

UPPER TOWNSHIP PLANNING BOARD
SPECIAL MEETING
MAY 31, 2007

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

The purpose of the meeting is to discuss the 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 Plan Element.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

Absent: Robert Caldwell

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

CONTINUATION OF THE PUBLIC PORTION OF THE MEETING

Michael Wolicki, 226 Church Road, Marmora, was sworn in. He is concerned about the effect on emergency management such as fire and rescue. He asked if research has been done to determine the impact that the large 55 and over housing would have on the community. He is concerned that the safety and health of the residents may be in jeopardy.

Mayor Palombo responded that the rescue squad is manned 24 hours a day. If by chance the employees are busy on a call there are volunteers. Each of the fire stations has a first responder unit that can also act in a back up situation.

John Frame, Shore Acres, was sworn in, he commented on Ocean City giving money to Salem to build low-income housing.

Mayor Palombo stated that the township is putting together a plan that would have the least amount of impact on the township and the school system and that will not raise the taxes. Mrs. Scrocca stated that even if the township could afford to sell the credits the

state requires that some housing be in the township. She asked that everyone help by giving the board ideas to create a good plan.

Kurt Kuemmerle, 46 Rivendell Road, Marmora, was sworn in. He feels that it is important for the residents to understand the potential impacts on school taxes as they relate specifically to mobile home parks and their tax base. He asked if a fiscal impact study on school taxes has been accomplished.

Mr. Dietrich stated that 80 percent of the units would be age-restricted and would not impact the school system. The remaining 20% must have a mixture of 1, 2 or 3 bedrooms. This helps to regulate the number of residents in a home. He discussed how the units would be policed.

Eugene W. MacAdams, Shore Acres, was sworn in. He commented on the number of people that could stay in a house.

David Loder, Shore Acres, was sworn in. He asked what is being addressed as part of this meeting. He asked if sidewalks would be included in Shore Acres.

Mr. Dietrich answered that new mobile home parks would have sidewalks because of their density. Existing facilities will not be required to add sidewalks.

Robert Smith, III, 18 Rivendell Road, Marmora, was sworn in. He feels that the township needs ratables and doesn't believe that stores should be limited in size. He stated that the proposed mobile home park would be assessed for the ground only and not the structures. The township will have to pay to send the children to school that live in the low-income housing. He did an analysis of the amount of money that the township would pay.

Robert Breunig, 20 Tyler Road, Greenfield, was sworn in. He agrees with Mr. Smith. He feels the size of the commercial buildings should not be limited since the township needs them to offset some of the tax liability. He feels that allowing only 75 sq. ft. commercial buildings would eliminate a lot of possible candidates from coming to the township. He feels the township should work with the commercial businesses to offset any type of future tax increases due to the additional kids in the school system.

Mrs. Scrocca stated that she has changed her mind after listening to the testimony at last months meeting. She is no longer in favor of limiting the size of commercial stores. She agrees the township needs the ratables.

Gilbert Gilbertson, 1621 South Shore Road, Palermo, was sworn in. He lives here in the summer and Florida in the winter. In Florida the land where the mobile home parks are located has become so valuable that they are rezoning the parks so they can be redeveloped as high cost condominium units. The result is that the people that having

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been living in these parks for many years find themselves evicted. He wants the board to protect the residents of Shore Acres from such a thing happening here. He believes the size of the commercial buildings should not be limited. There are not many opportunities for young people in this community.

Andrea Powell, 316 Church Road, Marmora, was sworn in. She stated that her property abuts the Shaw property. She is concerned about the maintenance of the proposed mobile home district.

Mr. Dietrich reviewed the proposed standards for the new mobile home park zone including buffers and setbacks. The township has more control over mobile home parks since the owner of the park needs a license from the township to operate. It is not like the normal process where a violation notice is sent to an individual property owner.

David Guntner, Ocean Avenue, was sworn in. He asked if the zoning could be changed to allow seasonal campgrounds to include modular units in their parks.

Mr. Brown stated that the State of New Jersey regulates seasonal campgrounds. Seasonal campgrounds are only permitted to be open a certain time during the year.

