

**UPPER TOWNSHIP PLANNING BOARD  
REGULAR MEETING MINUTES  
MAY 18, 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 7:30 p.m.

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Member	Attendance
Matthew Davidson, Class IV	Present
Gary DeMarzo, Class II	Absent
Brooke Handley Alt	Absent
Joseph Harney, Class IV	Present
Kimberly Hayes, Class III	Present
Ted Kingston, Class IV	Present

Member	Attendance
Chris McGuire, Chairman	Present
Colby Meloy Alt	Present
Jay Newman, Class I	Present
Gary Riordan, Vice Chair	Present
Sean Whelan, Class IV	Absent

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

**APPROVAL OF THE APRIL 20, 2023 MEETING MINUTES**

A motion to approve the minutes was made by Mr. Harney and seconded by Mayor Newman.

In favor: Davidson, Harney, Hayes, Meloy, Newman, Riordan,

Abstain: Kingston, McGuire

**NEW BUSINESS**

**PRC OF CORBIN CITY – BLOCK 382 LOTS 3 and 4 – PB 02-2022**

Applicant is requesting a site plan waiver to use an existing building for a church at 1870 Rt-50, Tuckahoe.

Avery Titeler, Attorney representing the applicant, PRC of Corbin City. The applicant seeks a site plan waiver to use an existing building as a church at 1870 Route 50, also known as block 382 lots 3 and 4. The property is in a commercial pinelands zone. It contains a vacant single story masonry building. The applicant seeks approval to renovate the building, adding a new handicap ramp, new landing, and code compliant stairs. In addition to the site plan waiver, the applicant seeks variance relief for front yard setback, north side yard setback and building coverage. The variances requested are pre-existing , non-conforming conditions that will not be exacerbated.

Jim Chadwick, P.E., 841 Central Avenue, Ocean City was sworn as an expert.

Mr. Chadwick – The existing conditions include a single-story masonry building. There are stairs, front doors, and landings at each end of the front of the building. Nothing is handicap accessible. They propose to raise the level of the landings to meet the interior floor level. In doing that, construct stairs in the front of each of those landings that meet code requirements. Also construct a handicap ramp generally from the middle of the building rising toward the north end landing at the front of the building. They also propose to take an area of the front of the property and add a handicap parking space and a six-foot-wide access aisle in front of the handicap ramp. This provides easier and more code compliant access. The plans show the handicap sign detail. The spot will be concrete as well as sidewalk to the ramp. The remaining existing parking will remain stone. The current front yard setback is 59.8’ the proposed raising of the landing will encroach in the required 50’ setback, requiring a variance for a front yard setback. The north side of the building has a setback of 39.8’ where 50’ is required, therefore requiring a variance for a side yard setback. The landings will be in the same place but raising them and including stairs requires a side yard setback variance as well. The handicap ramp will

also encroach in the side yard setback, but they believe to be de minimis. By raising the level of the landing, they are creating the need for an additional riser which will make it 10 or 11 inches closer to Route 50. The area surrounding the building is wooded. The nearest neighbor is about 250' to the south. These improvements will not affect any neighbors. This is an undersized lot. The variances being requested fall under the C1 criteria. The benefits outweigh the detriment which would fall under the C2 criteria.

They also need a variance for building coverage. Current building coverage is 8.5%, they propose 9.3% where 5% is allowed. This is a result of the landings plus the addition of a small deck in the rear, squaring off a corner from a bump out on the back at the southern end. He believes this is de minimis. He believes this can be granted under the C1 and C2 criteria. With regards to the C2 criteria, they are increasing safety and accessibility and promoting the general welfare by adding the church for the betterment of the community. Churches qualify as inherently beneficial uses under the New Jersey municipal land use law. They expect occupancy of 68 people based on parking of 17 spaces, but the congregation is substantially less than that. They intend to only have a Sunday service. If they intend to increase parking or add night services, they will come back to the board. There is no substantial detriment to the public good. This is a benign application that improves accessibility and safety. There is no impairment to the intent and purpose to the zone plan and zoning ordinance.

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

Mr. Dietrich suggested that, if approved, a condition of approval include a deed of consolidation. The application meets the Township standards for a site plan waiver.

Mr. Titeler – the applicant agrees to the deed of consolidation.

Mr. Riordan – The applicant, PRC of Corbin City, comes before the board tonight requesting a site plan waiver to use an existing building as a church at the property located at 1870 Route 50 in the Tuckahoe section of the Township also known as block 382 lots 3 and 4. The applicant was represented by Avery Titeler, Esq. There was expert testimony provided by James Chadwick, P.E. Mr. Chadwick stated that the benefits of granting the proposed variances outweigh any negative attributes. The property has three existing non-conforming situations. They request three additional variances. One is a front yard setback, the second is the north side yard setback and the third is percentage of building coverage. A plan for the proposed improvements to the existing church was prepared by James Chadwick, P.E., last revised March 27, 2023.

Mr. Davidson – Concur.

