

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
APRIL 19, 2007**

The regular meeting of the Upper Township Planning Board was held at 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, Curtis Corson, Gary Riordan, James Schroder, Donald Kissling, Renee Scrocca.

Absent: Robert Caldwell, James Kelly, Duane Terwilliger, Mayor Palombo.

APPROVAL OF THE MINUTES FROM MARCH 15, 2007

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

APPLICATIONS

1. THOMAS TOWER / ACTION SUPPLY, INC. – BLOCK 549, LOT 110 – PB03-07

Application is for continuation of site plan approval for a soil mining operation at 1413 Stagecoach Road, Seaville.

Julius N. Korschak, Esquire, represented the applicant. He requested to table the application until May 17, 2007 to allow the applicant time to satisfy some of the neighbors concerns.

The matter will be scheduled on the May 17, 2006 meeting agenda. There will be no further notice required.

2. WILLIAM & CHERYL EISELE – BLOCK 476, LOTS 7 & 7.01 – SD09-07

Application is for final approval of a 7 lot major subdivision at 280 Old Tuckahoe Road, Petersburg.

Julius N. Korschak, Esquire, represented the applicants. He stated that the applicants have utilized the property as a Christmas tree farm for many years. The applicants have enrolled in the Farmland Preservation Program. The submitted final plat meets the ordinance requirements. He requested that the conditions contained in the preliminary approval for the recreation fund, fire fund and COAH also be a condition of final since the applicant does not anticipate filing the plat.

Mr. Dietrich requested that the plan be amended to add a notation for a possible future road widening easement. Mr. Korschak agreed with this condition.

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

MR. RIORDAN – William and Cheryle Eisele are the owners of 280 Old Tuckahoe Road also known as Block 476, Lots 7 & 7.01. The applicants are requesting final approval of a 7 lot major subdivision. Jules Korschak is representing the applicants. The final plat dated 3/9/07 meets the ordinance requirements.

MR. SCHRODER – The proposed subdivision meets the ordinance standards.

MR. BREADY – The applicant has utilized the land for many years as a tree farm. He sees no reason not to approve the application.

MRS. SCROCCA – Mr. Korschak agreed to include the previous conditions on the final approval. The applicant will come back to the board to discuss the recreation fund, fire fund and COAH obligations prior to filing the plat.

A motion was made by Mr. Schroder and seconded by Mr. Bready, to grant final major subdivision approval with the standard conditions. In favor: Bready, Brown, Corson, Riordan, Schroder, Kissling, Scrocca.

3. STODDARD & MARJORIE BIXBY AND ELIZABETH GUTERMUTH –
BLOCK 348, LOTS 88, 88.01 & 92 – SD10-07

Application is for final approval of a 22 lot major subdivision at 1479 Route 50 in Petersburg.

Stoddard Bixby, 1479 Route 50, Petersburg, and Stephen C. Martinelli, Licensed Professional Surveyor, were sworn in.

Mr. Martinelli stated that the final plat dated 4/6/07 meets the ordinance requirements. The applicants have entered into the Farmland Preservation Program. The applicant currently farms the property. He agrees to the same conditions as the preliminary approval.

Mr. Dietrich testified that the submitted plat meets the filing requirements for the township and that the plat remains unchanged since preliminary approval.

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

MR. BROWN – Stoddard and Marjorie Bixby and Elizabeth Gutermuth are the owners of Block 348, Lots 88, 88.01 & 92. The property consists of 32.094 acres. They are requesting final approval of a 22 lot major subdivision at 1479 Route 50 in Petersburg. The purpose of the subdivision is for farmland preservation.

MR. BREADY – The applicants should be commended for reserving their land.

MR. CORSON – There are no variances required.

MR. RIORDAN – The final plat meets the ordinance requirements. There was no public comment.

MRS. SCROCCA – The applicants agree the conditions of preliminary will carry over to final approval.

A motion was made by Mr. Corson and seconded by Mr. Bready, to grant final major subdivision approval with the standard conditions and the conditions of preliminary approval. In favor: Bready, Brown, Corson, Riordan, Schroder, Kissling, Scrocca.

4. WILLIAM J. McDANIELS – BLOCK 348, LOT 83.01 – SD08-07

Application is for preliminary approval of a proposed 5 lot major subdivision at 1611 Route 50 in Tuckahoe.

