

**UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
JANUARY 17, 2013**

The annual reorganization 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), William Brown, James Kelly, Anthony Inserra, Gary Riordan, Janet McCrosson and Mayor Richard Palombo.

Absent: James Schroder, Georgette Costello and Renee Scrocca.

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

Ms. McCrosson acted as Chair.

**REORGANIZATION**

A motion was made by Mr. Riordan and seconded by Mr. Kelly to nominate Renee Scrocca as Chair. The nominations were closed. In favor: Brown, Kelly, Inserra, Riordan, Harney, Palombo and McCrosson.

**RENEE SCROCCA CHAIR FOR 2013**

A motion was made by Mr. Kelly and seconded by Mr. Harney to nominate Janet McCrosson as Vice Chair. The nominations were closed. In favor: Brown, Kelly, Inserra, Riordan, Harney and Palombo.

**JANET MCCROSSON VICE CHAIR FOR 2013**

A motion was made by Mr. Kelly and seconded by Mr. Riordan to nominate Dean Marcolongo as Board Solicitor. The nominations were closed. In favor: Brown, Kelly, Inserra, Riordan, Harney, Palombo and McCrosson.

**DEAN MARCOLONGO BOARD SOLICITOR FOR 2013**

A motion was made by Mr. Kelly and seconded by Mr. Brown to nominate Paul Dietrich as Board Engineer. The nominations were closed. In favor: Brown, Kelly, Inserra, Riordan, Harney, Palombo, and McCrosson.

**PAUL DIETRICH BOARD ENGINEER FOR 2013**

A motion was made by Ms. McCrosson and seconded by Mr. Kelly to nominate Shelley Lea as Board Secretary. The nominations were closed. In favor: Brown, Inserra, Riordan, Harney, Palombo and McCrosson.

**SHELLEY LEA BOARD SECRETARY FOR 2013**

**OFFICIAL NEWSPAPER**

The Press was named the official newspaper for 2013.

**APPROVAL OF THE DECEMBER 20, 2012 MEETING MINUTES**

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

**APPLICATIONS**

1. WINIFRED JOAN DALEY T/A DALEY'S PIT – BLOCK 453, LOT 3 – PB11-12

Application is for preliminary and final site plan approval for soil mining relicensing at 1701 Dennisville/Petersburg Road in Tuckahoe.

Matthew Daley, 203 Route 610, Dennisville, New Jersey and Winifred Joan Daley, 356 Main Street, South Seaville, New Jersey, were sworn.

Mr. Daley testified they are continuing their mining extraction facility that has existed for many years. The mining operation is growing and they have a recycling operation on site. There have been no changes in their mining operation in the past 5 years.

Mr. Dietrich testified that he has reviewed the plans and has inspected the site. He finds the site to be in compliance with the Township rules and regulations. He stated that pot holes are developing near the entrance to the site. He asked that the applicant repair the holes within the next 6 months. There have been no complaints about this operation. The applicant has submitted an updated engineer's estimate for the reclamation bond.

Mayor Palombo stated the applicants continue to operate a compliant operation that has been in existence for many years. He referred to the applicants as good operators.

Mr. Daley stated the holes are on top of a gas main. He has contacted the gas company.

The meeting was open to the public.

Nathalie Neiss, 759 Route 50, Petersburg, was sworn. Ms. Neiss asked if the applicants had to file any notices. The Board Secretary announced that the notices are proper.

The meeting was closed to the public and returned to the Board for findings of fact.

MR. RIORDAN – Daley’s Pit is requesting site plan approval to continue their mining facility at 1701 Dennisville/Petersburg Road in Tuckahoe. Testimony was given by Matthew Daley. Mr. Daley testified there have been no changes in the operation over the last 5 years. Mr. Dietrich confirmed the operation is in compliance with the Township regulations. There have been no complaints from the public. Mayor Palombo has indicated that the pit has been in existence for the 30 years he has lived here. During the public portion Ms. Neiss asked about the notices.

MR. BROWN – The operation includes an onsite recycling facility.

MR. KELLY – The property is located on block 453, lot 3. Mr. Daley will require assistance from the gas company in order to repair the pot holes referred to by Mr. Dietrich.

MR. INSERRA – Nothing to add.

MR. HARNEY – No comment.

MAYOR PALOMBO – Mr. Dietrich has stated that he has not received any complaints about this particular operation. The applicant has submitted an updated survey as required.

MS. McCROSSON – The applicant has updated their engineers estimate for bonding.

A motion was made by Mayor Palombo and seconded by Mr. Kelly to grant preliminary and final site plan and to make a recommendation to Township Committee to renew the applicant’s resource excavation permit for 5 years terminating on November 30, 2017 with the condition that on or before June 30, 2013 the applicant must repair the pot holes at the entrance of the facility to the satisfaction of the Township Engineer. In favor: Brown, Bready, Kelly, Inserra, Riordan, Harney, Palombo and McCrosson.

## 2. MASTER PLAN REEXAMINATION

Paul Dietrich stated that the Township Committee has updated the Chapter XVIII Flood Damage Control Ordinance, in order to try to obtain additional CRS credits for discounts on insurance premiums. The Review Officer has informed Mr. Dietrich that they still have concerns about the interpretation of ordinance. Some minor amendments will be necessary.

