

**TOWNSHIP PLANNING BOARD
MEETING MINUTES
AUGUST 17, 2006**

The regular meeting of the Upper Township Planning Board was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 7:30 p.m.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Daniel Bready, William Brown, Robert Caldwell, James Kelly, Curtis Corson, Gary Riordan, James Schroder, Richard Palombo, Renee Scrocca.

Absent: David Mason, Bruce Thompson.

Also present were Dean Marcolongo, Board Solicitor; Paul Dietrich, Board Engineer; Shelley Lea, Board Secretary.

APPROVAL OF THE JULY 20, 2006 MEETING MINUTES

A motion to approve the minutes was made by Mr. Kelly, seconded by Mr. Brown, and approved. Abstain: Caldwell, Schroder, Palombo.

APPLICATIONS

1. ROBERT & NANCY STANTON AND JOHN & CAROLINE GARRAHAN – BLOCK 574, LOTS 13 & 12.01 –SD09-06

Applicant is requesting minor subdivision approval and setback variances for an existing accessory structure at 1014 & 1012 Route US 9 South, Marmora.

Julius Korschak, Esquire, represented the applicant. The same application was approved by the board in April 2005. At that time the board granted a minor subdivision to realign the lot lines and a setback variance for the existing accessory structure on lot 12.03. The subdivision plat was not filed with the County in time. The variance has not expired.

Stephen Martinelli, Professional Land Surveyor, was sworn in. He testified that he prepared the plan. The subdivision will increase the size of lot 12.04 and make the existing detached garage conform to the required setback. The subdivision will not create any additional lots.

Solicitor Marcolongo stated that the application was previously approved on April 25, 2005. The memorializing resolution SD02-05 was adopted May 19, 2005. The plan was not filed in time. The variances granted are still valid.

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

MR. BROWN – The application was originally approved April 25, 2005. The plat was not filed. A variance was granted to allow a 12 ft side yard setback for the gazebo where 15 ft. is required. This is the exact same plan as previously approved.

MR. PALOMBO – There was no public comment.

MRS. SCROCCA – The plan shows nothing different. There was a technical error and the plat was not filed.

A motion was made by Mr. Brown and seconded by Mr. Bready, to grant the minor subdivision with the standard conditions. In favor: Bready, Brown, Caldwell, Kelly, Corson, Riordan, Schroder, Palombo, Scrocca.

2. SCARBOROUGH PROPERTIES, INC. – BLOCK 651, LOTS 1 THRU 5, 10, 11 & 16 AND BLOCK 653.01, LOTS 1 & 5 – PB11-06

Application is for preliminary site plan approval and variances for landscape buffers and the size of the parking stalls to construct a shopping center in Marmora.

Mr. Brown stepped down during discussion and voting on this application.

Julius Korschak, Esquire, represented the applicants. He stated that the applicants appeared before the board in December of 2004. One of the parcels included on the site plan was owned by the County of Cape May. The applicants have recently purchased this property from the County during a property auction. The subject site is 18 acres located in downtown Marmora. The site fronts on three county roads, Old Tuckahoe Road, Tuckahoe Road and Stagecoach Road.

Mr. Korschak stated that the developer has moved forward with the CAFRA application and application with Cape May County to amend the 208 water quality plan. The County has passed a resolution amending the wastewater plan. The wastewater plant will be included in the plan. They have submitted an application to NJDEP for the treatment works. The project is grandfathered and will not be held up by the centers designation. The shopping center will be made up of four major components, Shop Rite, 4 retail stores, and 2 other commercial buildings one of which will be a fast food establishment. The project is approximately 90,000 sq. ft. All the proposed uses are permitted. The applicant is requesting a buffer variance and a variance to allow the parking spaces to be 10 ft. x 18 ft where 10 ft. x 20 ft. is required.

Christopher Scarborough, Scarborough Properties; Edmond C. Speitel, Speitel and Speitel, Inc.; Andrew Feranda, Shropshire Associates; Enzo Pavese, Architect, William Summas, Shop Rite Representative, were sworn in.

Edmond C. Speitel, Professional Engineer, testified that his firm Speitel and Speitel, Inc. produced the site plan for the proposed development. They propose one access off Roosevelt Boulevard, two accesses off Old Tuckahoe Road and one access off Pine Road. The proposed number of parking spaces conforms to the ordinance. The depth of the parking spaces does not conform and a variance is being requested. A wastewater treatment plant will be part of the proposed center to handle the different uses on the property. He described the proposed recycling of the wastewater. The site will be serviced by public water. The proposed storm water management complies with the technical aspects in the new ordinance.

