

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
December 20, 2012**

The regular meeting on the Upper Township Planning Board was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 7:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Daniel Bready, James Kelly, Anthony Inserra, Gary Riordan, Joseph Harney, Janet McCrosson, Mayor Richard Palombo and Chair Renee Scrocca.

Absent: William Brown, James Schroder and Susan Ragan.

Also in attendance were Dean Marcolongo, Board Solicitor; Paul Dietrich, Board Engineer; Shelley Lea, Board Secretary and Zoning Officer.

APPROVAL OF THE NOVEMBER 15, 2012 MEETING MINUTES

A motion was made by Ms. McCrosson and seconded by Mr. Riordan to approve the minutes. In favor: Bready, Kelly, Inserra, Riordan, Harney, McCrosson, Palombo and Scrocca.

APPROVAL OF THE 2013 MEETING DATES

The regular meetings of the Upper Township Planning Board will be held on the third Thursday of the each month and will begin at 7:30 p.m.

A motion to approve the dates was made by Ms. McCrosson, seconded by Mayor Palombo and approved.

SWEAR IN PAUL DIETRICH

APPLICATIONS

1. RC CAPE HOLDINGS, LLC – BLOCK 479, LOTS 74, 76, 94.01 97, 98 AND 99 – PB07-12

Application is for preliminary and final site plan approval to convert the generating station from coal and oil to natural gas at BL England Generating Station, 900 Route US 9 North, Beesleys Point.

Arthur T. Ford, III, Esquire, represented the applicant. Mr. Ford stated that the applicants acquired the property in 2007. Since that time significant upgrades have been made. They also assumed obligations of the prior owner. The applicant intends to get rid of the coal burning units and convert the oil unit to natural gas. They will install a natural gas combustion turbine with heat recovery steam generator.

Robert Rapenske, Asset Manager with RC Cape Holdings, testified that this is the best project for the site. In 2009 the Board approved their first phase to upgrade the coal boilers but there was a down turn in the economy at that time. South Jersey Gas has agreed to a new pipe line. The applicants are willing and committed to invest \$400,000,000 in a new natural gas fired facility. This would be a much more sufficient plant and would support the additional capital investment. This will be a much cleaner plant and they intend to support the local economy with continued tax base and employment.

Mr. Rapenske testified this would be a 447 megawatt facility. One megawatt powers 1,000 homes. He reviewed the history of the plant and when the existing units were built. He is employed by Rockman Capital who bought this facility in 2007. When they purchased the property they assumed some of Atlantic City Electric's responsibilities such as an agreement with the State in regards to the ground water on site and an administrative consent order with the NJDEP to upgrade the two coal fired boilers to provide more stringent emission levels. They now propose to put in a clean, efficient natural gas fired facility in place of two coal fired boilers and repower the oil fired boiler to natural gas at the same time. They have no obligation to change the oil unit but they figure it would be best for everyone. There would no longer be any #2 or #6 oil on site; everything would be powered with natural gas.

Mr. Rapenske explained this would reduce the overall facility knock by 62%. This is as clean as it gets without using solar or wind. This is the most southern major power plant in New Jersey. The PGM who runs the grid from Ohio to the east portion of the United States does not hesitate to put BL England on during a storm. They kept the unit running during Hurricane Sandy for the stability of the grid in case it started to break down in certain areas. This is a key power plant in New Jersey. The Oyster Creek Power Plant is scheduled to shut down in 2019 and replacing their capacity is important to the State. Their design conforms to the recommendations in the NJ Energy Master Plan. New Jersey is one of the States that is committed to developing renewable energy.

Mr. Rapenske testified they will be building on an area that is currently occupied by slag ponds. They have agreed to deed 150 acres of wetlands so that it would be restricted from further development. Both coal facilities will be closing down, unit 1 will shut down at the end of the summer and unit 2 will continue to run for a year or so. They get a lot of cooling water from the Great Egg Harbor River. When unit 1 is shut down they would be reducing their water usage by 40%. The coal is delivered to the facility by rail. These rail lines will be out of service after they develop the plant. With coal there are also a lot of coal combustion byproducts such as fly ash, slag, gypsum and lime that is brought in/out by trucks. The truck traffic would stop. The #6 oil used for fueling unit 3 is currently being brought in by truck, approximately 5 or 6 trucks a day.

Mr. Rapensky testified that so far they have put \$52,000,000 into the facility to date. They are dedicated toward this project. South Jersey Gas should have gas to the plant by December 2014. By the first quarter of 2015 unit #3 will be done. The combined cycle follows one year later.

