

**UPPER TOWNSHIP PLANNING BOARD
REORGANIZATION MEETING MINUTES
FEBRUARY 20, 2020**

The regular 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, Ted Kingston, John Klebaur, Janet McCrosson, Craig Reeves, Mayor Richard Palombo, Hobart Young, Robert Young Sr., Chairman Joseph Harney.

Absent: Michael Endicott, Gary Riordan.

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

FINALIZATION OF THE ANNUAL REORGANIZATION

A nomination was made by Mr. H. Young and seconded by Mr. Kingston to elect Joseph Harney as Chair. Hearing no additional nominations, the nominations were closed. In favor: Costello, Kingston, Klebaur, McCrosson, Reeves, Palombo, H. Young, R. Young.
JOSEPH HARNEY ELECTED CHAIRMAN FOR 2020

A nomination was made by Mr. H. Young and seconded by Mayor Palombo to elect Gary Riordan as Vice Chair.

A nomination was made by Mr. Kingston to elect Georgette Costello as Vice Chair. Mrs. Costello declined the nomination. In favor: Costello, Kingston, Klebaur, McCrosson, Reeves, Palombo, H. Young, R. Young, Harney.
GARY RIORDAN ELECTED VICE CHAIR FOR 2020

OATH OF OFFICE

APPROVAL OF THE JANUARY 16, 2020 MEETING MINUTES

A motion to approve the minutes was made by Mr. Kingston, seconded by Mr. H. Young, and approved. Abstain: Klebaur, McCrosson, Palombo.

SWEAR IN PAUL DIETRICH

APPLICATIONS

1. CAROLINE CIPRESSI – BLOCK 668 LOTS 3, 4 & 5 – SUB02-2020

Application is for a minor subdivision to realign the existing lot lines and bulk variances for pre-existing non-conforming conditions at 18 & 22 E. Golden Oak Lane in Beesleys Point.

Caroline Cipressi, 18 E. Golden Oak Lane, was sworn. She recently purchased the adjacent property from an individual that bought it in a tax sale. The lot is not large enough to be a buildable lot. She intends to split the property with her neighbor.

Mr. Dietrich explained that lots 3, 4 and 5 are undersized. Lot 4 will be split in half and added to lots 3 and 5 to make them more conforming. The application is to move the lot lines, no new lots will be created as a result of this minor subdivision.

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

MRS. COSTELLO – Caroline Cipressi and John Skiffington are requesting a minor subdivision of Block 668 Lots 3, 4 & 5. The three lots are non-conforming. The propose of the subdivision is to increase the lot area of lots 3 and 5 by moving the lot lines. The lot frontage and width on both lots will be more conforming. The setbacks of the dwellings are grandfathered. There was discussion regarding a second driveway on lot 5 and it was determined the driveway was not an issue. She finds the variances could be granted without any detriment.

MR. KINGSTON – Each of the applicants will receive 25' of additional frontage. The subdivision will increase the size of 3 and 5.

MS. MCCROSSON – All three lots are currently non-conforming. Splitting the middle lot makes the 2 outer lots less non-conforming. The benefits of granting the application outweigh any detriments. No new lots are being created. She sees no adverse action by approving the application.

MR. REEVES – Combing the 3 lots into 2 lots makes them conform more to the ordinance.

MAYOR PALOMBO – He concurs. Combining the lots increases the open space. He feels this is an asset to the community.

MR. H YOUNG – The variance relief requested is pre-existing non-conforming.

MR. R YOUNG – He concurs.

MR. HARNEY – A plan of Minor Subdivision was prepared by the Martinelli Group, dated 11-4-19. He concurs with his colleagues.

A motion was made by Mr. Kingston and seconded by Mr. Harney, to grant the application for minor subdivision and pre-existing non-conforming bulk variances with the standard conditions and that the zoning chart on the plan by the Martinelli Group be

attached to the memorializing resolution. In favor: Costello, Kingston, Klebaur, McCrosson, Reeves, Palombo, H. Young, R. Young, Harney.

2. WILLIAM SIMMERMAN – MISTY MEADOW SHEEP DAIRY – BLOCK
476 LOT 17 – PB 02-2020

Applicant is requesting a site plan waiver to allow a farmer's market and other events to be held at 100 Dennisville-Petersburg Road in Petersburg.

William Simmerman, 100 Dennisville Petersburg Road, was sworn in. He operates a site-specific farm at this location. They milk sheep and make artisan cheese and yogurt. He is trying to rebuild the dairy industry in this country. Operating a farmer's market at this location would give individuals the opportunity to talk to the farmers and to let kids see where their food comes from. The market would take place late Friday afternoons and they would be milking sheep at that time. They hope to have milking contests and other farming type things for the kids. A sheep sheering was held at the farm last Sunday and about 400 people were there. They hope to begin in April in time for Easter. They have an Easter egg hunt each year where the kids get to run with the lambs and pick up the eggs. They plan to operate the market in the summer and some fall events up to Christmas.

