

**UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
DECEMBER 18, 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: Daniel Bready, Georgette Costello, Michael Endicott, Joseph Harney, Ted Kingston, Hobart Young and James Kelly.

Absent: Cynthia Harrison and Anthony Inserra.

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

**APPROVAL OF THE NOVEMBER, 2014 MEETING MINUTES**

A motion to adopt the minutes was made by Mr. Harney, seconded by Mr. Young, and approved. Abstain: Bready, Costello.

**SWEAR IN PAUL DIETRICH**

**APPLICATIONS**

1. EDWARD DIETRICH – BLOCK 455 LOT 15 – SD04-14

Applicant is requesting a 3 lot minor subdivision at 61 Perry Road in Petersburg.

Paul Dietrich stepped down during this application.

Dave Battastini, Licensed Engineer, Planner and Surveyor, was sworn in as substitute engineer.

Edward Dietrich, 61 Perry Road, Petersburg, New Jersey, was sworn. He testified each of the lots would have access onto Perry Road.

Solicitor Marcolongo informed the board this is a buy right subdivision since it meets all the requirements of the zoning ordinance.

Mr. Battastini agreed this is a buy right subdivision and that no variance relief is needed. He reminded the applicant that the minimum habitable floor area for the PV zone is 1,000 sq. ft. and that driveway access to Route 50 would have to be secured from NJDOT.

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

MR. HARNEY – Mr. Dietrich is the owner of Block 455 Lots 15 at 61 Perry Road in Petersburg. He is seeking a three lot subdivision in the Pineland Village Zoning District.

MR. YOUNG – The plan meets the requirements for a buy right subdivision. He likes the 25 ft. wide access on Perry Road rather than Route 50. The proposal lots fits in with the neighborhood.

MR. KINGSTON – Nothing to add.

MR. ENDICOTT – Nothing to add.

MRS. COSTELLO – Nothing to add.

MR. BREADY – Nothing to add.

MR. KELLY – The plans by Robert Prettyman, PLS, are dated 4-4-14. The applicant proposes to build homes on the lots. There was no public comment.

A motion was made by Mr. Young and seconded by Mr. Harney to grant the application with the standard conditions. In favor: Bready, Costello, Endicott, Harney, Kingston, Young, Kelly.

2. BUJAR DAKU AND GANI DAKU – BLOCK 846 LOT 4 – PB08-14

showing the dimensions of the concrete pad and framed lean to. He feels it is fair to say the width of the building is more than 7' on the plan.

Mr. Levari stated that trees were cleared when the retention basin was put in and when the overpass was built in 1994. The former owner removed trees to install a new septic. He removed dead trees from the rear of the building. He referred to A-6 and indicated this was used for parking. Mr. Dietrich referred to Exhibit B-1 a photo of the property and aerial photographs marked B-2, B-3 and B-4 taken in 2007, 2010 and 2013. The 2007 photo shows the drainage easement being wooded. He stated that the limits of the paving and parking and stone area as well as the clearing of trees is clearly shown. If allowed to continue like this the township becomes liable. He stated that the applicant has extended the clearing and parking past what was shown on the plot plan dated 1-10-2008.

Mr. Young asked if the state has made any complaints. He feels that any expansion onto the state or school property is a separate issue. He stated that the sheds on the property is an architectural enhancement and should not be considered building coverage. Mr. Dietrich stated that the shed and fence required permits but they were never obtained. If the shed increases the impervious coverage a variance is needed.

Mr. Kingston stated there is a big difference in the pictures since 2007. He asked if the tents were part of the approval in 2008. Mr. Levari responded that the tents are inside the approved drinking area. Mr. Levari asked about awnings.

Mr. Harney stated that a variance was previously granted for building coverage. He has questions as to whether the tents increase the building coverage. He feels an as built survey would help clear up the confusion. He sees a big change in the photos between 2007 and now.

Mr. Levari stated that he wants to know if this is a continued use because he bought a bar. He stated that he would remove the shed from the site. The stage is shown on the survey and will not be removed. He will not remove the tents until someone writes that they are illegal. He stated that he will go back to court for the tents and that the board engineer is prejudice. He agreed to remove the parking since there is parking on Tuckahoe Road.

Mr. Dietrich stated that he is not prejudice; he is doing his job in accordance with the ordinance. If the parking is not safe and there is an accident the township is brought into the law suit. Mr. Dietrich agreed that stone is not impervious but when the site is changed and these areas are used for parking site plan approval is needed to determine if it is safe and in compliance.

There was discussion concerning whether or not tents are a structure. Mr. Dietrich stated the tents are interpreted by the zoning officer as structures. The tents should be shown on a plan to determine if they meet the setback requirements. Mr. Levari insisted the tents are in the liquor area and therefore permits are not necessary.

Solicitor Marcolongo marked as A-13 through A-22 additional photographs submitted by the applicant and A-23 an invoice from Robert Brown Tree Service to the Triton Tavern dated March 15, 2008 for removal of 12 dead trees.

Mr. Verderose stated that the applicant would be in favor of removing the stone parking and planting grass. He asked that the board hear the application for site plan waiver at this time. Solicitor Marcolongo stated the application was for clarification and not site plan waiver.

A motion was made by Mr. Harney and seconded by Mrs. Harrison to table the application until the applicant submits adequate information for the board to act upon. In favor: Brown, Harney, Harrison, Kingston, Kelly. Opposed: Endicott and Young.

Solicitor Marcolongo stated that the application has been tabled to obtain additional information. If the applicant chooses he can amend his application to request a site plan approval on additional notice without the necessity of paying additional application fees. Mr. Dietrich added that the location and setback of the tents must be shown. If they do not meet the setbacks a variance must be requested. Drainage calculations would not be needed since the tents are temporary.

There was a short break at this time. Mr. Brown and Mr. Inserra left the meeting.

3. POTENTIAL REVISIONS AND POSSIBLE RECOMMENDATIONS TO TOWNSHIP COMMITTEE FOR AMENDMENTS TO THE UPPER TOWNSHIP ZONING ORDINANCE CHAPTER XIX LAND SUBDIVISION SITE PLAN AND LAND USE ADMINISTRATION AND CHAPTER XX ZONING

Mr. Dietrich briefly reviewed the proposed changes listed in the document dated October 16, 2014 consisting of 8 pages titled Proposed Zoning Ordinance Revisions 2014 for the public. There were questions concerning the new bulk head ordinance that were discussed.

The meeting was open to the public.

James Moore, Esquire, represented James McCallion owner of Block 568, Lot 11 at 40 Butter Road. His client purchased the lot with the intention of developing it commercially. He anticipates submitting his site plan application for the December meeting. He would oppose any change in the zoning of the lot.

Daniel Pashley, owner of Lots 29 and 31, indicated he is fine with the split zoning of the lots. He does not want his lots included in the zone change.

A resident of 80 Butter Road, Block 568, Lot 11, is concerned about runoff at 40 Butter Road. Mr. Dietrich explained the process of the application.

Bertha Field, 1148 South Shore Road, she is concerned about drainage and work being done without permits.

Sandy Smith, 1148 Route US 9 south, she had questions regarding the proposed ordinance revisions.

After a lengthy discussion the board instructed Mr. Dietrich to delete Lot 11.

A motion to adopt Special Resolution 06-2014 was made by Mr. Kingston and seconded by Mr. Healy. In favor: Endicott, Harney, Harrison, Kingston, Young, Kelly.

### **PUBLIC PORTION**

#### **BILLS**

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

#### **ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Kingston, seconded by Mrs. Harrison, and approved. The meeting was adjourned at 10:23 p.m.

Submitted by,

Shelley Lea