

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
SEPTEMBER 12, 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 7:10 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	Present

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

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

APPROVAL OF THE AUGUST 8, 2024 MEETING MINUTES

A motion to approve the minutes was made by: Mr. Harney
 Seconded by: Mr. Kingston.
 In favor: Harney, Kingston, Newman, Whelan
 Abstain: Hayes, Meloy

Deputy Mayor Hayes left the meeting at this time.

TABLED APPLICATIONS

STEEL-MEN, LLC – BLOCK 600 LOT 33 – PB 02-2024
 Applicant is seeking preliminary and final site plan approval to allow a Pilates/Health studio, an Office and a Café in three of the four existing units at 200 South Shore Road, Marmora, New Jersey.
 Tabled to October 10, 2024.

NEW BUSINESS

THREE’S COMPANY, LLC – BLOCK 565.03 LOT 55.04 – SD 02-2024
 Applicant is seeking preliminary and final approval for a 15-lot major subdivision at 1718 Route US 9 South Seaville, New Jersey.

Attorney – Jon Batastini, Garrett & Batastini
 Engineer – Joe Maffei, Engineer Design Associates

Mr. Batastini – On behalf of Three’s Company, LLC regarding the project located at 1718 Route US 9 known on the tax map as block 565.03 lot 55.04. We are at the tail end of a buy-rite subdivision. We are here for amended site plan, due to some issues with the Department of Transportation, and final site plan approval.

Joe Maffei, 5 Cambridge, was sworn as an expert.

Mr. Maffei – This application has preliminary site plan approval for a 15-lot buy-rite subdivision. We are here to seek final approval but also to amend the site plan. They have submitted estimates for the remaining items that the applicant will have to post bond. The amendment is due to restrictions imposed by the Department of Transportation. Originally, they had a bus stop that was going to be along Route 9. It has been relocated within the property. Other than that change, the plans are the same. The lots are all conforming. He has reviewed the letter from the board engineer and has no problem addressing the items mentioned. There were comments about the metes and bounds that were off a couple inches. We will make sure the final plat is conforming.

Mr. Harney – There were a couple things he had originally brought up, one was a handicap ramp, for safety. And, due to the mine behind the property, lots 12 and 13 were to have a berm and trees going behind them. When looking at the plan he did not see a tree schedule. And some of the lot sizes were off.

Mr. Maffei – It is all part of the original plan. Nothing has been cleared on the lot yet. There are some measurements that are off by a couple of inches, but all the lots are conforming.

Mr. Kingston – When the application was originally submitted in October 2021, each of the board members asked that there be sidewalks. They were told by the board engineer, Paul Dietrich, that they were not required to have sidewalks. That information turned out to be incorrect. Per the residential site improvement standards that if lots are under an acre, they are required to have sidewalks. One of these lots is .98 acre. Clearly, with a proposed bus stop, there will be children. He is concerned about their safety.

Mr. Maffei – They can resolve this by shifting a lot line that will change the .98 acre to a full acre. The preliminary has already been approved.

Mayor Newman – He was not on the board during the original application. When he looks at the plans provided, he notes that there is a 50' wide street. Looking at it from an emergency services standpoint, he is very happy to see a street with that width. He understands where Mr. Kingston is coming from, he would like to see sidewalks everywhere. However, if they are compliant with the ordinance there is little they can do.

Mr. Kingston – Can't we change the ordinance?

Mayor Newman – If we want to change the ordinance, we can investigate that. But this application must be looked at using the current standards.

Mr. Smith – If you look at the resolution from 2021 that the board adopted, it says the following: Paul Dietrich, Board Engineer, was sworn and testified to the following: sidewalks are not required by the township or state. The proposed sub-division does not meet any required criteria that would create the need for sidewalks. He also refers to Mr. Dietrich's review letter dated, September 27, 2021, where he says, "The proposed lot geometry of the site meets the township and residential site improvement standards."

Mr. Maffei – He will make the adjustment to make all lots an acre and they are more than two miles from a school. The change would make it a buy rite subdivision.

Mr. Smith – His office prepared a report dated September 4, 2024. There were some outstanding items from completeness. He believes the applicant has agreed to comply with all the completeness requirements. Do they have a list of any regulatory approvals or permits that are outstanding?

Mr. Maffei – There are no outstanding permits. He will forward copies to the township.

Mr. Smith – Two items on the checklist he wanted to point out: a recreation plan and fire safety plan.

Mr. Maffei – They were not required.

Mr. Smith – He doesn't see that a waiver was granted.

Mr. Batastini – He does not recall that being a requirement. Or even discussed at the last hearing.

Mr. Smith – He would refer to the board whether they would grant those waivers.

Mr. Kingston – Were some of the lots changed since the preliminary?

Mr. Maffei – There were some minor adjustments of the lot lines.

Mr. Smith – There were some changes that he would consider significant. Lot 19 originally had a rear lot line length of 139' and now is 127.88'. There were a few isolated significant dimensional changes. They are still conforming.

Mr. Maffei – Some of the changes were after discussions with the previous board engineer, Mr. Dietrich.

Mr. Smith – He had spoken to Mr. Maffei about this, and it appears as if there were a few conversations with Mr. Dietrich about addressing some of the conditions of the preliminary approval. Mr. Dietrich prepared a review letter for the subdivision which had three comments. These comments have been addressed. They are still obligated to the conditions for the preliminary approval. On the division line between lots 9 and 10 the original plan shows there was a bump out. And the wood line is slightly different.

