

UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
JUNE 21, 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: William Brown, James Kelly, Curtis Corson, Gary Riordan, James Schroder, Donald Kissling, Mayor Palombo, Renee Scrocca.

Absent: Daniel Bready, Robert Caldwell.

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

**APPROVAL OF THE MAY 17, 2007 MEETING MINUTES**

A correction was made to page 9 of the minutes to show ethical not ethnical and page 4 to show a buffer of 200 ft. not 300 ft.

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

**SWEAR IN PAUL DIETRICH AS BOARD PROFESSIONAL**

**APPLICATIONS**

1. **KARL & JANET YUNGHANS – BLOCK 348, LOT 98.01- SD07-07**

Application is for final approval of a proposed 6 lot major subdivision at 1957 Tuckahoe Road, Petersburg.

Dorothy McCrosson, Esquire, represented the applicants. She stated that the applicants received preliminary major subdivision approval on March 15, 2007. The property is a working farm where they grow Christmas trees. The applicants are enrolled in the Farmland Preservation Program.

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Mr. Dietrich stated that no substantial changes have been made to the plan since preliminary approval was granted.

Solicitor Marcolongo stated that the conditions of preliminary approval will be included in the final approval that if the applicants proceed with the subdivision they will have to return to the board with revised storm water management plans and an environmental assessment. They also have to address their COAH obligation and the fire and recreation funds.

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

MR. BROWN – Karl & Jane Yunghans are requesting final approval of a 6 lot lot subdivision at 1957 Tuckahoe Road in Petersburg. The Block is 348 and the Lot is 98.01. The purpose of the subdivision is to sell the development rights to Farmland Preservation. Dorothy McCrosson, Esquire, is representing the applicants.

MR. KELLY – There are no variances. Farmland Preservation accepted their application on June 12, 2007. Mr. Dietrich has stated that the plan is in conformance with township requirements. Solicitor Marcolongo has stated that the conditions in resolution SD03-07 will continue to final approval.

MR. RIORDAN – The plans are dated March 5, 2007. There was no public comment.

2. SP MARMORA LIMITED LIABILITY COMPANY – BLOCK 651, LOTS 1,2,3,4,5,10,11,16 AND BLOCK 653.01, LOTS 1.01 & 5 – PB07-07

Application is for amended preliminary and final site plan approval and previous variances granted along with additional variances for the size of parking spaces and building mounted signs for the Marmora Shopping Center to be located on Tuckahoe Road and Stagecoach Road, Marmora.

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

Julius N. Korschak, Esquire, represented the applicants. He stated the board granted preliminary approval for this project on September 21, 2006. The revised plans show the additional property that has been obtained and some reconfiguration of the buildings on site. The applicant received several variances during preliminary approval. They are currently requesting 2 additional variances. One variance is to permit 10 ft. x 18 ft. parking spaces where 10 ft. x 20 ft. spaces are required. The previous plan included 521 parking spaces. The current plan includes 596 parking spaces. This exceeds the minimum number of spaces required. The previous approval included a variance for the bulk of the parking spaces to be 10 ft. x 18 ft. A retail building has been added where the Dilks' property is located on Stagecoach Road and the main building has been shortened.

Mr. Korschak further explained that the applicant is requesting additional signage for the new building. The proposal is for building mounted signs only. They would like the

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signs to be 2 ft. x 12 ft. where the ordinance only allows one 16 sq. ft. sign per tenant. The signs are internal and do not face the street.

Edmond Speitel, PE, was sworn in. He reviewed the changes to the plan. The Shop Rite is in the same location and so are the other stores. They have added a freestanding building and shortened the main building. They have increased the impervious surface by 3 percent. They have reconfigured the trees by extending the tree preservation area further down Stagecoach Road. The proposed storm water basins meet the new requirements. They propose a maximum of 13 rental spaces. The ordinance requires 576 parking spaces and they are providing 596 parking spaces. There will be an access on Roosevelt Blvd., two driveways on Tuckahoe Road and an entrance onto Pine Road. There will not be an access on Stagecoach Road.

Mr. Kelly asked about installing a fence down Stagecoach Road. Mr. Speitel stated that a 2 rail decorative fence would be appropriate in this area. A sidewalk has been added along the north side of Tuckahoe Road and on Pine Road. He stated that the County is requiring that they widen Tuckahoe Road and install curb along the side of the road where the project is proposed. All widening on Roosevelt Blvd will be on the applicants side of the street. The road will be widened from Stagecoach Road almost up to Route 9 on the project side of the road.

Mr. Speitel testified that the tree preservation area is the same size as before only the shape has been reconfigured. They are hoping to have CAFRA approval for the additional building by the end of the month. At that time they will record all the deed restrictions. They are also hoping to have their permits for the wastewater treatment plant and ground water discharge approved by that time. They are anxious to begin construction before fall.

