

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
AUGUST 17, 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
Matthew Davidson, Class IV	Absent
Gary DeMarzo, Class II	Absent
Brooke Handley Alt	Absent
Joseph Harney, Class IV	Present
Kimberly Hayes, Class III	Present
Ted Kingston, Class IV	Absent

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

Also, in attendance were Jeffrey Barnes, Board Solicitor, Greg Valesi Substitute Township Engineer and Liz Oaks, Board Secretary and Zoning Officer.

APPROVAL OF THE JULY 20, 2023 MEETING MINUTES

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

In favor: Hayes, McGuire

Abstain: Harney, Newman, Riordan

NEW BUSINESS

D.V. TOWER, LLC – BLOCK 565.03 LOTS 55.02, 56, AND 57 – PB 06-2023

Applicant is seeking variance relief for the buffer between building and the nearest street where 75’ is required and 40’ is proposed to construct a compressed natural gas filling station at 1397 Stagecoach Road, Seaville, New Jersey.

Mr. Barnes – There had been some disconnect as to the type of variance required for the application. He can confirm this does not require a Use Variance. If it had been required, this board would not be able to hear the application. It is not required because what is being proposed is ancillary to the underlying business that exists at that property. This had been discussed at the workshop meeting, that the township engineer was not present. The application may be heard and any other engineering issues that may exist can be addressed after they go through their application.

John Amenhauser, DeWeese Law Firm, representing D.V. Tower, LLC. The application is to receive preliminary and final major site plan approval along with bulk variance relief for the buffer to construct a natural gas filling station at the property known as block 565.03 lots 55.02, 56, and 57 located in the Mining Zoning District.

Vincent Orlando, EDA 5 Cambridge, Engineer, was sworn as an expert.

Vince Tomasso, President, Air and Gas Technology, was sworn.

Peter Morano, South Jersey Gas, was sworn.

Tim Tower, applicant, 840 North Shore Road, Beesley’s Point was sworn.

Mr. Tomasso – They have been building C&G stations in the area for 28 years. They design and build them from a service perspective because if you fix it, you put that into the design making it easier and quicker to service and maintain, making them more efficient and more cost effective. Referencing a diagram of a cut away of a storage cylinder, he testified that they are rated to 5,500 pounds and would rarely see anything much over 4,200 pounds. They weigh about 25,000 pounds and use stainless steel tubing rated for around 5,000 pounds. The fittings are rated 4 to 1 safety factor. Safety devices have redundant components per cylinder. The gas comes in from the utility, it gets dehydrated, it goes into the first stage cylinder, goes through a cooler/separator, 2nd stage, 3rd stage, and 4th stage. Each stage you have cooling and separation. When it is done getting compressed it goes into a valve panel that disperses the gas into 3 separate cylinders that are about 22 feet long and 2 feet wide and an overall distance of 7 feet high. You can lock off the valves so that the gas can not go anywhere. It kills the power to the dispenser causing a complete shutdown. This is inherent in the basic design of the station.

Mr. Riordan – There are probably numerous other fleets using natural gas for their vehicles in the area.

Mr. Tomasso – Waste Management has a huge investment throughout the country in compressed natural gas. They have many of the landfills reclaiming the methane off the landfills, cleaning it up and reprocessing it. They have done a fair amount of work for waste management and South Jersey Gas.

Mr. Harney – How much gas and is it similar to a propane tank.

Mr. Tomasso – Similar to a car. The tanks themselves have a plastic liner and are wrapped.

