

# **UPPER TOWNSHIP PLANNING BOARD VIRTUAL MEETING MINUTES FEBRUARY 18, 2021**

The regular meeting of the Upper Township Planning Board was held as a virtual meeting and was called to order at 7:30 p.m.

## **SUNSHINE ANNOUNCEMENT**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

Present: Curtis Corson, Georgette Costello, Ted Kingston, John Klebaur, Janet McCrosson, Gary Riordan, Mayor Richard Palombo and Joseph Harney.

Absent: Christopher McGuire, Craig Reeves, Robert Young Sr.

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

## **APPROVAL OF THE JANUARY 21, 2021 MEETING MINUTES**

A motion to approve the minutes with a minor correction was made by Mr. Kingston, seconded by Ms. McCrosson, and approved.

## **APPLICATIONS**

### **1. MATTHEW GURCZYNSKI – BLOCK 382 LOTS 3 & 4 – PB 01-2021**

Applicant is requesting a site plan waiver to change the use of a commercial building from a karate studio to a bait and tackle store at 1870 Route 50 in Tuckahoe.

Matthew Gurczynski believes this is great location for his bait shop. He plans to sell more tackle than bait. Days of operation would be open Tuesday through Sunday, closed Monday. The proposed hours of operation are 7 a.m. until 6 p.m. Him and his wife will be working there. This was the former American Legion Building. He plans to add a handicap bathroom and a parking pad for a handicap parking space and ramp. There is one 8' demising wall that will be put up. There is a gravel parking area.

Ms. Lea testified that in 2016 a use variance was granted to allow the gravel parking area. The variance goes with the property, so a variance is not needed for the parking surface. There is sufficient parking for a retail use to operate on this site.

Mr. Dietrich confirmed there is sufficient parking for retail space. The applicant meets the requirements for a site plan waiver since he is not changing any of the characteristics on site. There will not be any changes to the existing drainage.

Mr. Gurczynski stated there are flood lights on the exterior of the building that he plans to keep. Mr. Dietrich stated the lights will be sufficient. Mr. Gurczynski reviewed the proposed signage. He stated that eventually he would like to add a solar spotlight on the sign. Mr Dietrich stated the signage complies with the ordinance.

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

MR. CORSON – Matthew Gurczynski has standing to make this application. He has signed a five-year lease. In 2016 a variance was granted to allow a stone parking lot. Mr. Gurczynski will provide a handicap ramp and a handicap parking space. This will be a 1,500 sq. ft. retail space. He plans to utilize the existing bathrooms and make one ADA compliant. Only minimal construction will be done on the interior of the building. He proposes a freestanding sign that meets the ordinance requirements.

MRS. COSTELLO – There is no impact on drainage or lighting. There was no public comment.

MR. KINGSTON – There was a lot covered in 2016 and he believe everything is good.

MR. KLEBAUR – He sees no reason this should not be approved.

MS. MCCROSSON – Nothing to add.

MR. RIORDAN – Shelley Lea, Zoning Officer, has reported the applicant has more than sufficient parking. Paul Dietrich, Township Engineer, stated the applicant meets the requirements for a site plan waiver since they are not changing any characteristics of the building or property. An As Built Survey by Schaeffer Nasser, dated October 2016 was provided.

MAYOR PALOMBO – The applicant proposes to use an existing telephone pole as a backdrop for his sign. He plans to add solar lighting to either side. He finds that having the sign lit will be a safety opportunity for the applicant so that folks who don't frequent the establishment can see where it is located.

MR. HARNEY – There are no variances requested. The owner of the property lives in Southampton, New Jersey and the applicant's address is 9 Farm Road in Petersburg. He finds this is a good location for a business.

A motion was made by Mr. Kingston and seconded by Mrs. Costello, to grant a site plan waiver pursuant to ordinance 19-4.3 to change the use of a commercial building to a bait and tackle retail store. In favor: Corson, Costello, Kingston, Klebaur, McCrosson, Riordan, Palombo, Harney.

