

**UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
NOVEMBER 15, 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, James Schroder, Joseph Harney, Janet McCrosson, and Chair Renee Scrocca.

Absent: William Brown, Susan Ragan and Mayor Richard Palombo.

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

**APPROVAL OF THE OCTOBER 11, 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, Schroder, Harney, McCrosson and Scrocca.

**SWEAR IN PAUL DIETRICH**

**APPLICATIONS**

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

Application is for preliminary and final site plan approval for soil mining relicensing at Julie's Pit located on Route 610 in Petersburg, New Jersey.

Rocco Tedesco, Esquire, represented the applicants. Mr. Tedesco informed the Board that the property consists of 227 acres and has been utilized for resource extraction for 45 to 50 years.

Lance Landgraff, Principal Planner with Marathon Engineers, was sworn. Mr. Landgraff reviewed a 2007 aerial photograph from the NJDEP website that was included on the plan dated 8/31/12 and revised 10/10/12. The aerial photo was marked as Exhibit A-1. He stated that there are two ponds on the site. The portable plant that was located at Upper Township Sand & Gravel has been relocated to this site as shown on the previous site plan that was

approved in 2007. He testified that sheet 5 of 5 shows the limits of the ponds and how one pond has expanded into mining area A2, D1 and D2.

Mr. Landgraff testified that the scale house has been located next to the entrance of the site. He testified that as areas are finished being mined they would be reclaimed within two years. Not much reclamation has been done since they are not finished mining some of the areas. The back part of A1 and the northwest portion of B2 have been reclaimed as well as the buffers along the wetland areas. He has provided Mr. Dietrich with an updated engineers estimate for that reclamation. The property is located within the Pinelands and they have obtained a Certificate of Filing. They are in the process of installing a pad for the tanks and installing fencing required as part of their previous approvals.

Mr. Landgraff stated that mining is a permitted use in this zone. They do not mine in the wetland buffers. Reclamation around the ponds is done by providing a 5 to 1 slope to provide safe edges. Seedlings or cluster plantings approved by the Pineland Commission would be planted after the mining is completed.

Mr. Dietrich stated that he has not received any complaints about this operation over the last two years. They are making a good attempt at keeping the road clear. The applicants are in compliance with the Township requirements and their last approval.

The meeting was open to the public.

Jennifer Gardner, 55 Sunset Drive, Petersburg, was sworn. She asked for clarification as to where the applicant would be mining. Mr. Landgraff explained that mining would not come any closer to her home than what has already been cleared.

Hearing no further response the meeting returned to the Board for finding of facts.

MR. KELLY – The application by Hanson Aggregates is for Julie's Pit, Block 414, Lot 44. The applicant is being represented by Rocco Tedesco. The applicant's planner is Lance Landgraff, Jr. Exhibit A-1 was an aerial photograph and Exhibit A-2 is an overlay showing where they have been working recently. The mining office, scale house and scale have been moved to this site since the last renewal. Mr. Dietrich has confirmed there have been no complaints from residents and he has been to the site several times. Jennifer Gardner, resident outside of 200 feet, had concerns about the mining operation moving closer to her property.

MS. McCROSSON – She agrees with Mr. Kelly. Mr. Dietrich indicated that he made visits to the property to show compliance with the last approval. The aerial photo shows the differences were all within the approved parameters of the prior approvals. The portions that have been mined completely have been reclaimed.

MR. RIORDAN – Nothing to add.

MR. BREADY – Nothing to add.

MR. INSERRA - Nothing to add.

MR. SCHRODER – The Township Engineer has indicated the applicant is in compliance with the Township requirements and their last approval.

MR. HARNEY – The reclamation is done in a safe way.

MRS. SCROCCA – Mr. Dietrich indicated the applicant is in compliance with the current plan. There have been no complaints for the past two years. The proposed plan complies with the Township ordinance.

A motion to grant preliminary and final site plan approval and for recommendation to Township Committee that the license be renewed for an additional five years was made by Mr. Riordan and seconded by Ms. McCrosson. In favor: Bready, Kelly, Inserra, Riordan, Schroder, Harney, McCrosson and Scrocca.

2. HANSON AGGREGATES BMC, INC – BLOCK 453, LOT 44 – PB06-12

Application is for preliminary and final site plan approval for Upper Township Sand and Gravel located at Route 610, Petersburg.

Rocco Tedesco, Esquire, represented the applicant. Mr. Tedesco stated the property consists of 357 acres. This has been an active mine for 45 to 50 years and is a permitted use in the zone. This property is not located within the Pinelands.

Lance Landgraff, previously sworn, testified that a majority of the mining on this property has been completed. The plant that was previously located on this property has been relocated across the street as well as fuel tanks, scale house and small buildings for testing soils. A good portion of the site has already been reclaimed. They have provided an engineer estimate indicating the progress and what is left to be done.

