

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
MARCH 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, Anthony Inserra, Gary Riordan, James Schroder, Joseph Harney, Georgette Costello, Janet McCrosson, Mayor Richard Palombo and Chair Renee Scrocca.

Absent: William Brown and James Kelly.

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

APPROVAL OF THE FEBRUARY 21 , 2013 MEETING MINUTES

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

TABLED APPLICATIONS

1. GEORGE HARMS CONSTRUCTION CO. INC. – BLOCK 414, LOT 45 AND BLOCK 451, LOT 4 – PB02-13

This application has been tabled until April 18, 2013. The applicant has agreed to waive the time in which the Board has to act on the application. No further notice is necessary.

APPLICATIONS

1. COTRO DEVELOPMENT CO. LLC. – BLOCK 415, LOT 5 – SD01-13

Application is for a 2 lot minor subdivision and front yard setback variance for the existing structure on the property located at 1400 Route 50, Petersburg.

Julius Korschak, Esquire, represented the applicants.

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Robert C. Prettyman, Professional Land Surveyor, 900 Woodbine Avenue, Woodbine, NJ and Margaret and Peter Troffa, 6 W. Aberdeen Road, Ocean City, NJ were sworn.

Mr. Korschak stated the property consists of 10.86 acres and is located in the (CMP) Commercial Pinelands Zone. As part of the proposal the pre-existing non-conforming residence on the property would be converted to a conforming commercial use and would come before the Board for site plan approval. The applicants will file a deed restriction indicating that the residential use of the property is terminated and there would be no residential use without approvals from the zoning board.

Mr. Korschak explained that a front yard setback is needed for the existing structure. He has submitted as part of the application a Certificate of Filing from the New Jersey Pinelands Commission and an aerial photograph. He had Solicitor Marcolongo review the proposed deed restriction prior to the meeting. Solicitor Marcolongo stated that he is satisfied with the deed restriction.

Mr. Prettyman testified in regards to the minor subdivision plan he prepared dated 1-27-11 and last revised 2-12-13. He testified that both lots conform to the ordinance except for the front yard setback of the existing house. He agreed that transforming the non-conforming use on the property into a conforming use would be a benefit. He believes the benefits of granting the variance would outweigh any detriment. He believes the variance can be granted without detriment to the zoning plan and zoning ordinance and without any detriment to the public good.

Mr. Dietrich confirmed the lots meet the bulk requirements and the plan is in conformance with the map filing law and the Township requirements for a minor subdivision.

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

MR. RIORDAN – COTRO Development is the applicant. The property is known as Block 415, Lot 5. The applicants are requesting a two lot minor subdivision and a variance for lot frontage. Jules Korschak, Esquire, represented the applicant. Mr. Prettyman gave expert testimony. Testimony was also given by Margaret Troffa and Peter Troffa. Mr. Korschak stated that the property would be divided into 2 conforming lots. The applicant has agreed to a deed restriction to convert the residential house to commercial. Mr. Dietrich stated the application meets the Township requirements for a minor subdivision. There were no comments from the public.

MR. HARNEY – He is in favor of the application.

MR. BREADY – He has nothing to add.

MR. INSERRA – He is in favor of granting the application.

MR. SCHRODER – He agrees with his colleagues.

MRS. COSTELLO - She concurs with her colleagues.

MRS. McCROSSON – Nothing to add.

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MAYOR PALOMBO – Mr. Korschak indicated that the subdivision would become deed restricted so the present use as a single-family dwelling would be terminated and become a commercial use. The existing structure would become a conforming use rather than a non-conforming use.

MRS. SCROCCA – The benefit of making a non-conforming property into two conforming properties outweighs the pre-existing detriment. For this reason she believes the variance can be granted without impairing the intent and purpose of the zoning ordinance.

A motion was made by Mr. Riordan and seconded by Ms. McCrosson to grant the minor subdivision and front yard setback variance with the condition that the residential use will terminate by way of deed restriction and cannot be used for a residential use without application to the appropriate board and that the commercial use must obtain site plan approval before operating and the standard conditions. In favor: Bready, Inserra, Riordan, Schroder, Harney, Costello, McCrosson, Palombo and Scrocca.