2. REVIEW AND POSSIBLE REVISIONS TO THE REVISED GENERAL ORDINANCES CHAPTER 19 AND 20

Mr. Dietrich referred to a document that was distributed regarding chapters 19 and 20 of the Revised General Ordinance. Most of the changes in Chapter 19 are technical. He reviewed these proposed changes with the board.

Curtis Corson Jr. stated that he would be stepping down during discussion involving campgrounds due to a conflict.

Mr. Dietrich gave the history of what is referred to as a roof over in some campgrounds. Photos of the structures were provided to the board previously and a subcommittee was created to discuss possible changes to this ordinance. Proposed changes include defining an addition so that chassis, roof and walls of the original recreational vehicle remains intact and only removing a 6' section of the wall. The addition may not be divided into rooms. Revisions include reducing the setback from 15' to 10' between campers and allowing only one shed per campsite. The proposed ordinance includes a definition of a seasonal home that would allow a stick-built structure that would become a permanent structure within in the campground and taxed as a single structure. He stated that a recreational vehicle within a campground is not a taxable structure, it is a vehicle.

Mayor Palombo stated that a season home is not something that should be in a campground. He finds that as time progresses there may be a plethora of different types of construction. He doesn't feel this is appropriate.

Mr. Klebaur disagrees since the township has allowed this to happen for so long. He stated these are already homes so why punish people going forward when they can be taxed and bring in revenue. Mayor Palombo stated part of the duties of the planning board is to plan for the future. If there are outlets where things are not being followed or allowed does not mean it is appropriate in the future. Mr. Klebaur added that the seasonal homes should be allowed in the condo campgrounds and not all campgrounds. Mr. Dietrich stated the board cannot differentiate based on ownership. Campgrounds are only open from April 1<sup>st</sup> until October 31<sup>st</sup>. He stated that the previous construction officer allowed these things without any zoning. Now that zoning permits are required for improvements inside campgrounds there is upgrading that needs to be done to the ordinance. Setbacks are being looked at since the older campgrounds are smaller and cannot meet the distance between campers.

Elizabeth and Christian Reiner, 1821 Hood Lane, Maple Glenn, PA, were sworn. They are residents of Oak Ridge Campground. Their existing park model is in bad shape and they recently denied for a new park model with a Florida room. The zoning office will investigate this matter.

Paul Casaccio, 5 Cedar Hollow Court, Beesleys Point, was sworn. He is the President of the New Jersey Manufactured Housing Association. He was part of the group that had HUD products removed from the building inspectors code in New Jersey. He is a campground owner. He concurs that the roof overs should not be allowed since they do not meet the RVIA code that campers are required to meet. When doing a roof over the

data plates are being modified inside the motor vehicle. He feels the proposed dates and 10' setbacks are reasonable. HUD code requires that additions are separate freestanding structures. He agrees with the subcommittee that there should not be bedrooms and bathrooms inside and addition. The electric services in these campers cannot be modified from the data plate. He stated the chassis, and the wheels must be left on the camper to meet the RVIA code. Additions should only be decks and Florida/three season rooms and must be a freestanding structure so the RV can be pulled away and the addition stays in its place. He stated that "tiny" homes are not built to the HUD or the RVIA code. He discussed a court settlement involving a campground in Egg Harbor Township where campers were staying year-round. Campers are not registered each year, but they must have a title.

Steve Breunig, 40 Ventnor Avenue, Beesleys Point, was sworn in. He is a contractor that has built 8 out of 10 of the roof overs in the township since the late 1980's. He discussed a lawsuit in Dennis Township involving roof overs. He stated the park model and additions are permanent since they are both on footings with hurricane straps. He discussed seasonal living and DCA requirements. He does not believe the former building official was making mistakes by allowing roof overs. He stated the center wall is not necessary structurally.

