

**UPPER TOWNSHIP PLANNING BOARD  
ANNUAL REORGANIZATION MEETING MINUTES  
JANUARY 19, 2023**

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 7:00 p.m.

**SUNSHINE ANNOUNCEMENT**  
**SALUTE TO THE FLAG**  
**ROLL CALL**

Member	Attendance
Joseph Harney, Chairman	Absent
Jay Newman, Class I	Absent
Gary DeMarzo, Class II	Present
Kimberly Hayes, Class III	Present
Ted Kingston, Class IV	Present
Matthew Davidson, Class IV	Present

Member	Attendance
Gary Riordan, Vice Chair	Present
Chris McGuire, Class IV	Present
Sean Whelan, Class IV	Present
Colby Meloy Alt	Present
Brooke Handley Alt	Absent

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

**OATH OF OFFICE**

Gary DeMarzo, Mr. Riordan, Kimberly Hayes, Mr. McGuire, Mr. Meloy and Mr. Davidson take the Oath of Office.

**REORGANIZATION**

The board secretary asked for nominations for Chair.

A motion to nominate Christopher McGuire as Chairman was made by Mr. Davidson and seconded by Ms. Hayes. The nominations were closed.

In favor: Kingston, DeMarzo, Whelan, Riordan, Hayes, Davidson, Meloy

**CHRISTOPHER McGUIRE BOARD CHAIRMAN FOR 2023**

Mr. Riordan asked for nominations for Vice Chair.

A motion to nominate Gary Riordan as Vice Chairman was made by Ms. Hayes, seconded by Mr. McGuire. The nominations were closed.

In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Davidson, Meloy

**GARY RIORDAN VICE CHAIRMAN FOR 2023**

Mr. Riordan asked for nominations for Board Secretary

A motion to nominate Liz Oaks as Board Secretary was made by Mr. McGuire and seconded by Ms. Hayes. The nominations were closed.

In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan, Davidson, Meloy

**LIZ OAKS BOARD SECRETARY FOR 2023**

Mr. Riordan asked for nominations for Board Solicitor.

A motion to nominate Jeffrey Barnes as Board Solicitor was made by Mr. McGuire and seconded by Ms. Hayes. The nominations were closed.

In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan, Davidson, Meloy

**JEFFREY P. BARNES BOARD SOLICITOR FOR 2023**

Mr. Riordan asked for nominations for Board Engineer.

A motion to nominate Paul Dietrich as Board Engineer was made by Mr. McGuire and seconded by Ms. Hayes. The nominations were closed.

In favor: DeMarzo, Whelan, McGuire, Hayes, Riordan, Davidson, Meloy

Opposed: Kingston

**PAUL DIETRICH BOARD ENGINEER FOR 2023**

### **OFFICIAL NEWSPAPERS 2023**

A motion was made by Mr. McGuire and seconded by Ms. Hayes, to utilize The Press of Atlantic City and the Cape May County Herald as the official newspapers.

In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan, Davidson, Meloy

Paul Dietrich, Board Engineer was sworn.

### **APPROVAL OF THE DECEMBER 1, 2023 MEETING MINUTES**

A motion to approve the minutes was made by Ms. Hayes and seconded by Mr. McGuire.

In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan

Abstain: Davidson, Meloy

Mr. Riordan stepped down from filling in as Chairperson to allow Mr. McGuire, the newly elected Board Chair, to complete the meeting.

### **NEW BUSINESS**

No new Business

### **DISCUSSION**

Ocean City Winery SSAMP

Mr. Barnes explained the original application was submitted to the Zoning Board because a use variance was required. At that point they elected to go to the Cape May County Board of Agriculture instead. There was some involvement with the municipality, when that first happened, to ensure that what was being proposed met with harmony of the neighborhood and the community. Since that time the application has been slightly amended. The Township appointed Frank Corrado as attorney. The application went forward at the County level. There may have been an appeal that was filed. The application has now been amended further. He believes removing the consumption aspect of it and people going on the site and using it for events. That modification was copied to the Township. However, this board has absolutely no jurisdiction over that application whatsoever, nor does the Zoning Board. The Township's involvement is that of an ancillary way. Mr. Corrado, he believes, offers some type of evidence that the Agriculture Board, in the event that they are asked to vote on site issues, be mindful of the fact that there is an ordinance in place in Upper Township that talks about site planning and that they should use that as a standard.