Mr. Bready did not participate in discussion and voting on this application.

William J. McDaniels, 291/2 Sunset Drive, Petersburg, and Joseph Maffei, Professional Planner, were sworn in.

James Pickering, Jr., Esquire, represented the applicant. He requested that the subdivision plan be marked as Exhibit A-1.

Mr. Maffei described the surrounding area. He testified that Route 50 is a combination of residential and commercial uses. The property is 5.2 acres. The plan includes the construction of a new road. They are proposing 2 commercial lots in the front and 3 residential lots in the rear. There are no variances needed. They propose to install curb and sidewalk to connect with the already existing curb and sidewalk on Deerfield Trail. They also propose to install street trees and a cul-de-sac. He described the proposed drainage. The existing house on the property will be demolished. The zone line goes down the center of one of the residential lots. The proposed structure would be located in the residential zone. The ordinance allows for the line to extend 20 ft. into the lot.

Mr. Pickering indicated that the applicant is willing to deed restrict the lot to require a 50 ft. side yard setback where 25 ft. is required. They are requesting that the board approve the application conditioned upon moving the zone line to the new lot line.

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

MR. SCHRODER – There are no variances required. The applicant has mentioned that they will meet the requirements set forth by the township engineer. This looks like a nice development. The zone line needs to be changed.

MR. BROWN – James Pickering, Esquire, is representing the applicant. There is currently an existing dwelling on the property that will be removed. The total acreage is 5.2 acres.

MR. RIORDAN – This is a 5 lot major subdivision. Two of the lots are in the CM zone and 3 lots are in the Residential zone. Approval of the application is contingent upon compliance with the engineer's letter dated 4/11/07. Another condition would be that the zone line is moved approximately 50 ft. so that it follows the property line. The plans are dated 3/8/07 and revised 4/9/07. The subdivision will require compliance with the recreation fund, fire capital improvement fund and COAH requirements.

MR. KISSLING – The commercial zone line will be moved.

MRS. SCROCCA – The 3 residential lots and 2 commercial lots are conforming and meet all the standards. The zone line can be easily corrected. She has no problem composing a condition for the zone line. Zoning lines are typically uneven to follow lot lines. There is a precedent for this in the neighborhood since the Migliaccio development had a similar issue. The entire residential structure would be within the R zone.

A motion was made by Mr. Brown and seconded by Mr. Schroder, to grant preliminary subdivision approval with the standard conditions and compliance with the engineer's letter. In favor: Brown, Corson, Riordan, Schroder, Kissling, Scrocca.

5. ORDINANCE REVISIONS TO CHAPTER 19 LAND SUBDIVISION AND SITE PLAN AND CHAPTER 20 ZONING AND ZONING DISTRICT CHANGES PURSUANT TO THE NOVEMBER 2006 MASTER PLAN REEXAMINATION AND UPDATE TO THE MASTER PLAN AND LAND USE ELEMENT

Mr. Dietrich stated that the board has adopted a reexamination to the Master Plan and updated Land Use Plan Element. As part of the land use plan element there was extensive discussion in regards to creating new zones and changing the bulk standards throughout the zones to conform with the goals and strategies of the plan endorsement petition.

The township committee then submitted to the state planning commission the plan endorsement petition. The state planning commission approved the towns plan endorsement petition on February 21, 2007. Subsequent to that Maser Consultants and himself worked on preparing ordinance revisions that further refined what was outlined in the Master Plan Reexamination. All documents can be found on line.

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The planning board adopted a Fair Share Housing Plan as part of the process. When it was presented to township committee there were residents in the township that had concerns and the township committee set up an ad hoc committee. This committee has been meeting two times a month since the beginning of the year to work out these issues. There are only two sites out of the previous housing plan that are incorporated in the zoning changes and the revisions that are being discussed this evening.

The revised ordinance last revised April 9, 2007 refers to an affordable housing group home on Dennisville/Petersburg Road to house persons with physical and mental disabilities and the other is a mobile home park on Tuckahoe Road in Marmora. These are the only two sites being affected by the proposed changes.

Schedules have been created for permitted uses and bulk standards for each zoning section. The ordinance has been updated to comply with the State Highway Access Management Code. Stormwater Management changes were made a year and a half ago based on the DEP regulations. Additional revisions have been made at the New Jersey Pineland Commissions request. The prohibited uses section has been updated to indicate that home occupations are not permitted in the R zone district and private residential pools are prohibited in the RR and RC zone.