Mr. Dietrich commented that the roof overs were done in coordination with the construction office and the DCA construction division, but it was done without matching what the zoning code allows. Mr. Breunig stated that Bayberry Cove does not even allow fire rings. It is not camping, there are paved streets with little condos that are referred to as Ocean City West. Two hundred of the three hundred units must be raised off the ground because they are in the flood plain. Once they are raised in the air they will not be moved easily.

Evan Foster, 153 Rodney Circle, Bryn Mawr, PA, was sworn. In November he purchased a park model with a three-season room in Oak Ridge. He owns a 1978 Bonanza that is dilapidated and falling apart. The roof and floor are caving in. They bought this in hopes of replacing it with a new park model or roof over. He stated that no one is asking for the units be utilized as full time living. He feels the roof overs are more aesthetically pleasing and sturdier construction which improve the property values. He feels that not allowing kitchens and bathrooms in the additions are arbitrary since the owners should have the freedom to determine their internal space. There is no way he could fit his family into the unit he purchased without having a partition and having bedrooms in the three-season room. He would like this limitation removed. He is an attorney, and he encourages the board to clarify the proposed definitions.

George Dougherty, 119 Denver Avenue, Haddon Township, NJ, was sworn. He is the current president of Bayberry Cove. In his opinion these are condos and not campsites. The residents pay hundreds of thousands of dollars to purchase them and now there is a total change in what can be done. He stated they support the community and spend money here. They support the rescue squad. He feels they should be given the same

rights as a homeowner. Mayor Palombo disagrees since they are not paying the same taxes as the homeowners in Upper Township. Mr. Dougherty stated they don't have the ability to vote. He feels that changing the rules after 20 years lacks common sense.

Mary Jones, 133 Whitall Road, Glassboro, NJ, was sworn. She is the owner of a 40-year-old trailer in Oak Ridge. She had to tear it down because of mold. She was told she needs a use variance. She wants a roof over. She wants to know if she must wait until the new ordinance is adopted. Mr. Dietrich answered that the board cannot determine how the zoning board would vote on this application. He reviewed the process for creating a new ordinance and the time process.

Raymond Church, 132 Gerald Drive, Aspen, PA, was sworn. He had questions about setbacks and accessory structures. He is trying to add an addition, but it is being delayed. He feels that additions must be attached.

Mike Bosico, 781 Crestwood Drive, Telford, PA, was sworn. He agrees with Mr. Breunig's comments. He is about to close on a unit in Oak Ridge and wants clarification on the proposed changes. He owns a 1984 mobile home in rough shape. The Florida room is also in rough shape and was not constructed properly. There is not a working air conditioner and he wants to put in a heat pump. Mr. Dietrich stated the board can only comment using the current ordinance.

Kathy Coburn, 231 Davis Avenue, Linwood, NJ, was sworn. She is an employee at Oak Ridge Resort. She testified the units would not be used 12 months during the year since the water is turned off. She stated that what is currently being done will not have a negative effect on the township. It is better since the roof overs create higher tax revenue. She has worked here 17 years and has seen a lot of dilapidated units. She would hate to see things go backwards. She hopes the ordinance is updated to allow roof overs that must comply with the building codes. They still want to be seasonal, but the roof overs look nicer, the property values are higher, and they are safer. She asked the board members to visit Oak Ridge and look at the units themselves before they decide.

Tim Collins, 2175 Packard Avenue, Huntington Valley, PA, was sworn. He owns a home in Bayberry Cove that Mr. Breunig did the work on 15 years ago. He stated that when these modifications began to happen Bayberry Cove prospered. This is a great little community. Property values were raised, and they were able to have so many things they had in their primary residence. He is a real estate agent in Pennsylvania and testified the property values in Bayberry Cove have been rising for years based on these modifications. People have purchased in Bayberry Cove knowing they will make these modifications. He feels the community would suffer since no one would purchase a dilapidated unit knowing they would be restricted. His family spends the entire summer here and they spend money in the community.

