

**UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 21, 2017**

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: Georgette Costello, Ted Kingston, Gary Riordan, Committeeman Hobart Young, Robert Young, Roy Zehner, Vice Chair Joseph Harney.

Absent: Michael Endicott, Scott Morgan, Mayor Richard Palombo, 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 AUGUST 17, 2017 MEETING MINUTES**

A motion to approve the minutes was made by Committeeman Young, seconded by Mrs. Costello, and approved.

**TABLED APPLICATION**

1. STEPHEN HARTSOUGH AND MARK BARHAM – BLOCK 574 LOT 6.13 & 14 – SD 01-17

The continuation of an application is for a minor subdivision to create one new lot and variances for lot frontage and lot width at 32 Victoria Lane and 1016 Route US 9 South in Palermo.

Correspondence from Jules Konschak, Esquire, dated September 14, 2017, requests to continue the application until the October 19, 2017 meeting. There will be no further notice required. The applicant agrees to the tolling of time.

**APPLICATIONS**

1. CAPE COMMERCIAL BUILDERS LLC – BLOCK 600 LOT 13.02 – PB 10-17

Application is for a one year extension of a variance granted to construct a 10,300 sq. ft. commercial building at 320 Route US 9 South in Marmora.

Julius N. Konschak, Esquire, represented the applicant. He stated that in 2010 the applicant received site plan approval to construct a building on this property. There was one variance to allow crush stone parking in the rear of the building. The permit extension act carried the approval until December 31, 2016. The applicant is now ready to begin work on the project.

Mr. Korschak stated they are requesting a one year extension from December 31, 2016 until December 31, 2017.

Steven Filippone, Professional Engineer and Planner, was sworn. Mr. Filippone testified the property remains in the TC zone. The application meets all the requirements in the ordinance except the crush stone parking.

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

COMMITTEEMAN YOUNG – He finds that the application meets the requirements for a one year extension. The applicant is entitled to three one year extensions. There are no changes being proposed to the approved plans. There was one variance granted to allow crush stone.

MR. RIORDAN – The applicant was represented by Jules Korschak, Esquire. Expert testimony was given by Steven Filippone of EDA. There was no public comment.

MR. ZEHNER – He agrees.

MR. KINGSTON – Nothing to add.

MRS. COSTELLO – No further comment.

MR. YOUNG – He agrees.

MR. HARNEY – The application was granted July 8, 2010 per Resolution PB 03-2010.

A motion to grant the one year extension through December 31, 2017 was made by Committeeman Young and seconded by Mr. Riordan. In favor: Costello, Kingston, Riordan, Committeeman Young, Young, Zehner, Harney.

2. RONALD & JEAN VOORHIS – BLOCK 575 LOT 31 – SD 03-17

Application is for minor subdivision approval to realign the existing lot line at 36 Seasounds Avenue and 1029 Route US 9 South in Palermo.

John Ridgeway, Esquire, represented the applicants. Mr. Ridgeway stated that the pond on the Ms. North's property would be added to the Voorhis property as shown in the Plan Of Minor Subdivision, by Stephen C. Martinelli, Land Surveying, dated 7/7/17 and revised 9/6/17. The Voorhis property is currently undersized but would conform to the lot area requirement if the subdivision is approved. Mr. Ridgeway would prepare a deed from Ms. North for the property being sold to the applicant and a deed of consolidation to add the property to the applicants lot. A Certification And Consent To The Application For Minor Subdivision signed by Barbara North, dated September 8, 2017, was included as part of the application.

Jean Voorhis, 36 Seasounds Avenue, Palermo, was sworn. She explained the proposed subdivision to the board. She testified that she has no intention of constructing anything on the property and that there are wetlands around the pond. The purpose of the subdivision is to expand their property and to own the lake.

Mr. Dietrich stated that the applicant must submit the subdivision in electronic form and that the map complies with the township standards for filing.

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

MRS. COSTELLO – Ronald and Jean Voorhis are being represented by John Ridgeway, Esquire. The applicants are requesting a minor subdivision and lot consolidation of lot 10 and a portion of lot 31. A portion of lot 31 is wetlands. No new construction is planned. Their current lot area is 38,692 sq. ft. and will be increased to 83,662 sq. ft. if the subdivision is approved. Barbara North, owner of lot 31, has signed a consent that has been made part of the application. There was no public comment.

MR. KINGSTON – The subdivision would make a non-conforming lot into a more conforming lot in regards to lot area. Therefore, it is a benefit to everyone.

MR. RIORDAN – The elimination of two pre-existing non-conforming conditions outweigh any negative impact.

COMMITTEEMAN YOUNG – He concurs.

MR. YOUNG – He concurs.

MR. ZEHNER – He concurs.

MR. HARNEY – He concurs.

A motion was made by Mr. Kingston, seconded by Committeeman Young, to grant the application as proposed with the condition the applicant submit an electronic copy of the plans to Mr. Dietrich and that the deeds must be reviewed by Solicitor Marcolongo prior to filing. In favor: Costello, Kingston, Riordan, Young, Committeeman Young, Zehner, Harney.

