

UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
DECEMBER 15, 2005

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

FLAG SALUTE

ROLL CALL

Present: Daniel Bready, William Brown, James Kelly, Andrew McCrosson, Gary Riordan, James Schroder, Bruce Thompson, Robert Caldwell.

Absent: Edward Kenney, Richard Palombo, Renee Scrocca.

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

SWEARING IN OF PUAL DIETRICH – BOARD PROFESSIONAL

APPROVAL OF NOVEMBER 17, 2005 MEETING MINUTES

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

APPLICATIONS

1. **FRANK & ANNA PALMER – BLOCK 455, LOT 9.01 – SD09-05:**

Application is for a 3 lot minor subdivision at 191 Perry Road, Petersburg.

Mark Gibson, Professional Land Surveyor, and Frank F. Palmer, III, were sworn in.

Mr. Gibson testified the applicants are requesting a 3 lot minor subdivision. The parcel is currently 11.3 acres. The proposed lots conform to the standards in the zoning ordinance. Proposed Lot 9.03 is 1.08 acres. Proposed Lot 9.04 is 7.02 acres and proposed Lot 9.05 is 3.20 acres. They have received a Certificate of Filing from The Pinelands Commission dated November 28, 2005. The existing residence on Lot 9.05 will retain the conventional septic system. Proposed Lot 9.03 will require an alternative design wastewater system since the lot is less than 3 acres. There are no wetlands on the property. There is a discrepancy in the lot area on the previous subdivision plan and the

current plan. He believes the error was on the prior subdivision plan. The non-conforming front yard setback for proposed Lot 9.05 is a pre-existing condition. He believes the single-family dwelling is situated further back than the houses on the adjoining properties.

Mr. Palmer testified they do not propose to develop lot 9.04 at this time. His son resides at lot 9.02.

Mr. Dietrich stated the applicants must comply with the standard conditions for filing of the plat including the CAD drawing. The notes should be amended to indicate the proposed 20 ft. wide easement is for proposed Lot 9.05. The proposed lots meet the ordinance requirements. The property is located in the Pineland Village zone and requires a minimum lot area of at least one acre.

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

MR. BROWN – This is an application by Frank and Anna Palmer owners of Block 455, Lot 9.01. They are requesting a 3 lot minor subdivision at 191 Perry Road in Petersburg. There are no variances required. The applicant has received a Certificate of Filing from The Pinelands. The proposed lots meet all the zoning ordinance requirements. The seasonal high water varies from 6.1 to 6.3 and meets Pinelands requirements. There are no wetlands on the property. Errors on the prior survey have been corrected.

MR. SCHRODER – The township engineer has stated the proposed lots meet the ordinance requirements.

MR. RIORDAN – Testimony in support of the application has been given by Mark Gibson.

MR. McCROSSON – The plans prepared by Gibson Associates are dated October 6, 2005 are incorporated as fact.

MR. KELLY – The typo on the plan in reference to the easement will be corrected.

A motion was made by Mr. Schroder and seconded by Mr. Kelly, to grant the subdivision with the standard conditions and that language for the easement be submitted to Mr. Dietrich for his review and approval. Those in favor: Bready, Brown, Kelly, McCrosson, Riordan, Schroder, Thompson, Caldwell.

2. CLAYTON DEVELOPMENT ASSOCIATES, LLC – BLOCK 453.10, LOT 335:

Application is for a 2 lot minor subdivision at Peach Orchard Road and Laurel Ridge Road, Seaville.

Arthur T. Ford, III, Esquire, represented the applicants. He stated that the applicants are requesting a 2 lot minor subdivision. Both the proposed lots meet the zoning ordinance requirements for the Residential Zone.

Rami Nasar, Professional Engineer, was sworn in. He testified the applicant is proposing to create two lots that meet and exceed the bulk requirements. They are creating a large lake and the houses will actually sit inside of the lake. He believes this is a unique concept for this area. The lake will be private and the residents will have a beautiful view. They have reduced the size of the lake at the township engineer's request and are now providing more upland area. The lake will be approximately 12 to 13 acres.

Ralph Clayton, Cedar Hollow Court, Beesleys Point, was sworn in. He testified that the dirt from the digging of the lake would be removed from site.

Mr. Dietrich stated that a soil conservation permit is needed prior to beginning any work on site. Signs have been added to the plan for safety purposes. He suggested the board consider fencing around the property.

Mr. Clayton agreed to add a fence along a portion of the property. Mr. Nasar marked the plan to show the location of the fence. The marked plan was marked as Exhibit A-1.

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

MR. KELLY – Clayton Development Associates is the owner of Block 453.10, Lot 335. The plans are dated 11/1/05 and amended 12/1/05. The application is for a minor subdivision. The lot is located in the Residential zone. The lot is located on Peach Orchard Road and Laurel Ridge Road. Arthur T. Ford, III, Esquire, represented the applicants. There are no variances needed. Rami Nasar gave testimony in support of the application. The plans will be revised to show additional upland on lot 4.03. Ralph Clayton has agreed to add a fence. A soil conservation permit must be obtained before starting the project. There was no public comment.

MR. BREADY – This is a unique use of the land. The lot sizes are large.

MR. RIORDAN – The creation of the lake and maintaining open space is a positive for the area.

MR. SCHRODER – The proposed lots meet the ordinance standards.