Solicitor Marcolongo discussed the prior condition of approval that requires a lump sum payment of \$15,000.00 to the Fire Capital Improvement Fund and fifty-cent per square foot for building that is not sprinkled and the requirement that there are two fire hydrants on site.

Mr. Speitel testified that granting the variances would not have an impact on the zoning ordinance or public good since the impervious surface will be reduced by allowing the parking spaces to be 2 ft. smaller than required. He feels that the benefits outweigh the detriments since reducing the impervious surface is a benefit to the environment.

Mr. Spietel testified that he feels the benefits of granting the variances outweigh any detriments due to the reduction of impervious coverage. They will reduce the runoff by creating smaller parking spaces. Each of the tenants would be permitted one sign. The 24 sq. ft. signs would make them more visible and would only be seen from inside the shopping center. There are no signs proposed in the back of the store facing Stagecoach Road.

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Mr. Dietrich stated that they are proposing shoebox type lighting in the rear of the store along Stagecoach Road. He recommended 4 way stop signs be installed at the four way intersection of the main drive aisle and the four way intersection west of the fast food and pharmacy to slow traffic down. He also suggested painted crosswalks at the northwest side of the retail store adjacent to Shop Rite and on the easterly side of the Shop Rite to provide pedestrian safety. A crosswalk will also be added from the pharmacy to the retail space. He spoke to Dale Foster, Engineer, Cape May County Road Dept. and was informed that the county has not signed off on the final plans. The applicants have fully complied with the storm water management plan. A maintenance plan was submitted but a deed restriction needs to be filed.

Mr. Speitel testified that the increase of total square footage of retail space is 15,340 sq. ft. The applicant agrees to satisfy the COAH obligation in regards to the increase in square footage.

Enzo Pavese, Registered Architect, was sworn in. He testified that he has made some minor modifications to the bakery, fish and meat departments inside the supermarket. They have also made some changes to the colors of the building. They have developed 4 murals for the rear of the buildings. He submitted a photo of what the murals will look like. The photo was marked as Exhibit A-1. The mural will face Wayside Village and will be visible from the road.

The meeting was open to the public.

Jeffrey Barnes, 14 Stagecoach Road, Marmora, was sworn in.

Barbara Allen Woolley-Dillon, Licensed Professional Planner, was sworn in. Mrs. Dillon testified that she has visited the site, reviewed the proposed and previous files. She has also reviewed the traffic study prepared by Shropshire Associates prepared in 2004. There have been no amendments since that time. She stated that the application before the board consists of 107,000 sq. ft. The traffic study was done for a development of 86,000 sq. ft.

Mrs. Dillon discussed correspondence from Dale Foster, County Engineer, in regards to potential impacts to the intersections on the County roads as a result of this development. She spoke to Mr. Foster and he indicated that he was not aware of the additional square footage. She believes the additional 12,000 sq. ft. of retail space increases the traffic trips by 780 vehicle trips on a Saturday. She discussed other traffic concerns relating to the additional traffic being generated. She believes the board should request amended information relating to the traffic.

Mrs. Dillon testified that the reduced size of 550 parking spaces equals 12,000 sq. ft. the area the retail space is being increased. She reviewed the buffers that were approved. She believes that the 20 ft. long parking stalls are needed for the larger vehicles.

Mayor Palombo stated that the applicants have testified that they purchased additional property and that is why they have added the additional 12,000 sq. ft. of retail space.

Mrs. Dillon stated that the applicant only proposes 54.9 percent of maximum impervious coverage. If they provided conforming parking spaces they would be close to the impervious coverage allowed. She believes the applicant is trying to maximize the site and minimize the amenities being provided. She believes that if the retail space were reduced they would be able to comply with the parking space requirement. She referred to section 20-5.7 which states that internal landscaping shall be required. She stated that there are 30 spaces in front of Shop Rite without a landscaped island in the middle. There are another 30 spaces by the pharmacy that do not have landscaping. If landscaping were provided in these locations they would lose 3 parking spaces.

Mr. Korschak agreed to add the landscaped islands and reduce the number of parking spaces provided. The number of parking spaces still exceeds the number required. He stated that the building coverage proposed is 13 percent where 35 percent is permitted.

Mrs. Dillon stated that the type of uses being proposed increases the number of parking spaces required. She stated that the ordinance requires 11 loading spaces for a project this large. She believes that the proposed sign package is excessive.

Solicitor Marcolongo stated that the applicant was previously granted variances to allow 3 freestanding signs.

Mrs. Dillon estimates that on a peak day during a 24 hour period a 107,000 sq. ft. project would generate f vehicle trips on a peak day would generate 5,285.67 vehicle trips.