Additional residential zones have been established. The commercial zones within the town center areas in Marmora and Seaville have been changed to TCC and TC zones. The new R zones have the same lot size requirements but the impervious coverage has changed. The TCC zones allows more dense coverage if you have a package treatment plant. Some residential zones will be changed to Conservation. An area off Tyler Road will be changed to from AR to C. A few other zone changes are proposed.

There was further discussion concerning the TC and TCC zones and Villages. The new plan limits retail stores to a maximum of 75,000 sq. ft. per store in a TCC zone. Further discussion is needed in regards to big box type stores such as Home Depot or Walmart.

The mobile home park district requires that 20 percent of the units have to be low to moderate income rental units. The standards for mobile homes such as buffers, setbacks, etc., are also included in this section.

Some changes are being made to the accessory building section in the event the lot is on a corner.

The meeting was open to the public.

Jules Korschak, 305 South Shore Road, Marmora, was sworn in. He has lived at this residence for 30 years. He believes the proposed ordinance restricts potential commercial development. He believes the TCC zone and the TC zone could be one zone. There is no particular reason to make the distinction since private development as it occurs will determine what will be built. He suggested that it all be town center core. He stated that

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only retail stores are limited under this ordinance. There are several uses currently permitted in the commercial zone that are not permitted in the new zones such as mini storage facilities and warehouses. He feels this is similar to downtown Haddonfield, New Jersey. He discussed local purpose taxes. He believes the proposed ordinance discourages a number of developers that he is already working with on proposed projects. It appears that garden centers and wholesale distribution centers and warehouses are not included as permitted uses in the TC or TCC.

Bob Millar, 10 Nadine Boulevard, was sworn in. His property backs up to Shore Acres Mobile Home Park. He objects to adding onto Shore Acres.

Fred Banner, 4 Oak Street, Marmora, was sworn in. He has been a resident for 17 years. He realizes the township needs some sort of affordable housing. He wants to know the impact mobile home parks will have on the township. He is concerned about property values.

Ed Price, 7 Marlin Court, Ocean City, was sworn in. He wants the plan to use the term low income family rental unit not just rental unit when referring to the mobile home park zone. There are many people in Shore Acres that do not want to be next to 20 percent low income family rental units. He believes that the amount of land behind and adjacent to Shore Acres that is available for development would make a highly dense area.

Audrey Eichenberger, 1621 South Shore Road, Palermo, was sworn in. She is a member of the Upper Township School Board. She is concerned with the additional children in the school system. She wants the board to be aware that the additional units will create the need for another school.

Charles Kona, 13 Mosquito Landing Road, Tuckahoe, was sworn in. He believes that people would use the same roads to get to a store in Upper Township that they would go to a store in another town. He agrees with the comments made by Mr. Korschak. He believes that a principal retail store of 80,000 sq. ft. is not listed as a permitted use in this zone and should require a use variance.

Ralph Clayton, 3 Cedar Hollow Court, Beesleys Point, was sworn in. He stated that people from all over would be coming to the township and creating additional traffic if a big box store were constructed. He does not want the township to be a hub for the rest of the county. He does not believe it makes sense to put a real intense development in the middle of the township since it would pull traffic from other areas. He is the contract purchaser of the Shawl property on Tuckahoe Road where a mobile home park will be constructed. He is the owner of several mobile home parks in various areas. Today's mobile home parks are much different than what was built in the 1960's. He submitted a placard with several photos showing the mobile park in Vineland that he owns.

John James Germanio, P.O. Box 575, Belleplain, was sworn in. He is the owner of property that is being converted to Conservation.

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Mr. Dietrich stated that Mr. Germanio's was granted a 24 lot subdivision last year. A portion of his property is proposed to be rezoned from AR to C. This will limit the number of lots that he can potentially develop. The reason for the change is that the DEP moved the planning area II line.

Auto sales along with garden centers were not included in the TC and TCC zones. The board took no formal action and the ordinance revisions will be discussed again at the May meeting.

BILLS

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

ADJOURNMENT

The meeting was adjourned at 10:55 p.m.

Submitted by,

Shelley Lea