3. SCHOOL HOUSE LLC / KAREN LARSON – BLOCK 348 LOT 47 – SD 04-17

Application is for a three-lot minor subdivision at 60 School House Lane in Tuckahoe.

Karen Larson, 824 Plaza Place, Ocean City, was sworn. Mrs. Larson is the owner of School House LLC. Mrs. Larson called Steven Filippone, to testify on regards to the application.

Steven Fillipone, previously sworn, testified regarding to the “Minor Subdivision Plan” last revised 8/25/17. He stated this is a 5 ½ acre parcel containing one single family dwelling, a detached frame garage and a shed. The applicant proposes to create two additional building lots. All three of the lots would conform to the requirements in the TV zoning district. There are no variances or waivers needed. Soil borings done on the lot confirm there are excellent soil conditions.

Mr. Filippone testified the width of School House Lane varies in different locations as noted on the plan. Mr. Dietrich testified most of the road is 15 ft. in width. He stated this is a very narrow lane. There is one section where the lane is wider as a result of a right of way easement that was a condition of a subdivision approval. He stated that the township would be able to resurface the road but could not make improvements to make the road safer and to allow access for emergency vehicles.

The applicant agreed to a 10-ft. future road widening easement as a condition of approval. Mr. Dietrich requested the septic be moved back 10 ft. so it is not sitting on the edge of the pavement if the road were widened.

Mr. Dietrich testified the subdivision map conforms with the township’s filing requirements for a minor subdivision and he concurs with Mr. Filippone that the proposed lots conform with the zoning standards.

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

MR. RIORDAN – School House LLC is requesting to subdivide the property located at 60 School House Lane also known as Block 348 Lot 47. Mrs. Larson represented herself. There was expert testimony given by Steven Filippone of EDA. The applicant has agreed to a 10-ft. wide easement adjacent to School House Lane. They also agree to move the septic on each of the proposed lots back 10 ft. further from School House Lane. There was no public comment.

MR. YOUNG – He finds there would be no detriment in granting the subdivision.

MRS. COSTELLO – There are no variances or waivers requested.

MR. KINGSTON – The only change to the plan is the 10 ft. easement to allow for future widening of the road.

COMMITTEEMAN YOUNG – This is a buy right subdivision with no variances. This road has functioned for many years as a narrow lane, however the easement is a benefit in regards to safety in the future.

MR. ZEHNER – He concurs.

MR HARNEY – He concurs.

A motion was made by Committeeman Young and seconded by Mr. Kingston, to grant the minor subdivision with the condition the plans are revised to evidence the 10 ft. wide road widening easement and move the septic back 10 ft. from School House Lane and the deed of easement will be forwarded to Solicitor Marcolongo for his review prior to filing. In favor: Costello, Kingston, Riordan, Young, Committeeman Young, Zehner, Harney.

4. MARK & DONNA CREGO – BLOCK 566 LOT 34 – PB 05-17

Application is for preliminary and final site plan approval to construct a 5,037 sq. ft. building for the manufacturing of signs at 1220 Route US 9 South in Seaville.

Jon Batastini, Esquire, represented the applicants.

Mark Crego, 323 Ocean Avenue, Ocean City, was sworn. Mr. Crego is the owner of MC Signs. He started this business in Somers Point in 1980 where he operated for 27 years. He then located to Ocean City and six months later was flooded by Hurricane Sandy. Mr. Crego discussed his professional career that started in 1976.

Steven Filippone, previously sworn, testified using a rendering of the site plan prepared by EDA, last revised 9/7/17. This is a 1.3 acre parcel in the CM2 zoning district. The 25 ft. wide driveway will be on Route 9 and there will be 9 parking stalls. The site drains from Route 9 toward the rear of the site. An 18 inch deep storm water basin capable of handling a 100 year storm is proposed. A landscape buffer is also proposed. This is a conforming site plan that would include a 10'x10' trash enclosure, LED lighting, handicap access and handicap parking stall. There are no variances or waivers needed. He agreed to add a legend for the proposed plantings.

Mr. Crego testified the proposed building is 5,037 sq. ft. one story prefab metal building. There would be one 12' x 12' garage door, an entry door for the staff and couple show room doors. There is an office inside the building. Most of the signs are done with computers. There is a CMC machine inside but the building would be insulated and it could not be heard outside. The

hours of operation are 8 am until 5 pm Monday through Friday. There is a small retail area proposed. He testified that most of their sales are done on the phone or by email.

Mr. Crego testified he is installing a canopy over the entranceway and side window for aesthetics. The proposed free-standing sign would be internally lit and would include time and temperature. There will be 3 or 4 employees.

Mr. Dietrich commented that the awnings encroach into the setback. He suggested sliding the building back 18 inches to comply with the setbacks. Mr. Filippone gave testimony in regards to the freestanding sign. There is a 20' setback required for the sign and they are proposing 15' since the ordinance allows the sign to be closer if it meets certain criteria. He testified the sign is 30 ft. from the edge of cartway. He is completely confident the sign is not in the site triangle. He agreed to add the site triangles to the revised plan.