Mr. Orlando – This application is part of the Action Supply Mining Facility. Engineering Design Associates has been doing the mining applications since 1989 for the Tower family. Over the years they have come to the Planning Board and Zoning Board for approval for Action Supply, the concrete plant, the recycling center, and the distribution of different products such as concrete block and pavers currently on the adjacent property. The applicant would like to convert some of their fleet to natural compressed gas. This would only be used for the Action Supply trucks and facilities. It will be gated off with a one-way circulation. There will be no consumers coming to the site. The trucks this is meant for will be using it daily and are familiar with getting in and out of the site. It will only be operated during the hours Action Supply is operated. There are no evening hours. They agree to a condition of approval that the use of the natural compressed gas is solely for the use of Action Supply fleet. They seek a variance for a setback. This is in the Mining District which requires a setback of 75 feet. One building is at 52 feet and the other building is at 40 feet. They are within that buffer area as it relates to mining. He believes the distance was to prevent mining close to the road. They maintain the tree line along Stagecoach Road so that the station is not viewable from Stagecoach Road. There is no landscaping needed, there is no handicap parking, there is no parking. This will be maintained by Action Supply. This is for employees only. There is adequate parking on-site. He has reviewed the township engineer's report and had a discussion with him about the report. He believes they can comply with his requirements. The use is appropriate because there is fueling on-site. It has a benefit to both the community and the environment. He believes having natural gas as a fuel source has a positive impact on the environment. This facility is being constructed in accordance with an existing facility. There is no negative impact on the zone plan or zoning ordinance or any negative impact on the neighborhood. The use is not changing or being exacerbated.

Mr. McGuire questions the status of the conditions of approval from the most recent mining application that was granted related to the removal of some scrap metal and landscaping.

Mr. Orlando – Before Mr. Dietrich left there were on-site meetings with Mr. Tower. A lot of the vehicles have been removed and they are in the process of re-vegetating the north side. He believes the next time they come in for their mining application the board will be happy with their efforts to buffer that area.

Tim Tower, 840 N. Shore Road, was sworn.

Mr. Tower testified that he believed they were given a timeline of October 1, 2023. They planted the double evergreens along the east side about four months ago. The scrap guys are almost done with the removal.

Mr. Harney asked that the township engineer discuss his report.

Mr. Valesi – He had spoken to Mr. Orlando about the plan. Of all their comments fourteen of the items on the report were to illicit testimony from the applicant. He believes the items have been addressed. There are about eight comments that are plot detail requirements. There is one slope that he believes can be adjusted. But the point is there is nothing insurmountable. What he generally tries to do is speak with the applicant before the meeting if there is anything they are not going to be able to do he likes to get on the record. He says they will be able to address with a subsequent submission that generally satisfies me. What he doesn't like are open ended drainage issues or stormwater management. These are things that need to be cleaned up because the plans can significantly change. In this case it is not a major development, there is really no increase in impervious coverage so from a physical engineering standpoint he thinks it is a solid plan and he is satisfied at this point. The only question he has is there going to be any lot consolidation.

Mr. Orlando – The mining applications have always been for these three lots. He can see the benefit of getting only one tax bill. He doesn't believe they would have any objection to consolidation but that would really be the tax assessor's job. They have had these three lots probably for the last 40 years.

Mr. Harney – The engineer's report mentions bollards on the site.

Mr. Valesi – It is his belief that where the bollards were configured may impede vehicular access. The applicant has agreed to address upon resubmission.

Mr. Barnes – Suggests that the engineer report, or modified version of one, is attached to the resolution.

Mr. Orlando - With respect to the waivers, he believes they are inclusive of the design itself. He asks the board to grant the waivers as outlined in subsection C of CME's report.

Mr. Valesi – Agrees with Mr. Orlando, he was able to do a complete review of the application even though there were some items that did not comply with the checklist. He recommends the board grant those submission waivers. He has no issue.

Mr. Harney – Does this need to go before the County Board?

Mr. Valesi – Yes, county must grant site plan approval.

Mr. McGuire – He is reticent to waive the lighting plan.

Mr. Orlando – There will be under canopy lighting that is directed downward.

Mr. Harney – Questions whether there will be any security measures.

Mr. Tower – They have cameras on site and plan to add some additional.

Mr. Riordan – Will DEP approval be required, State or Federal?

Mr. Orlando – No CAFRA is needed but they will obtain whatever is required.

Mr. Riordan – What is the time frame for the project.

Joe Torchia, 332 Meadows Drive, Galloway was sworn. Mr. Torchia stated the project should take 4-6 months once approved.

Mayor Newman – The Township has some existing natural gas stations and he has not heard or seen any issues with them. As far as public safety the applicant has been fully cooperative in the past and expects the same with this project. There are hydrants in the area and a large pond behind it. He is confident in the public safety aspect with the application.

Deputy Mayor Hayes – Concurs with Mayor Newman and adds there was a letter provided from the Seaville Fire Chief, Steven Schaeffer, that states he is satisfied with the application.

The meeting was open to the public.

