

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
MARCH 19, 2015**

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: Mayor Richard Palombo, Hobart Young, Georgette Costello, Daniel Bready, Joseph Harney, Ted Kingston and James Kelly.

Absent: Michael Endicott, Scott Morgan and Gary Riordan.

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

APPROVAL OF THE FEBRUARY 19, 2015 MEETING MINUTES

A motion to approve the minutes was made by Mr. Harney, seconded by Mr. Kingston and approved. Abstain: Young.

SWEAR IN BOARD PROFESSIONALS

APPLICATIONS

1. 40 BUTTER ROAD LLC C/O JIM MCCALLION – BLOCK 568 LOT 11 – PB01-15

Application is for preliminary and final site plan approval and variances for tree preservation and landscape buffer to construct a 7,200 sq. ft. building with an 800 sq. ft. office and 6,400 sq. ft. garage at 40 Butter Road in Palermo.

Solicitor Marcolongo addressed the jurisdictional matters involved with the application. Dorothy McCrosson, Esquire, represented the applicant.

James McCallion, 20 Marshall Lane, Ocean City, was sworn. Mr. McCallion testified he is a member of 40 Butter Road, LLC. He purchased the property in June of last year. It is his intention to construct an office and a storage area for his equipment. The plan has been changed since the completeness meeting from a warehouse to a garage. He is a builder and the property would be utilized for his business. He stated that building

materials and most equipment would be stored inside since there is not much room for storage outside. He testified there would not be a display area or second floor.

There was discussion concerning the proposed office. Solicitor Marcolongo stated that the office would have to be used by the applicant or the garage would no longer be incidental to the office. He also clarified that the applicant testified the building would be used for the storage of his equipment only or the equipment of the business occupying the office.

Most of the time the equipment would stay at the job site, however if it is brought back he needs somewhere to store it. He does not pre-manufacture items for the job sites.

A motion was made by Mr. Harney and seconded by Mr. Young to define that the proposed use as set forth by the applicant is a permitted use within the zone, specifically and office with an accessory garage incidental to the office use. In favor: Palombo, Young, Costello, Bready, Harney, Kingston, Kelly.

Vincent Orlando, Licensed Engineer, Planner and Architect, was sworn. He referred to the site plan by EDA, dated 1/2/15 and revised 2/5/15. He testified the lot is 1.73 acres and contains wetlands. He stated they have received a permit from the NJDEP. The applicant is requesting a variance for tree preservation. Trees would be planted in the areas shown on the plan. A variance is also requested for the landscape buffer. This variance is due to the unique shape of the lot. It was determined that a variance would be needed to allow parking on gravel along the side of the building. The parking in front of the building would be paved. They are proposing retaining walls around the parking areas and building. On site drainage is proposed. Modifications to the drainage are needed as requested by Mr. Dietrich. After discussion concerning the basin in the front of the property it was determined that changes would be made.

Mr. Kingston feels the intent of the lot clearing ordinance was not to clear cut property then plant vegetation but to keep the natural vegetation. He stated the neighbors have been to several meetings and voiced their concerns and violation notices were sent by the Township to stop clearing. Mr. Orlando testified there are 4,000 seedlings being planted as part of the tree restoration. The board members felt that fewer but larger and more mature trees would be best. Mayor Palombo would like a maintenance plan to ensure the trees would be replanted if they died. Solicitor Marcolongo discussed a maintenance bond.

Mr. Orlando discussed the proposed lighting. He stated that he may have to relocate the trash enclosure to adjust the basin as suggested by Mr. Young. Mr. Dietrich discussed the changes he would like made on the plan regarding the drainage.

Mr. Orlando testified the variances could be granted without substantial detriment to the public and without substantially impairing the intent of the zoning ordinance and zoning plan. He believes the benefits of the stone parking area outweigh any detriments.

The meeting was open to the public.

Joseph Kohoe, 109 Butter Road, was sworn. He believes there was a lot of damage done by clearing the property. He asked about the time frame to start. He is in favor of the application and replanting the vegetation on the property.

Bertha Field, 1148 Route 9 South, was sworn. She listed the swales and drains in the area that are not being maintained. She feels that filling the property would only make the flooding worse. She is not in favor of the proposed concrete apron. She stated that proposed plantings would not be the same as the trees that were removed. She is opposed to the application.

