The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, May 9, 2016 at 7:00 pm in the Municipal Building, Seabrook, N.J.

Chairman Ed Overdevest 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:
Chairman: Ed Overdevest
Vice Chairman: Russ Vanella
Members: Scott Smith, Terry O’Neill, Jack Waselik, Joseph Spoltore, Anthony Buono, Robert Comer, Laura Hayes

Staff: Engineer J Michael Fralinger, Jr. PE, CME, Planner Randy Scheule, PP, AIC,
Solicitors Theodore H. Ritter, Esq., Matthew Ritter Esq., and Secretary Vicki Vagnarelli

Absent: Ed Fleetwood, Michele Mooney alt 1, Kenneth Jackson alt 3

On motion of Russell Vanella seconded by Robert Comer minutes of April 18 were approved.

On motion of Anthony Buono seconded by Jack Waselik the following resolution was memorialized

RESOLUTION 2-2016
Township of Upper Deerfield Planning Board

Applicant’s Name: Jeanette McGuigan-Musso
Application: Z-3-16
Application For: Rear and Side Yard Setback Variances
Property: 4 W. Deerfield Road, Block 404, Lot 9
Public Hearing: April 18, 2016

Findings of Fact:

1. Applicant represented herself at the Public Hearing.
2. Applicant seeks to erect a solar array in her rear yard as close to the southeast property corner as practical so as to make the array less visible from the street.
3. The property is located in the B-2 Zone in the Village of Deerfield Street.
4. The property consists of .52 acres and contains a 1,136 square foot home constructed in 1936.
5. The existing dwelling is a nonconforming use in the B-2 Zone.
6. Applicant initially proposed five foot side yard setback where twenty feet is normally required and five foot rear yard setback where thirty feet is normally required.
7. The Board received and considered the report of Planning Board Planner, Randall Scheule, PP/AIC dated March 19, 2016.
8. The Board also received and considered input from Board Engineer J. Michael Fralinger, Jr. who was present for and participated in the hearing. Mr. Fralinger recommended that at least ten feet setback from the side and rear yard lot lines be required to assure a path for vehicle access around the solar array.
9. The Board received and considered:
   a. Upper Deerfield Application form and Checklist;
   b. A Plot Plan created by applicant and filed on April 4, 2016.
10. The Board noted receiving a no comment letter dated March 21, 2016 from the Upper Deerfield Environmental Commission.

11. The Board received and considered literature from Canadian Solar including a three sheet drawing by RCL Enterprises, Inc. dated December 5, 2015.

12. The Board deemed the application complete after considering the input from the Board Planner and Board Engineer respectively.

13. The applicant’s documents indicate that the solar array will face away from Deerfield Road.

14. The rear height of the solar array will be ten feet, six inches.

15. The rear of the solar array will be screened from the road by plantings.

16. Member of the public John Rogers, who lives across the street from the subject property, appeared and testified that he does not oppose the variance but only requests that the Board require adequate screening of the rear of the solar array which will face Mr. Roger’s house.

17. The Planning Board has carefully considered the application and finds that good cause exists for the granting of a setback variance for side yard and rear yard and that such set back relief can be granted without substantial detriment to the public good. The Board further finds that the granting of such setback variances will not substantially impair the intent or purpose of the Upper Deerfield Township Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED that this Board does grant variances for side yard and rear yard setback, pursuant to N.J.S.A. 40:55D-70(c) and the provisions of the Upper Deerfield Township Development Ordinance provided that the following conditions are met:

1. The solar array shall be setback from the rear property line not less than ten feet. The solar array shall be setback from the westerly property line not less than ten feet;

2. That applicant’s professionals provide details of the screen including the species, spacing, distance from the solar array and final proposed planted height of the screening shrubbery;

3. The screening shall be coordinated by applicant’s contractor with the Planning Board Planner, Randall Scheule;

4. A licensed surveyor shall verify the property lines prior to installation of the solar array;

5. That compliance be had with all other applicable requirements of the Upper Deerfield Township Development Ordinance and building code;

6. That applicant obtain approves from any other agency having jurisdiction; and

7. The Board Planner and Board Engineer are hereby delegating the authorization to approve minor changes requested by applicant or applicant’s professionals provided that such minor changes are consistent with the Planning Board’s approval. Any such changes will be reported to the Planning Board at its next regular meeting.