David Adelsberger, 31 Evergreen Drive, was sworn. Mr. Adelsberger has many concerns. The setback and location of the station. The noise pollution, safety, and quality of life. There are back up alarms starting as early as 5:00 a.m. and can be very disruptive to the neighbors.

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

Mr. Orlando – They have located the facility as far south as it is practical; it is approximately 1,000 feet from the houses located on Evergreen. The setback is off Stagecoach and won't be seen. Moving it back won't have any impact on traffic circulation.

The meeting returns to the board for findings of fact.

Mr. Harney – The applicant, D.V. Tower, LLC, come before the board seeking preliminary and final site plan approval to construct a compressed natural gas filling station at 1413 Stagecoach Road in Seaville, also known as block 565.03 lots 55.02, 56, and 57 located in the mining district. There was a discussion held by Mr. Amenhauser from The DeWeese Law Firm and Vincent Orlando from EDA. They require a front yard waiver of a buffer zone. They are at 40 feet where the ordinance requires 75 feet for the mining operation. We heard testimony from Vincent Tomasso from Air and Gas Technology. Peter Morano was sworn from South Jersey Gas. Tim Tower provided testimony. We heard about safety and shutoffs. We heard about one way circulation. The applicant stated the facility would be operating during their normal business hours. There will be no evening hours. It will only be used to supply Action Supply with fuel. We heard testimony that no handicap parking was required. There were several requirements regarding access that Mr. Orlando stated the applicant would address. There had originally been a request for a use variance but was confirmed was not required for this application. We had one member of the public speak about the location of the facility and the noise factor that work was beginning earlier than it should. It was suggested that the re-fueling take place in the evening when possible. A letter from the Seaville Fire Chief has been submitted.

Deputy Mayor Hayes – Mr. Orlando noted the applicant already has fueling on site. The station will not be visible from Stagecoach Road, and they will maintain the tree line. The applicant agrees to comply with the terms and conditions set forth by the board engineer report.

Mayor Newman – We do have an extensive letter from the Seaville Fire Chief that details the safety concerns that he has and they have been met that has been part of the approval process.

Mr. Riordan – The applicant was represented by John Amenhauser, Esquire. We heard expert testimony from Vincent Orlando, Professional Engineer, and Professional Planner. Mr. Orlando stated that the applicant plans to convert some of their vehicles to natural compressed gas. He stated they maintain the tree line along Stagecoach Road. Mr. Orlando feels the use requested is appropriate. This is a benefit to the community and has a positive impact on the environment. There is no negative impact to the neighborhood. He also stated the proposed filling station is as far as possible from existing homes on Evergreen Drive which is approximately 1,000 feet away. There was a C&G filling station site plan prepared by EDA dated May 26, 2023. There was one comment from a member of the public that expressed concern about the continued level of noise from the applicant's ongoing business.

Mr. McGuire – Has nothing to add.

Mr. Barnes – The application is to approve preliminary and final site plan approval with any variance relief requested for the 75' required buffer to construct a compressed natural gas filling station at the subject property conditioned upon the natural gas station only being used for trucks in operation with the business and not for the public. To have the revised report of the engineer to be attached to the approving resolution. If approved the applicant has an ongoing obligation to comply with the mining resolution that was previously approved, and the applicant will use it's best efforts to fuel tanks at the end of the day in an effort to reduce noise in the morning hours.

A motion to approve the resolution with conditions was made by Mayor Newman, seconded by Deputy Mayor Hayes.
In favor: Harney, Hayes, Newman, Riordan, McGuire

RESOLUTIONS

Recommendation of Adoption of Ordinance No. 013-2023

A motion to adopt the ordinance was made by Mr. Harney, seconded by Mr. Riordan.
In favor: Harney, Hayes, Newman, Riordan, McGuire

PUBLIC PORTION

The meeting was open to the public.

A representative from CS Energy wanted to discuss the possibility of solar in Upper Township and was advised to contact the township engineer, Greg Valesi, to discuss further.

Hearing and seeing no one else, this portion was closed.

BILLS

A motion to pay the bills as submitted was made by Mr. Harney and seconded by Ms. Hayes.
In favor: Harney, Hayes, Newman, Riordan, McGuire.

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 7:45 p.m.

Submitted by,

Liz Oaks