

**UPPER TOWNSHIP PLANNING BOARD  
REGULAR MEETING MINUTES  
FEBRUARY 8, 2024**

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	Present
Brooke Handley Alt	Present
Joseph Harney, Class IV	Absent
Kimberly Hayes, Class III	Present
Ted Kingston, Class IV	Present

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

Also, in attendance were Jeffrey Barnes, Board Solicitor, Ryan MacNeill, Substitute Board Engineer and Liz Oaks, Board Secretary and Zoning Officer.

**APPROVAL OF THE JANUARY 18, 2024 MEETING MINUTES**

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

In favor: DeMarzo, Handley, Hayes, Riordan, Whelan

Abstain: Kingston, Newman

**NEW BUSINESS / DISCUSSION**

Application for the vacation of a street.

Mr. Whelan – At the last meeting we started this discussion and were concerned about the neighboring property being compliant.

Mr. McNeill – The second owner intends to give or sell his portion to Mr. Mayberry in a private transaction. Mr. McNeill visited the site today. There are no utilities, it is wooded, they would not be creating any land-locked parcels. Mr. Mayberry’s property was previously consolidated.

There was discussion about moving forward with creating a procedure for future applications.

Mr. Barnes – There is more that goes into this process than some might think.

Mr. McNeill – He agrees with the need for a checklist. They will have the ability to review on a case-by-case basis.

Mr. DeMarzo – Once the checklist is developed, they can request a waiver if the application is suitable.

Mr. Barnes – He does not see how you can waive a boundary survey.

Mr. McNeill – This particular case, they are using the tax map.

Deputy Mayor Hayes – While we acknowledge the need to develop a process, it would be unfair to this applicant to wait an extended period of time while they develop this process and they do not see any issues with this application.

Mr. Barnes suggests a liability waiver that states, we may grant this street vacation, but it is the responsibility of the applicant to incorporate it into their property and ownership. Will there be a deed that references it. It can become difficult in the title perspective.

Mayor Newman agreed with the need for a process, not only with street vacations, but with the sale of township owned property. He stated the use of the tax map in this case was fine.

Mr. DeMarzo stated his only concern was the lack of survey.

Mr. Whelan suggested the new process include the signature of each property owner involved.

Mr. Barnes – If they are not required to do a deed, there should be a report to the tax accessor immediately of the transfer.

A motion to recommend to the Township Committee to move forward with the requested street vacation with the condition that the final verbiage protects the township, was made by Mayor Newman, and seconded by Deputy Mayor Hayes.

In favor: DeMarzo, Handley, Hayes, Kingston, Newman, Riordan, Whelan

#### Affordable Housing Planner and Procedure

Mr. Barnes explained that there needs to be a procedure implemented with what is triggering affordable housing. Do you want the engineer to use their planner to address these issues or do you want to have Tiffany Morrissey do it because she has in the past. We should have a procedure that any time an application that triggers anything that relates to affordable housing that someone generates a report. We need a specific report solely pertaining to affordable housing.

Mayor Newman – Currently the affordable housing is a huge issue. He recommends creating an escrow account, similar to the one used for the engineer and attorney and giving it to our Mt. Laurel Committee for review.

Mr. Barnes – The engineer, the planner and himself will need to work together to spot which applications trigger affordable housing.

Mayor Newman – We have a great planner that knows the township, knows the master plan and knows fair share housing. We have an attorney that basically wrote our affordable housing law. We have the professionals to guide our decisions.

Mr. Barnes – He will speak with the attorney to make sure they can add the fees. We will probably have to amend the ordinance regarding the fees. He will do some research and inform the board of his findings at the next meeting.

#### Zoning Board of Adjustments Year in Review 2023

Mr. Whelan – There were three recommendations to the board.

- 1- The R2 (Moderate Density Residential) Zone and the R (Center Residential) Zone should have the same building coverage allowance. Currently, the R2 zone permits 8% building coverage, whereas the R zone permits 10% building coverage. The Upper Township Zoning Board of Adjustment is unsure why this is and when it occurred.

Through some discussion it was revealed that no one could quite remember when or why this happened. They would like us to reach out to Tiffany Morrissey, Township Planner and ask for more information.

- 2- The undersized lot criteria should be revisited.

The board discussed what could be changed and decided that they are satisfied with what is currently required and do not recommend any changes at this time.

3- The Floor Area Ratio for existing structures should be revisited.

The board discussed what changes could be made. Mr. Kingston is strongly against any changes and does not like what is currently being allowed. Mr. Barnes explained that the FAR Variances granted have been beneficial with multiple improvements being made. The board would like to investigate the applications that have been submitted and granted approval by the Zoning Board of Adjustments. Mr. Barnes and Ms. Oaks will compile the information and present it at the next board meeting.

### **PUBLIC PORTION**

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

### **RESOLUTIONS**

Professional Services Agreement with Remington Vernick Engineering.  
A motion was made to approve the Professional Services Agreement with Remington Vernick Engineering, subject to a finalized contract, was made by Ms. Hayes, seconded by Mayor Newman.  
In favor: DeMarzo, Handley, Hayes, Kingston, Newman, Riordan, Whelan

### **BILLS**

A motion was made by Mr. Riordan seconded by Ms. Hayes to pay the bills as presented.  
In favor: DeMarzo, Handley, Hayes, Kingston, Newman, Riordan, Whelan

### **ADJOURNMENT**

A motion was made by Mr. Whelan and seconded by Mr. Kingston to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 8:07 p.m.

Submitted by,

Liz Oaks