

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, January 27, 2025, at 7:00 pm in the Municipal Building.

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 Jr., Joseph Spoltore, Laura Hayes, Kenneth Jackson, Wayne Sabota, Anthony Lamanteer Sr. alt 1, William Taylor alt 2 and Ed 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: Anthony Buono Sr. and Ken Mecouch Alt 4.

Matthew Ritter stated that applicant Yasar Kuttab requested to postpone his application for a variance until the February 24th, 2025, meeting and that he will not need to re-notice for that meeting.

On motion of Anthony Lamanteer Sr, seconded by Laura Hayes, the minutes from the January 13th, 2025, meeting were unanimously approved.

APPLICANT DEVELOPMENT:

Lassonde Pappas & Company – 1017 Parsonage Road and 1360 Highway 77 Block 905 Lots 4 & 6.01- Production Facility Completeness - Preliminary and Final Major Site Plan. Richard Wells, Esq., with Archer and Greiner, PC, represented the applicant. Mr. Wells presented an overhead layout of the developments to show the lots being consolidated totaling 34.53 acres, which was labeled A-1. The Phase II development proposal includes a 201,603 SF production facility to be joined with the Phase I proposed 94,739 SF warehouse addition along with the existing 86,350 SF warehouse facility. Mr. Wells added that the Phase II production facility was deemed consistent with the redevelopment and master plan by the Township Redevelopment Entity on January 16th and the applicant was named the redeveloper. Mr. Wells stated they have reviewed the professionals reports and the applicant will comply, but they have requested a waiver for a full environmental report.

Planner Randall Scheule went over his report and had no issue with the waiver requested since it is currently used for commercial purposes. As long as the applicant addresses open items, he had no issue with deeming the application conditionally complete. Engineer Mike Fralinger reviewed his report and also had no objection to the waiver requested but noted that soil borings will need to be supplied that meet NJ Storm Water Management regulations with the technical review of the application. Mr. Fralinger had no issue with deeming the application conditionally complete as long as the applicant provides the open items for the technical review.

The applicant stated their revised plans will comply with the open completeness items of the Planner and Engineer. On motion of Kenneth Jackson seconded by Wayne Sabota, the application was deemed conditionally complete with the requested waivers by the following roll call vote:

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

The following resolution was memorialized on the motion of Anthony Lamanteer Sr., seconded by Laura Hayes, on the following roll call vote:

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

RESOLUTION 1_- 2025

Township of Upper Deerfield Planning Board

Applicant’s Names: Zachary Manupello
Application No: P-1-2025
Application For: Fence Height Variance
Property: Block 703, Lot 42.01 – 6 Horton Ave.
Public Hearing: January 13, 2025 (Completeness & Technical)
Findings of Fact:

1. The Applicant appeared *pro se* before the Board, was sworn, and gave testimony in support of the application.
2. Applicant is the owner of Lot 42.01 of Block 703, a 0.59-acre parcel in the R2 zoning district. The parcel is improved with a single-family dwelling constructed in 2017.
3. Applicant proposes the replacement of an existing chain link fence, installed on the property line by his neighbor to the north with a new vinyl fence.

4. Although the neighbor did not appear, it was indicated that he consented to the proposed fence installation.

5. The proposed fence exceeds the height established in §405-24C(1), and thus requires a variance pursuant to N.J.S.A. 40:55D-70(c).

6. Specifically, the Applicant is proposing a privacy fence extending 89' from the Horton Avenue right of way. The first 40' is proposed to be 4' in height, the next 8' is 5' in height, and the final 41' section is 6' in height.

7. Per §405-24C(1), the maximum privacy fence height permitted in the front yard is 2.5', while side yard fences are limited to 6' in height.

8. The front yard extends 40' from Horton Avenue.

9. Open fences have different allowable heights; thus it was clarified that the proposed fence does not qualify as "open" under the Ordinance. The Applicant described the fence as a solid vinyl fence, tan in color to match the siding on the residence.

