

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
OCTOBER 17, 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, James Kelly, Anthony Inserra, Gary Riordan, Georgette Costello, Joseph Harney, Janet McCrosson and Chair Renee Scrocca.

Absent: William Brown, James Schroder, and Mayor Richard Palombo.

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

APPROVAL OF THE SEPTEMBER 19, 2013 MEETING MINUTES

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

APPLICATIONS

GRIFFIN DOMPIERRE, LLC – BLOCK 791, LOTS 23 THROUGH 26 – PB03-13

Applicants are requesting preliminary and final site plan approval and variances for front yard setback, lot depth, number of parking spaces, parking in the front yard, parking surface, lot area and rear yard setback and a waiver from supplying storm water management, to convert an existing single family dwelling into a commercial use at 17 Roosevelt Boulevard, Marmora.

Kristopher Facenda, Esquire, represented the applicants. Jack Griffin and Victor Dompierre are the members of Griffin Dompierre LLC. They are contract purchasers of this property. The property is located in the (TCC) Town Center Core District. The current use is a vacant single family two story structure.

John Griffin, 205 N. Shore Road, Marmora; Victor Dompierre, 205 N. Shore Road, Marmora, and Joseph Maffei, Professional Engineer, were sworn.

Mr. Dompierre testified that he makes window treatments. He makes soft goods only. The proposed hours of operation are Monday through Saturday 9 am until 5 pm. He anticipates a staff of four.

Mr. Maffei testified he prepared the EDA site plan dated 8-16-13 and revised 9-24-13. The property fronts on three streets and is .37 acres. The plan is to widen the existing driveway off of Norwood Avenue to 26 ft. The structure is located on the top of a hill which requires them to construct a new retaining wall. The wall would not exceed 4 ft. in height. Three additional parking spaces will be added to the side.

Mr. Maffei reviewed the required variances. He testified the property is 16,117 sq. ft. and is non-conforming. The 90 ft. lot depth is an existing non-conformity that cannot be changed. The front yard setback variance they are seeking is from Roosevelt Boulevard to the new landing. The other two front yard setbacks and one rear yard setback are also pre-existing non-conforming. They are asking for variances for parking. He believes the five proposed parking spaces will be sufficient since there is not a lot of in/out traffic. There is enough room for two parking spaces on Norwood Road and three spaces on Allendale Road if needed.

Mr. Maffei testified the sign would be located in the front near the retaining wall as shown on the plan. They plan to utilize stones in the driveway to cut back on the impervious surface for drainage purposes. They are going to install a concrete driveway apron. They also plan to run the downspouts into rain barrels. There are two mature holly trees on the property that prevent them from adding a sixth parking space. There is one light proposed near the driveway entrance. He stated that some trees will have to be removed to put in the new septic system. A handicap space will be provided with a sidewalk leading to the rear door.

Mr. Maffei testified this is a perfect location for the type of commercial use proposed and the property is zoned for commercial. The proposed use will not affect the light, air and open space. He believes the renovations to the building will enhance the area. It is his opinion that the variances will not negatively impair the intent and purpose of the zoning plan or zoning ordinance and will not impair the public good. He further believes the benefits of granting the variances would outweigh any detriments.

Mr. Dompierre testified that he does not generate a lot of trash. He anticipates only one or two trash bags per week. The second floor will be utilized as his office, fabric showroom and storage. Mr. Griffin explained the footprint of the second floor which currently consists of three small bedrooms and a larger room over the sunroom. The driveway is sufficient for deliveries.

Mr. Dompierre testified that he creates soft goods for residential properties. Mr. Griffin testified that the resident does not come to the building. It is the designer that would come.

Mr. Dietrich testified this is the first application utilizing the new ordinance that allows parking in the sides and rear yard only. He believes that although the lot has 3 front yards it meets the intent of the ordinance.

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

MR. KELLY – The contract purchasers of the property are Griffin Dompierre, LLC. The property is located at 17 Roosevelt Boulevard also known as Block 731, Lots 23 through 26 and is located in the TCC zoning district. There are several bulk variances being requested in addition to preliminary and final site plan approval. Many of the variances are pre-existing. Although the building was last used as a residence the proposed commercial use is permitted. Kristopher Facenda, Esquire, represented the applicant. Joseph Maffei is the engineer for the project. Mr. Griffin deals with soft goods such as fabrics and he deals with designers only and not walk- ins. The hours of operation are from 9 until 5 Monday through Saturday and a staff of four. The positive criteria for granting the variances include the fact that the building is not changing. The applicant agrees to a deed of consolidation. The application will not negatively affect the public.

MRS. COSTELLO - She agrees with Mr. Kelly. She finds this is an appropriate location for retail. The change of use from residential to commercial will assist the property to come into conformity with the purpose of the town center.

MR. HARNEY – He agrees with his colleagues. He likes the rendering of what the building will look like after the renovations. There are no safety issues. There is plenty of parking. He finds this will be a benefit to the business community.

MR. INSERRA – He concurs with his colleagues. He finds the proposed improvements will benefit the Township since the property is located at the entrance to the Township.

MS. McCROSSON – She agrees with her colleagues. Mr. Facenda has shown that both the positive and negative criteria have been met. The project will greatly enhance the neighborhood. The improvements can be done without substantially impairing the intent and purpose of the zoning ordinance.

MR. BREADY – Nothing to add.

MR. RIORDAN – Mr. Facenda has explained how granting the variances would satisfy the positive criteria. Mr. Griffin explained how this particular retail use would not generate a lot of traffic. Additional parking is available on the street if necessary. This particular project if approved would be a positive since it would eliminate a non-conforming unoccupied property in the Town Center with a new conforming business. Mr. Maffei testified that this request would not impair the Township land use ordinance. Mr. Dietrich stated this is the first project to come before the Board utilizing the revised master plan. He feels the parking variance meets the intent of the ordinance. There was no public comment.

MRS. SCROCCA – She agrees the variances can be granted without impairing the intent and purpose of the zoning ordinance and that the benefits outweigh the detriments. She adopts the facts cited by Mr. Maffei on the record that support that conclusion. This is an unusual situation in terms of the three road frontages. She finds the applicants have done an admiral job keeping the variances to a minimum. She finds the front yard setback

variance is needed since the steps will be improved for safety reasons. The proposed sign is conforming. She believes the variances can be granted without impairing the intent and purpose of the zoning ordinance.

A motion was made by Ms. McCrosson and seconded by Mr. Kelly to grant preliminary and final site plan approval and variances for front yard setback, lot depth, number of parking spaces, parking in the front yard, rear yard setback, lot area, parking surface and waiver for no storm water management on site with the condition the applicant prepare a deed of consolidation to the satisfaction of the Board Solicitor and to be filed with the County Clerk. In favor: Bready, Kelly, Inserra, Riordan, Harney, Costello, McCrosson, Scrocca.

BILLS

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Riordan. The meeting was adjourned at 8:04 p.m.

Submitted by,

Shelley Lea