

**UPPER TOWNSHIP PLANNING BOARD
REORGANIZATION MEETING MINUTES
JANUARY 17, 2019**

The annual reorganization meeting of the Upper Township Planning Board was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey. The meeting was called to order at 7:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Georgette Costello, Michael Endicott, Jack Griffin, Vice Chairman Joseph Harney, Ted Kingston, Gary Riordan, Committeeman H. Young, Robert Young, Chairman James Kelly.

Absent: Mayor Palombo and Scott Morgan.

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

SWEAR IN PAUL DIETRICH

REORGANIZATION

A motion to nominate James Kelly as Board Chair was made by Mr. Harney and seconded by Mr. Endicott. Hearing no other nominations, the nominations were closed.

JAMES KELLY BOARD CHAIR FOR 2019

A motion to nominate Joseph Harney as Vice Chair was made by Mr. Riordan and seconded by Mr. Kelly. Hearing no other nominations, the nominations were closed.

JOSEPH HARNEY VICE CHAIR FOR 2019

A motion to nominate Jeffrey Barnes as Board Solicitor was made by Mr. Kelly and seconded by Mr. Harney. Hearing no other nominations, the nominations were closed.

JEFFREY P. BARNES BOARD SOLICITOR FOR 2019

A motion to nominate Paul Dietrich as Board Engineer was made by Mr. Kelly and seconded by Mr. Harney. Hearing no other nominations, the nominations were closed.

PAUL DIETRICH BOARD ENGINEER FOR 2019

A motion to nominate Shelley Lea as Board Secretary was made by Mr. Kelly and seconded by Mr. Harney. Hearing no other nominations, the nominations were closed.

SHELLEY LEA BOARD SECRETARY FOR 2019

OFFICIAL NEWSPAPERS 2019

A motion was made by Mr. Harney and seconded by Mr. Kingston, to utilize The Press and the Sentinel Ledger as the official newspapers.

APPROVAL OF THE DECEMBER 20, 2018 MEETING MINUTES

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

PLANNING BOARD OATH OF OFFICE 2019

TABLED APPLICATIONS

1. BUJAR AND GAWI DAKU – BLOCK 846 LOT 4 – PB 07-18

A letter from Daniel McCann, Esquire, requests this application be tabled until February 21, 2019 at 7:30 p.m. He also waived the time in which the board must act on the application.

END OF THE YEAR REPORT AND SUMMARY OF APPLICATIONS BY THE UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

The board discussed the report and the recommendations made by the zoning board, however no formal action was taken.

APPLICATIONS

1. E Z DOCKS LLC – BLOCK 544.02 LOT 9 – PB 10-18

Application is for a site plan waiver and variance to allow storage on an unpaved surface to operate a dock business at 1300 Stagecoach Road in Seaville.

Kevin Morris, Esquire, represented the applicant.

Rick Hibell, Principal of E Z Docks LLC, residing in Leonardo, New Jersey was sworn in along with Henry Hinterstein, LLA, PP, offices located at 71 Eden Avenue in Edison, New Jersey.

Mr. Hibell testified that EZ Docks Mid-Atlantic is the contract purchaser of 1300 Stagecoach Road in Seaville. He submitted an EZ Dock catalog for the board to review. The catalog was marked as Exhibit A-1. They are the distributor of a plastic modular floating dock called EZ DOCK. The docks are premanufactured and comes to them from Missouri. The docks come here on a tractor trailer and are then put on a smaller truck and delivered to the shore area. They have been in business for 20 years. They have

operated in Upper Township with no complaints for 2 years. Their business is currently located at 3024 Route US 9 South in Seaville and 550 Route 36 in Middletown. They are also located in West Palm, Florida. They plan to move from their current location to this site.

Mr. Hibell testified they are a year-round business. They are very slow this time of year. They have 10 to 12 employees during peak times and 5 or 6 employees this time of year. In season they operate Monday thru Friday 7 a.m. until 5 p.m. and 9 a.m. to 5 p.m. off season. In season they work on Saturday 8 a.m. until 2 p.m. In season is mid April until July 15th.

