

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
JULY 21, 2022**

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

SUNSHINE ANNOUNCEMENT
SALUTE TO THE FLAG
ROLL CALL

Member	Attendance
Joseph Harney, Chairman	Present
Gary Riordan, Vice Chair	Present
Curtis Corson, Class I	Present
Gary DeMarzo, Class II	Present
Kimberly Hayes, Class III	Present
Ted Kingston, Class IV	Absent
Janet McCrosson, Class IV	Present

Member	Attendance
Chris McGuire, Class IV	Present
Sean Whelan, Class IV	Present
Robert Young, Sr Alt	Absent
F. John Klebaur Alt	Absent

Also, in attendance were Jeffrey Barnes, Board Solicitor, Paul Dietrich, Township Engineer and Liz Oaks, Board Secretary and Zoning Officer.

APPROVAL OF THE JUNE 16, 2022 MEETING MINUTES

A motion to approve the minutes was made by Ms. McCrosson and seconded by Mr. Whelan
In favor: Hayes, McCrosson, DeMarzo, Whelan, Harney
Abstain: Riordan, Corson, McGuire

Mr. Harney acknowledges the receipt of a letter to the Planning Board from Hanlon Niemann and Wright Law Offices; regarding the Pine Hill Manufactured Home Community. There is no action necessary.

Mr. Gary DeMarzo is sworn as he takes the Official Board Member Oath.

NEW BUSINESS

1. SCOTT D. SNYDER – BLOCK 479 LOT 94.02 & 95 – SD 01-2022

Applicant is requesting a minor subdivision to realign lot lines at 624 and 700 North Shore Road, Beesley’s Point, New Jersey,

Elizabeth Casey, Attorney for the applicant explained this application was to realign two lots that had previously been approved for a subdivision. The goal is to undo what was previously approved in 2005. Her client is the owner of 624 N Shore Road and the trustee of 700 N Shore Road. Both proposed lots will be conforming.

Scott D. Snyder (Doug) of 624 North Shore Road Was sworn. He is trustee for the October 2019 trust for his parents, Ray G. Snyder and Miriam S. Snyder (deceased). As trustee he has the power to sell or dispose of the property in the trust. The sole property in the trust is 700 N Shore Road. His end goal is to make these two lots more equal in size. He intends to deed over 624 to his son and eventually 700 will go

to his daughter. His son does not have plans at this time to rebuild the home, but he will most likely build a single-family dwelling in the future and is aware that the existing structure would be demolished prior to a new dwelling. Lot 94.02 is mostly a cleared field. Currently there is no fencing or accessory structures in the area being changed.

Ms. Casey explains they have provided two proposed deeds that would demonstrate the reversal of the properties to the pre 2005 subdivision. They are currently having the properties surveyed to update the metes and bounds.

Mr. Dietrich – When it was originally done, back in 2005, it was done by deed so the map presented was not filed with the county clerk’s office. They are undoing the subdivision the same way, with deeds. The lots were conforming before and, if approved, will continue to be conforming. No variances will be required. He requested the submission of an updated survey. Ms. Casey agrees to provide an updated survey.

Mr. Barnes recommended that the signature for Scott D. Snyder on page 5 of the deed for lot 94.02 also include the grantor as on the first page.

Ms. Casey – Lot 95 will be approximately 1.12 acres and lot 94.02 will be approximately 1.67 acres.

The meeting was opened to the public, hearing no one and seeing no one the public portion was closed and returned to the meeting for findings of fact.

Ms. Casey interjected that she wanted to disclose that she was in fact within 200 feet of the property and is in favor of the application.

Mr. Riordan – The applicant, Scott D. Snyder, was represented by Elizabeth Casey, Esq. He is requesting a minor subdivision to realign the lot lines at 624 and 700 N. Shore Road in Beesley’s Point. Also known as Block 479 lots 95 and 94.02. The applicant stated lot 94.02 will encompass one acre and lot 95 will be 1.81 acres. His plans for the property include deeding it to his son down the road. Two prepared deeds were presented by the applicant to realign the lot lines to the proposed properties. There was no public comment.

Ms. Hayes - There are no fences, no encroachment, no accessory buildings. Both will become conforming lots under the Township standards.

Ms. McCrosson – Generally this application is to undo a subdivision that was approved by the board in 2005, BA 14-04.

Mr. McGuire – Nothing to add.

Mr. DeMarzo – Nothing to add.

Mr. Whelan – Nothing to add.

Mayor Corson – Nothing to add.

Mr. Harney – Added the comments by the solicitor and the final survey to be submitted to Mr. Dietrich’s office.

Mr. Barnes – The motion to grant a minor subdivision to realign lot lines of 624 and 700 North Shore Road.

A motion to approve the resolution was made by Ms. McCrosson and seconded by Mr. Whelan.
In favor: Riordan, Hayes, McCrosson, McGuire, DeMarzo, Whelan, Corson, Harney

2. CHRISTOPHER & KATHLEEN DAILY – BLOCK 661 LOT 56 & 57 – SD 02-2022

Applicant is requesting a minor subdivision to realign lot lines at 200 & 202 Frederick Ave, Marmora.