Mr. Speitel testified that he believes the variance for the depth of the parking spaces should be approved since the impervious surface would be reduced. A maintenance plan for routine maintenance of the center will be recorded in a deed restriction that can be enforced by the Township. The maintenance agreement will require such things as sweeping the parking area, collecting leaves and trash and removing any contaminants from the impervious surface prior to any rainstorms. The proposed Shop Rite will be state of the art facility. He feels the best locations for the driveways are as shown on the plan and not directly across from the storage facility driveway. Dale Foster, County Engineer, agrees these are the best locations due to the traffic striping plan on Roosevelt Boulevard. There would be an impact on left turns if the driveway were located closer to Route 9. The proposed configuration provides an opportunity for shared left turns in to the subject site and the storage facility. There is no access off of Stagecoach Road. They will give additional right-of-way to the county in case it is needed at a later time. A third lane will be added to Old Tuckahoe Road across the frontage of the property. They will deed restrict 2.71 acres on the corner of Stagecoach Road and Tuckahoe Road so that it remains wooded.

Mr. Speitel further testified that the loading docks would be located in the rear of the Shop Rite. The proposed pharmacy will have a drive-thru on the northeast corner of the Shop Rite. A variance is requested for the landscape buffer on the northeast side adjacent to a non-residential district to allow 4 ft. where 20 ft. is required. A variance is also needed for the landscape buffer adjacent to a street to permit 45 ft. where 50 ft. is required. He believes that the variances are diminimis and feels they can be granted without causing any negative impact on the adjacent properties. He believes the benefits of granting the variance for the size of the parking stalls outweighs any detriments. He also believes that the proposed 10 ft. x 18 ft. parking spaces are adequate. The number of parking spaces required is 499 and they are proposing 521 spaces. He stated that the parking stalls are the same size as in Cedar Square. The 24 ft. wide drive aisle shown on the plan will be amended to 25 ft. wide. The perimeter of the proposed basin will be fenced.

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Andrew Feranda, testified that he prepared the traffic impact study and striping plan. He worked with the County to design the center left turn lane for the storage facility. He believes that moving the access closer to Route 9 would reduce the storage in the center left turn lane.

A copy of the correspondence from Dale M. Foster, County Engineer, dated August 17, 2006, was marked as Exhibit A-1. The letter states that the driveway access on Roosevelt Boulevard needs to be located as far to the west as practical in order to develop sufficient room for the center or left turn lane. It also indicates the County is insisting upon a center turning lane from the main driveway of the storage facility to just west of Stagecoach Road on Roosevelt Boulevard.

Mr. Dietrich stated that the county has been discussing the installation of a traffic signal at the intersection of Tuckahoe Road and Old Tuckahoe Road near the Church of Resurrection.

Brian M. Stankus, P.E., PTOE, Project Engineer for Orth Rodgers & Associates, was authorized by the board to review the traffic study by Shropshire Associates. It was his recommendation to line up the driveways. After reviewing the traffic report and site plan he believes that with the additional lanes the driveway locations are a satisfactory way to address the access issues. He has a number of questions in regards to the traffic impact study. Last week he received correspondence stating that Shropshire Associates is willing to submit a revised analysis. Once the analysis is provided he can complete his review. Traffic counts were not done as part of their review. He has concerns in regards to the internal site plan and the proposed locations of the signs.

Mr. Korschak responded that the project has been on hold until now. The counts include school traffic even though summer traffic was not included.

Mr. Stankus stated that he has some concerns in regards to the internal site plan and the proposed location of the signs.

Mr. Speitel stated that they are trying to align the driveways as requested by Orth Rogers. He believes this is a fair and reasonable comment and will be addressed on the final site plan. He feels the driveways are adequate for tractor trailers. Most of the traffic will be off of Tuckahoe Road. The main entrance will be on Roosevelt Boulevard.

Enzo Pavese, Architect, testified the project includes a 65,000 sq. ft. state of the art supermarket. They are proposing a typical Shop Rite sign package. Exhibit A-2 shows the schedule of signs for the Shop Rite. A variance is needed for the number of proposed signs. He described the location of each of the signs. They are proposing to install a free-standing sign at each driveway.

Mr. Korschak stated that the sign ordinance was created for much smaller projects than what is proposed. He believes the proposed signage is in proportion with the lot size.

Mr. Corson suggested painting a mural on the south side of the building for aesthetic purposes. The applicant agreed to a four-panel seascape mural on the building.