Christopher Krawice, Project Engineer, was sworn. Mr. Krawice reviewed an aerial photo of the site showing the two large oil tanks and the cooling tower. They plan to utilize the existing electrical substation so there would be no new offsite transmission lines. They will use the existing infrastructure and equipment to the greatest extent possible to create the least disturbance. The public access to the pier will remain. The proposed project area is just south of the existing oil tanks.

Mr. Krawice explained that what makes this a combined cycle facility. They anticipate an increase of about 31% power input. At the end of the repowering they hope to be at 585 megawatts, which is a substantial increase. He anticipates 22 to 24 months to convert. The Township can expect the plant to operate for at least another 25 years.

Mr. Dietrich stated that the applicant has submitted an environmental impact statement that was part of the CAFRA permit. It shows compliance with the NJDEP rules and regulations.

The meeting was open to the public. Hearing no response the meeting returned to the Board for findings of fact.

MR. KELLY – The application is for site plan approval. The owner is RC Cape May Holdings, LLC. The property is located at 900 N. Shore Road in Beesleys Point. The site plan is dated 10/10/12. Arthur Ford, Esquire, represented the applicant. Testimony regarding the conversion was given by Robert Rapenske and Christopher Krawice. Mr. Dietrich confirmed the environmental assessment is in compliance. The Township will benefit from construction work since it would help the economy. It is a cleaner and greener energy product they are looking at. All three units would be powered by natural gas. Rail and truck traffic would be reduced or eliminated. The applicants will make use of the existing equipment and will not construct on any undisturbed portion of the property.

MR. RIORDAN – Mr. Rapenske stated that the repowering benefits include reduction in pollutants, conformance with the recommendations in the NJ Energy Master Plan, the project footprint would be within a developed area, reduction of water from the Egg Harbor River, reduction in rail and truck traffic, the plant provides significant local support, tax revenue and employment. Mr. Dietrich has stated that the environmental impact statement has been submitted.

MR. INSERRA – He believes this is a win win situation and has no objections.

MR. BREADY – The applicant's presentation was well presented.

MR. HARNEY – He hopes there is a public relations person that can help the community with any questions.

MS. McCrosson – Nothing to add.

MAYOR PALOMBO – The applicants have deeded their land for open space. South Jersey Gas in conjunction with this project is already working through the permitting process. A 22 mile pipeline will be installed. The proposed project will increase the lifespan of this generating plant by at least 25 years. The residents of the township will continue to benefit from the energy receipt tax which is a benefit.

MRS. SCROCCA – Nothing to add.

A motion was made by Mr. Kelly and seconded by Mr. Bready to grant the site plan to convert the power plant into a natural gas facility. In favor: Bready, Kelly, Inserra, Riordan, Harney, McCrosson, Palombo and Scrocca.

2. THOMAS TOWER / ATLANTIC MASONRY SUPPLY, INC – BLOCK 549, LOTS 111, 127, 128, 129 AND BLOCK 565.03, LOTS 55.02, 56, 57 – PB08-12

Application is for preliminary and final site plan approval for soil mining relicensing on Stagecoach Road, Seaville.

Julius N. Korschak, Esquire, represented the applicant. Mr. Korschak stated that the mine has been in existence since 1939. The 3 sheet site plan prepared by EDA is dated 11/26/07 and last revised 11/08/12. An existing conditions plan by Stephen C. Martinelli is dated 8/24/12. The property consists of 68.62 acres. The operations on this property have not changed much in the past 5 years.

Thomas Tower, 121 Harbor Road, Beesleys Point and Joseph Maffei, Professional Engineer, were sworn.

Mr. Maffei testified the subject properties are located on both sides of Stagecoach Road. He stated that the site plan meets all the requirements in the ordinance.

Mr. Dietrich confirmed the submitted plans conform to the ordinance. There have been very limited calls from the neighbors during the past five years. Occasionally a call will have to be made to Mr. Tower to clean the sand from the road in front of the properties.

Solicitor Marcolongo stated that no variances are requested.

The meeting was open to the public.

Barbara McInerney, 5 MGM Way, Seaville, was sworn. She is closer to the other mining pit that is owned by Mr. Tower. Mr. Korschak stated that site plan is not changing much from previous years.

Bernard Ward, 41 Evergreen Drive, Seaville, was sworn. He moved here about 3 years ago. He said that the operation seems to be getting louder. He asked what is proposed on the property. Mr. Korschak explained the life expectancy of the pit could be 20 years in some areas. They propose hydraulic mining that will be done in accordance with the plan. He explained there are other commercial activities that occur on the site besides mining such as the concrete plant.