Aaron Brice, 80 Butter Road, was sworn. He is concerned about the water since it is getting deeper. He asked about the hours of operation and lighting.

Jim Card, 1208 Route 9 South, was sworn. He doesn't have a problem with the proposed business, however once the property is filled the water will run off onto the neighbors. He asked about the pile of stumps and debris on the railroad property. He feels the debris should be moved onto the applicant's property immediately.

Harriet Field, 15 Butter Road, was sworn. She discussed concerns with the property across the street from her. She is opposed to the trees being removed from the property and feels more should have been done to stop the applicant.

There was discussion regarding the necessary changes to the plan and conditions of approval if approved. The applicant requested to table the matter until April 16, 2015.

2. TEAM FARM LTD – BLOCK 561 LOT 13 – PB02-15

Application is for preliminary and final site plan approval and variances for side yard and lot area and to allow a crushed stone parking area to construct a 1,250 sq. ft. office/retail building at 2060 Route US 9 South in Seaville.

Julius N. Korschak, Esquire, represented the applicants. He stated the property is immediately adjacent to the proposed Osprey Village Mobile Home Park although it is not owned by the same entity. They would like to build an office that looks like one of the models in Osprey Village to use as a model.

Vincent Orlando, Licensed Engineer, Planner and Architect and Harry Vanderslice, Ocean City, were sworn.

Mr. Orlando testified using sheet 2 of 6 of the site plan prepared by EDA, dated 2/12/15 and revised 2/25/15. They are proposing to construct a small building on the site. He stated that the side yard setback is needed due to the width of the site. This would allow the parking to be on the side of the building. He described the access, parking, lighting,

signage and drainage. He feels the variances could be granted using the C1 criteria given the unique shape of the property. There is no adjacent land to purchase to eliminate the variances. He feels the benefits of granting the variances outweigh any detriments. He stated that light, air and open space are being maintained. He also believes the benefits of granting the crush stone parking outweighs any detriment since the driveway and handicap space would be paved.

Mr. Vanderslice testified their goal is to use the building for the project next door. The building would look like a model home.

Mr. Korschak stated the property is zoned TCC and if the building were to be used as a house a use variance would be needed. Mr. Orlando testified this is a mobile home and the foundation is determined by the construction official. The applicant agreed to pave the parking area so a variance is no longer needed.

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

MR. HARNEY – Team Farm is represented by Mr. Korschak. The lot is undersized and there is not any property to obtain to make it larger. He feels the side yard setback can be granted since it is next to a retention swale.

MRS. COSTELLO – The applicant has proved a hardship exists and has demonstrated that the benefits of granting the variances outweigh any detriment. The applicant has withdrawn the requested waiver for the crush stone parking area.

MR. BREADY – Nothing to add.

MR. KINGSTON – Nothing to add.

MR. The applicant has met the burden for positive criteria due to the size and configuration of the lot.

MAYOR PALOMBO – There are still questions regarding the foundation of the structure.

MR. KELLY – The lot is in the TCC zone. The plans are dated 2/12/15 and revised 2/25/15. There was no public comment.

A motion was made to grant the variances for lot area, depth and side yard setback with the condition that if the office is ever converted into a residence it must go to the zoning board for a use variance, the condition the parking area is paved and any other governmental conditions. In favor: Palombo, Young, Costello, Bready, Harney, Kingston, Kelly.

3. CONSISTANCY REVIEW OF ORDINANCE NO. 004-2015

Mr. Dietrich stated that the board previously made recommendations to the Township Committee for possible changes to the zoning ordinance. The Township Committee did not make any major changes to the recommendations but would like the board to confirm the proposed ordinance changes are consistent with the Master plan.

UPPER TOWNSHIP PLANNING BOARD

MARCH 19, 2015

PAGE 5 OF 5

A motion was made by Mr. Kingston and seconded by Mr. Harney, to approve Special Resolution 02-15 recommending the adoption of Ordinance No. 004-2015. In favor: Palombo, Young, Costello, Bready, Harney, Kingston, Kelly.

HOUSING ELEMENT AND FAIR SHARE PLAN

There was discussion concerning the COAH rules and the current fair share obligations. Mr. Dietrich asked the board to read the information that has been distributed.

BILLS

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Young. The meeting was adjourned at approximately 10:23 p.m.

Submitted by,

Shelley Lea