Mr. Dietrich concurs the drainage calculations meet the 100 year storm, however the NJDEP requires calculations for different storms and ground water recharge calculations. If these are not provided the township is in violation of its storm water management permit from the state. He added that Mr. Filippone has already agreed to add this information and he does not think any of the drainage calculations will change but he needs the formal submission in the package to conform to the municipal standards.

Solicitor Marcolongo asked that note 4 on the site plan be amended to show that all 9 parking spaces will be on a paved surface. Mr. Filippone agreed to amend the note.

The meeting was open to the public.

Nathalie Neiss, 759 Route 50, Petersburg, was sworn. She asked if there is room for expansion. Mr. Filippone stated that the applicant would have to return to the board for any expansion. Mr. Dietrich stated the wetlands in the rear of the property could make it difficult to expand.

Hearing no further comment the meeting was closed to the public and returned to the board for findings of fact.

MR. RIORDAN – Mark and Donna Crego are the contract purchasers of 1220 Route US 9 South, known as Block 566 Lot 34. They are requesting site plan approval to construct a 5,037 sq. ft. metal building. Jon Batastini, Esquire, represented the applicants. Mr. Crego provided testimony and Steven Filippone gave expert testimony regarding the project. The applicant agrees to move the building back 18 inches to allow for the 3-ft. awning. The plan will be amended to show the site triangles and additional drainage information. There was one member of the public who asked about future expansions.

MRS. COSTELLO – The hours of operation are 8:00 am until 5:00 pm Monday through Friday. The applicant anticipates employing 3 or 4 people. There will be a small amount of retail sales. The proposed sign will have LED lighting and will include time and temperature. There will be nine parking spaces including one handicap space. There are no variances or waivers requested.

COMMITTEEMAN YOUNG – Mr. Crego has presented an application for a commercial use in a commercial zone. This is a permitted use in the zone. He meets all the setbacks. There are no variances or design waivers. He has enhanced the appearance of the proposed building by adding awnings.

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MR. KINGSTON – The applicant agrees to move the building back 18” to accommodate the awning. The applicant has agreed to add additional storm calculations to comply with the NJDEP requirements and the townships stormwater management permit.

MR. YOUNG – He concurs.

MR. ZEHNER – He concurs.

MR. HARNEY – The applicant was represented by Steven Filippone and Mr. Batastini.

A motion was made by Mr. Riordan and seconded by Committeeman Young to grant the application with the condition there will be an awning in the front of the building pursuant to the plans submitted, the site plan will be revised to move the building back 18” from Route 9, the site triangle will be added to the plan, the applicant will submit the stormwater management calculations to the township engineer for his review and approval, Note 4 will be amended to indicate that all nine parking spaces will be on a paved surface, the applicant will prepare a performance bond to the satisfaction of the board engineer and the plans will be revised to add a landscape legend. In favor: Costello, Kingston, Riordan, Young, Committeeman Young, Zehner, Harney.

5. REVIEW OF FLOOD DAMAGE CONTROL ORDINANCE AND CHAPTER 19 REGARDING REQUIREMENTS OF SITE PLAN REVIEW

Solicitor Marcolongo stated that the board previously adopted Special Resolution 03-2017 recommending township committee adopt the amended flood hazard protection ordinance. This ordinance has recently been modified to make a change to Chapter 19 the site plan ordinance. Section 19-4.2 (a) would include that site plan would be necessary for any mining excavation, dumping or deposit of fill or dredge spoils or landfill activities. This would make mandatory for any operations wanting to operate this type of facility within the township would have to come before the board.

Mr. Kingston discussed a new flood zone that effects houses along the bay. Mr. Dietrich stated a new flood zone is not being created but an overlay area within the A zone. Flood insurance rates are determined by how you construct a house within the coastal A zone.

Mr. Kingston wants the board to consider if the 7-ft. bulkhead height requirement is sufficient.

A motion was made by Mr. Kingston and seconded by Mr. Young to adopt Special Resolution 04-2017 recommending township committee adopt the changes to the flood damage control ordinance and adding language to Chapter 19, 19-4.2 (a) as read into the record by Solicitor Marcolongo. In favor: Costello, Kingston, Riordan, Committeeman Young, Young, Zehner, Harney.

**PUBLIC PORTION**

One member of the public asked when trailers would be discussed again.

Nathalie Neiss stated that she is against the ordinance prohibiting tractor trailers on a property. She also has concerns about PODS.

The public portion of the meeting was closed at this time.

**RESOLUTIONS**

1. DALEY'S PIT – BLOCK 453 LOT 3 – PB 07-17

A motion to adopt the resolution was made by Committeeman Young, seconded by Mr. Young, and approved with all in favor.

2. HEAVENWARD CHRISTIAN FELLOWSHIP – BLOCK 650 LOT 13.01 – PB 08-17

A motion to adopt the resolution was made by Mr. Young, seconded by Mr. Riordan, and approved with all in favor.

**BILLS**

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

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Young and seconded by Mr. Kingston. The meeting was adjourned at 9:27 p.m.

Submitted by,

Shelley Lea  
Board Secretary