Mr. Harney – There are 17 parking spaces proposed in the application. The improvements to the handicap accessibility and the new stairs, in his opinion, meet the safety and accessibility standard of a C1 Variance. The lot coverage increasing to 9.3% to accommodate the handicap ramp and concrete for the handicap parking is reasonable. It is a positive aspect to see a church going into a building that has had multiple uses in the past ten years. Any increase in parking must come back before the board. He would have liked to see more regarding landscaping and lighting, but he believes the safety outweighs any detriment. There is a variance for building coverage from 8.5% to 9.3% which he believes is de minimis.

Ms. Hayes – The applicant has been asked to complete a deed of consolidation.

Mr. Kingston – Believes the benefits outweigh the detriment.

Mr. Meloy – Nothing to add.

Mayor Newman – Nothing to add.

Mr. McGuire – The coverage is going from 8.5% to 9.3%. the side yard setback is currently 39' where 50' is required. The front yard setback proposed is 48' where 50' is required.

Mr. Barnes frames a motion to approve a site plan waiver to use an existing building for a church along with a front yard setback, north side yard setback and building coverage indicating the plans for 68 people and 17 parking spaces along with two conditions. First, the applicant will file a deed of consolidation. Second, a zoning compliance schedule will be provided to attach to the resolution to satisfy any variances.

A motion to approve the application with the conditions was made by Ms. Hayes, seconded by Mr. Davidson.  
In favor: Davidson, Harney, Hayes, Kingston, Meloy, Newman, Riordan, McGuire

TUCKAHOE SAND AND GRAVEL COMPANY, INC – BLOCK 247 LOTS 4, 9, 10, BLOCK 248 LOTS 1 THRU 8, BLOCK 249 LOT 1 AND BLOCK 453 LOT 2 – PB 05-2023

Application is for preliminary and final site plan approval and recommendation to Township Committee for the continuation of their mining operation at Route 610 and Sharp Road, Petersburg, New Jersey

Chris Baylinson, Esq., for the applicant, Tuckahoe Sand and Gravel. They are seeking preliminary and final site plan approval and the recommendation to the governing body to renew the five-year mining permit for the existing mining operation at Route 610 and Sharp Road. The site continues to mine in the areas that have been approved previously by this board. There have been no changes. There has been reclamation performed in all areas that are not being mined. They are starting reclamation, grading, in areas that are being mined as well. They are working on getting an updated survey and expect to have within six months. There have been no issues, no complaints.

Mr. McGuire inquired whether the application could be voted on without a survey presented.

Mr. Dietrich explained the mining applications are unique because they are always changing. It is a snapshot in time. The focus is that they are not cutting into the buffers and not going too deep. He has been on site several times and spoken with Mr. Sutton. This is one of the larger mining sites, in size, within the township. They have never gotten any complaints or had any issues with this site. They are remote; he doesn't believe there is a residential property within 500'. There is little to no impact. The entrance is kept clean. They have provided a survey that is kind of up to date but it is not sealed. It is accurate enough to show they comply. They are going through some changes with their engineering team and that's why they are late. He believes the 6-month request is reasonable. The renewal would be 12/31/2027, to be consistent with the other mining operations. At the third year the ordinance requires an updated survey.

The meeting was open to the public. Hearing no one and seeing no one, the meeting was returned to the board for findings of fact.

Mr. Harney – The applicant, Tuckahoe Sand and Gravel is for preliminary and final site plan approval and recommendation to Township Committee for the continuation of their mining operation at Route 610 and Sharp Road in Petersburg also known as block 247 Lots 4, 9, 10, Block 248 Lots 1 through 8, Block 249 Lot 1 and Block 453 Lot 2. We heard testimony from Chris Baylinson. Also in attendance were Ron Sutton and Stephen Nardelli from Tuckahoe Sand and Gravel, however, no questions were asked of them. There has been some reclamation on site. There is ongoing mining. They are waiting on a survey and geological report. There was no public comment. The plan supplied by Fralinger Engineering dated January 12, 2023. There is a pinelands certificate of filing as of April 6, 2023. The survey report from Agate Construction Company dated October 11, 2022. There is no one within 500' of the property. The township engineer agrees the survey can come in six months.

Mr. Davidson – Nothing to add.

Ms. Hayes – Same renewal date of 2027.

Mr. Kingston – Nothing to add.

Mr. Meloy – Nothing to add.

Mayor Newman – Nothing to add.

Mr. Riordan – The application was reviewed by the township engineer as noted in correspondence dated May 16, 2023.

Mr. Dietrich noted that the mining operation is in conformance with their approved plan and the township requirements.

Mr. McGuire – Nothing to add.

Mr. Barnes – The motion is for preliminary and final site plan approval and recommendation to Township Committee for the continuation of their mining operation with the condition that the applicant provide a compliant survey within six months and a new survey in three years, per statute, and a renewal date of 12/31/2027.

A motion to approve the application was made by Mr. Harney and seconded by Mr. Riordan.