Roll Call
Ed Overdevest – Aye
Ed Fleetwood – Absent
Scott Smith – no vote
Joseph Spoltore, Aye
Robert Comer, Aye
Laura Hayes, Alt #1 no vote
Kenneth Jackson, Alt #3 Absent

Russell Vanella – Aye
Terry O’Neill – Aye
Jack Waselik – Aye
Anthony Buono, Sr. Aye
Michele Mooney, Alt #2 Absent
Vacant Alt # 4

On motion of Robert Comer seconded by Joseph Spoltore the following resolution was memorialized

RESOLUTION 3- 2016

Township of Upper Deerfield Planning Board

Applicant’s Name: Edward P. Table
Application: P-5-16
Application For: Minor Subdivision
Property: Irving Avenue, Block 2701, Lot 43 and 43.01
Public Hearing: April 18, 2016

Findings of Fact:

1. Applicant was represented by Howard D. Melnicove, Esq., who appeared and presented the application.
2. Applicant seeks to re-divide two lots comprising a total of 31.49 acres.
3. The Board received and reviewed the following documents with regard to the application:
   a. Upper Deerfield Township Application form;
   b. Checklists “A” and “B”;
   c. Minor Subdivision Plan prepared by Ewing Associates dated February 2, 2016 comprising one sheet;
   d. Deed descriptions for proposed Lot 43 and Lot 43.01 prepared by Ewing Associates;
   e. A no comment letter from Upper Deerfield Environmental Commission; and
   f. Certification of Andrea Penny, Tax Collector that all taxes are currently paid.
4. The Board also received Cumberland County Planning Board Minor Subdivision Review Report dated April 6, 2016 approving the application unconditionally.
5. The Board finds that the proposed application will not require any variances.
6. The Board also received and considered the Report of Board Engineer J. Michael Fralinger, Jr., dated April 14, 2016. Mr. Fralinger was present and participated in the hearing.
7. The Board granted waivers for:
   a. Contours;
   b. Wooded area;
   c. Location of existing wells and septic system;
   d. Road dedication;
   e. Soil erosion and sediment control plan; and
   f. Wetlands delineation,

8. After granting the waivers the Board deemed the application complete and proceeded to technical review.
9. Applicant, through counsel, agreed to provide the forms of deed, memorializing the subdivision to the Board Engineer and Solicitor respectively prior to recording.
10. The application is for a lot line adjustment proposed Lot 43 will be reduced from 30.99 acres to 20.19 acres. Proposed Lot 43.01 will be increased from .51 acres to 11.30 acres.
11. The purpose of the Subdivision is to create a new single family residential lot on which applicant’s granddaughter intends to build a single family residence.
12. It was noted that proposed Lot 43.01 contains two garages and accessory buildings.
13. The property is located within the R-1 Residential District and both lots comply with all district regulations.
14. Nancy Ridgway, a member of the public, appeared and advocated for approval of the subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Upper Deerfield that the minor subdivision application of Edward P. Table is granted subject to the following conditions:
1. The deeds memorializing the subdivision will be submitted to the Board Engineer and Board Solicitor, respectively, for review prior to recording; and
2. That compliance be had with all other applicable requirements of the Upper Deerfield Township Development Ordinance.
Roll Call
Ed Overdevest – Aye          Russell Vanella – Aye
Ed Fleetwood – Absent       Terry O’Neill – Aye
Scott Smith – no vote       Jack Waselik – Aye
Joseph Spoltore, Aye        Anthony Buono, Sr. Aye
Robert Comer, Aye           Michele Mooney, Alt #2 Absent
Laura Hayes, Alt #1 no vote Vacant Alt # 4
Kenneth Jackson, Alt #3 Absent

APPLICANT/DEVELOPMENT
K & E Holdings I LLC 707/2 & 5 Centerton & Fox Rd consider and discuss proposed text of draft resolution 4-
2016 memorializing Boards decision respecting the Conditional Use and Major Site Plan application.
Attorney Fralinger representing the applicant and Attorney Neski representing opposing group along with the
Board reviewed Resolution 4-2016 in order to make changes, corrections, and add or delete certain language.
Solicitor Ritter will revise the Resolution accordingly.

