

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
NOVEMBER 17, 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
Curtis Corson, Class I	Present
Gary DeMarzo, Class II	Present
Kimberly Hayes, Class III	Absent
Ted Kingston, Class IV	Present
Janet McCrosson, Class IV	Present

Member	Attendance
Gary Riordan, Vice Chair	Present
Chris McGuire, Class IV	Absent
Sean Whelan, Class IV	Present
Robert Young, Sr. Alt	Present
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 OCTOBER 20, 2022 MEETING MINUTES

A motion to approve the minutes was made by Mayor Corson and seconded by Mr. Whelan.

In favor: DeMarzo, Kingston, Whelan, Riordan, Corson, Harney

Abstain: McCrosson, Young

NEW BUSINESS

Dorothea Williams and Wayne Williams – Block 551 Lot 13 – PB 13-18

Application is for site plan waiver with a variance for a side yard setback to construct a 36’ x 96’ pole barn with previously granted variances for the height of the structure and accessory building coverage and impervious lot coverage at 101 Route 50 in Seaville.

Wayne Williams, 101 Route 50, Seaville, was sworn.

Mr. Williams explains that he had come before the board in 2018 for approvals to construct a 36’ X 96’ pole barn and was granted those approvals, resolution PB 01-18. Upon completion of the construction, an as-built survey was submitted to obtain a certificate of occupancy. It was discovered the contractor had placed the structure within the permitted setback by one foot. A portion of the building is at nine feet, where ten feet is required. The structure meets all other previously granted variances. He submitted this application in 2018 when it first occurred but was unable to proceed at that time due to

unforeseen circumstances. The location of the infraction is not in a highly visible area and is not in an area that the public has access. The lot is 1.2 acres and is larger than other lots in the area and is wooded.

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

Mr. Riordan – The applicant, Dorothea Williams and Wayne Williams, applied for site plan waiver for a building that was already constructed. They are asking for a variance for a side yard setback. The property is located at 101 Route 50 in Seaville also known as Block 551 Lot 13. Mr. Williams testified on his own behalf. This building was originally constructed in 2018. It had been previously approved by the planning board with several variances at that time. An as-built survey was performed as the building was completed. Unfortunately, it was discovered there was a side yard discrepancy. The building was slightly crooked. One corner is 10.3’ and the other 9’. There was no comment from the public. The original approval was prepared by EDA dated April 12, 2018 and the survey was prepared by Martinelli dated March 13, 2018.

Ms. McCrosson – Nothing to add.

Mr. Young – Nothing to add.

Mr. DeMarzo – Nothing to add.

Mr. Kingston – Nothing to add.

Mr. Whelan – Nothing to add

Mayor Corson – Nothing to add.

Mr. Harney – Believes this fits all of our waiver requirements. It was done in error. There was no public comment.

Mr. Barnes - A motion to approve a side yard setback of 9 feet where 10 feet is required as a direct result of the contractor putting the pole barn in the wrong spot. He had been before the board to get a site plan waiver and variances for the height of the structure, accessory building coverage and impervious lot coverage. None of which were exacerbated by this anomaly. Based upon the testimony provided it appears as though the evidence, when you weigh it on a whole, the benefits outweigh any detriment as a result of the location of the structure. The application is to approve the side yard setback.

A motion to approve the application as submitted was made by Mr. Harney and seconded by Mr. Riordan. In favor: Ms. McCrosson, Mr. Young, Mr. DeMarzo, Mr. Kingston, Mr. Whelan, Mr. Riordan, Mayor Corson, Mr. Harney

Daley's Pit Holding Company, LLC Block 453 Lot 3 – PB 05-2022

Application is for preliminary and final site plan approval and recommendation to Township Committee for the continuation of their mining operation at Daley's Pit, 1701 Dennisville-Petersburg Road.

Joseph Grassi of Barry, Corrado and Grassi representing the applicant, Daley's Pit Holding Company, LLC. He is offering engineer, Stephen Daley and operator, Matt Daley as witnesses.

Stephen Daley, 823 Rutledge Street, Spartanburg, SC was sworn
Matthew Daley, 203 Petersburg Road, Dennisville was sworn.

Mr. S. Daley testified that the plan is a five-year plan showing existing conditions. It is actually a plan until 2040, an estimated date of full extraction. The pit was originally mined in 1967 by his father and has been family run this entire time. Since the passing of their mother, the siblings formed and LLC.

Mr. Dietrich – There are areas along the buffer that have been encroached. He contacted Mr. M. Daley to discuss the situation of the buffer. Mr. M. Daley was aware and was already in the process of rectifying. Mr. Dietrich will follow up in the Spring to ensure that the buffer is being maintained.

Mr. M. Daley testified that the buffer has already been remediated.

Mr. Barnes clarifies that by May 1, 2023 the buffer can be inspected by Mr. Dietrich.

Mr. Grassi states that his applicant agrees.

Mr. Dietrich – Other than the buffer, there have been no other issues over the years with the compliance of operation at this facility.

There were no questions from any board members.

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

Mr. Kingston – The applicant, Daley's Holding Company, LLC. the only issue was one area that was overmined and has been filled in. It will be inspected in six months.

Ms. McCrosson – The application was for the continuation of mining operations at 1701 Dennisville/Petersburg Road also known as block 453 lot 3 at Daley's Pit, a long-standing operation in the township. As Mr. Kingston said there was one minor area that has been overmined and has already been addressed and will be inspected in six months. This is for a five-year continuation of their mining license. There appear to be no other issues.