In favor: Davidson, Harney, Hayes, Kingston, Meloy, Newman, Riordan, McGuire

## **DISCUSSION**

Mr. Dietrich reminded the board to complete financial disclosure notice if they haven't already. The new members must complete a stormwater management class; he will forward through email.

Mr. Dietrich formally announced his resignation.

Mr. McGuire – We will be coordinating with the mayor and the zoning board on searching for an engineer to take Paul's place.

Mr. Dietrich added; the lighting sub-committee did finalize a draft. He has forwarded it to the business association at the request from the sub-committee, but he has not heard back from them. There are a couple ordinances that will come to you for a final review and to pass along to the township committee.

Mayor Newman – He had let Mr. McGuire and Mr. Casaccio, Zoning Board Chairman, know that Paul was stepping down. He wanted everyone to know that the Planning Board and Zoning Board do not need to utilize the same engineer as the township. Mr. Casaccio had recommended to him that whoever the Planning Board went with the Zoning Board should use as well due to the close working relationship. Mayor Newman explained, however, that two different engineers could be chosen. They have not decided yet what they township would be doing. They have a substitute engineer that was hired some time two ago in the event something like this would happen. They have already been involved due to Paul vacationing and some road projects so there should be a seamless transfer. They expect to use CME for at least a couple months until a decision is made. The township has dramatically changed, and Paul's position has morphed into various titles. In his opinion, he has acted as a de facto business administrator for years and now the assistant de facto administrator. With the upcoming redevelopment and infrastructure coming up in the next coming years they may decide a firm is better. But this has yet to be determined.

Mr. Kingston – Believes the board should have a different engineer than the township. The board should have an engineer that prioritizes this board specifically.

Ms. Hayes - Agrees with Mr. Kingston.

Mayor Newman – Agrees as well but cannot speak for everyone on township committee that are not present. The only items he believes they need to work together would be mining applications and campground permits.

Ms. Hayes – It gives us an advantage of having multiple experts look at the same thing.

Mayor Newman – The decision is to be made by each board; it is not the decision of the committee.

Mr. Kingston questioned the process of the search.

Mayor Newman suggested they discuss it with Mr. Barnes and Mr. Casaccio to see how to proceed.

Mr. McGuire – He had a brief discussion with Mr. Casaccio who has developments in other counties and other townships. He frequently works with other engineering firms and has a good, broad purview of who is out there, who costs what, what the talent pool looks like and their thought process on this was lets work together on this. Let's compile a list and narrow it down and probably do a couple interviews. He doesn't think they will intentionally go out of their way. He tends to agree with the three that have spoken up so far that it is probably wise to have some checks and balances. It's probably wise to have planning and zoning share and engineer. Probably wise to have a different engineer than the township. But if they find that the engineer for the township so happens to be the best fit for the boards then they would probably go in that direction. What is best for the township. They will probably pull in a few members when it comes time to interview. We'll make the process a collaborative process.

Ms. Hayes – There is also a financial component to be considered from the township committee side as far as what they budget for the engineer for the planning and zoning boards.

Mr. Harney – Mr. Dietrich is also a professional planner and Mr. Harney believes the planning board benefits from that. And the importance of having someone to review the codes.

Mr. Dietrich – The township does have Tiffany Cuviallo as a planner.

Mr. Kingston – Is concerned about the structure in place for paying the professionals and that an escrow account is set up.

Mr. Barnes – Explained that is the law.

Ms. Hayes – We must follow the state law. The burden can't fall on the taxpayer.

Mr. McGuire – Last point, there is now a two-factor authentication to set up for email. If anyone has any questions, contact himself or Paul.

## **RESOLUTIONS**

Elmwood Developer, LLC – Block 597 Lot 34 – SD 01-2023

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

In favor: Davidson, Hayes, Meloy, Newman, Riordan, McGuire

Abstain: Harney, Kingston

Heidelberg Materials Northeast, LLC – Block 414 Lot 44 – PB 02-23

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

In favor: Davidson, Harney, Hayes, Meloy, Newman, Riordan, McGuire

Abstain: Kingston

Heidelberg Materials Northeast, LLC – Block 453 Lot 4 – PB 03-23

A motion to approve the resolution was made by Mayor Newman and seconded by Mr. Harney.

In favor: Davidson, Harney, Hayes, Meloy, Newman, Riordan, McGuire

Abstain: Kingston

Ocean Winds, LLC – Block 479 Lot 76 – PB 01-2023

A motion to approve the resolution was made by Mr. Riordan and seconded by Mr. Davidson.

In favor: Davidson, Harney, Hayes, Meloy, Newman, Riordan

Abstain: Kingston, McGuire

## **PUBLIC PORTION**

The meeting was open to the public, hearing no one and seeing no one this portion was closed.

**BILLS**

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

**ADJOURNMENT**

A motion was made by Mr. Harney and seconded by Mayor Newman to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 7:58 p.m.

Submitted by,

Liz Oaks