Mr. Dietrich explained that Mr. Simmerman has County approval for a farm. A farm market to sell his product would be permitted under this approval. Adding vendors requires a site plan waiver from the board. There is room for 230 parking spaces along the drive aisle. The opening of the driveway will be widened so cars can enter and exit at the same time. He feels there is more than adequate parking. There is a designated area for portable toilets although the farm regulations do not require them. He doesn't believe that permanent bathroom facilities are needed. He finds the applicant meets the requirements for a site plan waiver since there will not be any change to drainage and there is no need for lighting. This would be the first farm market in the state operating on a working farm.

Mr. Simmerman testified his products are non-GMO. He does not use roundup. His farm is part of the pilot program for dairy farms in the State. He agrees to widening the entrance. He has hired a farmer's market coordinator. Two handicap spaces exist on site. He plans to have a country DJ play during the farm market and food will be sold.

Mayor Palombo stated that if the site plan waiver is approved the township would help the applicant with advertising by placing the events on the website. Since this is a County approved farm the applicant can hold events associated with his products. Many residents would like to see the farmers market come back. He explained this would not be a township sponsored event since the property is privately owned.

The meeting was open to the public.

Nathalie Neiss, 759 Route 50, Petersburg, was sworn. She feels the farm market is a violation of the master plan. One of her lots abuts this property. She feels this is spot zoning. This is a commercial use in a residential zone. Her complaints include rodents, flies and noise and clearing of threatened species habitat. She stated the farm market would be a hardship to her and she is against it.

Mr. Dietrich explained the County Agricultural Development Board approved the property as a commercial farm in their resolution 2-2018 adopted on March 26, 2018.

Ms. Lea explained that she researched the property using aerial photography and other documents and interpreted the property has been a farm for many years. She also interpreted that the farm use was never abandoned.

Hearing no further comment the meeting returned to the board for finding of fact.

Solicitor Barnes stated in 2018 the County granted an agricultural management practice including the breeding of sheep and lambs, production of dairy products, etc. The applicant can do various farm related activities. He is seeking a waiver of site plan. If granted the approval should include an inspection of the driveway to be sure it was widened, a schedule of events shall be provided, in the event the vehicles exceed 230 the applicant shall be required to obtain site plan approval and reappear before the board.

MRS. COSTELLO – The applicant is requesting a site plan waiver for the Misty Meadow Sheep Dairy at Block 476 Lot 17. This is a site-specific designated farm. There will be 230 parking spaces. The township engineer has recommended the driveway be widened to 24'. The applicant is working with the UT Green Team to bring 20 vendors to this location to resume the UT Farmer's Market. There was a complaint during the public portion that this is a commercial use with increased noise. The property has been designated by the County as a commercial farm. There are no changes to any of the buildings and there is no effect on the drainage. She believes the applicant should be applauded for his entrepreneurship as well as his commitment to research on sustainable farming and the opportunity for educating the children of Upper Township.

MR. KINGSTON – Nothing to add.

MR H. YOUNG – The applicant receives privileges under the Right to Farm Act to do events and farm markets. There is a stipulation in that act that the township has the right to ask for a site plan waiver to check for safety issues. This is the reason Mr. Simmerman is before the board. This is a pre-existing farm recognized by the township and documented by the zoning official and the County Board of Agriculture. He agrees with the comments made by Mrs. Georgetti.

MS. MCCROSSON – She finds that Mr. Simmerman is willing to widen the drive aisle. There is adequate parking. This is a commercial venture related to his farming. He is bringing in vendors that will increase the healthy foods. They will help educate the kids

so they can see where their food is coming from and how its grown. She finds the benefits of granting the application far outweigh any detriment.

MAYOR PALOMBO – The farm market will take place during daylight hours so lighting will not be needed.

MR. REEVES – He had the opportunity to visit the site today. It is a very open area with more than ample room to handle the parking to support the farm market.

MR. R. YOUNG – When he was in high school Walt Betts grew beans on the property and he worked there.

MR. KLEBAUR – The applicant has demonstrated that he is willing to work with the township by making an application with the board for site plan waiver.

MR. HARNEY – A plan by Robert C. Woodman, dated 6-19-2019 showing the property was made part of the application. The applicant does non-GMO farming. This is a low impact use. He has hired an event coordinator that can supply a schedule of events. Traffic concerns have been addressed by the engineer. Diagonal parking along the drive aisle is proposed. He finds the noise will not be a concern since there will not be speakers at the events.