Pat Welch, 1340 W Baltimore Pike, Media, PA, was sworn. He is on the board at Oak Ridge. Over the years they have been trying to improve Oak Ridge and remove a lot of

the older units. They comply with all the rules and regulations. He feels the roof overs are safer, more economical and a more pleasant building to live in. He likes park models, but he thinks roof overs are better. He feels it is an injustice to no longer allow roof overs. He asked the board to come over to Oak Ridge and walk through. He agrees with the comments made by Mr. Breunig.

Steve Breunig, previously sworn, asked about the accessory structure setbacks. He stated that the proposed setbacks would not allow most of the units to have a shed. He offered to walk through Bayberry Cove with the board members. He stated that although the sheds meet the campground rules approximately 80% of them would have to be removed according to this ordinance.

Mr. Dietrich suggested asking for a recommendation from the Fire Chiefs Association for building separation.

The meeting was closed to the public.

The board discussed Chapter 19 in the Revised General Ordinance.

Mr. Kingston discussed a property on Bayview Drive located in the Conservation zone. The owners are proposing a three-story structure. The RR zone in Strathmere allows only two habitable floors. He asked if the ordinance could be changed so that all Strathmere was limited in the number of floors allowed.

Mr. Dietrich stated this is an unimproved dirt road with existing houses in the Whale Beach section of Strathmere. This section was left out during the last revisions to the zoning map. These are the only 4 houses that are not in the RR or RC zone. This would be done as a Master Plan Reexamination. Everyone within 200' of the property would have to be noticed as part of the Master Plan Reexam. He stated it makes more sense for these lots to be in the RR zone.

A motion was made by Ms. McCrosson and seconded by Mr. Kingston, to recommend changes to Chapter 19 as proposed. In favor: Corson, Costello, Kingston, Klebaur, McCrosson, Riordan, Palombo, Harney.

The board was asked to comment on the changes to Chapter 20 in the ordinance.

Mrs. Costello feels that due to the number of concerned residents regarding the proposed revisions she needs to digest some of the information that was discussed.

Mr. Kingston stated these are supposed to be mobile and not homes. The existing units would become nonconforming and would not have to be brought into compliance. He agrees with Mrs. Costello that additional time would be helpful.

Mr. Klebaur cannot make a decision either way since he doesn't know if condo campgrounds can be different and allow seasonal homes. Mr. Barnes stated that campgrounds are nonconforming uses and there are some land issues associated with condo campgrounds that are different than other campgrounds. Mr. Klebaur has concerns about property values and he cannot make a decision at this time.

Ms. McCrosson agrees with Mrs. Costello that there is a lot of information to digest and a lot of good input from the public. She agrees with Mr. Breunig that there is a need for common sense and reason. She feels there is a need to bring consistency throughout, but more time and detail is needed.

Mr. Riordan stated that he was part of the subcommittee with Mr. Klebaur and Mr. McGuire. There have been many comments from the public that has raised issues. He agrees with his colleagues that this should be discussed further at the next meeting.

Mayor Palombo stated that he struggles with a campground having permanent structures. He is not sold on the idea of a seasonal home. To him a campground is not something that should have permanent structures. The existing structures would be grandfathered.

Mr. Harney finds the public has brought their concerns to light. He feels that guidelines need to be set for the campgrounds. The campgrounds improvements have gotten away from the zoning ordinance. He is hopeful the board can decide next month.

A motion was approved to adjourn the discussion on Chapter 20 until the next meeting on March 18, 2021 at 7:30 p.m.

### **PUBLIC PORTION**

The meeting was open to the public. Hearing no response, the meeting returned to the board.

### **RESOLUTION**

1. SEASIDE CEMETERY COMPANY INC – BLOCK 599 LOTS 2 & 8 – PB 04-2020

A motion to adopt the resolution with a minor amendment was made by Mr. Riordan, seconded by Ms. McCrosson, and approved. Abstain: Corson.

### **BILLS**

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

### **ADJOURNMENT**

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A motion to adjourn the meeting was made by Mr. Kingston, seconded by Mr. Corson, and approved. The meeting was adjourned at 10:53 p.m.

Submitted by,

Shelley Lea