James McCollum, 20 Stagecoach Road, Marmora, was sworn in. There was discussion concerning why he received a meeting of the notice before but he did not receive a notice for this meeting. He asked what was going to be done with the northwest corner of the property and the effect to his house. He asked that shrubs and tall trees be planted. He had questions about the lighting.

Joseph Belluci, 18 Stagecoach Road, was sworn in. He stated that this is a bad intersection and the curve makes it even worse. He doesn't want the township to sacrifice the safety of the residents for commercial ratables.

Mr. Barnes stated that he is for development. He feels the development makes sense to the community to a certain degree. He believes that it is offensive that the board is not considering the traffic impact on the surrounding area and the township. He feels the board has the ability to modify the density on site. The board failed to take into consideration that the former Shell Station and South Shore Ford will add to the traffic again someday. He feels that utilizing a traffic study from 2004 is offensive. He feels the project needs to be condensed due to the traffic and the detriment that it will have on the township.

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The meeting was closed to the public and returned to the board for findings of fact.

MR. KELLY – This is a revised application for a previously approved matter. The previous resolution was adopted on September 21, 2006. The applicant is requesting final site plan approval. Jules Konschak represented the applicants. Variances were granted previously. They are currently requesting variances for the size of the parking spaces and sign variance to allow 2 x 12 where 16 sq. ft. signs are permitted. Mr. Speitel gave testimony for the applicant. The applicants have agreed to add four 4 way stop signs in the main drive aisle and painted crosswalks in three locations. There was public comment from Jeffrey Barnes, who was accompanied by Barbara Allen Woolley-Dillon, LPP. She has concerns about the traffic study performed in 2004. Jim McCollum is concerned about the northwest corner, landscaping, lighting and traffic. Joseph Belluci has concerns in regards to the traffic and center turn lane.

MR. RIORDAN – Mrs. Dillon recommended that 30% of the parking spaces immediately in front of the retail stores should be 10' x 20'. Testimony was provided by Edmond Speitel, PE and Enzo Pavese, Architect.

MR. SCHRODER – He believes the variances requested are minor in nature. The board previously granted the variance for the size of the parking spaces. The signs being proposed are mostly internal and won't be seen from the street.

MR. KISSLING – The applicant has agreed to install landscaped islands as required in the ordinance.

MR. CORSON – The board has not approved any sign variances for the pharmacy or the fast food facility. If the signs do not meet the zoning requirements they will return for variances. Since the applicants appeared previously the township has vacated a portion of Pine Place.

MR. PALOMBO – There was testimony that the project would meet NJDEP standards for ground water discharge. There is an additional 3% of impervious coverage. The applicants propose 11 retail spaces, however some of the retailers may use more than one space. Fencing will be added along Stagecoach Road. Any lighting behind the pharmacy will be box lighting so that the glare does not leave the site. The residents have raised concerns about traffic. The County has jurisdiction over the traffic and they have suggested that the residents attend a county meeting.

MRS. SCROCCA – She understands the concerns of the residents in regards to traffic since she also lives on a busy road. She stated that the board has no jurisdiction in regards to off site traffic. She does not accept Mrs. Dillon's qualifications as an expert in regards to traffic. The board hired its own traffic engineer to review the traffic study prepared for the applicant. She believes that the applicant has struck a nice balance since they are under in regards to building coverage and impervious coverage. She believes the two variances can be granted without impairing the intent and purpose of the zoning ordinance and that the benefits outweigh the detriments. She feels the benefits of granting the sign variance outweigh the detriments in regards to safety. The number of parking spaces will be in excess of the number required.

A motion was made by Mr. Kelly and seconded by Mr. Corson to approve the application with the condition that the new retail stores will be permitted to have up to 13, 2' x 12'

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signs; 4 way stop signs at the appropriate locations, 3 painted crosswalks; the understanding that the board has not approved the signage for the fast food establishment and pharmacy; all traffic issues will have to be resolved with the County of Cape May, deed restriction; easement in favor of the township to ensure that the storm water management maintenance plan is enforced; the project will be COAH compliant; the reconfiguration of the parking area to add landscape islands; deed of consolidation; the licensing agreement with the electric company; all signage shall be in accordance with the plan as to size and location; the conditions contained in the preliminary site plan approval including the lump sum contribution to the Fire Capital Improvement Fund, the payment for unsprinkled square footage and 2 fire hydrants, the split rail fence will be added along Stagecoach Road, any lighting in the rear of the retail buildings will be shoebox design to minimize glare, the mural will be added to the building; and the standard conditions. In favor: Kelly, Corson, Riordan, Schroder, Kissling, Palombo, Scrocca.

**RESOLUTIONS**

DETHOMASIS & LEVARI, INC. – BLOCK 599, LOT 45 – PB06-07

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

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

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. Corson, seconded by Mr. Schroder, and approved.

Submitted by,

Shelley Lea