

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
OCTOBER 10, 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 7:04 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	Present
Joseph Harney, Class IV	Present
Kimberly Hayes, Class III	Absent
Ted Kingston, Class IV	Present

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

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

APPROVAL OF THE SEPTEMBER 12, 2024 MEETING MINUTES

A motion to approve the minutes was made by:

Mr. Harney

Seconded by:

Mr. Kingston.

In favor: Harney, Kingston, Meloy, Whelan

Abstain: Davidson, Handley, Riordan

NEW BUSINESS

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.

Attorney, Stephen Barse

Surveyor, James Boney, November 17, 2023

Engineer/Site Plan, Keith E. Conroy, July 29, 2024

Variance, Number of parking spaces, parking stall width, parking stall length and drive aisle.

Mr. Barse – The application submitted is a site plan with a variance for parking spaces. It is a pre-existing site with no ability to change either the location or dimensions of the building or the area available for parking. They have received a letter from the Department of Transportation, included with the application, date October 2, 2024 that the proposed does not create a “significant increase in traffic” and a new access permit is not required. The proposed number of parking spaces is 41. The applicant is the owner of three of the four units. Unit #’s 1, 3, and 4. Unit #2 is an office for a non-profit organization.

Hugh McCaffrey, 33 Gorgo Lane, Newfield, was sworn.

Mr. Barse – He submitted a unanimous consent of the unit owners. Unit 1 used to be an insurance company. This is where they plan on putting the pilates studio. Units 3 and 4 used to be an attorney’s office. They propose an office in unit 4 and a health café in unit 3. There will be no kitchen facilities. They plan on “piggybacking” off the pilates studio. They are not

looking to compete with local businesses. Rather, they hope to utilize existing businesses, such as the Village Kitchen, by selling their soup. They are hoping to add something to the area that is not currently there.

Mr. Smith – To be clear about the parking. Unit 2 is office space, not owned by Mr. McCaffrey, that is 2,125 square feet. An office requires 4 spaces for every 1,000 square feet. Therefore, unit 2 requires 9 spaces. Unit 1 will be a pilates studio with 1,576 square feet. That would require 1 space for every 100 square feet, resulting in a required 16 spaces. Unit 3 has 986 square feet and for a health café would be classed as a restaurant and requires 1 space for every 50 square feet, resulting in a required 20 spaces, which may be an overestimation of spaces. Unit 4 has 3,417 square feet for office space requiring 4 spaces for every 1,000 square feet resulting in another 14 spaces. The information they used was in the master deed. Using this information, per ordinance, 59 spaces would be required where 41 are proposed. It would be expected that the applicant's engineer, Mr. Conroy will provide testimony that would provide justification.

Mr. Kingston – The application states a need of 80 parking spaces.

Keith Conroy, 316 Crestwood Avenue, Haddonfield, was sworn as an expert.

Mr. Conroy – He based his calculations on the building itself.

Mr. Smith – He would defer the calculations to Mr. Conway's number of 80 spaces.

Mr. Conroy – The building had originally complied with the parking requirements based on the time of approval and use of space. Given the new use and today's ordinances a variance is being requested. He does not believe they have a concern about parking because they are not a standard fitness center; what they propose would be considered more of a boutique operation. They will be operating by appointment only for classes. It is not like other fitness centers where people are coming and going throughout the day. This would be more controlled. Similar with the café; the parking as based on a restaurant. People will more likely be grabbing something and going, rather than sit down for a meal. And will not be running a full kitchen as a restaurant.

Mr. Harney – This has been there for many years and would be pre-existing. The original survey attached does not have the parking spaces in the rear. He has been on site and that location has always been used for parking. The trash area is in back.

Mr. Conroy – They will be using waste management. There isn't a true trash enclosure that is gated but there is an area for trash.

Mr. Smith – He will need the enclosure on the plans. Per the plans the site proposes 42 spaces where 80 spaces are required.

Mr. Davidson – The restaurant portion is only partially being used as a café, does the parking calculation reflect that.

There was further discussion about what the site had been used for in the past and how the parking was being calculated.

Mr. Conroy – There is no true match in the ordinance for what is being proposed. What is being proposed is much less intense than a fitness center or restaurant. At the request of the fire chief, they upgraded to knock boxes and changed the system to alert what unit to go to.

Citing special reasons 40:55D-2, he believes the following apply.

(e.) To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.

(g.) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

(i.) To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

He does not believe there will be any substantial detriment to the neighborhood or public good. There will be no substantial detriment to the zone plan or zoning ordinance.

Mr. McCaffrey – This is more of a passion project than a business venture. They do not plan on using the office. The café will have a limited number of tables. It will mostly be take-out. The classes will be limited in size due to the nature of the business. They expect the pilates and café to be open between 7 a.m. to 7 p.m. with the café potentially being open until 8 p.m. especially in the summer. The signage will be limited, they will be counting on word of mouth with no mass marketing.

Mr. Smith – The site plan does not show the site triangle. He is concerned about the signage.

Mr. Conroy – They want to keep the existing sign.

Mr. McCaffrey – The existing sign is not obtrusive.

Mr. Harney – How many employees would be expected in the office space.

Mr. McCaffrey – There would be limited employees, approximately 5, and they would be instructed to park in the rear.

Mr. Riordan – Would like to clarify the variances being requested.

Mr. Conroy – Explained the variances are number of parking spaces, size of spaces and the drive aisle.

Mr. Riordan – Isn't the size of a space grandfathered in?