Mr. Dietrich stated that each of the proposed signs would be 138.54 sq. ft. where the ordinance allows 100 sq. ft.

Mr. Korschak stated that an agreement has been made with the Marmora Volunteer Fire Company. The applicant agrees to contribute fifty cents for every square foot of area where there is not a sprinkler system. They also agree to a voluntary contribution of \$15,000.00 for a total of approximately \$25,000.00 to the Fire Capital Improvement Fund to be paid prior to the issuance of a Certificate of Occupancy. They also propose to install 2 fire hydrants. Exhibit A-3 is a signed agreement by Chief Newman and Jules Korschak.

Mr. Dietrich recommends extending the sidewalk on Pine Road to this site. He also recommends adding a sidewalk along the westerly driveway from Wayside Village to this site for pedestrian circulation. Mr. Korschak agreed to this condition.

The meeting was open to the public.

Keith Jack, 44 Stagecoach Road, Marmora, was sworn in. He had questions in regards to the treatment center and the noise since it is located near his property. He is also concerned about trash and how it will be kept from blowing onto his property and glare from the lighting.

Mr. Speidel responded that it would sound like a well pump in an enclosed building. He stated that realistically they operate with no odor, however it is possible that an odor may escape especially during times of extremely hot weather. A maintenance schedule will be made part of the application. The lighting will be pointed straight down and not on an angle. The lighting goes to security level after closing. The hours of operation are 7 a.m. until 11 p.m. and closing earlier on Sunday.

Chris Goodwin, of Cape Atlantic Storage, was sworn in. He feels this will be a great addition to the community and will improve the area. He is concerned about left turns into the property. He had questions in regards to widening Roosevelt Boulevard to accommodate the left turn lane.

Mr. Speidel testified that the applicant's property would be used to widen Roosevelt Boulevard.

Hearing no further comments the application returned to the board for findings of fact.

MR. SCHRODER – He believes this is a great addition and ratable. He believes the variances are justified and the proposed signage is in proportion to the size of the property. He feels this is a good plan and good design.

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MR. KELLY – The subject property is Block 651, Lots 1 through 5, 10, 11 & 16 and Block 653.01, Lots 1 & 5. The plans are dated July 7/27/04 and amended 10/21/04. The applicant is requesting preliminary site plan approval. The property is located on three County roads, Stagecoach Road, Tuckahoe Road and Old Tuckahoe Road. There are three variances being requested which are landscape buffer, number and area of the signs and size of parking stalls. They are proposing 10 ft. x 18 ft. parking spaces where 10 ft. x 20 ft. is required. They are making a contribution of fifty-cents per square foot of unsprinklered area and a lump sum contribution of \$15,000.00 to the Fire Capital Improvement Fund. They will be utilizing public water. There will be a routine maintenance plan for the property. A letter from Dale Foster, County Engineer was submitted into evidence. A number of professionals were sworn in and gave testimony in regards to the application. Mr. Feranda gave testimony in regards to the traffic study. Brian Stankus was authorized by the township to perform a review of the traffic analysis prepared by Shropshire Associates. The proposed signage was discussed. He feels the signage is suitable for the area. Keith Jack has concerns in regards to the lighting and trash, and noise and odors from the treatment center. Christopher Goodwin is in favor of the application, however he is concerned about the traffic pattern.

MR. CORSON – The applicant is proposing three freestanding signs where only one is permitted. He believes they have demonstrated a need for the additional signage. They will ask the township to consider vacating a portion of Pine Road. They will install 2 fire hydrants.

MR. BREADY – Feels this will be an asset to the township. He supports the application.

MR. CALDWELL – The signage in the ordinance is based on 3 acre lots. He feels the variance is minor. The smaller spaces are designed to reduce the amount of impervious surface.

MR. RIORDAN – The smaller parking stalls reduces the amount of storm water runoff. The applicant has agreed to a voluntary contribution estimated at \$25,000.00 The proposed signage is proportional to the size of the property. He believes this particular development is long over due.

MR. PALOMBO – The applicant is proposing 9 signs for the supermarket where only 2 are permitted. He believes it makes sense to have additional signage so that patrons will have better knowledge of what is available. Testimony was given that the applicant has met with the County to amend the 208 plan to accommodate the site. They are currently awaiting their CAFRA and DEP permits. They have worked with Dale Foster to resolve the traffic issues. He believes that adequate testimony has been given to prove there is sufficient space for tractor trailers to make deliveries. The applicant has agreed to add a sidewalk on Pine Road into the site and across from Wayside Village. Future variances may be required for the other two commercial buildings on site.

