

**UPEPR TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
APRIL 6, 2009**

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

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Present: Daniel Bready, William Brown, James Kelly, Gary Riordan, James Schroder, Duane Terwilliger, Susan Ragan, Chair Renee Scrocca.

Absent: Curtis Corson, Donald Kissling and Mayor Palombo.

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

**APPROVAL OF THE MARCH 19, 2009 MEETING MINUTES**

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

**CERTIFICATE OF APPROPRIATENESS**

Liz Casey, Esquire, was present on behalf of Upper Township.

Paul Dietrich, Upper Township Municipal Engineer, was sworn. Mr. Dietrich testified this is an unusual clause in the ordinance, section 20-5.14L in the Pineland Management section on the ordinance. This ordinance requires that the Board review a Certificate of Appropriateness prior to doing anything to a structure with historical significance within the Pinelands. The Board must essentially analyze a set of standards under the Pineland regulations, NJAC7: 50-156C.

Mr. Dietrich stated that the Township would like to demolish the structure because of its unsafe condition. He described the surrounding area. The structure is believed to have been constructed in the second half of the twentieth century. This is a two-story structure last used as a residence. It has been unoccupied for at least 10 years. The building is in very poor condition. Edward Kenney, Construction Official issued a notice of unsafe structure on January 29, 2007. Mr. Kenney has gone to the Construction Board of Appeals in an attempt to have the property owner demolish the structure. The Township has adopted a resolution to have the structure demolished by the Township.

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Mr. Dietrich stated that a Certificate of Appropriateness is needed since the structure is over 50 years old and since it is listed as a contributory structure in the listing of the southern historic district for Tuckahoe and listed on the National Register. The Board must deem whether it is appropriate to demolish the structure or whether to preserve it.

Mr. Dietrich stated that he has done an inspection of the property and took pictures. He described the photos in the report showing water intrusion causing rot throughout the structure and how the structure has settled at least 8 inches into the ground. Due to the numerous modifications that have been made throughout the years there is not a lot of the original structure remaining. He feels there is no economically feasible or safe way to preserve the structure or to move it. He feels the only option is to evaluate some of the original historic features such as the cornices; the wood brackets and a 2' x 3' window. He suggests trying to save these items and record the styling of the structure and make a condition that any replacement structure should have the same historic streetscape.

Mr. Dietrich stated the Township would incur the costs of the demolition and impose a lien on the property. The property owner has tried to sell the property and do not have the money to go through this process.

Solicitor Marcolongo stated that he talked to the homeowner and she does not object to this process.

The meeting was open to the public.

Carol Williams, 10 Hummingbird Avenue, Petersburg, was sworn. She is the President of the Upper Township Historic Society. She believes it is a sin the house was left this way and appalled that the Township has to do this and not the homeowner. She feels this is a one of a kind structure and agrees the work is way to intensive for them to save the house. She would like to see something similar built in its place.

Susan Cushinotto, 2240 Route 50, Tuckahoe, was sworn. She has lived next to the property since 1993. She stated they have had numerous nails in their tires and scratches on their cars from shingles falling off the building. She is waiting for the chimney to fall off in a windstorm. She is concerned about safety.

George Dress, 2231Route 50, was sworn. He would like to see the building torn down. He offered to buy the property for \$35,000 but the homeowner wanted \$85,000. He feels once the structure is taken down another will not be built due to the width of the lot. He feels that an exception should be made so that a new structure could be built on the same footprint. He feels the building is not worth fixing. He also stated the septic is a hazard.

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

MR. BROWN – This is a request for a Certificate of Appropriateness. The Township of Upper is applying for approval for the demolition of a historic structure at Block 306, Lot 27 in Tuckahoe. Testimony given by the Township Engineer included that ordinance 20-5.4L requires an analysis of the structure. Mr. Dietrich has determined the structure is not re-habitable or moveable. There is not much of the original structure remaining. He feels the building should be demolished.