Stephen Martinelli, 1923 Tuckahoe Road, Petersburg, was sworn in. He believes that allowing units in the campgrounds is worth looking into since they already exist. He doesn't feel stores should be limited in size since we need the commercial ratables.

Francine Shimp, 430 Shore Road, Marmora, was sworn in. She asked if a traffic impact study should be done prior to changing the zoning to allow a mobile home park.

Mr. Dietrich stated that a traffic study will be done when the project is designed and brought before the board. Traffic studies are not usually done at this point. Since it is proposed on a state highway you know that the highway can support this type of infrastructure as long as it has the appropriate access to the highway. A traffic study is performed once the facility is designed and the ultimate number of units are determined.

A resident of Shore Acres, was sworn in. She has contacted the county and they informed her there are no shelters for emergency evacuation. Mayor Palombo stated that this is incorrect. The schools have full generators that could keep the facility open and a generator is being added to the community center. The emergency management coordinator is currently looking for names of individuals that do not have vehicles. A list will be made and these people will automatically be picked up. Township Hall has a gas supply and generator that would operate the facility in the event of an emergency. She also had questions about public transportation.

Edward Price, 7 Marlin Court, Ocean City, was sworn in. His Mother lives in Shore Acres. He reviewed a map showing the location of Shore Acres, the Shaw property and the location of the township committee and the board members homes. He stated that the

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low-income housing is only being proposed in one area of the township. He asked how the board advertised to perspective developers that they are looking for people to develop low-income rental units. He believes the township is picking on the elderly people that live in Shore Acres.

Mrs. Scrocca stated there are wetland issues, Pinelands, CAFRA and other things that must be complied with when determining where the housing will be located.

Mayor Palombo stated that he lives in Beesleys Point and has spent hours trying to keep the BL England Facility operating. He stated that the Shaw's made the township aware that they were interested in selling their property.

Janice McElhenny, 12 Nadine Blvd, was sworn in. She asked if the DEP has looked at any of the proposed locations to determine if there are endangered species. She walked the area behind Shore Acres and found 25 different types of birds. The birds that she saw are on the DEP website as threatened, decreasing and having regional priority. This area is a perfect ego tone needed for the diversity of wildlife. There is a forest of mature trees, an abundance of cedar, bayberry and autumn olive trees, along with other vegetation. There is also a fresh water pond. She feels this area is invaluable to our wildlife population and therefore serious thought should be given before destroying this natural habitat to change the zoning to permit 7 houses per acre.

Betty Levering, 300 Church Road, Marmora, was sworn in. Her property abuts the Shaw property. She teaches special education in Somers Point. Approximately 95 percent of the kids she teaches come from low-income housing. She stated that townhouse developments would look much better than a mobile home park. She attempted to subdivide her property 3 years ago but couldn't since there are wetlands. She doesn't understand how they can be allowed to develop the property since it also has wetlands. She believes the township is selling out so that one person can make a lot of money.

John Fogarty, 314 Church Road, Marmora, was sworn in. He asked if the wetland regulations could be changed so the property owners on Church Road could better utilize their properties.

Mr. Dietrich explained that the NJDEP regulates the wetlands and the wetland buffers.

Roberta Townsend, Chestnut Avenue, Marmora, was sworn in. She asked why the larger box stores couldn't be located toward Woodbine since there is so much vacant land. She doesn't believe the commercial area should be concentrated in one place. She resents that the township is allowing a mobile home park in her back yard.

David Hadtke, 9 Nadine Blvd, was sworn in. He is concerned about the density and the quality of living if Shore Acres is expanded. He disagrees with Mr. Dietrich's comment that Osprey Point did not make an impact on Route 9. He is concerned about his well.

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Rick Travers, Nadine Blvd, Palermo, was sworn in. He doesn't believe the infrastructure in the township can support the extra properties. He thinks that row houses should be built on the Shaw property not trailers. He doesn't believe that trailers are suitable to satisfy the burden. He feels that the only improvements in a mobile park are the roads. The developer is paying next to no taxes.