Solicitor Ritter explained to the Board they will first look at Roman numeral I Section A Summary of Evidence
Pages 1-45 then Roman numeral II Exhibits Page 45 then Roman numeral III Planning Board Findings of Fact
pages 46-49. The attorneys and the public cannot comment on I, II, III.

The exchange of information tonight is to take into account applicant’s feedback on Roman numeral IV
“Conditions of Approval” Board Chairman Overdevest will read each condition of approval one at a time and
then invite both attorneys to be heard. The public will be invited to be heard after all conditions of approval have
been read and discussed.

The applicant found many of the conditions to be acceptable. Some areas needed additional information added in,
taken out, or changed.

Following are highlights regarding some of the changes:
Operation Hours:  Friday 6:00am-4:30pm  Saturday 7:00am-1:00pm
Rebuild fox Road: applicant will keep road in repair (mean maintain as needed)
Prevent “Jake Braking” by inbound & outbound trucks: applicant will post signs
Trees along Centerton Rd not being removed: if it impacts farming operation can be removed as long as approved
by CC Agricultural Board
White Noise reverse beepers: daily operation machinery has white noise, some berm building and reclamation
equipment will not have.
Storage of equipment 500’ of neighboring property line: added “residential” and 100’ from other exterior property
lines
Partially or fully block the view of mining activities: add from adjoining properties
Planner & Engineer having authority to approve minor changes: Objector Attorney Gerald Neski would like email
sent to him if changes occur
New line added regarding performance bond: Performance Bond set by Planning Board Conflict Engineer in
collaboration with Planner
A separate roman numeral V will be added: showing this approval will be the renewal for mining license on lot 5
subject to conditions specified in section IV.  (this will eliminate having the applicant come back in one month for their 3 yr renewal)

Attorney Michael Fralinger noted comments acceptable and all have to be recourse to client’s reservation of rights.
Solicitor Ritter informed applicant has right to appeal anything in resolution and appeal wet mining. Having this meeting and input was to try to limit things to appeal if there is going to be an appeal. A public hearing is not required; however, Chairman Overdevest invited those from the public to speak only with regard to the Conditions of Approvals just reviewed. No one came before the Board.

On motion of Anthony Buono seconded by Russell Vanella the Board voted to Approve Resolution 4-2016 as per changes through this discussion.

Roll Call
Ed Overdevest – Aye
Ed Fleetwood – Absent
Scott Smith – Aye
Joseph Spoltore, Aye
Robert Comer, Aye
Laura Hayes, Alt #1 Aye
Kenneth Jackson, Alt #3 Absent

Russell Vanella – Aye
Terry O’Neill – Aye
Jack Waselik – Aye
Anthony Buono, Sr. Aye
Michele Mooney, Alt #2 Absent
Vacant Alt # 4

Randy gave update one Planning Board issues new and old. He will have in more detail at next week’s meeting. Some of the issues are as follows:
Zoning alcohol, beverage consumption & distribution
Highway 77 Redevelopment
Conditional Uses
Administrative site Plan
Sign Ordinance
Housing Plan

Randy will bring large zone map that has been worked on for the last few years and will send PDF to members. Board wants to be able to have map as a visual and see names of Planning Board projects that have and have not been approved.

On motion of Jack Waselik seconded by Joseph Spoltore the public portion of the meeting was opened for general public to speak.
Mayor Crilley informed the Board the Township has taken ownership of Sunset Lake. There will be a ribbon cutting and signs at the site. Date is to be determined.
Linda Tasso questioned K & E bond amount, when amount will be announced and was concerned an LLC could claim bankruptcy. Chairman Overdevest commented we do not typically make formal announcements of bonds. Solicitor Ritter explained Conflict Engineer will set a performance bond and a reclamation bond as part of resolution adopted tonight. He guesses the bond amount will be done in about 4 weeks or so.
On motion of Russell Vanella seconded by Jack Waselik the public portion of meeting was closed.

Chairman Overdevest requested motion of adjournment so on motion of Robert Comer seconded by Anthony Buono the meeting was adjourned at 8:32pm

Respectfully Submitted,

Vicki Vagnarelli