

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 6, 2013**

The regular meeting of the Upper Township Zoning Board of Adjustment 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: Christopher Phifer, Andrew Shawl, Matthew Unsworth, Lynn Petrozza, Joseph Healy, Alistair Lihou, Brian McCoy and Chair Paul Casaccio.

Absent: Jeffrey Pierson, Hobart Young and Susan Adelizzi-Schmidt.

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

OFFICIAL BOARD MEMBER OATH – LIHOU/McCOY

BILLS

A motion to pay the bills was made by Mr. Phifer, seconded by Mr. Unsworth, and approved.

APPLICATIONS

1. RC CAPE HOLDINGS LLC – BLOCK 639, LOTS 15.01, 15.02, 15.03 – BA 01-13

Applicant is requesting preliminary and final site plan approval and a use variance for a use not specifically permitted in the Residential Zoning District to utilize the property located at 550 Tuckahoe Road in Marmora for temporary storage and staging area in connection with the repowering of the BL England Generating Station to natural gas.

Paul Casaccio left the meeting at this time. Matthew Unsworth acted as Chair. Paul Dietrich and Shelley Lea were sworn.

Arthur T. Ford, III, Esquire, represented the applicant. Mr. Ford stated that the applicant purchased the BL England Generating Station in 2007. The Planning Board recently approved the site plan approval to convert the generation station to natural gas. The applicants are asking to use this property to facilitate the conversion to natural gas.

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Robert Rapenske, Vice President of Asset Management for Rockland Capital, was sworn. Mr. Rapensky discussed the highlights of the repowering project. The purpose of the repowering is to get rid of two inefficient coal fired boilers. They will use some of the infrastructure and build a combined cycle facility plant. The project also includes repowering the oil fired boiler. The benefits of repowering include huge reduction of emissions and pollutants. They conform to the 2011 energy master plan.

Mr. Rapenske testified this is a good project and it would be built on an already disturbed area. They have deeded 150 acres of wetlands from ever being developed. The water taken from the Great Egg Harbor Bay for the cooling tower would be reduced by 129,000,000 gallons per day. There will be no more rail traffic due to the elimination of coal. Since they would no longer be burning oil the truck traffic would also be eliminated. The gross receipt tax would stay in place.

Mr. Rapenske discussed the time frame for the conversion to natural gas. He anticipates the entire site to be up and running by 2016. He testified that it was determined there is not enough land on the BL England site for a laydown area. He stated that this particular property meets all their needs. He does not believe the laydown area will increase the traffic.

Chris Krawice, Project Engineer with the Shaw Group, was sworn. Mr. Krawice has been in the power industry for over 20 years. He testified the applicant intends to utilize approximately 7.67 acres of the 29 acre tract for the laydown area. They plan to install an entrance (driveway) that would coincide with the future mobile home park. The topsoil will be removed and stockpiled on site. They plan to maintain the natural grade of the site and stabilize the area by adding stone. They also plan to install swales that will drain into the drainage basins. A 6 ft. high chain link fence with vinyl inserts will be installed along the perimeter of the property with a double gate in the rear in the event they can utilize the rail line for loading/unloading equipment. There would be a rolling gate at the entrance on Tuckahoe Road. They propose 6 or 7 lights mounted on 20 ft. high poles along the perimeter of the property for security purposes. The natural vegetation would remain except in the area near the gates.

Mr. Krawice explained that the site would be used for storage of parts as an offsite facility for work being done at BL England. This may include some assembly of small parts, fabrication and welding. There would also be typical small construction equipment such as forklifts and portable cranes used on site. He stated that the hours of operation would be 7 a.m. until 6 p.m. There may be times when they are a little later. When they are done using the site they will remove the lighting and fencing and restore the property to its original condition.

Mr. Rapenske testified this is a temporary use and that they would vacate the site by March 31, 2016. He agreed to limit all fabrication to the proposed hours of operation and not on Sundays.

There was discussion regarding acceleration lanes, signage and additional landscaping around the basin. There was also discussion about storing hazardous materials on site.

Mr. Dietrich suggested a site restoration bond. The applicants engineer could prepare an estimate of costs to restore the site. He also suggested making a requirement that all parking is within the fenced area and no parking along Tuckahoe Road. The owner of lot 20 has raised concerns about the hours of operation. She also requested that the port a potty be located along the fence near Tuckahoe Road. Mr. Ford responded that the applicant would shield the portable toilet.