2. HERITAGE ACRES MOBILE HOME PARK LLC – BLOCK 639, LOTS 15.01, 15.02, 15.03 – PB01-13

Application is for preliminary site plan approval for a 133 site mobile home facility and variances to allow five freestanding signs each 40 sq. ft. in area, variance to not install a 6 ft. high fence as required in ordinance 20-4.17, at 550 Tuckahoe Road, Marmora.

Stephen Nehmad, Esquire, represented the applicant. Mr. Nehmad stated this is a 46.5 acre tract and is located in the Mobile Home Zoning District. The applicant proposes 133 manufactured homes in this development. They are requesting only two variances. A variance is needed for the number of signs proposed. He believes the additional signs would provide better identification for the site and provide for safer access. The other variance is requested so the applicant would not have to erect a 6 ft. high fence along the entire property line since there are already natural boundaries and existing fences.

Paul Casaccio, 5 Cedar Hollow Court, Beesleys Point, New Jersey and Andrew Schaeffer, 1425 Cantellian Blvd., Mays Landing, New Jersey were sworn.

Mr. Schaeffer, Licensed Civil Engineer and Planner, testified using the site plan he prepared, dated October 10, 2012. The site is currently agricultural with farm fields and wooded area. There is also one residential dwelling on the property. He stated that Exhibit A-1 is a color rendering superimposed on a scaled aerial photograph. The entire site is located in the MH zoning district. The design they propose has two access points off of Tuckahoe Road with 24 ft. wide streets in a grid type pattern. There are two proposed lakes on the site. The lakes would be aerated and used as storm water management. The lakes would also be a visual amenity to the site.

Mr. Schaeffer explained that stormwater management would be done in two phases. Phase one would be installing the basin in the southeast corner of the site. After the stormwater is treated for pollutants it would be discharged into the wetland area. The

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lake would be aerated to maintain good color and eliminate algae. There would be a gazebo for people to enjoy. They have reviewed the lakes with CAFRA and they are having them make a pond to create habitat that doesn't exist there today.

Mr. Schaeffer testified that the development would utilize public water. Gas and electric would be provided underground. They propose to develop an on-site waste water treatment plant to handle all four phases of the site. He reviewed how the water treatment plant would work. The plant would require approval by the NJDEP.

Mr. Nehmad stated that it is their desire to utilize the lakes for recreation purposes and for aesthetics however the NJDEP will make this determination.

Mr. Schaeffer testified they propose 2.8 units per acre which is less than the maximum density of 7 units per acre in the ordinance. They are providing the required 50 ft. buffer. Eighty percent of the units would be age restricted. As a condition of final approval they would be willing to execute a deed restriction whereby 80% of the units would be available only to people 55 and older. The remaining 20% would be available as low income rental units as required in the ordinance. The age restricted units would be sold. Solicitor Marcolongo stated the applicant would utilize whatever affordability controls are in effect at the time of final approval.

Mr. Schaeffer testified that in his opinion the plans satisfy the requirements of the ordinance for preliminary site plan approval. He reviewed the proposed sign detail that was marked Exhibit A-2. Two single sided monument signs are proposed at each entrance to better locate the entrances. There would also be a sign in the middle of the site. The signs would be lit. There are street lights proposed at the intersections. He does not believe that the site can be identified properly using only one sign.

Mr. Schaeffer testified that in his opinion the required 6 ft. high fence along the property line is not needed since it would have the appearance of a compound. He stated that visually and aesthetically this will be a very attractive development and would blend well with the existing neighborhood. There are existing fences along the rear of some of the adjacent properties. This area is also naturally wooded as shown on the aerial. Some of the existing vegetation would be destroyed to install the fence. He believes that supplementing the landscaping along the perimeter would create a more desirable visual environment and beneficial design.

Mr. Schaeffer testified the lake is 6 to 7 ft. at the deepest point and is gradually sloped. The edge of the pond is approximately 20 ft. from the road and there is a sidewalk in-between. Mr. Nehmad indicated that they would conform to the recommendations in Mr. Dietrich's review letter.

Mr. Nehmad stated that approval was granted to utilize a portion of the site as a laydown area for the gas extension to the B L England Generating Station. The approvals granted to BL England will cease by December 31, 2014 prior to the occupancy of the first unit.