Mayor Newman – Is there a New Jersey American water line at this location?

Mr. Maffei – Yes, there is water down through the cul-de-sac.

Mayor Newman – Have there been discussions with the fire chief in that district about fire hydrants?

Mr. Maffei – Yes, hydrants have been put in per that discussion.

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.

Mr. Harney – The applicant, Three's Company, LLC, have come before the board for amended site plan and final site plan approval for a 15-lot subdivision in a residential zone located at 1718 Route US 9 South also known as block 565.03 lot 55.04. This subdivision is a cul-de-sac with a street name of Sandcastle Drive. It came before the board originally October 21, 2021. We have a plan submitted by EDA. The applicant is represented by Jon Batastini and Joe Maffei. The applicant has answered the board issues, which were the planting, the handicap pad for school bus service, which was a change because they were not approved by the Department of Transportation. The pad is 20' by 8', which is larger than what was requested by the board. There was some discussion about sidewalks. The board engineer had some items he brought up. One was a fire safety verification. The board would like a letter from the fire chief with approved locations for the fire hydrants. They have agreed to increase the lot size of lot 55.15 from .98 acre to a full acre.

Mr. Kingston – The applicant has agreed to place fire hydrants per fire chief’s instruction. The board engineer stated there were some changes from the preliminary plans. Lot 55.15 was less than an acre that they agree to make an acre. They moved the concrete bus pad. Originally the board had asked for sidewalks but was incorrectly informed by the board engineer that they were not needed if lots were less than an acre.

Mr. Meloy – Nothing to add.

Mayor Newman – Nothing to add.

Mr. Whelan – Nothing to add.

Mr. Barnes – The motion is to approve a final major site plan for a 15-lot subdivision with all lots being a minimum of one acre. The applicant agrees to comply with the requirements provided by the fire chief.

A motion to approve the application was made by: Mr. Harney
Seconded by: Mayor Newman.
In favor: Harney, Meloy, Newman, Whelan
Opposed: Kingston

RESOLUTION DESIGNATING BLOCK 566, LOT 1 AS AN AREA IN NEED OF REHABILITATION
A request for a recommendation to designate block 566 lot 1 as an area in need of rehabilitation.

Jim Malley, Redevelopment Council for Upper Township.

Mr. Malley – He gave a brief overview of what was happening. The board members were given a report prepared by Tiffany A. Morrissey, Township Planner. He briefly explained the difference between rehabilitation designation and redevelopment designation. They both have the same powers. The difference between the two is that the redevelopment allows long-term tax abatement and can allow the use of eminent domain. The redevelopment process is very different. There would be a public hearing and there would need to be substantial evidence that criteria has been satisfied. The process for rehabilitation is different in the sense that the board is in charge. They review the report, and any comments would be forwarded to the governing body. Ms. Morrissey’s report includes her opinions that is satisfying the criteria in the portion of the statute dealing with abandonment or underutilization of a parcel. This involves a single, private parcel known as block 566 lot 1 at 1369 Stagecoach Road.

Mr. Harney questioned the ownership of the property. Doesn’t the county have different governing powers.

Mr. Malley – Does not believe the property is owned by the county.

Mayor Newman – The senior center was essentially given to the township to run and believes the township is in the process of acquiring the property.

Mr. Harney – What is the benefit to the township?

Mr. Malley – The governing body has more control. The rehabilitation is a lighter standard.

Mayor Newman – It allows us to direct what happens.

Mr. Barnes – Is there a zone change?

Mr. Malley – There is no zone change. The state law says you can designate an entire municipality as an area in need of rehabilitation. They may later adopt redevelopment and may make zone changes.

The meeting was open to the public, hearing no one and seeing no one the meeting returned to the board.

A motion to approve the resolution to designate 1369 Stagecoach Road also known as block 566 lot 1 as an area in need of rehabilitation was made by:

Mr. Harney

Seconded by:

Mayor Newman.

In favor: Harney, Kingston, Meloy, Newman, Whelan

Opposed: None

DISCUSSION

2025 Meeting Dates

January 16	July 10
February 13	August 14
March 13	September 11
April 10	October 9
May 8	November 6
June 12	December 11

A motion to approve the 2025 meeting dates was made by: Mr. Whelan

Seconded by:

Mayor Newman

In favor: Harney, Kingston, Meloy, Newman, Whelan

Opposed: None

PUBLIC PORTION

The meeting was open to the public.

Ralph Cooper, 6 Gladwyn, Chairman of the Green Team for Upper Township. He has attended the zoning board and planning board meetings in an attempt get updated checklists of different activities that need to be submitted to the State of New Jersey. There is one plan that has been sitting out there for years: The Natural Resources Inventory. It can be found on the township website under planning board reports. This report is from 2006. This report is meant to be used by the governing body to refer to anything involving the environment. Most towns update this when other plans are updated. For some reason this has not been the case. The town could be missing out on some grants. In the past he would go to Mr. Dietrich because he handled the township and both boards.

Mayor Newman – Suggested that we have the administrator, Gary DeMarzo look into this.

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

RESOLUTIONS

None

BILLS

A motion to approve the bills was made by:
Seconded by:
In favor: Harney, Kingston, Meloy, Newman, Whelan
Opposed: None

Mr. Harney
Mayor Newman

ADJOURNMENT

A motion was made by Mr. Whelan and seconded by Mayor Newman to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 8:11 p.m.

Submitted by,

Liz Oaks