

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
APRIL 17, 2014**

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: Michael Endicott, Joseph Harney, Anthony Inserra, Ted Kingston, Janet McCrosson, Hobart Young, and James Kelly.

Absent: William Brown, Daniel Bready, Georgette Costello and Cynthia Harrison.

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

APPROVAL OF THE MARCH 20, 2014 MEETING MINUTES

A motion to adopt the minutes was made by Ms. McCrosson and seconded by Mr. Harney. In favor: Endicott, Harney, Kingston, McCrosson, Young, Kelly. Abstain: Inserra.

SWEAR IN SHELLEY LEA

APPLICATIONS

1. STEVEN COOK DBA UPPER LEVEL FITNESS – BLOCK 453, LOT 177.01 – PB01-14

Applicant is requesting preliminary and final site plan approval to construct a 2,448 sq. ft. building addition and variances for the number and size of parking spaces and landscape buffer at Upper Level Fitness, Route 50 in Seaville.

Vincent J. Morrison, Esquire, represented the applicant. Steven Cook, 136 Route 50, Seaville, New Jersey and Vincent Orlando, Engineer, were sworn.

Mr. Cook testified that he is the owner and operator of Upper Level Fitness. He has been operating the business at this site for one and a half years. He described the types of programs available on the premises and the equipment he uses. There are five employees and he expects to hire one or two more. He grew up in Upper Township and participated in local sports. He gives discounts to several of the teams in the Township.

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Mr. Cook testified that he would like to put up a structure next to the existing building to keep the kids and the adults separate. The patrons range from ages 8 to 70. He would like to keep the kids camps inside the proposed structure. He is currently working on a silver sneakers club for 65 and older. He would like to put up a 34' x 72' enclosure. The structure would be made of vinyl with a 6 ft. skylight in the middle. This is considered a "green" building.

Mr. Cook testified the most vehicles that he has counted at the site at one time are 18. The biggest rush is in the morning and around 5 p.m. The additional room would allow him to hold more camps for the kids. Blood drives and other community type functions are also held at the site.

Mr. Orlando testified in regards to the site plan he prepared by EDA dated 3/11/14 and revised 4/3/14. He submitted a large color rendering that was marked A-1, a portion of the site plan was marked A-2 and a packet containing five photographs was marked A-3. He stated the owners of the property also own lots 177.02 and 177.03. He stated that a portion of the parking ended up on lot 177.02. This parking area will be removed from the lot. Additional parking spaces will be constructed opposite the entry door. The area where the parking spaces are located on lot 177.02 would be covered with topsoil and seeded. A fence would be added to keep vehicles from parking on lot 177.02. Handicap parking will be provided.

Mr. Orlando testified the plan was revised to include a stone parking area in the rear of the proposed addition if it is ever needed. They believe that 25 parking spaces is adequate at this time. They are requesting approval to permit stone in the parking areas that are not paved. They are requesting a variance to allow 9' x 8' spaces where 10' x 20' is required and to allow stacked spaces for the employees in order to reduce the paved area. A variance is needed for the landscape buffer.

Mr. Orlando explained that the applicant thought this was a temporary structure and that building permits were not needed, therefore part of the structure has been assembled. The new structure would be connected to the existing gym by a breezeway. The new facility would not have a lot of equipment and would be a green structure.

Mr. Orlando gave testimony regarding the difference in the number of parking spaces shown on his plan and the number in Mr. Dietrich's review letter.

Mr. Orlando described the property is clean and well landscaped. He believes there are three purposes of the act that would apply to this application and they are e, g and m in the Municipal Land Use Law. In regards to the negative criteria he believes there is no substantial detriment to the public good or the zoning plan and zoning ordinance. The owner of the property or the township engineer will determine when the additional parking in the rear should be installed. Solicitor Marcolongo suggested a condition that if Mr. Dietrich sends a letter indicating the spaces are needed they must be installed within 90 days from the date of that letter and that the parking is at the engineer's discretion.

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There was discussion about the size of the proposed parking spaces and the fact that the RSIS standards require 9' x 18' spaces.

Solicitor Marcolongo stated the applicants want to go back to their original approval with parking in the rear, however his time the parking will be done in stages.

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

MR. HARNEY – Steven Cook is represented by Vincent Morrison, Esquire and Vincent Orlando, Engineer. He is the operator of Upper Level Fitness, Block 453, Lot 177.01. The applicant is requesting parking variances and landscape variance along with preliminary and final site plan approval to put up a 32' x 74' building on the property. Mr. Cook is asking to construct 5 additional parking spaces on site. An additional 20 spaces would be added in the rear of the building if needed as Phase II. He finds the proposed plan utilizes the land efficiently. A split rail fence will be constructed between lots 177.01 and 177.02. The structure would be constructed of vinyl and would have skylights.

MS. MCCROSSON – Testimony was given that the 25 parking spaces will be adequate for the number of patrons currently using the facility. She believes that 90 days is appropriate to expand the parking if needed. She finds the relief can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan or zoning ordinance.

MR. INSERRA – No comment.

MR. KINGSTON – There are 24 spaces required for the new building and 11 previously required for a total of 35 spaces required.

MR. YOUNG – He feels the positives outweigh any negatives in regards to the parking on site. He commended the applicant for his involvement in the community. He finds that the applicant runs a good business.

MR. ENDICOTT – He concurs.

MR. KELLY – The property is located in the TC zoning district. The plans are dated 3/11/14 and revised 4/3/14. Mr. Orlando has cited special reasons e, g and m.

A motion was made by Ms. McCrosson and seconded by Mr. Harney to grant the amended preliminary and final site plan approval, variances for the size of the parking spaces, the number of parking spaces, stacked parking, a stone parking area and landscape buffer, with the conditions that the cross easement for parking on lot 177.02 is removed and the area used for parking will receive new soil and seeded, the applicant at his own discretion or at the determination of the board engineer will create the rear parking area within 90 days of receiving notice from the board engineer, the plans will be revised to show the trash and recycling area, if the rear parking is constructed the lighting will be at the satisfaction of the board engineer, the applicant has agreed to comply with conditions 4 and 5 on Mr. Dietrich's review letter of April 14, 201. In favor: Endicott, Harney, Inserra, Kingston, McCrosson, Young and Kelly.

OPEN TO THE PUBLIC

BILLS

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

ADJOURNMENT

A motion to adjourn the meeting was made by Ms. McCrosson, seconded by Mr. Harney, and approved. The meeting was adjourned at 8:29 p.m.

Submitted by,

Shelley Lea