

**UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
FEBRUARY 21, 2013**

The regular meeting of 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 (7:34), Anthony Inserra, Gary Riordan, Joseph Harney, Georgette Costello, Janet McCrosson, Mayor Richard Palombo and Chair Renee Scrocca.

Absent: William Brown, James Kelly and James Schroder.

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

**APPROVAL OF THE JANUARY 17, MEETING MINUTES**

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

**APPLICATIONS**

1. **MASTER PLAN REEXAMINATION –**

Discussion and possible action on the updates to the Upper Township Zoning Ordinance as it pertains to height and setback regulations in Strathmere (RR and RC Zoning Districts) and the Upper Township Flood Hazard Area Regulations.

Mr. Dietrich stated that changing the ordinance would benefit property owners that need to rebuild their homes to meet the upcoming flood mapping changes. Any new construction is required to meet the new advisory base flood elevation plus one foot of free board.

Mayor Palombo stated he attended a meeting in Trenton and was informed that in order to get funding the Municipality has to adopt the advisory base flood elevations.

Mr. Dietrich explained that since the advisory base flood elevations are higher than the current requirements almost all of the structures in Strathmere would require height

variances. The Township needs to look at how we measure height in the flood hazard zones. The proposed definition in the ordinance (flood protection elevation) indicates that the flood protection elevation is one foot higher than advisory base flood elevation. In the A zone base flood elevations are measured to the finished floor and in the V zone they are measured to the lowest horizontal structural member. In all of the zones measuring the flood protection level to the underside of the lowest horizontal member gives the Township a higher regulatory standard in the A zone and additional CRS points.

Mr. Dietrich stated that the advisory base flood elevations are a temporary measure to provide residents in New Jersey the best available flood data to reconstruct. FEMA will most likely provide the municipalities in Cape May County draft updated Firm maps in July. FEMA would then release a set of draft final maps later in the fall.

Mr. Dietrich stated that instead of amending the ordinance every time a new change comes out a new paragraph should be added to *18- 3.2 bases for establishing the areas of special flood hazard* which states that as new data becomes available from FEMA that would supersede the previous and prior studies. We would always refer back to the latest and best available data we have. The ordinance would be changed to state that properties located in the special flood hazard area or advisory flood hazard area shall have the height measured from the flood protection elevation but shall be limited to two habitable stories above the flood protection elevation.

Chair Scrocca stated that the ordinance indicates that as the definition of the flood protection elevation changes the height will change as well, so that the property owners don't have to request variances.

Mr. Dietrich discussed a situation with a home owner that submitted their building plans prior to Hurricane Sandy. Solicitor Marcolongo stated that it would be easier to have the resident come in for a variance rather than change the ordinance for one property owner. Chair Scrocca agreed and stated that the Board would then be carving out exceptions for every eventuality. Mayor Palombo stated that the Board has to be sure that everything is consistent. He doesn't understand why the Board would create a situation where "future" homes would need variances. He stated that he does not want to develop an ordinance where potentially people are going to have to get variances. This unique situation is now common along the entire New Jersey coast. The changes will alter the aesthetics of the barrier islands. He doesn't want to create a scenario where a number of folks would be forced to get variances to be compliant.

Chair Scrocca asked if there is a timeline for adopting the ordinance. Mayor Palombo stated that the Committee wants to address this matter as soon as possible so when the funding is available the opportunity for home owners to take advantage of it is there.

Mr. Dietrich stated that the two story limitation could be removed and still be protected. He discussed *20-6.3 height limits* that states that any building having a roof height less

than 4 in 1 shall be considered a flat roof and that the height is reduced by 4 ft. They would have to reduce the height by 4 ft. if they wanted to have a flat roof.

Mr. Inserra stated that removing the attic space would not leave any room for the mechanicals.

Mr. Harney suggested increasing the permitted height limit to 37 ft.

Mayor Palombo asked if the homes on Harbor Road would be restricted. Mr. Dietrich stated this is not an issue for the homes on Harbor Road since the height is measured 35 ft. from average grade.

The meeting was open to the public.

Charles Kona, 13 Mosquito Landing Road, Tuckahoe, was sworn. He feels there is a huge problem with the maps. He suggested adopting only the advisory maps and no zoning changes at this time. He feels that two stories is sufficient. He also feels that home owners could have architectural details, pitched roof and plenty of room for mechanicals within a 35 ft. high building. He feels the height should be consistent and the same for everyone no matter what zone they are in. He discussed allowing stairs in the setbacks.

Linda Skand, 14 E. Winthrop Avenue, Strathmere, was sworn. Ms. Skand testified her house is 10 ft. above sea level. Mr. Dietrich confirmed her property is located in an A zone and she can use block rather than pilings.

Hearing no further comment the meeting returned to the Board.

Mr. Dietrich stated there is an inconsistency in the Pineland Density Transfer section of the ordinance. This section has been amended.

The Board was asked for findings of fact.

MR. RIORDAN – This Master Plan Reexamination centered on possible action to the updates to the Upper Township zoning ordinance as it pertains to height in Strathmere. There was public comment by Charles Kona who had numerous recommendations for some of the proposed changes. There was also comment by Linda Skand regarding what type of building materials are required for a property in the A zone.

MS. McCROSSON – Nothing to add.

MR. INSERRA – Nothing to add.

MR. BREADY – Nothing to add.

MR. HARNEY –

MAYOR PALOMBO – The engineer has informed us that he has amended the pineland density transfer section in the ordinance.

MRS. COSTELLO – Nothing to add.

MRS. SCROCCA – Nothing to add.

A motion was made by Mr. Riordan and seconded by Ms. McCrosson to adopt the Special Resolution 02-13 along with the attachment. In favor: Bready, Inserra, Riordan, Harney, Costello, McCrosson, Palombo and Scrocca.

### **RESOLUTIONS**

1. WESLEY UNITED METHODIST CHURCH – BLOCK 455, LOT 35 – AMENDED RESOLUTION PB05-10

A motion to adopt the Resolution was made by Ms. McCrosson, seconded by Mr. Inserra, and approved. Abstain: Harney, Costello.

2. DALEY’S PIT – BLOCK 453, LOT 3 – PB11-12

A motion to adopt the Resolution was made by Ms. McCrosson and seconded by Mayor Palombo. Abstain: Costello, Scrocca.

### **BILLS**

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

### **ADJOURNMENT**

A motion to adjourn the meeting was made by Ms. McCrosson and seconded by Mr. Riordan. The meeting was adjourned at 8:20 p.m.

Submitted by,

Shelley Lea