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There was discussion concerning the required fence and if it were needed. Mr. Dietrich stated that vegetation would not have to be taken down since the ordinance indicates the fence goes along the 50 ft. landscape buffer and not the property line.

Mr. Nehmad stated that the applicants propose lamp post lights inside the development. They will prepare a lighting detail for final site plan. Mr. Casaccio testified there would be lighting inside the gazebo and on the gazebo facing the pond.

Mr. Casaccio, member of the Limited Liability Company, testified that he and his father in law own four mobile home parks in Cumberland and Atlantic Counties. He identified Exhibit A-3 as the Absecon Shores Mobile Home Park in Absecon, Atlantic County that was constructed in 2012. He intends to use the same type of product in Marmora. The homes are affixed using a tie down system onto a floating slab foundation and engineered to withstand over 120 mph winds. The homes are energy star rated. The homes would range from 28 ft. x 42 ft. up to 28 ft. x 64 ft. (1,200 sq. ft. to 1,500 sq. ft.). Exhibit A-4 is interior photographs of the units. Exhibit A-5 show photos of the streetscape at Penn-Lincoln Mobile Home Park in Vineland, Cumberland County. Each unit has 2 off street parking spaces and includes a patio, deck or 3 season room. There is also the option of having a carport. There was discussion on how manufactured homes are taxed. The photos were taken about 3 years ago. Their Motor Vehicle license requires that at least one of the homes must be used for office/sales. The office will be part of the first phase.

The meeting was open to the public.

Michael Friel, 50 Rivendell Road, Marmora, was sworn. Mr. Friel asked what would happen to the railroad since BL England will be utilizing natural gas. Mr. Dietrich explained the rail lines are actually operated by Conrail and owned by New Jersey Transit. The Township does not know their intent at this time. He asked who would maintain the property. Mr. Casaccio stated that all common areas are taken care of by their maintenance staff. The properties that are rented would be maintained by the tenant. If the tenant fails to maintain the property they are permitted to do the work and bill them for it.

Frederick Banner, 24 Oak Street, Marmora, was sworn. He is in favor of a fence. He stated that a 75 ft. buffer was established during meetings regarding affordable housing in 2007. He submitted a copy of an article published in the Gazette on October 11, 2007 that shows the approved buffer was 75 ft. Mr. Dietrich stated that the landscape buffer and the setback equal 75 ft. There would be no units, sheds or any other improvements in that 75 ft. area. He is in favor of the fence.

James Monteleone, 234 Church Road, Marmora, was sworn. He is in favor of a fence. He had questions about the buffer near his home and asked if any of the vegetation was being removed along the property line. Mr. Casaccio showed him an area where the vegetation would be removed by B L England and then replanted when they are done at the site.

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Vivian Ptak, 250 Church Road, Marmora, was sworn. She testified that she is in favor of the fence. She stated that the rotted old fence has fallen onto her property. Mr. Casaccio stated that he will have the old fence removed. She stated there are always car accidents at the corner of Church Road and Tuckahoe Road. She does not want to see any accidents happen where the car ends up in the proposed pond. She is in favor of a fence being installed.

Kurt Kimmerly, 46 Rivendell Road, Marmora, was sworn. He is in favor of a fence. He wanted to know how this type of home and manufacturer would be used. Mr. Casaccio stated that they are an exclusive dealer of this product. Mr. Dietrich stated that although the Board cannot make the applicant use this exact product they have indicated it would be of the same quality. There are standards in the ordinance for this type of housing. Mr. Kimmerly asked who would monitor on site system. Mr. Dietrich stated that a licensed operator would be hired.

Michael Wolicki, 226 Church Road, Marmora, was sworn. He stated that this is a very dangerous stretch of road. He is concerned about what precautions would be taken to keep people from driving into the lake. Mr. Schaeffer testified the applicant proposes several yellow warning signs approaching the curve and striping. He stated that the traffic study shows no significant impact. Mr. Casaccio testified they will ask the County to lower to the speed in this area.

Mark Kelsey, 1353 Stagecoach Road, was sworn. He had questions about the location.

Hearing no further comment the meeting was closed to the public.

Ralph Clayton, 3 Cedar Hollow, Beesleys Point, was sworn. He commented on the quality of the products he produces.