Mayor Palombo stated that Township Committee moved forward since the ordinance had to be passed before the December deadline. He has concerns since there are new FEMA regulations going into place. He wants something in writing saying that they will accept the ordinance with the clarifications. Mr. Dietrich stated that the Review Officer will continue to review the ordinance and feels there is enough time to address the clarifications. The Township Committee will need to republish and vote on the matter again since language is being added to the ordinance.

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Mr. Dietrich explained that the Board needs to make some minor clarifications and add some language to the ordinance that was previously adopted. This will have no impact to the advisory base flood elevations or the need to increase building heights.

Mr. Dietrich explained there are over 100 homes in Strathmere that may need to be reconstructed because they are below base flood. The President has signed into law the Bigger Waters Act to reform the NFIP that indicates that homes will no longer be grandfathered to the flood zone in which they were previously built in. They will be rated based on whatever flood elevation is in existence at the time their policy is written or renewed. Because of Hurricane Sandy FEMA is already in the process of developing updated flood insurance rate maps for the entire State.

Mr. Dietrich explained that if your property is located in a V zone and at base flood elevation your policy may be \$2,200 to \$2,500. But if you are 2 feet below base flood elevation your flood insurance will be at least \$10,000. If your home is 2 feet below the base flood elevation when the maps become finalized your premium will be assessed based on your flood elevation in accordance with the flood rate maps. The V zone will be extended along Bayview Drive and other areas that were not in the V zone before. These areas will be more significantly impacted because of the type of construction. FEMA has indicated the premiums would be phased in during a 4 year period. If this is your second home the percentages would kick in quicker. As home owners start to realize what their potential flood insurance rates are there will be a great need to raise their homes to meet the new flood elevations.

Mr. Dietrich prepared sketches to use as examples for building height using the zone, center line elevation, base flood elevation and finished floor height. He reviewed each of the sketches. He stated that the Board must recommend to Township Committee where they feel the building should be measured from.

Ellen Barker, Greenville, Delaware, is the owner of 208 N. Commonwealth Avenue in Strathmere. She read a letter into the record discussing the devastation in her home after Hurricane Sandy. She discussed a \$30,000 grant that is being offered to help raise your home. The Federal Government has offered a Hazard Litigation Grant Program to help with the cost. Her experts estimate her multi family dwelling would be at 33 ft. after it was raised. Her home is currently uninhabitable and it could take months to obtain a zoning variance. She asked the Board to grandfather the raising of buildings in Strathmere to help speed up the process.

Mayor Palombo explained the process involved in grandfathering the raising of homes.

Solicitor Marcolongo explained the New Jersey Supreme Court has already stated that if you are doing a substantial change to a non-conforming use or structure you must go through the variance process and that any town that creates an ordinance to circumvent that the courts would find that ordinance is deemed invalid. Under current case law the Township could not legally do what is being suggested even though it is practical.

Mr. Dietrich stated that some towns are adopting the advisory base flood maps and putting them in their ordinance. These would replace the firm maps that the Township currently utilizes. The Planning Board could make this recommendation to Township Committee.

Nathalie Neiss, 759 Route 50, Petersburg, asked how much it cost to apply for a variance. She asked if the Township would also grandfather raising her house. Mr. Dietrich stated that Ms. Neiss is not in a flood zone and that she could raise her home without exceeding the height limit.

Mr. Dietrich stated that the homes along Harbor Road in Beesleys Point would also have to be considered.

Mr. Weaver stated that it would be a benefit to the home owners to raise their houses in regards to resale.

This will be discussed again at the February meeting and formal action could be taken.

## **RESOLUTIONS**

### 1. PLANNING BOARD MEETING DATES FOR 2013

A motion to adopt the Resolution was made by Mayor Palombo, seconded by Mr. Kelly, and approved.

### 2. APPOINTING DEAN MARCOLONGO ATTORNEY AT LAW FOR PROFESSIONAL SERVICES

A motion to adopt the Resolution was made by Mr. Kelly, seconded by Mayor Palombo, and approved. Abstain: Brown.

### 3. R C CAPE MAY HOLDINGS, LLC – BLOCK 479, LOTS 74, 76, 94.01, 97, 98, 99 – PB07-12

A motion to adopt the Resolution was made by Mr. Kelly, seconded by Mayor Palombo, and approved. Abstain: Brown.

### 4. THOMAS TOWER AND ATLANTIC MASONRY SUPPLY INC. – BLOCK 549, LOTS 111, 127, 128, 129 AND BLOCK 565.03, LOTS 55.02, 56, 57 – PB09-12

A motion to adopt the Resolution was made by Mr. Kelly, seconded by Mayor Palombo, and approved. Abstain: Brown.

5. THOMAS TOWER AND ACTION SUPPLY INC. – BLOCK 549, LOTS 110, 132, 133, 134, 135, 136 – PB09-12

A motion to adopt the Resolution was made by Mayor Palombo, seconded by Mr. Kelly, and approved. Abstain: Brown.

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

A motion to adopt the Resolution was made by Mr. Kelly, seconded by Mr. Harney, and approved. Abstain: Brown.

### **BILLS**

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

### **ADJOURNMENT**

A motion to adjourn the meeting was made by Mayor Palombo. The meeting was adjourned at 9:31 p.m.