Christopher and Kathleen Daily of 702 W Fischer Circle, Sebastian, Florida were sworn.

Christopher Daily – Would like to extend the front of the property of 200 Frederick by 22 feet to allow access to the rear of 200 Frederick.

Mr. Dietrich – The plat does meet the township filing requirements, as you can see both of the lots are pre-existing and severely undersized. This is just a realignment. If you look at the side yard setbacks between the two structures, you can see that the one at 200 Frederick has 14.77 feet setback. The realignment will essentially even out the side yard setback and will be more evenly situated between the structures and provide better access to the rear of 200 Frederick.

Mr. Harney – According to the plan there is a shed that is encroaching the lot line.

Mr. Daily – The shed has been there for quite some time he testified that the setback from the railroad is 25 feet, but they are actually about 40 feet from that.

Mr. Dietrich – The shed is not fully on your property. The setback is from property lines not the railroad tracks. It is currently straddling the property line.

Mr. Daily – Agreed to move the shed to his property.

Mr. Dietrich – It must be 5 feet from your property line.

Mayor Corson – Expressed concern regarding septic.

Mr. Harney – Added the well to the question.

Mr. Daily assured the board it would not affect septic or well.

The meeting was opened to the public, hearing no one and seeing no one the public portion was closed and returned to the meeting for findings of fact.

Mr. McGuire – The applicants, Christopher and Kathleen Daily, are requesting a minor subdivision at 200 and 202 Frederick Avenue, also known as block 661 and lots 56 and 57. The applicants represented themselves and are requesting a subdivision to realign the lot lines to improve access to their property. The existing lot 56 will go from 13,945 sf to 15,210 sf and lot 57 will go from 14,995 sf to 13,731 sf. We heard from the Township Engineer that both lots are pre-existing and non-conforming lots and are deficient in both lot size and setbacks. The applicant has testified he will move the accessory structure that is encroaching on lot 81. Plans submitted were done by The Martinelli Group dated May 26, 2022.

Ms. McCrosson – Both lots are undersized. Both dwellings on the lots have some minor pre-existing non-conforming conditions based on the lot size. The moving of the line between the two properties is for the purpose of ease of access to the rear of both properties.

Ms. Hayes – Nothing to add.

Mr. DeMarzo – Nothing to add.

Mr. Whelan – Nothing to add.

Mayor Corson – Nothing to add.

Mr. Harney – If this is approved it will have to be submitted to the county clerk and a tax map revision. Incurring any fees.

Mr. Barnes – The motion to grant a minor subdivision to realign lot lines of 200 and 202 Frederick Avenue. With the conditions that the shed be relocated 5 feet in the setback line in accordance with the ordinance and the Martinelli zoning schedule is attached to the resolution so that we know what the existing non-conformities are.

A motion to approve the resolution as stated by Mr. Barnes was made by Ms. McCrosson and seconded by Mr. McGuire. In favor: Riordan, Hayes, McCrosson, McGuire, DeMarzo, Whelan, Corson, Harney

3. CEDAR LANE DEVELOPMENT – BLOCK 647 LOT 8 – SD 03-2022

Applicant is requesting Final Major Subdivision approval 12 single family lots and 1 drainage basin lot at Church Road & Tuckahoe Road, Marmora.

Gary Griffith, attorney for the applicant, Cedar Lane Development, LLC explained that they are seeking final approval for the Major Subdivision or 12 lots and one basin.

Matthew Hender, Licensed Professional Planner and Licensed Landscape Architect, Engineering Design Associates at 5 Cambridge Street was sworn.

Mr. Hender testified that there are no variances being requested and no changes from the preliminary.

Mr. Dietrich – The final plat is in conformance with the Township filing requirements and it conforms to the general layout of the preliminary subdivision approval. There should be one revision; lot 8.01 should be noted that it is dedicated to the Township for stormwater purposes. It should show on the filing as such. All conditions and plan revisions are being met from the preliminary and should carry on through the final approval. This project is under construction and is in conformance with the preliminary plan approved. They have submitted the engineers estimate. Prior to them filing the plat to create the lots, they will have to submit the necessary performance bond and bond security as well as the other engineering escrow, street light fees etc. That should be a condition that the plat cannot be signed for filing until all those necessary fees have been submitted and approved by the Township.

Mr. Dietrich continued with a brief explanation of what is submitted as a final plat. It is a plan that shows how the property and the land is being divided. There is no topography, no grading, road locations, sidewalks, signs, or lighting.

Mr. Corson inquired about the type of retention pond or swale will be utilized.

Mr. Dietrich explained that it is a standard infiltration basin with a sandy bottom.

Mr. Harney – We had extensive discussions regarding the drainage at previous meeting.