Mr. Landgraff referred to the aerial photo shown on page 2 of 4 on the plan by Marathon Engineering & Environmental Services, Inc., dated 10/10/12. The plan shows one area, future Area 6, that is reserved for future mining. A lot of the material that has recently come out of the site was part of the landfill processing and backfill processing. If this material is needed again it would come out of this area of the site since this soil is particularly suited for that use.

Mr. Landgraff discussed the reclamation plan shown on sheet 3 of 4. He testified that the plan shows areas that have been partially reclaimed with topsoil and grass. The seedlings and cluster plantings still need to be planted in these areas.

Mr. Dietrich testified that he has never received any complaints about this site mostly because it is located so far from any residential properties. There have been problems with sand deposits on the street; however this has not been a problem in the last few years since they are scaling down. While hauling material for the landfill project there were several issues that came about. He stated that if they do another job with this magnitude again they will have to

do compliance with tracking on the road. The applicants are in compliance with the previous plan and the new plan meets his approval.

The meeting was open to the public.

Delores Deagler, 18 S. Sunset Drive, Petersburg, was sworn. She had questions regarding the hours of operation for Julie's Pit which is across the street from this site.

Hearing no further response the meeting returned to the Board for finding of facts.

MR. RIORDAN – Hanson Aggregates, Inc. are requesting preliminary and final site plan approval for Upper Township Sand & Gravel located at Route 610 in Petersburg, also known as Block 453, Lot 4. Rocco Tedesco, Esquire, represented the applicant. There was expert testimony by Lance Landgraff, Jr., Professional Planner with Marathon Engineering. Mr. Landgraff testified that much of the equipment has been transferred from this property to a related mining operation. Much of the site has been reclaimed. The Township Engineer has stated there were no complaints due to its isolated location. The applicant agreed to comply with any additional township requirements that may come about from increased volume. One member of the public had concerns about the hours of operation regarding the previous application.

MR. INSERRA – Nothing to add.

MR. BREADY – Nothing to add.

MR. SCHRODER – Nothing to add.

MR. HARNEY – Nothing to add.

MR. KELLY – Nothing to add.

MS. McCROSSON – Area 6 is being reserved for future mining.

MRS. SCROCCA – The applicant has met the requirements of the plan that is currently in place with the exception of sand deposits on the road. If the applicant begins actively mining again they will meet the requirements of the ordinance. The Board Engineer has indicated the proposed plan meets the requirements of the ordinance.

A motion to grant preliminary and final site plan approval and recommendation to Township Committee that they renew the mining license for an additional five years was made by Ms. McCrosson and seconded by Mr. Kelly. In favor: Bready, Kelly, Inserra, Riordan, Schroder, Harney, McCrosson and Scrocca.

## **DISCUSSION**

Mr. Dietrich asked the Board not to act on the resolution regarding the Waste Water Management Plan since the DEP had comments about two of the proposed sewer service areas. The information presented to the Board will be changing.

Mr. Dietrich stated that the Flood Hard Ordinance was distributed to a majority of the residents in Strathmere. The feedback that he received is that the residents are not in favor of limiting

the enclosures below base flood to 300 sq. ft. The residents would rather forego the potential benefit of lowering flood insurance premiums than to give up the ability to have a garage and storage area in an enclosed area. He has found other ways to accumulate points.

Mr. Dietrich stated that draft 4 has been emailed to the Board members. The draft took out the enclosure limits. The ordinance contains an ability to appeal, however it doesn't tell how to appeal. Most of the towns in Cape May County have charged their zoning boards with this. The Township Solicitor will determine if this is within the powers of the zoning board.

Solicitor Marcolongo stated that draft 4 would be attached to the Resolution if it is approved by the Board.

Mr. Dietrich briefly reviewed the Marmora Transportation Study. Currently the planners are looking into where the traffic is coming from and where it is going and to find the best routes. The ultimate application to the DEP is to change the access level. The proposed changes are to have no access on Route 9 in the Marmora Center except as part of the local road network.

The application will be ready to submit to Township Committee at their November 26<sup>th</sup> meeting. Part of the application is sending notices to everyone along that stretch of Route 9 that the Township is proposing to change the access level classification. A public information meeting will be held to give the residents a chance to review the proposed changes.

## **RESOLUTIONS**

1. RECOMMENDING AMENDMENTS TO TOWNSHIP ORDINANCE CHAPTER 18 (FLOOD DAMAGE CONTROL) – SPECIAL RESOLUTION 04-12

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

2. TUCKAHOE SAND & GRAVEL COMPANY INC – BLOCK 247, LOTS 4, 9, 10 – BLOCK 248, LOTS 1 THROUGH 8, BLOCK 249, LOT 1, BLOCK 453, LOT 2 – PB04-12

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

## **BILLS**

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

## **ADJOURNMENT**

A motion to adjourn the meeting was made by Ms. McCrosson, seconded by Mr. Kelly, and approved. The meeting was adjourned at 8:23 p.m.

Submitted by,

Shelley Lea