The Board gave their findings of fact.

MR. RIORDAN – Heritage Acres Mobile Home Park, LLC are the owners of Block 639, Lots 15.01, 15.02 and 15.03. The applicants are requesting preliminary site plan approval for a 133 unit mobile home facility and variances to allow 5 freestanding signs and not have to provide a 6 ft. high fence as required in ordinance 20-4.17. The property is located at 550 Tuckahoe Road in Marmora. Stephen Nehmad, Esquire, represented the applicant. Mr. Nehmad assures the project will comply with the Township mobile home park regulations and that the applicant will plant landscaping instead of a 6 ft. high fence that he believes would make the project look like a commune. He believes this would be much more attractive. Andrew Schaeffer gave expert testimony and stated that the project would create 2 lakes and that CAFRA has assisted in the planning of the lakes. There would be an on-site treatment facility that would be constructed in four phases and regulated by the NJDEP. The project meets all Township land use controls. The Township allows a maximum density up to 7 units per acre and the applicant proposes only 2.8 units per acre. Eighty percent of the units would be age restricted and twenty percent would be for affordable housing. The proposed sign detail was shown on Exhibit

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A-2. The size and orientation of the signs will permit visibility. Mr. Schaeffer believes that supplemental landscaping is more attractive than a fence. There was testimony that the items in Mr. Dietrich's review letter dated March 21, 2013 are acceptable. The project would be constructed in four phases. The creation of affordable housing units will help the Township meet its COAH fair housing obligation. Paul Casaccio provided exhibit A-3 that shows photos of the proposed mobile homes and A-4 showing the interior of another mobile home park that they own. During the public portion 7 home owners requested that a fence be constructed and several questions involving the proposed improvements. Mr. Clayton reaffirmed that his projects are always good quality.

MR. HARNEY – He believes the applicants will produce a quality product. Although he believes a fence is needed it does not have to be around the entire property.

MR. BREADY – Nothing to add.

MS. MCCROSSON – It was noted that the County has jurisdiction over Tuckahoe Road. She agrees with her colleagues. She agrees the additional signage would be beneficial.

MR. SCHRODER – The dirt from digging the ponds will remain on site and will not be taken off the property. He is in favor of the proposed signs and believes they are aesthetically pleasing.

MR. INSERRA - He agrees the signs are needed for safety.

MRS. COSTELLO – She agrees with her colleagues.

MAYOR PALOMOBO – Eighty percent of the units will be available to people 55 years and older and twenty percent would be rentals approximately 1,200 to 1,500 sq. ft. There would be sufficient lighting to prevent any potential safety hazards. The gazebo and lakes would be lit. The property is 46.75 acres. The entire site and treatment facility property would be developed in four phases.

MRS. SCROCCA – This is a very practicable plan that would be an asset to the Township. She believes the extra signage is needed. She does not think the site could be accessed safely without the signs given the limited site distances, curve and high speed traffic. She finds the extra signs are a benefit and outweigh any detriment. She does not believe the variance for the fence could be granted without impairing the intent and purpose of the zoning ordinance.

There was discussion concerning where the 6 ft. high solid fence would be located. The applicants will provide a fence detail at final approval.

A motion was made by Mr. Harney and seconded by Mr. Riordan to grant preliminary site plan approval and variances for the number of signs and to not provide a 6 ft. high fence around a portion of the property with the conditions that the property would be deed restricted to provide an 80 percent age restricted community and 20 percent rental units for low to moderate income families or based upon the zoning ordinance at the time of final site plan approval, the applicant complies with the terms and conditions in Mr. Dietrich's report of March 31, 2013 except as to item 9, there will be no roll curb adjacent to the lakes on the inerter roads, it will be vertical curbs and guardrails will be created on Tuckahoe Road if required by the County, the plans will be revised at final site plan to show to show the proposed lighting, the plan will be revised to evidence there will be a patio, deck or three season room of at least 200 sq. ft. on each unit, there will be a 6

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ft. high solid fence in conformance with Exhibit A-1. In favor: Bready, Inserra, Riordan, Schroder, Harney, Costello, McCrosson, Palombo and Scrocca.

3. ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP – ORDINANCE NO 006-2013

RESOLUTIONS

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