Mr. Smith – They are coming in for a brand-new site plan. There is always an opportunity to change. In this case they are trying to maintain a smaller space size and bump up the number of spaces. The ordinance requires a space size of 10' X 20' and they propose 9' X 18'. The proposed drive aisle width is just under 23' when 25' is required. There are pre-existing conditions of lot area, lot width and lot depth.

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

Mr. Harney – The applicant, Steel-men, LLC, owned by Hugh McCaffrey, come before the board regarding the property located at 200 South Shore Road in Marmora also known on the tax map as block 600 lot 33 units C1, C3 and C4. They are requesting a preliminary and final site plan approval. The applicant proposes a pilates studio, a healthy café and office space. They have provided a letter from the D.O.T. on high area usage. They have upgraded the fire alarm. They are shy on parking spaces where 80 is required, 42 are proposed resulting in being shy of 38 spaces. What is proposed business plan is low use. There is a projected number of visits of about 105 visits per day which is well below what the D.O.T. stated was required. He believes this would be acceptable. The trash will be picked up by a private company and will not be a burden on the township. Mr. Conway prepared the plans dated, July 29, 2024. There was question about the signage and whether it was in the right of way. It is a pre-existing sign on the property that will be lit from the ground.

Mr. Kingston – Can't justify voting against this but granting a variance that is nearly half the parking. He thinks we should consider if the parking ordinance is too strict or these variances should not be granted.

Mr. Harney – There are no options other than a parking garage. This is pre-existing. He cannot expand into the basin. And cannot acquire additional land.

Mr. Whelan – Everything is built up around it.

Mr. Conroy – Per ordinance the café would require 27 spaces, but they will only have 5 tables. The requirement for fitness is meant for gyms; this is a smaller custom center.

Mr. Davidson – Per there business plan would be maxed out at 28 spaces. It is a blighted property that is existing. They have added parking. The D.O.T. does not see a problem with the drive aisle of 23' rather than 25'. He sees the only possible issue would be the signage and that may not even be an issue.

Ms. Handley – Agreed with Mr. Davidson.

Mr. Smith – The completeness review indicated existing proposed contouring. If there will be no change, he suggests the applicant request a waiver. The trash receptacles provided by waste management shall be shown on the plan. No additional signage. The uses proposed are permitted uses in the zone. The variances requested are the parking space size, the drive aisle width, and the number of parking spaces. He will confer with Mr. Conroy to confirm number of spaces, but the maximum required would be 80 spaces where they are proposing 42 spaces. The original survey provided showed an encroachment of parking.

Mr. McCaffrey – There had been an error in the original survey where the company had sent out a tech. This has been surveyed again and corrected. They intend on improving the property by seal coating the parking lot and re-striping. They will include a split rail fence and some flowers. They do not want too much, the goal would be minimal. They will clean up the property.

Mr. Smith – Is the stormwater management system operating in accordance with the original design?

Mr. Conroy – He is not aware of any problems. They have no intentions of changing any elevations or changing the impervious coverage. The patio area will have no impact. They will replace 2 front lights, 2 pole mount lights in the rear and 2 wall mount signs.

Mr. Smith – As a condition of approval he would suggest the plans must meet his approval.

Mr. Conroy – Agreed to this condition.

Mr. Barnes – The motion is to approve a preliminary and final site plan with variances for number of parking spaces of 42 where 80 are required, parking space size of 9'x18' where 10'x20' is required width of the drive aisle. With the condition that the applicant will comply with the engineer's report. With any waivers on any existing non-conformities.

A motion to approve the application was made by: Mr. Kingston
Seconded by: Mr. Riordan
In favor: Davidson, Handley, Harney, Kingston, Meloy, Riordan, Whelan

PUBLIC PORTION

The meeting was open to the public.

Ralph Cooper, 6 Gladwyn, Chairman of the Green Team for Upper Township. He attended last months meeting to inquire about The Natural Resources Inventory report. He is looking for an update.

Mr. Harney – He believed that the Mayor had suggested the administrator look into this. He offered to be of assistance.

Ms. Oaks – It was my understanding that Mr. DeMarzo would be contacting Mr. Cooper.

Mr. Cooper also wanted to know if there have been any discussions about reviewing the Master Plan and if there would be any meetings to get the thoughts of the residents. There are other towns that conduct vision meetings with residents.

Mr. Harney – We did an evaluation in 2022, it is done every 5 years.

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

RESOLUTIONS

THREE’S COMPANY, LLC – BLOCK 565.03 LOT 55.04 – SD 02-2024

A motion to approve the resolution was made by: Mr. Harney
Seconded by: Mr. Riordan
In favor: Harney, Kingston, Meloy, Whelan
Abstain: Davidson, Handley, Riordan

RESOLUTION DESIGNATING BLOCK 566, LOT 1 AS AN AREA IN NEED OF REHABILITATION

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. Kingston
Seconded by: Mr. Harney
In favor: Harney, Kingston, Meloy, Whelan
Abstain: Davidson, Handley, Riordan

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 resolution was made by: Ms. Handley
Seconded by: Mr. Meloy
In favor: Davidson, Handley, Harney, Kingston, Meloy, Riordan, Whelan

BILLS

A motion to approve the bills was made by: Mr. Harney
Seconded by: Mr. Riordan
In favor: Davidson, Handley, Harney, Kingston, Meloy, Riordan, Whelan

ADJOURNMENT

A motion was made by Mr. Whelan and seconded by Mr. Harney to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 8:22 p.m.

Submitted by,

Liz Oaks