Mr. Ward asked if the operation would drain his well. Mr. Tower testified there would be no negative effect to his well since they cannot dig deeper than 45 ft.

Hearing no further response the meeting was closed to the public and returned to the Board for findings of fact.

MR. RIORDAN – Thomas Tower / Atlantic Masonry, Inc. is applying for preliminary and final site plan approval for relicensing of a mining pit located on Stagecoach Road. Julius Korschak is representing the applicant. Joseph Maffei provided expert testimony. The site plan was prepared by EDA. Mr. Dietrich reported the plans conform to the ordinance. He also indicated that he has contacted the applicant about dirt on Stagecoach Road and Mr. Tower is always very responsive. There are no variances requested. There was public comment in regards to increased noise levels.

MR. BREADY - He concurs.

MR. KELLY – The Township Engineer has examined the plans prior to this meeting and has found them to be compliant.

MR. INSERRA – Nothing to add.

MR. HARNEY – He concurs.

MS. McCROSSON – She concurs.

MAYOR PALOMBO – This is an existing mine that dates back to 1939. This is a 5 year renewal of the site plan. The operation conforms to the ordinance.

MRS. SCROCCA – Nothing to add.

A motion was made by Mr. Bready and seconded by Mr. Riordan to grant preliminary and final site plan approval with a recommendation to Township Committee that that applicant's resource excavation permit is restored for 5 years terminating on November 30, 2017. In favor: Bready, Kelly, Inserra, Riordan, Harney, McCrosson, Palombo and Scrocca.

3. THOMAS TOWER / ACTION SUPPLY, INC. – BLOCK 549, LOTS 110, 132, 133, 134, 135 & 136 AND BLOCK 565.03, LOT 54 - PB09-12

Application is for preliminary and final site plan approval for soil mining relicensing on Stagecoach in Seaville.

Julius N. Korschak, Esquire, represented the applicant. This property is located on both sides of Stagecoach Road. This property contains the soil mining operation and the concrete plant. They have submitted an 8 page plan prepared by EDA dated 11/18/12 and plans by Stephen C. Martinelli revised 12/3/12 along with a corporate statement, engineers estimate and bonding deposit statement and Cape Atlantic Soil Conservation certification. This property consists of 57 acres. This property has been mined since the 1930's with the exception of Lot 110 which is now a part of this application.

Joseph Maffei, previously sworn, testified that most of the mining is taking place closer to lot 110 in the southwest area.

Mr. Dietrich testified the applicant has started wet mining in the area of lot 110 but they have not mined to their limit. The applicant is in compliance with his previous approvals. He has not received any calls from the neighbors about this operation.

The meeting was open to the public.

McInerney, 5 MGM Way, Seaville, previously sworn, wanted to know where her property was in relationship to the applicant's property.

Mr. Tower explained that they work each section of the pit sometime during the course of the year. They take some material out of each one. They are currently actively mining the west side of Stagecoach Road.

Charles Zuschnitt, 10 MGM Way, Seaville, was sworn. He stated that approximately 250 ft. of his property backs up to the pit. He has lived here for 6 years. He stated that the mining has an impact on his home. He would like to preserve the pine trees along the property line since they act as a natural buffer. He stated that his family enjoys living here.

Joe Schwab 17 Cambridge Drive, Seaville, was sworn. He is adjacent to lot 110. He asked if Mr. Tower met all the conditions of his approval for lot 110. He had questions about how deep the applicant could mine and how much more land they were going to mine. He also asked about the mining hours. Mr.

Tower stated that they are still dry mining this area. Mr. Tower reviewed the hours of operation for each use.

Mr. Ward, 41 Evergreen Drive, previously sworn, asked what affect the operation would have on Evergreen Drive. Mr. Tower explained there would be no more than the past 3 years.

Hearing no further response the meeting returned to the Board for findings of fact.

MR. RIORDAN – Thomas Tower/Action Supply Inc. is requesting site plan approval for soil mining relicensing on Stagecoach Road in Seaville. Julius Korschak represented the applicant. Joseph Maffei, PE, gave expert testimony in support of the application. There was testimony from Mr. Tower. The plans were prepared by EDA. The mine has operated since the 1930's. Mr. Dietrich indicated that the applicant is in compliance with the previous approvals. Mr. Dietrich has not received any calls from neighbors about this property. There was public testimony from four residents.

MR. KELLY – Concurs.

MR. BREADY – Nothing to add.

Mr. INSERRA – Nothing to add.

MR. HARNEY – Nothing to add.

MS. McCROSSON – Nothing to add.

