audience. Peter A. Chacianas, Esq., of Hyland Levin Shapiro, LLP, represented Lark Urban Renewal LLC - East side of Highway 77 between Love Lane and Silver Lake Road – Block 1206 Lots 1, 1.01 and 1.05 and Block 2012 Lot 1.02 - Preliminary & Final Major Site Plan Review and Minor Subdivision – Proposing an 80,083 SF Cold Storage Facility and Associated Site Improvements including, but not limited to, 25 trailer storage spaces, 14 loading docks, and 60 vehicular parking spaces. The applicant is also requesting a Height Variance. Ethan Byler a principal at Stanker and Galetto and Rob Ritchie PE from Dynamic Engineering were present representing the applicant.

Mr. Chacianas explained that the Applicant was designated as Redeveloper of the Property by the Township Redevelopment Entity, in Resolution # 2024-5, in which the Redevelopment Entity also found as follows: the Applicant's proposal is "substantially consistent with the adopted Redevelopment Plan"; Strict compliance with the landscaping requirements is not necessary, and the proposed 4' height variance is "de minimis. He added that the Application before the Board requires a Variance from for the height of the building. A maximum of 40' is permitted, and 43.9' is proposed. The Application also requires two (2) Variances The first is for the number of signs, as the ordinance permits only one (1) sign per use, and the Applicant requests three (3) signs: one (1)

wall-mounted sign, and two (2) free-standing signs. The first freestanding sign is to be located at the shared existing entrance, and the second is to be located at the new truck access drive, indicating that trucks shall enter using this drive. The second variance is related to the size of the wall-mounted sign, as the ordinance permits wall signs not larger than 5% of the front of the principal building or 100 SF, whichever is smaller. The Applicant proposes a wall-mounted sign of 10'8" by 27', or approximately 290 SF. The Applicant is also requesting waivers for the proposed landscaping and stormwater management systems, as delineated in the review letter prepared by Randall Scheule, dated July 9, 2024.

Ethan Byler explained that Stanker and Galetto will be constructing the building and leasing it Cumberland Dairy to store dairy products. They anticipate there will be 30-35 employees operating 24 hours a day. The second shift may have around 5 employees and the third shift will have around 2 employees. Randall Schuele, planner and Brian Murphy, conflict engineer reviewed their completeness reports. Rob Ritchie, PE for the applicant stated they would comply with the completeness items and be included in the perfected plan, but requested a waiver from identifying the trees.

On a roll call vote motioned by William Taylor, seconded by Wayne Sabota, and unanimously carried the application was deemed complete.

Russell Vanella- Aye

James Crilley – Aye

Anthony Lamanteer – Aye

Anthony Buono Sr.- Aye

Kenneth Jackson – Aye

William Whelan, Alt #1 – Recused

Edward Geletka, Alt #3 – Recused

Jack Waselik-Aye

Wayne Sabota - Aye

Joseph Spoltore – Absent

Laura Hayes – Aye

William Taylor Alt #2 – Aye

Kenneth Mecouch Alt #4 - Absent

Engineer Ritchie provided an overview of the access drives, loading areas, parking lots and stormwater management facilities. He added that the new proposed entry driveway will be limited to truck traffic, and a freestanding wayfinding sign will be placed at the new entry indicating that it is the exclusive entryway for trucks. Mr. Ritchie testified that requested variances for the building height and the proposed signage are appropriate for the site. Engineer Ritchie explained the proposed lighting on site and requested a waiver is required for the proposed 30' mounting height, where 18' max is permitted. Mr. Ritchie requested landscaping waivers, stating the landscaping requirements for this project would be burdensome and unnecessary for this site.

Randall Schuele, planner and Brian Murphy, conflict engineer reviewed their technical reports. The applicant will comply with the technical comments of the township engineer with the following exceptions and clarifications: Comment 11 for the site plan, Engineer Ritchie clarified that three (3) signs are proposed with the site plan, for which two (2) variances would be required; one for the number of signs (three (3) proposed, one (1) permitted); and one for the size of the wall-mounted sign; and Comment 15 for the site plan, the Applicant indicated that it had not formally decided as to the storage and removal of trash, and the Applicant agreed to work with the Board's professionals as to the appropriate location and means for the storage and removal of trash, with same to be reflected on a Perfected Plan, and Comment 2 for the subdivision plan, the Applicant agreed to a deed restriction preventing access to the site via residential streets. The Applicant agreed to comply with the Planner's Review Comments with the following exceptions and clarifications: Comment 15, the Applicant received a waiver from the requirement that sidewalks be provided along the frontage, particularly along State Highway 77.

On motion of Anthony Buono Sr., seconded by William Taylor, and unanimously carried the public hearing portion was opened. Resident Sandy Acevedo was sworn and inquired as to the future plans for the property, and whether the rest of the property would remain in agricultural use. The applicant stated that the balance of the property will remain agricultural until another development may be presented to the Board. Resident Nancy Ridgeway was sworn and asked about the noise generation. Engineer Ritchie replied that the noise standards established by the state must be met. Seeing no one else, the public hearing portion was closed on motion of Anthony Buono Sr., seconded by Wayne Sabota and unanimously carried.

Matthew Ritter summarized that the Planning Board has carefully considered this matter and finds that good cause exists for the granting of the requested Minor Subdivision and Preliminary & Final Major Site Plan approval to Applicant, along with the requested variances and waivers, subject to conditions. The Board further finds that the requested 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. Block 1206, Lots 1, 1.01 & 1.05, Block 2012, Lot 1.02 will be consolidated into one lot consisting of 47.48 acres a new lot will be created for the cold storage facility consisting of 12.958 acres, leaving 34.522 acres for the balance of the property.

On motion of William Taylor, seconded by Wayne Sabota, Preliminary & Final Major Site Plan and Minor Subdivision was approved on the following roll call vote:

Russell Vanella- Aye	Jack Waselik-Aye
James Crilley – Aye	Wayne Sabota - Aye
Anthony Lamanteer – Aye	Joseph Spoltore – Absent
Anthony Buono Sr.- Aye	Laura Hayes – Aye
Kenneth Jackson – Aye	
William Whelan, Alt #1 – Recused	William Taylor Alt #2 – Aye
Edward Geletka, Alt #3 – Recused	Kenneth Mecouch Alt #4 - Absent

On motion of Wayne Sabota, seconded by William Taylor, and unanimously carried the public hearing portion was opened. With no public comment, the public hearing portion was closed on motion of Wayne Sabota., seconded by Laura Hayes and unanimously carried.

With no further business, the meeting was unanimously closed on a motion by Ken Jackson, seconded by Wayne Sabota.

Respectfully Submitted,

Roy Spoltore, Secretary

Sherrie Dixon, Secretary