Mr. DeMarzo inquired about fire hydrants and what the requirements are.

Mr. Dietrich – There was a prior discussion, but the Board did not require that.

Mr. DeMarzo – Is it the Boards decision?

Mr. Dietrich – It can be. Typically, if there is a hydrant, it would not be put in the cul-de-sac, but at the entrance.

Ms. McCrosson – The water availability is very sporadic in the Township.

Mr. Corson – He understands some of Mr. DeMarzos concern relating to insurance concerns. He stated that if there is no water availability, the Township typically shuttles water.

There was a discussion about the standard practices of fire safety in the Township.

Mr. Barnes suggested that there be a condition added to the resolution that the applicant is to contact the fire department to confirm they are compliant.

The meeting was opened to the public, hearing no one and seeing no one the public portion was closed and returned to the meeting for findings of fact.

Ms. Hayes – The applicant, Cedar Lane Development comes before the Planning Board for final approval for the major subdivision located at the corner of Church Road and Tuckahoe Road, also known as block 647 lot 8. This is for 12 proposed lots with a drainage basin. Lot 8.01 is to be dedicated to the Township for stormwater purposes. We heard testimony from Mr. Hender of Engineering Design Associates on behalf of the owner. We heard from Mr. DeMarzo regarding the standards for the fire hydrant. It was discussed and decided to include a condition to the resolution that the applicant must be compliant before they begin construction.

Ms. McCrosson – All preliminary requirements as agreed to in the preliminary site plan approval have been met.

Mr. Riordan – Mr. Dietrich noted that the applicant meets the required conditions for a major subdivision. There was no public comment. The plan was prepared by The Martinelli Group dated May 17, 2021.

Mr. McGuire – There are no variances being requested.

Mr. DeMarzo – His only concern currently is the distance between the fire runs and the pressurized hydrants.

Mr. Whelan – He concurs.

Mayor Corson – Nothing to add.

Mr. Harney – The performance bond will be done with the Township Engineer. Lot 8.01 will be dedicated to the township as part of the drainage basin and the Township will maintain it. The plan has been before this Board on numerous occasions. This is the final site plan. We have had questions about the fire issue, He believes if it is made part of the condition we can move forward on this application.

Mr. Barnes framed a motion to grant Final Major Subdivision approval for 12 single-family lots and one drainage basin located at Church Road and Tuckahoe Road with the following conditions that lot 8.01 is for storm water only and dedicated to the Township. That the revised plans that were submitted previously, address all the conditions contained in the preliminary approval, that the plat cannot be filed with the County until all costs and fees are satisfied with the Township. And lastly, the applicant shall contact the fire department to obtain approvals as it specifically pertains to whether a fire hydrant is required to be located on the approved subdivision property.

A motion to approve the resolution with the conditions stated by Mr. Barnes was made by Mr. Riordan and seconded by Mr. McGuire. In favor: Riordan, Hayes, McCrosson, McGuire, Whelan, Corson, Harney
Opposed: DeMarzo

DISCUSSION

Discussion of recommendations from Township Committee for ordinance revisions.

Dark sky lighting
Allowance & Design standards for pervious surface
Landscaping standards – street trees
Contractor work hours
Accessory structure size – smaller than principal building
Senior Housing Affordable Housing Site location
Short-term Rentals

Additionally, the Planning Board should review items contained in the Planning and Implementation Agenda (PIA) that was approved as part of Plan Endorsement.

Electrical Vehicle “EV” ordinance
Green building/ LEED certification
Historic Resources/ Preservation Ordinance
Update to Natural Resource Inventory
Update to Conservation Plan Element
Wellhead protection/ water conservation ordinance
Habitat Conservation Plan
Tree Protection Ordinance

Mr. Dietrich went over the list of items to be discussed and suggested the use of a subcommittee to further discuss the items. The following Board Members have volunteered to be a part of the subcommittee: Mayor Corson, Ms. Hayes, Mr. McGuire and Mr. Whelan.
Mr. Dietrich will communicate with each to confirm a date.

PUBLIC PORTION

The meeting was opened to the public.

Joe Falls, 3 Bayaire Drive, Beesley's Point, was sworn. Mr. Falls expressed his concern regarding short-term rentals, specifically the one across from his house. He is not necessarily happy with what Middle Township has decided to do. He does not think the Township should profit from this. He loves the Township, but he will have to leave if nothing is done to stop the short-term rental.

Maria Busz, 6 Gardners Lane, Beesley's Point. Expressed her concern about the short-term rentals. It is about quality of life. She urges the Board to actively pursue this and not put it on the bottom of their list.

Hearing no additional response, the public portion was closed.

RESOLUTIONS

None

BILLS

A motion was made by Ms. McCrosson and seconded by Mr. Whelan to pay the bills, with all board members present voting in the affirmative.

ADJOURNMENT

A motion was made by Mr. Whelan and seconded by Mr. McGuire to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 8:55 p.m.

Submitted by,
Liz Oaks