

**UPPER TOWNSHIP PLANNING BOARD
MINUTES OF THE MEETING
MARCH 20, 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

OPEN PUBLIC MEETING ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Daniel Bready, William Brown, James Kelly, Gary Riordan, James Schroder, Donald Kissling, Susan Ragan, Mayor Palombo, Chair Renee Scrocca.

Absent: Curtis Corson and Duane Terwilliger.

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

APPROVAL OF THE MINUTES FROM FEBRUARY 12, 2008 AND FEBRUARY 21, 2008

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

SWEAR IN BOARD PROFESSIONALS

TABLED APPLICATIONS

1. JONATHAN GROUP, LLC – BLOCK 415, LOT 4 – PB01-08

Chairperson Scrocca announced this application has been tabled until the April 17, 2008 meeting. The applicant agreed to waive the time in which the board has to act on the application. No further notice will be given.

APPLICATIONS

1. D'ABUNDO AND McCREESH – BLOCK 650, LOTS 1, 27.01 & 27.02 – SD02-08

Application is for preliminary approval of a proposed 5 lot major subdivision at 220 Tuckahoe Road, Marmora.

Noel McCreesh, 905 Stagecoach Road, Palermo and Vincent Orlando, Professional Engineer, were sworn in.

Mr. McCreesh testified that they are requesting a 5 lot subdivision and that they have obtained Mr. Orlando of Engineering Design Associates to prepare the subdivision plans.

Vincent Orlando, Professional Engineer, referred to sheet containing both pages 2 and 4 that was marked as Exhibit A-1. He testified that the subject property consists of 18 acres. The subdivision would have access off of Tuckahoe Road. The State has approved the wetlands and wetland buffers. The applicants propose to create a lake approximately 2 acres in size. He described the drainage and how it will discharge into the lake. A new road will be constructed with a cul-de-sac. The 5 proposed lots meet or exceed the ordinance requirements. There are not any variances needed. He feels they do not require a variance for tree preservation since there are not any existing trees on the property.

Mr. Dietrich agreed that the intent of the tree preservation ordinance is to preserve existing vegetation and that the applicant does not require variance relief. He suggested that the applicant add landscaping along the adjacent property line to meet the 10 ft. buffer requirement.

Mr. Orlando testified that there would not be any material exported off the site. They propose a decorative fence along the perimeter of the property. He believes the lake would be a positive aesthetic feature for 2 of the proposed properties. The lake would be 8 or 9 ft. in depth. The distance from the fence to the water is 25 ft. They agree to plant landscaping near the pond to discourage geese.

Mr. Orlando testified that they propose to install wells on each of the lots. They are currently deciding how to handle the COAH obligation. They will make a contribution to the fire and recreation funds. They agree to submit an estimate for the performance bond prior to final approval.

Mr. Dietrich requested that the applicant install one additional streetlight to total 3 lights. He requested an additional drainage easement to extend to lot 104 in case there is a failure on Red Clover.

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

MR. BROWN – The applicants are requesting preliminary approval of a 5 lot major subdivision at 220 Tuckahoe Road in Marmora. The subject property is Block 650, Lots 1, 27.01 & 27.02. Vincent Orlando provided testimony in regards to the subdivision. The wetlands on the site have been delineated. The lake will be 8 ft. deep. All materials will remain on site. They intend to install decorative fencing around the perimeter of the property.

MR. KELLY – The applicant's have agreed to add a 10 ft. landscaped buffer to the rear of the lot. They also agree to pay the recreation fund and fire fund. They will submit a performance bond prior to final approval. They will add an additional streetlight.

MR. RIORDAN – The proposed lots meet the bulk standards in the ordinance. There are no trees on the property. There are no variances needed. The plans are dated 1/10/08 and revised 2/8/08.

MR. KISSLING – The applicant agrees to extend the easement.

MAYOR PALOMBO – There was no public comment. The applicant has agreed to satisfy the COAH obligation.

MRS. SCROCCA – All materials will be left on site and will not be removed from the property.

A motion was made by Mr. Bready and seconded by Mr. Schroder, to grant preliminary subdivision approval with the standard conditions and the conditions set forth on the record. In favor: Bready, Brown, Kelly, Riordan, Schroder, Kissling, Ragan, Palombo, Scrocca.

2. HANSON AGGREGATES BMC, INC. – BLOCK 453, LOT 4 – PB02-08

Application is for site plan approval for the renewal of their mining license at Upper Township Sand & Gravel, Dennisville-Petersburg Road, Tuckahoe.

Clint Allen, Esquire, represented the applicant. He stated that Upper Township Sand & Gravel consists of 357.6 acres. They are asking for approval of the existing operations, existing mining areas and the improvements that are on the site.