Mr. McGuire confirmed with Mr. Barnes that neither the Planning Board or Zoning Board have any jurisdiction over this application.

Mr. DeMarzo clarified that there was nothing on the discussion item that was presented to the Board, this was completely oration this evening.

Mr. Riordan questioned whether they can farm currently.

Mr. Dietrich – It is before the County Agricultural Board for their decision.

There was a brief discussion about farm preservation, the realization by the state of the importance of farming in New Jersey and the Right to Farm. There were concerns about pesticides and the fact the Township has no jurisdiction over any regulations regarding pesticide use or farming practices.

Mr. McGuire opened the meeting to the public for comment.

Prior to any comments, Mr. Barnes suggested that the public should be mindful that the Township has no jurisdiction. It isn't appropriate that the board hear the comments since they have no jurisdiction. Any comments should be limited to, not this application, but other things that are going on within the municipality.

Mr. McGuire restated Mr. Barnes comments about this Board not having jurisdiction and opened the meeting to the public.

Maria Busz, 6 Gardners Lane. Ms. Busz does not support the winery and is concerned about pesticide use.

Rae Jaffe, 5 Gardners Lane. Ms. Jaffe does not support the winery and is concerned about pesticides use.

Nathalie Neiss, 759 Rt 50. Ms. Neiss is in support of the winery and thinks the community should welcome them to the Township.

Hearing no one else and seeing no one else, the public portion was closed.

## **RESOLUTIONS**

Agreement with King-Barnes Law Firm

A motion to approve the resolution was made by Mr. Riordan seconded by Ms. Hayes.  
In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan, Davidson, Meloy

1220 Route US 9 PB 06-2022

A motion to approve the resolution was made by Ms. Hayes seconded by Mr. Riordan.  
In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan  
Abstain: Davidson, Meloy

Mojave PB 07-2022

A motion to approve the resolution was made by Ms. Hayes seconded by Mr. Riordan.  
In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan  
Abstain: Davidson, Meloy

Action Supply PB 08-2022

A motion to approve the resolution was made by Ms. Hayes seconded by Mr. Riordan.  
In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan  
Abstain: Davidson, Meloy

Atlantic Masonry PB 09-2022

A motion to approve the resolution was made by Ms. Hayes seconded by Mr. Whelan.

In favor: Kingston, DeMarzo, Whelan, McGuire, Hayes, Riordan

Abstain: Davidson, Meloy

Mr. Dietrich had a few items that he wanted to let the Board know would be coming in the future. First is that the Township Committee may potentially be entertaining an ordinance to update the redevelopment plan at Beesley's Point. Once it is introduced will require that it come back to the Planning Board for a Consistency Determination with the Master Plan. Because of the quick turnaround that the committee and the redevelopment is looking to have, we will be emailing you the proposed ordinance and amendments to review prior to the February Planning Board Meeting. Second, there was a leftover zone change request from last year. The request is to allow farms in the CM Zone. The Board at that time wanted to research how many properties between the TC Zone and CM Zone could be converted to a farm as opposed to being devoted to commercial space. We also have three mining operations that have yet to come to the Planning Board and we expect to see them in the next couple months. And lastly the lighting ordinance that was submitted required a few adjustments and a sub-committee was established. Now with a new year and new members there may be some changes.

Ms. Hayes – She spoke with Mayor Newman about the sub-committee, and he wanted to allow the new members to have an opportunity to be involved.

There was a discussion about who was interested and how many people from the Planning Board would be ideal.

The three Planning Board representatives are Christopher McGuire II, Kimberly Hayes and Colby Meloy. The meeting is schedule for Thursday, February 16, 2023 at 5:30pm.

**BILLS**

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

**ADJOURNMENT**

A motion was made by Ms. Hayes and seconded by Mr. Whelan to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 7:38 p.m.

Submitted by,

Liz Oaks