Mr. Hibell testified the docks are delivered as a total product and there is no tweaking on site. They do not need to do any fabrications, cutting or changing of materials. The docks are delivered on a 53-foot step deck trailer. It takes about 1 hour to unload the trailer and then the materials are neatly stacked in the yard. The materials are enclosed in shrink wrap plastic. They receive this type of delivery once or twice a month. When a customer orders a dock, it is delivered to them using a pickup truck with a trailer.

Mr. Hibell testified they would have 4 or 5 trailers on site up to 20 ft. There would be 6 to 8 pickup trucks, the largest one would be a 12 ft. enclosed box truck. There could be an excavator stored on site also, however there would not be any excavation on site. There would not be any storage of soil, sand or any type of materials.

Mr. Hibell testified the operation would take place in the fenced area and would not expand into the wooded area. The vehicles would be parked in the southwest corner as shown on the plan dated January 3, 2019. This location is the furthest from the residents. At this time, they will need a 200 ft x 200 ft area inside the yard for their operation.

Henry Hinterstein, Licensed Landscape Architect and Professional Planner reviewed his credentials. A copy of the plan he prepared dated January 3, 2019 was marked as Exhibit A-2. He testified the applicant propose to use 30% or 55,146 sf of the stone and crushed asphalt area shown on the plan.

Mr. Morris stated the applicant did not propose to make any changes to the chain link fence until tonight after talking to the neighbor. The applicant now proposes to remove the chain link fence and replace it with the same 8 ft. high stockade fence that exists on the property already so that it matches.

Mr. Hinterstein described the proposed plantings. The existing building will be used for office space for the business. The only variance requested is to allow a stone parking area instead of a paved parking area. He feels the variance can be justified since the property is unique in size and shape. He believes this is a limited use in the existing large stone area and that paving the entire area would create more of an environmental concern than leaving it stone. He is not aware of any drainage problems on the property. Making this a pervious surface would require on site drainage and possibly the removal

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of trees to accommodate a basin. He finds there would not be any detriment to the public good since only a fraction of the property is being used and it is a very limited use of the site. Granting the variance would not impair the intent of the municipal zoning plan or master plan. He indicated that the board granted a similar variance when Busted Knuckle received their site plan approval. He testified that granting the variances advances the purposes of the municipal land use law specifically a, c and g.

Mr. Hibell reviewed the delivery process. He explained there is adequate ingress and egress on the site. Deliveries are usually between 8 am and 9 am, however they are willing to change the time to 10 am to avoid the school buses.

Mr. Hibell testified there is not a display area shown on the plan, however they would like to designate an area in the front for display. Mr. Dietrich stated the small concrete pad on the left of the building would be an appropriate location for a display area. He agreed to amend the plans to delineate the storage area. He testified they would be completely moving their business from their current site to this site. There are multiple dealers in the State that do the same thing, but they handle this area. He stated there is an existing light on the back of the building and they do not propose any new lighting. There will not be any night hours. Old docks they remove are typically taken right to the dump but sometimes they will reclaim and resell them. There would be occasions where they would store pilings on site, but it would be rare.

Mr. Hinterstein testified the application meets the technical requirements in the ordinance for a site plan waiver since they are reducing the size of the fenced area by adding the 15 ft. landscape buffer along the westerly line and keeping the parking area in a similar location as Busted Knuckle. There are no changes, to parking, lighting, drainage and the site is perfectly suited as it is. Mr. Dietrich testified he believes the application meets the requirements for a waiver.

The meeting was open to the public.

Michael Gardner, 15 Chadwyn Drive, was sworn. He asked questions about the proposed plan such as landscaping and how the delivery trucks would enter and exit the property.

Anthony Havens, 11 Chadwyn Drive, was sworn. He asked if the trees in the green space shown on the plan will always remain. Mr. Hinterstein testified they are not being removed as part of this application. The applicant would have to come back to the board to remove trees or utilize this area.

Joseph Wallash, 16 Chadwyn Drive, was sworn. He stated the wooded area on the lot is dead pine trees and does not screen the property or act as a noise barrier. Mr. Dietrich indicated this area more than satisfies the ordinance requirement for a landscape buffer between a residential neighborhood and a commercial use, so it would not be a requirement for the applicant to enhance the buffer. He asked about back up beepers and the noise ordinance.