Anthony Zedonek, 1 Lindsay Lane, Petersburg, was sworn in. He referred to a friend that works for a development like the one being proposed. He stated that the township utilizes the State Police and at night there is as little as two police cars covering three different townships.

Daniel Powell, 316 Church Road, was sworn in. He suggested an environmentally sound community that utilizes alternative energy sources. He suggested bike paths and making more of a village type atmosphere.

Ed Carlin, Shore Acres, was sworn in. He is concerned about septic systems.

Mr. Dietrich stated that a project this size would have its own treatment plant.

Matthew Redmond, 12 E. Sunrise Road, Petersburg, was sworn in. He asked if the township was still considering a land exchange.

Deborah Tucker, 16 Nadine Blvd, was sworn. She asked if the township considered putting a COAH fee in place.

Mrs. Scrocca stated that an ordinance has been passed for future construction that any developer has to account for affordable housing.

Carol Knestaut, Shore Acres, was sworn in. She asked about the age restriction at Shore Acres.

Donna Wilezol, 6 Jason Drive, was sworn in. She stated that Osprey Point and Victorian Way do not have affordable housing. She suggested that everyone pay a one time tax to pay other towns to take some of the burden.

Mrs. Scrocca stated that the township didn't have a plan when they were developed.

Linda Jones, 21 Oak Street, was sworn in. She is scared that she will be taxed out of her home.

Michael Grawl, 3 Greenbrier Road, was sworn in. He asked if the campgrounds in the township could be used to help satisfy the COAH obligations. He asked about row homes and townhouses. He asked about the water quality and the aquifer.

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John Frame, Shore Acres, was previously sworn. He stated that Shore Acres is the only place that some of the residents can afford since they are on social security. He feels that people are making fun of them.

The public portion of the meeting was closed.

Mr. Dietrich reviewed Chapters 19 and 20 of the proposed ordinance changes. There was discussion concerning the definition for home occupation. Solicitor Marcolongo will write a letter to Township Committee to attach to the resolution asking that the township solicitor consider changes to the definition of home occupation.

The proposed ordinance includes the new and old zoning districts, their abbreviations and the regulations for each of the zones. The standards for each zone are shown on a separate chart.

Section 20-4.7 was amended to eliminate 1 through 6 of paragraph e. Section 20-4.10 Mining, adds the recycling of concrete and asphalt as permitted accessory uses.

Section 20-4.17 "MH" Mobile Home Districts, is a new district in the zoning ordinance. This section includes the design standards for this zone.

Section 20-4.18 "AHGR" Affordable Housing Group Home District, is also a new district in the zoning ordinance. This section includes the design standards for this zone. There was discussion concerning whether or not signage should be permitted. It was decided that a 20 sq. ft. building mounted or freestanding sign should be permitted.

Section 20-5.1d Accessory Buildings. This section addresses where accessory uses are permitted on lots with 2 front yards.

Section 20-5.3 Fences. This zone was amended to include the newly created zones.

Section 20-5.5 Lighting and Fire Safety. The proposed revisions to this section were deleted.

Section 20-5.6 Nonconforming Uses, Structures and Lots. This section allows property owners to demolish their existing dwellings and build a new dwelling on a lot that is undersized as long as it meets the setbacks.

Section 20-5.8a Buffers. Amend the buffer requirements between different uses and provide requirements for buffers between residential properties.

Section 20-5.10 Signs. This section now provides standards for electronic signs.

Section 20-5.16 Street Openings. This section discusses the highway access code and the requirements for driveways to ensure adequate site distances.

Section 20-6.2 Conservation Residential Cluster Development. This provides clustering of homes in the conservation zones or certain pinelands zones. The purpose is to protect the environment by clustering the properties and provides for less infrastructure and drainage for the township to maintain.

Section 20-6.4g.2 Conditional Uses. Further clarifies this section to make it conform more to the current law.

Section 20-6.4k Adult Retirement Community. This section establishes the standards for facilities such as Osprey Point. A requirement is included that 20% must be set aside for affordable housing. The design standards are also included.

