

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
JUNE 19, 2008**

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, James Kelly, Gary Riordan, Donald Kissling, Susan Ragan, Mayor Richard Palombo, Chair Renee Scrocca.

Absent: Curtis Corson, James Schroder.

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

APPROVAL OF THE MAY 15, 2008 MEETING MINUTES

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

SWEARN IN BOARD PROFESSIONAL – PAUL DIETRICH

APPLICATIONS

1. **RUTH MANAGEMENT LLC – BLOCK 560, LOT 1.01 – PB09-08**

Application is for site plan waiver and variances for the number of signs and sign area and setback at Cedar Square Shopping Center, Route 9, Seaville.

John Grossman, Esquire, represented the applicants. He submitted correspondence from the New Jersey Turnpike Authority, dated June 18, 2008, stating that they have no comments or objections to the application. The letter was marked as Exhibit A-1.

Stephen Filippone, Principal of Engineering Design Associates, was sworn in. He believes the application qualifies as a waiver since the only disturbance to the site would

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be the signpost. The proposed 117 sq. ft. pylon sign would be located under the existing sign which is located slightly to the north of the entrance on Route 9. The sign cannot be attached to the existing sign due to the wind load.

The existing sign is located 27.4 ft. from the Route 9 right of way. A variance is needed since they do not meet the setback requirement. He believes the identification sign is beneficial to the tenants and the public.

Mr. Grossman stated that the applicants previously received approval to place directional signs on the property to assist people once they get into the center. He agreed there are 3 existing signs where only 1 is permitted.

Mr. Dietrich testified the area of the existing shopping center sign and the McDonald sign is 361 sq. ft. There would be 478 sq. ft. of signage with the proposed sign. This does not include the Newfield Bank sign. The ordinance allows 100 sq. ft.

Mr. Filippone stated there are 17 stores in the complex. The proposed sign will hold 9 store names.

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

MR. KELLY – the applicant Ruth Management LLC is the owner of Block 560, Lot 1.01. The plans are dated 5/7/08. The application is for site plan waiver and variances for a 117 sq. ft. sign. John Grossman represented the applicants. The ordinance allows only 1 freestanding sign are there are currently 4 on the property. The existing sign is setback 28 ft. from the road. A 3 page letter from the NJ Turnpike Authority was marked as Exhibit A-1. Stephen Filippone testified on behalf of the applicant. There was no public comment.

MR. RIORDAN – the proposed sign would be located within the same envelope as the existing sign. The proposed sign would blend in with the existing sign and would advertise the location of 9 tenants. He feels the positive contributes outweigh any detriments.

MR. KISSLING – The applicants are asking for variances to increase the signage on site. This goes against the zoning ordinance. If the variance is approved it would make an existing condition worse.

MAYOR PALOMBO – A middle post is needed so the sign can handle adverse wind conditions. The clearance will be 10 ft. so that it does not obstruct traffic entering and leaving the site.

MRS. SCROCCA – The applicant has already exceeded the permitted square footage by 4 times. This would make it 5 times the permitted square footage. Everyone in Cedar Square will not be listed on the sign. She feels the small size of the sign creates visual overload, which she believes will be dangerous. She does not believe the benefits outweigh the detriments. She does not believe the variances can be granted without impairing the intent and purpose of the zoning ordinance.

Mr. Grossman requested to table the application to allow him time to revisit the issue with his client and possibly come up with something that would be more agreeable to the Board.

Chair Scrocca announced the application would be continued at the July 17, 2008 meeting.

2. HANSON AGGREGATES BMC INC – BLOCK 414, LOT 44 – PB03-08

Application is for site plan approval for the purpose of renewing their mining license at Julies Pit, Dennisville-Petersburg Road, Petersburg.

Robert Bucknam, Esquire, represented the applicant.

Lance Landgraf Jr., Licensed Professional Planner, David Hergert of Alloway, NJ and Bob Gaskill of Vineland, NJ, were sworn.

Mr. Bucknam submitted an aerial photo plan that was marked as Exhibit A-1. He stated that the applicant is continuing the resource extraction use approved by the Board in 2004.

Mr. Landgraf reviewed Exhibit A-1, dated May 28, 2008. The plan shows the parameters of the mining facility and the ponds. He testified that the site is 227 acres located in the Mining (M) Zoning District. They are proposing to mine 114 acres within the permitted areas. There are 8 different permitted areas. The site has been mined for over 60 years. Once the mining is completed at Upper Township Sand and Gravel across the street the plant will be disassembled and a majority moved to this site.

Mr. Landgraf testified that some of the proposed improvements to the site include a scale facility, covered fuel area, 550 sq. ft. of office space and 30 ft. x 50 ft. shop.

Mr. Landgraf testified that the mining areas have not changed even though the previous permit was 65 acres and they are now proposing 114 acres. The previous permit did not include the pond area. Hanson goes back and dredges and mines the areas again where the previous owners did not. The ponds are very shallow and the applicant proposes to go down to 65 ft. below existing grade.