Mr. Young – Nothing to add.

Mr. DeMarzo – Nothing to add.

Mr. Whelan – Nothing to add.

Mr. Riordan – There was also testimony by Stephen Daley that the property was originally mined by their father in 1967. The business continues to be family owned and operated. There was also testimony by Matthew Daley. Mr. Dietrich noted that there were some concerns about the buffer and he will continue to monitor that over the next year.

Mayor Corson – Adds that this isn't solely a mining operation. They also recycle concrete and asphalt products.

Mr. Harney – This is a straightforward application. The only thing that needed to be addressed was the buffer zone. The applicant agreed to remediate and to an inspection May 1, 2023 by the Township Engineer. The applicant was represented by Joseph Grassi of Barry, Corrado and Grassi Law Firm of Wildwood. The date of the survey October 4, 2022.

Mr. Barnes – This is a motion to approve preliminary and final site plan approval along with the recommendation to The Township Committee for the continuation of their mining operation for a period of five years with the condition that Mr. Dietrich will inspect the site on May 1, 2023, or in that area, to determine that the buffer area has been appropriately remediated per the survey indicating the anomaly that exists.

A motion to approve the application with the condition that the site will be inspected May 1, 2023 to ensure remediation of buffer was made by Mr. Riordan and seconded by Ms. McCrosson. In favor: Ms. McCrosson, Mr. Young, Mr. DeMarzo, Mr. Kingston, Mr. Whelan, Mr. Riordan, Mayor Corson, Mr. Harney

McCreesh, Ryan - Block 12 Lots 6.02 and 6.03 – SD 06-2022

Applicant is requesting a minor subdivision for a lot line re-alignment at 529 and 537 Route 49 in Tuckahoe.

Ryan McCreesh, 295 Route 49, Tuckahoe, was sworn.

Mr. McCreesh – It is currently two lots; one is oddly configured as a flag lot. He proposes to evenly divide the two lots making them both conforming. There are no variances being requested. We can build on the non-conforming lot but would have a small footprint to build. What is proposed takes one conforming lot and one non-conforming lot and creates two conforming lots.

Mr. Dietrich – No new lots are being created. It is just a lot line realignment. The plat conforms to the Township filing requirements. There are no issues there.

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

Ms. McCrosson – The applicant, Ryan McCreesh, comes before the board regarding 529 and 537 Route 49 in Tuckahoe, also known as block 12 lots 6.02 and 6.03. They are requesting a lot line realignment with two adjacent lots. They are creating two conforming lots more evenly divided. There are no variances required.

Mr. Riordan – Mr. Dietrich, Township Engineer, stated that the applicant conforms to the Township Land Use Ordinance, and he has no other concerns.

Mr. Young – Nothing to add.

Mr. DeMarzo – Nothing to add.

Mr. Kingston – This configuration is for a lot and a flag lot and will now be divided down the middle for two lots. Both will be 230' wide, one will be 760' deep and the other 660' deep. Both have riverfront access. This is a good improvement, eliminating a flag lot and creating two conforming lots.

Mr. Whelan – Nothing to add.

Mayor Corson – Nothing to add.

Mr. Harney – This is essentially a buy- write. There are no variances required. There are no problems with ownership. The plan was done by George Swenson Cape Land Survey Group dated August 26, 2022.

Mr. Barnes – This is a motion to approve a minor subdivision for a lot line realignment per the survey submitted with the application.

A motion to approve the application as submitted was made by Mr. Harney and seconded by Ms. McCrosson. In favor: Ms. McCrosson, Mr. Young, Mr. DeMarzo, Mr. Kingston, Mr. Whelan, Mr. Riordan, Mayor Corson, Mr. Harney

DISCUSSION

Mayor Corson discusses the ordinances that had recently been reviewed by the Planning Board and sent to Township Committee. There was public comment, and everything has been tabled. The lighting portion was removed due to public comment and sent back to the Planning Board for review. He would like to establish a sub-committee consisting of Mr. Kingston, Mr. McGuire, Ms. Hayes, himself and two members of the public. Ms. Janice Connell and Jason Lombardi. It is decided to hold the sub-committee prior to the Planning Board Meeting scheduled for Thursday, December 1, 2022 at 5:00pm.

There was a discussion of the 2023 meeting dates and time. It was decided that the meeting time would be moved up from 7:30 pm to 7:00 pm.

Ms. Janet McCrosson took this time to express that she will be stepping down prior to the end of her term. The December meeting will be her last meeting.

Mr. Robert Young explained that this would be his last meeting.

PUBLIC PORTION

The meeting was open to the public.

Janice Connell, 1808 S. Commonwealth Avenue, Strathmere was sworn. Ms. Connell, president of the Strathmere Improvement Association, expressed her appreciation for the attention being given to the ordinances, including the lighting ordinance. She explains that Jason Lombardi was chosen for his expertise in dark sky lighting. She looks forward to being involved in the sub-committee.

Seeing no one else and hearing no one else the public portion was closed.

RESOLUTIONS - None

BILLS

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

ADJOURNMENT

A motion was made by Mayor Corson and seconded by Mr. Whelan to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 8:37 p.m.

Submitted by,

Liz Oaks