MAYOR PALOMBO – The Township Engineer testified the operation is in compliance with the ordinance.

MRS. SCROCCA – After many years on the Board she finds there are fewer complaints by neighbors in regards to relicensing.

A motion was made by Ms. McCrosson and seconded by Mr. Harney to grant site plan approval with a recommendation to Township Committee for the renewal of the applicants resource excavation permit terminating November 30, 2017. In favor: Bready, Kelly, Inserra, Riordan, Harney, McCrosson, Palombo and Scrocca.

4. GEORGE HARMS CONSTRUCTION COMPANY INC. – BLOCK 414, LOT 45 AND BLOCK 451, LOT 4 – PB10-12

Application is for preliminary and final site plan approval for soil mining relicensing at Caldwell Pit, Dennisville/Petersburg Road, Petersburg.

Julius N. Korschak, Esquire, represented the applicant. Mr. Korschak explained this property has not been particularly active in the last 5 years. They have submitted a 3 sheets plan by EDA revised 11/7/12. Other supporting documents include a survey by Stephen Martinelli, Corporate Statement, Engineers Estimate and Cape Atlantic Soil Conservation approval dated 12/9/12. This site was previously named Caldwell's Pit and has been in operation since 1917.

Samuel Hahn, was sworn.

Joseph Maffei, previously sworn, testified there are other mining pits surrounding this pit. Access is off of an easement off of Dennisville/Petersburg Road. This pit is not that active and is used more for construction materials. He believes the submitted site plan meets the requirements in the ordinance.

Mr. Dietrich agreed the site has not been active. He asked that the applicant call his office if they begin to do more mining on site.

There was no public comment. The Board was asked for their findings of fact.

MR. KELLY – The application is for renewal of a soil mining relicensing. George Harms Construction Co. is the owner of the property located at Dennisville/Petersburg Road. This is the old Caldwell Pit. Julies Korschak represented the applicant. There was no public comment. The Township Engineer indicated the applicant is compliant with the previous approvals and the ordinance.

MR. RIORDAN – Nothing to add.

MR. HARNEY – No comment.

MR. INSERRA – No comment.

MR. BREADY – Nothing to add.

MS. McCrosson – Nothing to add.

MAYOR PALOMBO – The applicants are compliant with their previous site plan approval. This pit has been in existence since 1917.

MRS. SCROCCA – Nothing to add.

A motion was made by Mr. Riordan and seconded by Ms. McCrosson to grant site plan approval with recommendation to Township Committee that the resource extraction permit be renewed for another 5 years terminating on November 30, 2017. In favor: Bready, Kelly, Inserra, Riordan, Harney, Harney, McCrosson, Palombo and Scrocca.

RESOLUTIONS

1. HANSON AGGREGATES BMC, INC – BLOCK 414, LOT 44 – PB05-12

A motion to adopt the Resolution was made by Ms. McCrosson and seconded by Mr. Kelly. In favor: Bready, Kelly, Inserra, Riordan, Harney, McCrosson, Palombo, Scrocca.

2. HANSON AGGREGATES BMC, INC – BLOCK 453, LOT 4 – PB06-12

A motion to adopt the Resolution was made by Ms. McCrosson and seconded by Mr. Harney. In favor: Bready, Kelly, Inserra, Riordan, Harney, McCrosson, Palombo, Scrocca.

DISCUSSION

Mr. Dietrich explained that the Township Committee has requested that the Planning Board look into creating a grandfather clause regarding setback relief for property owners that may need to secure their homes from flooding and not change the footprint of the building. There were approximately 100 to 130 homes that were flooded in Strathmere during Hurricane Sandy that may be looking to raise their homes. He feels it would be appropriate to help these people in a more timely fashion than waiting for a back log of applications at the zoning board level. He will add an exception for the continuation of an existing stair since more stairs will be needed in order to raise the homes. He would like to get all of the structure on the island in conformance with the flood hazard elevations even duplexes and multifamily. He will do an impact analysis based on the new advisory base flood elevations.

He stated that FEMA has released the advisory base flood elevations. They have raised the base flood a minimum of 1 foot and could go up to 2 and 3 ft.

Mayor Palombo stated that the longer raising these homes is delayed the longer the potential for these residents not to get back into their homes.

Solicitor Marcolongo advised that the Board has been sued by Mr. & Mrs. Holt for failure to rezone the Tuckahoe Road area.

BILLS

A motion to pay the bills was made by Ms. McCrosson, seconded by Mr. Kelly, and approved.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Riordan, seconded by Ms. McCrosson, and approved. The meeting was adjourned at 9:28 p.m.

Submitted by,

Shelley Lea