Ralph Cooper, 6 Gladwyn Drive, was sworn. He asked about the proposed signage. Mr. Hibell testified the sign would most likely go where the current sign is now.

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

MR. RIORDAN – EZ Docks LLC has submitted an application for site plan waiver and a variance to allow storage on an unpaved surface. They propose to operate a dock business at 1300 Stagecoach Road in Seaville. The applicant was represented by Kevin Moore, Esquire. There was professional testimony by Henry Hinterstein. The applicant plans to use approximately one third of the 55,146 sq. ft. stone yard for storage of docks. Rick Hibell, Principal of EZ Docks testified they have been in business for 20 years and they plan to close their other local location. A brochure was submitted as Exhibit A-1 and a copy of the site plan was marked A-2. There is no outside lighting proposed. The applicant has agreed to replace the chain link fence in the rear of the property with an 8 ft. high wood fence similar to the existing fence. The applicant will submit details of the outside display area that will be subject to review by the township engineer. The township engineer has requested language be added to the site plan that the application meets technical requirements. A site plan was prepared by Henry Hinterstein dated January 3, 2019. Numerous neighbors had concerns about the proposed application. Mr. Hinterstein testified the variance could be justified since the property is irregular and only a fraction of the property is being used. He felt the variance could be approved without compromising local land use regulations. He believes the plan meets the requirements for a site plan waiver since there is no change to parking, drainage or lighting

MRS. COSTELLO – From the middle of April until the middle of July there are 10 to 12 employees and out of season 5 or 6 employees. The hours of operation in season are 7:30 am until 5 pm including Saturdays from 8 am until 2 pm and 9 am until 5 pm out of season. The product is manufactured in Missouri and delivered to the site by 53 ft. trailers. There are about 12 to 15 deliveries a year. It takes about an hour to unload the trucks. The delivery time will be changed to 10 am or later. There is no fabrication done on site but there is some light assembly. Many of the neighbors' concerns and questions were addressed. There are no proposed changes to the building or parking area, lighting or drainage.

MR. GRIFFIN – There would be 4 or 5 trailers on site at all times and 6 to 8 trucks, mostly F250's along with an excavator and forklift. Parking would be limited to the southwest corner.

MR. HARNEY – This is a nice product the applicant sells and there are accessories that go with it such as slides. There may occasionally be pilings stored on the property. The existing tree area exceeds the buffer requirement. He finds the additional plantings and replacing the fence show the applicants want to be a good neighbor.

MR. ENDICOTT – Nothing to add.

H. YOUNG – The application meets the criteria for a site plan waiver. There are no expansions or changes to the property. He concurs with his colleagues. The location of the proposed outside display area will be delineated on the plan and approved by the

board engineer. He finds this is a great use for the area. The property has always been used commercially. The proposed use would not impact the neighborhood.

MR KINGSTON – The front yard setback of the building is 41.8 ft where 50 ft is required and is pre-existing. He finds the stone parking area is more appropriate than a paved area and would benefit the neighbors. The applicant has gone out of their way to accommodate the neighbors.

R. YOUNG – Nothing to add.

MR. KELLY – Nothing to add.

A motion was made by Mr. H. Young and seconded by Mr. Riordan to grant the application for site plan waiver and two variances with the condition to replace the chain link fence in the rear with an 8 ft. high fence that matches the existing fence, the materials can not be stacked higher than 8 ft. and the proposed outside display must be approved by the board engineer, the landscaping must be monitored and replaced if it dies, deliveries will occur after 10 am, any expansion on the site would require board approval and the standard conditions. In favor: Costello, Endicott, Griffin, Harney, Kingston, Riordan, H. Young, R. Young, Kelly.

RESOLUTIONS

1. ST MAXIMILLIAN KOLBE – BLOCK 650 LOT 5 – PB 11-18

A motion to adopt the resolution was made by Mr. Riordan, seconded by Mr. Kingston and approved.

2. JEFFREY BARNES – PROFESSIONAL SERVICES

A motion to adopt the resolution was made by Mr. Harney, seconded by Mr. H. Young, and approved.

BILLS

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Harney, seconded by Mr. Griffin, and approved. The meeting was adjourned at 9:11 p.m.

Submitted by,

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Shelley Lea
Board Secretary