MR. CALDWELL – He feels this is an ideal location and will be a beautiful subdivision.

A motion was made by Mr. McCrosson and seconded by Mr. Kelly, to grant the subdivision with the standard conditions and that the plans are revised and meet the satisfaction of the board engineer, the fencing is installed as shown on Exhibit A-1, and a permit is obtained from Soil Conservation District. Those in favor: Bready, Brown, Kelly, McCrosson, Riordan, Schroder, Thompson, Caldwell.

3. RICHNAN GROUP – BLOCK 453, LOTS 259.07 & 259.19 – SD11-05:

Application is for amended final major subdivision approval and request to develop the property in 2 phases, at Corson Tavern Road, Seaville.

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

Arthur T. Ford, III, Esquire, represented the applicants. He described the proposed phasing of the project to the board. Phase I will consist of 17 lots and Phase II will be 19 lots for a total of 36 lots. The infrastructure and temporary basin will be part of Phase I. They will return to the board for final approval of Phase II after Phase I is completed.

Richard A. Ifflander, General Partner, was sworn in.

Rami Nasar, PE, previously sworn, testified Phase I will consist of 9 lots on Clayton Drive and 8 lots on Cessna Court. He described the proposed drainage. A small basin will be provided to temporarily handle the runoff from Cessna Court. This basin will be filled in when Phase II is constructed.

Mr. Ford stated that the conditions in the previous approval would remain the same including the contribution to the recreation fund and fire fund. They are requesting to contribute \$47,500.00 to the recreation fund and \$9,500.00 to the fire fund at the issuance of the first Certificate of Occupancy for Phase I. The remainder will be paid when they receive the first Certificate of Occupancy for Phase II. They have included a modification of the lot line delineating Phase II from the portion that has been deed restricted to Fish & Wildlife.

Mr. Nasar testified there are only three lots behind the power line. The back area has been deed restricted per CAFRA approval.

Mr. Dietrich stated that the applicants have begun clearing the property.

The meeting was open to the public.

Mark Campbell, 5 Clayton Drive, Seaville, was sworn in. He is opposed to the subdivision. He would like the property to remain as it is.

Hearing no further comment the meeting returned to the board for finding of fact.

MR. McCROSSON – Richnan Group is the owner of the property and has standing to prosecute this matter. The subject property is Block 453, Lots 259.07 & 259.19. Arthur Ford, Esquire, represented the applicants. Rami Naser, Professional Engineer and Richard Ifflander, General Partner, have given testimony in favor of the application. The application is for modification of their prior approval. The total number of lots is 36. The prior approval was granted and the resolution (SD07-05) was adopted on August 18, 2005. The applicants are requesting to develop the subdivision in two phases. Phase I will consist 17 lots and Phase II will consist of 19 lots. The revised plan will delineate 17 lots plus one that will be conveyed to Fish & Wildlife. The remainder will be identified as Phase II. The applicant was to contribute \$100,00.00 to the recreation fund and \$20,000.00 to the fire fund. The applicants are proposing to make a contribution of

\$47,500.00 to the recreation fund and \$9,500.00 to the fire fund at the time of the first CO for Phase I. The remainder of \$52,500.00 for the recreation fund and \$10,500.00 for the fire fund will be paid at the time of the first CO for Phase II. The applicants are also proposing to construct a temporary drainage basin to service Cessna Court. The basin will be removed when Phase II is completed and the previously approved basin is constructed.

MR. KELLY – The property is located at Corson Tavern Road and Clayton Drive. The property is located in the Residential zone. Public comment was given by Mr. Campbell who is concerned about the community and additional burden to the township.

MR. CALDWELL – The applicant has spent many years obtaining their permits from other governmental agencies. They are now requesting to complete the project in two steps.

A motion was made by Mr. Brown and seconded by Mr. Bready, to grant the application as proposed including the phasing of the recreation and fire funds. Those in favor: Bready, Brown, Kelly, McCrosson, Riordan, Thompson, Caldwell.

RESOLUTIONS

1. MOONLIGHTING INVESTMENTS LLC – BLOCK 599, LOT 62 – PB02-05:

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

2. MARMORA STORAGE LLC AND MANCHESTER SELF-STORAGE LLC – BLOCK 599, LOT 37 – PB04-05:

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

BILLS

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

DISCUSSION

Solicitor Marcolongo and Mr. Dietrich recommend that Township Committee obtain the services of a professional such as Maser Consulting to organize a Council of Affordable Housing plan to bring the township into compliance with the state requirements. They feel this should be done immediately.

A motion was made by Mr. McCrosson and seconded by Mr. Brown, to adopt a resolution recommending the township proceed with this matter as soon as possible and to obtain the services of a qualified organization such as Maser Consulting to assist the

board. The motion also included that the township supply the funding to pursue this matter. Those in favor: Bready, Brown, Kelly, McCrosson, Riordan, Schroder, Thompson, Caldwell.

MR. McCROSSON – RECOGNITION OF SERVICE

Solicitor Marcolongo informed the board that this would be Mr. McCrosson's last planning board meeting. Mr. McCrosson has been an outstanding member of the board for several years. The board gave a round of applause to Mr. McCrosson for his service and dedication to the board.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Bready, seconded by Mr. Schroder, and approved. The meeting was adjourned at 8:30 p.m.

Submitted by,

Shelley Lea
Board Secretary