Mr. Landgraf described the reclamation plan and re-vegetation. Some reclamation has been done outside areas B1 and B2. Once mining is complete in these areas the slopes will be stabilized with topsoil, grasses and cluster plantings.

Mr. Dietrich agrees that the applicant has been operating in compliance with their approval over the past 5 years, however the project has seen an increase in truck traffic and activity since the other site has slowed down. He asked that the applicant be more active in regards to sweeping the road. He requested that 100 ft. of fencing be installed at

the southeast corner of B1 to prevent ATV access. Any new structure requiring a building permit would have to comply with the COAH obligation. He asked that the grade is sloped near the fence before locating the diesel tank and gasoline tank because of the endangered dog fennel plants. He wants to inspect the slope prior to positioning the tanks.

The meeting was open to the public.

Christine Gabor, 1123 Route 610, Petersburg, was sworn in. Her driveway is directly across the street from the entrance to the pit. She wanted to clarify the hours of operation for Julies Pit and UT Sand & Gravel. There have been issues with noise in the evening not from Julies Pit but the other pit. She is concerned about the additional mining since it will be closer to her home.

Mr. Gaskill testified that the pit is operating consistent with the hours in the ordinance. The trucks don't begin loading before 6 a.m. The plant operations go on 24 hours.

Hearing no further comment the meeting was closed to the public and returned to the Board for findings of fact.

MR. BROWN – Hanson Aggregate is requesting approval to continue the existing resource extraction operation at Block 414, Lot 44. They have been operating since the last approval in 2004. The operation has increased from 65 acres to 114 acres. Robert Bucknam, Esquire, represented the applicant. A Certificate of Filing from the Pinelands Commission was presented.

MR. KELLY – The property is located on Dennisville-Petersburg Road. The total property is 227 acres located in the Mining Zone. Christine Gabor, property owner within 200 ft. asked questions about the hours of operation. An aerial photo of the property was marked as Exhibit A-1 dated 5/28/08.

MR. RIORDAN – Lance Landgraf, David Hergert and Bob Gaskill provided testimony in support of the application. Mr. Dietrich stated that the operation has conformed to Township regulations over the past 5 years. The applicant agrees to install 100 ft. of fencing on the southeast corner of the property and re-grade the area where the fuel tanks will be located.

MR. KISSLING – The applicants agreed to sweep the road on a daily basis.

MAYOR PALOMBO – The applicant has fulfilled their requirements from the Pinelands Commission in regards to endangered species. The applicant will contact Mr. Dietrich after grading the area where the fuel tanks will be positioned.

A motion was made by Mr. Kelly and seconded by Mr. Bready, to grant site plan approval from November 30, 2007 for a 5-year period. In favor: Bready, Brown, Kelly, Riordan, Kissling, Ragan, Palombo, Scrocca.

3. DRAFT ORDINANCE ADDRESSING SMALL WIND ENERGY SYSTEMS

Mr. Dietrich provided the Board with a draft ordinance in regards to small wind energy systems that includes the bulk requirements and definitions.

Mayor Palombo stated that the Township Committee is in favor of this type of energy since it will ultimately be needed in the future. They believe if addressed properly with the Planning Board's input it could be done aesthetically. He would like the new ordinance to include that multiple properties could share the system since many lots are not large enough to meet the standards.

The Board discussed lot sizes and aesthetics. Mr. Dietrich stated that the payback for this type of energy is 5 to 6 years. He added that small wind energy systems generate less noise than a window air conditioner. He believes it will meet the State standard for noise.

The draft ordinance will be revised and reviewed at a later date.

4. REVIEW OF UPPER TOWNSHIP ORDINANCE NO. 006-2008 –
ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER
XIX AND CHAPTER XX OF THE CODE OF UPPER TOWNSHIP

Mr. Dietrich stated that the revisions have no impact on the Master Plan or zoning ordinance. The proposed changes are in regards to permit fees, performance bonds for site plans, application fees for rezoning requests and zoning permits. The new ordinance also requires that Certified List can be no older than 6 months.

A motion to adopt the resolution was made by Mr. Kelly, seconded by Mr. Kissling, and approved.

RESOLUTIONS

1. REVIEW OF UPPER TOWNSHIP ORDINANCE NO. 006-2008 –
ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER
XIX AND CHAPTER XX OF THE CODE OF UPPER TOWNSHIP

A motion to adopt the resolution was made by Mr. Kelly, seconded by Mr. Brown, and approved.

2. JERSEY SHORE PARTY RENTALS LLC – BLOCK 348, LOTS 90 & 91 –
PB08-08

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

3. CRAIG SCHULTHEIS – BLOCK 453, LOT 177.03 – SD04-08

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

BILLS

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Kelly, seconded by Mr. Riordan, and approved. The meeting was adjourned at 8:45 p.m.

Submitted by,

Shelley Lea