A motion was made by Ms. McCrosson and seconded by Mr. H. Young to grant the site plan waiver allowing a farmer's market and other events subject to the inspection to confirm the widening of the road and an event schedule being provided to the township prior to any of the events occurring. In favor: Costello, Kingston, Klebaur, McCrosson, Reeves, Palombo, H. Young, R. Young, Harney.

3. DISCUSSION REGARDING THE MASTER PLAN REEXAMINATION

Discussion regarding the proposed revisions to the Strathmere zoning and the land use ordinance and zoning map.

Tiffany Morrissey explained that the planning board adopted a master plan reexamination report about two years ago. Since that time there have been considerable changes that need to be addressed. She provided a draft report to the board. Issues that need to be addressed include the Marmora Town Center and the Affordable Housing Plan, recommendations relating to Strathmere and the land development ordinances in this section of the township, plan endorsement and the center designations, public access and recreation plan and the BL England property.

The MTCD zone was adjusted to meet the standards of fair share housing to provide 60% residential and 40% non-residential until the affordable housing numbers are met then it can be changed again. This does not go into effect until sewers are available.

The centers designations must be recertified through a new plan endorsement. There was discussion about the setbacks in the MTCD and a redevelopment of this area.

There are concerns regarding the development patterns and overdevelopment in Strathmere. Amendments have been made while taking into consideration different

aspects of the uniqueness of Strathmere. Since 2018 there have been numerous sub-committee meetings and meetings with the residents to implement an ordinance. There were other issues found in the 2018 report that will be included in this report. A draft ordinance has been created addressing the different standards. There is no change to the maximum building height, however there are changes to cupulas and rooftop access. The ordinance addresses habitable space in residential units and implements floor area ratio, a control that limits the square footage of the structure based on the size of the lot. There would be controls in place so that a square box could not be built. Open front and rear decks are not included in the habitable floor area to encourage outside living space. The ordinance takes into consideration the possibility of the township raising the grade of the streets in the future. A conditional use standard has been created in the RC zone that would allow residential dwellings provided all the new residential zone standards are met. Two commercial properties are not included. Stormwater management is included that would direct the water underground. The current side yard setback is 6 feet, and this will be maintained. The proposed sliding scale to determine setbacks was discussed as well as a grandfather provision for additions.

Mrs. Morrisey discussed the recently vacated BL England property. This plan talks about recommending rezoning and a redevelopment analysis. The property is in a residential and a utility zone. A new water front town center district is recommended. The golf course could be rezoned recreation and parks. The proposed water front zone would extend across Route 9. Permitted uses would include marine related recreational facilities, water related entertainment, boat storage, water craft rental facilities, restaurants and hotels. The existing substation will remain. The new ordinance would limit the location of any new substations. There was a discussion about the two residential homes on Harbor Road that would be included in this zone.

There was discussion about changing the zoning from commercial to residential in certain areas such as the first block off of Roosevelt Boulevard.

The meeting was open to the public.

Richard Mashura, 1495 Stagecoach Road, Seaville, was sworn. He asked what triggered the need for a reexamination. He discussed open decks and Floor Area Ratio. He is in favor of the restrictive deed required for new structures since many property owners install powder rooms and bedrooms in the ground floor storage areas.

Linda Bateman, 14 Tecumseh Road, Strathmere, was sworn. She is the president of the Strathmere Improvement Association. She is concerned about the timeline for adopting the ordinance. She asked about the proposed change allowing residential in the commercial zones and asked if it would be possible to hold off on approving applications until the new ordinance changes are in effect.

Paul Dietrich discussed the Municipal Access Plan that is needed to maintain the beach and dune maintenance permit. The current permit expires next month. The plan

documents the existing accesses to the open waterways. There will be a companion deed restriction that the township will have to look at and file to deed restrict the areas to remain open to the public.

Hearing no further comment the meeting returned to the board.

A motion to adopt the Public Access Plan was made by Mr. Kingston and seconded by Ms. McCrosson. In favor: Costello, Kingston, Klebaur, McCrosson, Reeves, Palombo, H. Young, R. Young, Harney.

PUBLIC PORTION

RESOLUTIONS

1. G2VENTURES – BLOCK 600 LOT 34 – PB 03-2019

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

BILLS

A motion to approve the bills was made by Mr. H. Young, seconded by Ms. McCrosson, and approved.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. R. Young, seconded by Mr. H. Young, and approved. The meeting was adjourned at 10:12 p.m.

Submitted by,

Shelley Lea
Secretary