David E. Hill, Environmental Manager; Al Lorenzo, General Superintendent; Lance B. Landgraf, Jr., Senior Project Planner, Marathon Engineers and Jason T. Sciullo, Project Engineer with Marathon Engineers; were sworn in.

Mr. Landgraf testified that the mining areas have not changed since last time they were before the board. The mining area involves approximately 216.6 acres of the overall tract. He indicated on the map what areas have been mined out, where the applicant continues to mine and the reclamation and pond areas. He explained the reclamation process and how they grade the topsoil, plant grass and plant trees. In addition they propose cluster planting every 75 ft. to 100 ft. There are wetlands on the property where DEP will not allow them to mine.

Mr. Dietrich testified that this is a clean operation and that the applicant is proactive in removing the dirt from the road. They are in compliance with the ordinance and other requirements.

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

MR. KELLY – Hanson Aggregates, LLC is the owner of Block 453, Lot 4. The property is in both the Mining and Conservation zones. The property is 357 acres. The plans are dated 11/28/07 and revised 1/31/08. The application is for site plan approval for mining renewal. The property is located on Dennisville/Petersburg Road in Tuckahoe. Clint Allen, Esquire, represented the applicants. There was testimony from Lance Landgraf, Jr. There are no variances needed. Mr. Dietrich commented that the road in front of the site is maintained.

MR. BREADY – Mr. Dietrich commented that Hanson is very cooperation with the Township. He believes Hanson is an asset to the community.

MAYOR PALOMBO – The applicants have a reclamation plan in place. The reclamation is essential so in the future there is not a lot of barren land that can't be reused.

MR. RIORDAN – The reclamation plan includes cluster plantings every 75 ft. is a benefit.

A motion was made by Mr. Kelly and seconded by Mr. Riordan, to grant the site plan application with the standard conditions. In favor: Bready, Brown, Kelly, Riordan, Schroder, Kissling, Ragan, Palombo, Scrocca.

3. DAVID LEVARI – BLOCK 445, LOT 1 – PB04-08

Application is for site plan waiver and bulk variances to allow a porch and 2 coolers at the Triton Tavern, 1291 Route 50, Petersburg.

Clement Lisitski, Esquire, represented the applicant. He stated that the applicant has recently purchased the Triton Tavern. The application is to allow a frame lean to roof area in the rear of the property for smokers and a concrete pad with coolers. The lean to is needed so people will no longer congregate in the front of the building. He sees no negative impact on the area since this is an existing facility. He feels the improvements shown on the plan will enhance the aesthetics of the property.

David Levari, 1 MGM Way, was sworn in. He testified that he intends to remove the front door and locate the main entrance on Route 50. This is a unique property. The building is uniquely situated on the lot. The improvements that he proposes will make the site look much better. He proposes to add a lean to roof for the smokers in the rear of the building. He also proposes to install a stationary cooler and walk in box that will be located under the roof.

Mr. Levari further testified that the smoking area would not be enclosed. The Cape May County Department of Health only allows a wind break 60/40 to keep the smoke from entering the building.

Mr. Dietrich stated that this is a unique situation and one of the only commercial properties in the township located on 3 State right of ways.

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

MR. BROWN – David Levari is requesting a site plan waiver and several bulk variances to allow a lean to roof and coolers at the Triton Tavern, 1291 Route 50 in Petersburg. The property is known as Block 445, Lot 1. Clement Lisitski, Esquire, is representing the applicant.

MR. RIORDAN – Due to the unique configuration of the existing roads the applicant requires variances for minimum lot area, front yard setbacks, building setback along a State Highway, building coverage, impervious coverage and landscape buffer.

MR. KISSLING – The Triton Tavern has existed for many years and is a landmark.

MRS. RAGAN – The proposed improvements will improve the aesthetics and appearance of the existing structure.

MAYOR PALOMBO – The applicant has specified that he will follow the guidance of the Department of Health and have no more than 60 – 40 enclosure in the smoking area to allow for proper fume exhaustion would benefit the health of the patrons.

MRS. SCROCCA – The benefits of granting the variances would improve the health inside the establishment and increased aesthetics. She sees no negatives. She believes the variances can be granted without impairing the intent and purpose of the zoning ordinance.

A motion was made by Mr. Riordan and seconded by Mr. Brown to grant the site plan waiver and requested variances with the standard conditions. In favor: Bready, Brown, Kelly, Riordan, Schroder, Kissling, Ragan, Palombo, Scrocca.

RESOLUTIONS

1. JOSEPH TOCCI – BLOCK 455, LOTS 11 & 12 – SD03-08

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

2. RALPH AND DEANNA HOLT – BLOCK 652.01, LOT 19 – PB06-08

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

BILLS

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

Submitted by,