10. The Board received and considered the following application materials:

- A. Upper Deerfield Township application dated November 25, 2024
- B. Confirmation of taxes paid, November 25, 2024
- C. Plot plan showing proposed fence location

11. The Board received and considered the January 9, 2025, Report of Board Planner Randall Scheule, PP, AICP. Planner Scheule was present for and participated in the public hearing.

12. The Board also received and considered the January 10, 2025, Report of Board Engineer J. Michael Fralinger, Jr., PE, CME. Engineer Fralinger was present for and participated in the public hearing.

13. The Applicant produced four (4) color photos of the property, and a partial copy of a survey, which were received and marked as exhibits APP-1 through APP-5.

14. Upon recommendation from its Professionals, and after granting the following waivers from Checklist Schedule C, the Board deemed the application complete and moved to the technical hearing:

- A. Item 7. Key map showing location of tract to be considered in relation to surrounding area.
- B. Item 8. Title block.
- C. Item 10. Scale of map.
- D. Item 11. North arrow.
- E. Item 12. Space for signatures of Chairman and Secretary.
- F. Item 13. 200' list.
- G. Item 15. Zoning district.
- H. Item 16. Zone requirements.
- I. Item 18. Photograph of premises.
- J. Item 41. Environmental impact report.

15. Engineer Fralinger indicated that the fence should be set back a minimum of 15' from Horton Avenue, in order to avoid any conflict with the sight triangle. The Applicant agreed to comply with the Engineer's request.

16. On proper Motion, the meeting was opened to the public, however no members of the public wished to testify.

17. The Solicitor clarified the issue presented and indicated that, upon review of the evidence and testimony presented, a variance was implicated for the portion of the proposed fence, within the front yard, that exceeded the allowable 2.5' for privacy fences. The rest of the proposed fence complied with the permitted height requirements.

18. The Applicant agreed to comply with the Upper Deerfield Township Fence Ordinance §867, adopted October 3, 2024.

19. The Board finds that compliance was had with each of the various requirements of the Open Public Meetings Law, P.L. 1975 c. 231.

20. The Planning Board has carefully considered this matter and finds that good cause exists for the granting of the requested fence height variance. The Board further finds 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.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby grant a fence height variance to Zachary Manupello, pursuant to N.J.S.A. 40:55D-70(c), and the provisions of Upper Deerfield Township Development Ordinance, provided that the following conditions are met:

- A. Applicant must comply with all representations made during the course of Applicant's presentation to the Board, and in all documents filed with the Application.
- B. Applicant must pay any and all required fees that are due, or become due to the Township, and replenish any outstanding review escrow accounts as directed, within seven (7) days' notice thereof.
- D. Applicant shall obtain approvals and permits as may be required by any other agency having jurisdiction.
- E. Pursuant to §405-95(c), the bulk variance granted herein shall automatically expire two (2) years following the date of this Resolution, unless prior to said date the fence for which the variance approval was granted is lawfully completed, as evidenced by the issuance of a final certificate of occupancy or other final construction approval, and any use for which the variance approval was granted is lawfully commenced.
- D. The Planning Board Planner, and Planning Board Engineer, are hereby delegated the authorization to approve minor changes 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, 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 January 27, 2025, to memorialize action taken on January 13, 2025.

Randall Scheule reviewed draft revisions to the Planning Board Application and the Fee Schedule. It was suggested that fee schedules from neighboring municipalities be prepared for review. Members of the Board will review the draft revisions, and the items will be discussed at a future meeting.

On motion of Jack Waselik., seconded by Anthony Lamanteer Sr., the public comment portion of the meeting was opened. Seeing no one wishing to speak. Anthony Lamanteer Sr. made a motion seconded by Anthony Lamanteer Jr. to close the public comment portion of the meeting and unanimously approved. With no further business, the meeting was unanimously adjourned on the motion of Anthony Lamanteer Jr. seconded by Laura Hayes,

Respectfully Submitted,

Roy Spoltore, Secretary

Sherrie Dixon, Secretary