Andrew Schaeffer, Professional Engineer and Planner, was sworn. He stated that the proposed use of the site qualifies as a special reasons under 40:55D (a) in regards to the public health section. Special reason (g), the site is particularly well suited for this particular use because of its location directly adjacent to the rail road track as well as its location on a county road. Plus the site is already cleared and would not have a substantial environmental impact in regards to removing trees and disturbing vegetation. Special reason (h) since the amount of traffic generated by this site would be minimal. He feels that the use would not be a detriment to the zone plan since the site is a temporary situation and is helping the power plant which is a permitted use and located on a different site.

Mr. Ford stated that this project is the biggest thing to happen to the Township in the last 50 years and in South Jersey. Extending the life of the power plant as a tax ratable benefits every citizen in Upper Township. The applicant provides employment. They are also increasing the output of the generating station by 31%. Truck and rail traffic would be eliminated. They are improving the quality of life for the residents of Upper Township and the surrounding communities.

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

MR. SHAWL – R C Cape May Holdings of Woodlands, Texas, is before the Board regarding property at 550 Tuckahoe Road, County Road 631 (Block 639, Lots 15.01, 15.02 & 15.03) for a use variance to permit 7.67 acres as a temporary laydown and staging facility to facilitate the repowering of BL England Generating Station and its conversion to natural gas. There is also a variance requested to allow a non-conforming fence. The professionals reviewed the need for an offsite laydown area. The applicant proposes to use the designated area for staging material and equipment. They would also be fabricating equipment that may require welding, cutting and other work to prepare for final transport to the BL England Station on Route 9 in Beesleys Point. It is anticipated that a majority of equipment would be delivered to the site by truck. The applicant proposes to stabilize a construction entrance and provide details. There would be supportive equipment on site such as office and storage trailers, portable toilets, air compressors, generators, welding machines and other mobile equipment such as forklifts and cranes. This site is adjacent to an existing rail road tracks and it is anticipated that

the rail road could be used to transfer parts and materials to BL England. The applicant has agreed that March 31, 2016 is the end date for the temporary laydown and storage use on this lot. They also agreed that the fabrication portion will only operate Monday through Saturday from 7 am until 6 pm. There was testimony that it may be necessary to have truck delivery to and from the site outside of the proposed hours of operation. The repowering of the BL England Generating Station conforms to the NJ Energy Master Plan. This is the biggest project to happen in South Jersey and will positively affect the community in numerous ways. The applicant has agreed there will be no parking along Tuckahoe Road. There was testimony that special reason 40:55D 2a, g would be promoted. He agrees with these special reasons. There was no public comment.

MR. PHIFER – There would be no fabrication done on Sundays.

MR. HEALY – He feels this will be a benefit to the community by cutting down traffic after the project is complete

MS. PETROZZA – The Board discussed the location of the portable toilet, which will be located along the fence in the front of the property. There were no negative comments which leads her to believe that the community is in favor of the project.

MR. LIHOU – Nothing to add.

MR. MCCOY - Nothing to add.

MR. UNSWORTH – This site is facilitating the repowering of the BL England Generating Station. The repowering of this station will be a benefit to the community. The rail traffic to the plant will be eliminated. The life of the plant will be extended 25 years or more which would preserve our energy receipt tax. This particular site fits their needs since it has direct access to Tuckahoe Road and the rail line that runs directly to the plant. The site is already cleared and there would not be any detrimental effects to the environment. The applicant has agreed to post a reclamation bond. They have also agreed to not store hazardous materials on site and parking only within the fenced area. He feels this is a good use for the site. The proposed use has would have no detriment to the public. He would be in favor of this application.

A motion was made by Mr. Phifer and seconded by Mr. Shawl to grant preliminary and final site plan approval and a use variance for a use not permitted in the zone, specifically the laydown storage area in the MH zone and variance for the type of fence proposed with the condition that the variances will terminate on March 31, 2016, the hours of operation will be 7 am until 6 pm, there would be no fabrication beyond those hours and no fabrication on Sundays, the applicant will consult with the County Planning Board regarding the development of acceleration lanes, the applicant will install warning signs on the east and west sides of the site, there will be no storage of hazardous materials on site beyond normal construction materials, the applicant shall prepare a site restoration estimate satisfactory to the Board Engineer, all parking shall be inside the fenced area, the portable toilets will be shielded and located near Tuckahoe Road and the standard conditions. In favor: Phifer, Shawl, Petrozza, Healy, Lihou, McCoy and Unsworth.

ADJOURNMENT

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A motion to adjourn the meeting was made by Ms. Petrozza and seconded by Mr. Healy.
The meeting was adjourned at 8:45 p.m.

Submitted by,

Shelley Lea