Section 20-6.4.1 Assisted Living Residence. This is an addition to the Conditional Uses, section 20-6.4. This creates the design standards for assisted living facilities. There is a minimum requirement for low to moderate income development.

Section 20-6.8 Density Transfer Program. This is similar to a "TDR" transfer development right program. This would allow certain development within the TC and TCC districts as a mixed-use development. This is for the purpose of protecting the environment.

Section 20-6.9 Building Setbacks along State Highway. This is to avoid structures where the state may widen the highway in the future.

Schedule B. Garden centers were added as a permitted use in all the commercial zones. Distribution centers, warehouses and auto sales were put back in as permitted uses in the TC and TCC zones. The purpose of deleting as permitted uses was to encourage more pedestrian friendly development. Garages were added as a permitted accessory use in the commercial zones.

Schedule C. Mr. Dietrich stated the building coverage and impervious lot coverage in the TC and TCC zones were different partially because of the wastewater management plan. The intent of allowing greater impervious coverage in the town center core was to create a denser development through the use of package treatment plants. There may be some setback requirements within the TC and TCC that will have to be revised.

Mr. Dietrich stated that some language may need to be added to the nonconforming use section due to the zone changes. Revisions will need to be made to the existing grandfather lot clauses to accommodate the zone changes. Existing lots as of the date of the new ordinance will be considered conforming and should be grandfathered with a certain set of criteria. A recommendation should be made that township committee make the necessary changes.

The board was asked for their findings of fact.

MR. KELLY – Public comment has been made by approximately 30 residents. Mr. Dietrich has provided comments in regards to various changes. The changes pose no detriment to public welfare. The definition of home occupation will be further clarified. Each of the newly created zones has been discussed. The map will be revised to show the CM2 zone. He reviewed the changes that were discussed. There was discussion concerning the expansion of mining operations. Group homes will be permitted to have a 20 sq. ft. sign. The lighting requirements will be deleted since there will not be a limit on the size of big box stores. Table B will be amended to include garden centers and add distribution centers, auto sales, auto services, car wash, used auto sales and garages as an accessory use. The building coverage and lot coverage on Schedule C should be the same. The language in the grandfather clause will be amended. All uses will be permitted to have a drive thru.

MR. RIORDAN – There was numerous public comments. There were concerns as to how the land use changes would affect our emergency services and fire safety. Other concerns included additional children in the school systems and the need for additional commercial ratables. Suggestions from the public included rezoning the existing campgrounds to allow for affordable housing units, developing vacant land in the Woodbine area and building townhouses or row homes as opposed to mobile home parks. There was a recommendation for a one time only tax to pay for affordable housing elsewhere.

MR. CORSON – He concurs.

MR. BREADY – He concurs.

MR. SCHRODER – He believes the proposed changes will enhance the evolution of the township.

MR. KISSLING – He concurs.

MR. PALOMBO – Environmental studies need to be performed in respect to endangered species. There were comments made with respect to identifying areas for affordable housing.

MRS. SCROCCA – She believes the newly created design standards are excellent. The township is being brought up to date on the technical requirements. The highway access, stormwater requirements and definition section is excellent and will help the board as we continue to put together an affordable housing plan to meet the state mandated requirements. The technical design standards for the mobile home zone sets the frame work in which the health, safety and welfare of the residents can be met.

A motion was made by Mr. Kelly and seconded by Mr. Schroder, to approve the revised land use changes, revised May 3, 2007 with the amendments made on the record. In favor: Bready, Kelly, Corson, Riordan, Schroder, Kissling, Palombo, Scrocca.

A motion was made by Mr. Corson and seconded by Mr. Riordan, to adopt the resolution adopting the land use changes revised May 3, 2007 with the modifications that were made on the record. In favor: Bready, Kelly, Corson, Riordan, Schroder, Kissling, Palombo, Scrocca.

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ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Corson, seconded by Mr. Schroder, and approved. The meeting was adjourned at 11:15 p.m.

Submitted by,

Shelley Lea