MRS. SCROCCA – She believes the signs are proportional with the size of the lot. The buffer variances are reasonable because of the tapering problem. Although she does not like the idea of smaller parking spaces she does understand the need for the variance in order to reduce the impervious coverage. She feels the variances can be granted without impairing the intent and purpose of the zoning ordinance and that the benefits of granting the variances outweighs any detriments. The applicant has standing to bring the project before the board where he did not previously.

A motion was made by Mr. Corson and seconded by Mr. Kelly, to grant the application and the requested variances with the standard conditions and that a deed of consolidation is filed, additional stormwater information is due at the time of final site plan approval, amend the site plan to change the 24 ft. drive aisle to a 25 ft. drive aisle, request that township committee vacate approximately 62 ft of Pine Road, submit additional documentation to Orth Rogers needed for their review of the traffic report, amend site plan to show exact location of the 3 freestanding signs, a mural must be added to the building, a voluntary contribution must be paid to the Fire Capital Improvement Fund as agreed to by the Chief and Mr. Konschak, the sidewalk on Pine Road must be extended into the site and a sidewalk must be installed across from Wayside Village. In favor: Bready, Caldwell, Kelly, Corson, Riordan, Schroder, Palombo, Scrocca.

3. RUTH MANAGEMENT, LLC – BLOCK 560, LOT 1.01 – PB08-06

Application is for site plan waiver and variance for the size of the proposed directional signs at Cedar Square Shopping Center, Route 9 in Seaville.

John Grossman, Esquire, represented the applicant. He stated that the applicant would like to install two 46 ft. directional signs.

Solicitor Marcolongo stated that the applicant has standing to make this application since they have supplied proof of ownership requested at the completeness hearing.

Joseph Maffei, Professional Engineer, was sworn in. He submitted a handout showing the proposed sign. This was marked as Exhibit A-1. A copy of a letter to the Planning Board from the New Jersey Turnpike Authority was marked as Exhibit A-2.

Mr. Maffei testified to the location of the proposed signs. One of the signs will be located in the center aisle and the other across from McDonalds. The signs are 46 sq. ft. each or 11' 6". The purpose of the signs is to identify each of the stores in the center. He feels this is the best location for the signs. The signs will not be in the site triangle. They will also be installing a flagpole for the American flag.

Mr. Dietrich agreed this is the best location for the signs since they can't be too close to the intersection. They are requesting a waiver since there are no improvements being made to the site except for the two signs.

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

MR. RIORDAN – Ruth Management, LLC, has standing to make this application. They are requesting a site plan waiver and a variance to allow 2 directional signs. The owner of the property is Acme Markets. The property is Block 560, Lots 1.01 & 1.02. The plan is dated 6/16/06. John Grossman represented the applicant.

MR. KELLY – There was no public comment.

MRS. SCROCCA – The applicant has submitted proof that they have standing to present the application. She believes the site plan waiver is appropriate since there are no improvements being made. The directional signs will be a benefit to the public. The signs will enhance safety on site. She believes the variance can be granted without impairing the zoning ordinance.

A motion was made by Mr. Corson and seconded by Mr. Schroder, to grant the application with the standard conditions. In favor: Bready, Caldwell, Kelly, Corson, Riordan, Schroder, Palombo, Scrocca.

DISCUSSION

1. REVIEW OF ORDINANCE IN REGARDS TO GROWTH BASED AFFORDABLE HOUSING

Paul Dietrich reviewed the new regulations based on growth share low moderate income housing. An ordinance has been created by the township's consultant that is close to the model ordinance. COAH recommends that all municipalities adopt an ordinance.

The proposed ordinance indicates the number of non-age restricted affordable housing units required by a developer. The ordinance also shows who is exempt from the requirements. There is also an option for the developer to construct the necessary units off site but within the township. Some developments may be subject to pay development fees. There is also a requirement for non-residential development to be determined by the number of jobs created by the development.

RESOLUTIONS

1. EUGENE AND LINDA WILDE – BLOCK 663, LOTS 23, 24 & 25 – SD06-06

A motion to adopt the resolution was made by Mr. Schroder, seconded by Mr. Riordan, and approved.

BILLS

A motion to approve the bills for payment was made by Mr. Kelly, seconded by Mr. Corson, and approved.

ADJOURN

The meeting was adjourned at approximately 9:55 p.m.

Submitted by,