MR. KELLY – Liz Kasey represented the Township in this matter. Testimony was given by 2 property owners within 200 ft. that the property is deteriorating quickly and that the building has caused damage to their personal property and possessions. Mr. Dress testified he was interested in purchasing the property but does not feel something can be rebuilt on the lot. The president of the historical society agrees with Mr. Dietrich.

MR. RIORDAN – The Township Engineer reviewed the process in obtaining a Certificate of Appropriateness. The structure is located in the south Tuckahoe historic district. Mr. Dietrich indicated it is not possible to preserve the structure since it is in very poor condition. The Construction Code Official issued an unsafe structure notice in 2007.

MS. RAGAN – The homeowner is not opposed to the demolition of the building.

MRS. SCROCCA – She finds the property is in extreme disrepair and that it is unsafe to adjacent properties. The chimneys are leaning and the roof and floors are caving in. She hates to lose another historic structure in the Township but she agrees it is not economically feasible or safe to preserve or move the structure.

A motion was made by Mr. Kelly and seconded by Mr. Riordan, to approve the Certificate of Appropriateness. In favor: Bready, Brown, Kelly, Riordan, Schroder, Terwilliger, Ragan, Scrocca.

## 2. RICH AND ROCHELLE CRABTREE – BLOCK 348, LOT 94 – PB03-09

Application is for preliminary and final site plan approval and variances for the construction of a produce outlet store at 1425 Route 50, Petersburg.

Julius Konschak, Esquire, represented the applicants. Joseph Maffei, Professional Engineer, was sworn along with Rochelle and Rich Crabtree of Vineland, New Jersey.

Mr. Konschak stated the lot was part of a major subdivision in 2003. This is a vacant lot consisting of 0.918 acres. The zoning classification has changed since the subdivision was approved resulting in several variances being needed. The property is located in the CM4 zone and allows several different uses. The proposed use is permitted in the zone.

Mr. Konschak stated there have been discussions with the owners of Lot 19 in regards to the side yard setback. The proposed setback is 13.9 ft. where 50 ft. is required. They are proposing to reduce the size of the building to provide a 25 ft. side yard setback. The plan proposes to remove the existing fence between the 2 properties and install a new vinyl fence. The neighbors would like to extend the fence toward Route 50. The applicants have no objection to extending the fence, however it will drop from 6 ft. to 4

ft. approximately 100 ft. from Route 50. Other concerns include the proposed access off of Farm Road. He explained that the DOT will not allow access on Route 50 if access can be on a city street. The residents have concern about vehicles parking on Farm Road. They are in support making this a no parking zone and placing "no parking signs" on the road. There was also a suggestion that a no outlet sign be installed.

Mr. Maffei testified they were successful in making the site fit using the previous zoning requirements. The property is parallel with Route 50 and allows for good visibility. They propose low lying landscaping to prevent blocking the view of the building. The building will be reduced about 500 sq. ft. requiring 23 spaces. They are proposing 27 spaces. He feels the parking is more than adequate. He believes that some of the other permitted uses in this zone would generate more traffic.

Mr. Maffei stated that the residential shed located on Lot 94.02 encroaches onto the applicant's property. The applicants have no problem with the shed and are willing to let it remain. He described the site plan including the loading/unloading area. He reviewed each of the variances being requested. There are 2 front yards and the applicant's meet one of the front yard setback requirements. He feels it would be a hardship if the applicants had to meet the current zoning requirements. He feels the variances can be granted without detriment to the public good. He feels the variances and site plan can be granted without impairing the intent and purpose of the zoning plan or ordinance.

An elevation of the proposed building was marked as Exhibit A-1. Mr. Crabtree testified they want to open a wholesale produce outlet to sell produce in bulk along with lunchmeats. They would like to operate a business that is open year round. He agrees to reduce the size of the building and extend the fence as requested. The building will fit in with the neighborhood. A 10' x 15' cooler is proposed in the rear of the property that will conform to the setbacks.

The meeting was open to the public.

Marjorie Bixby, 1479 Route 50, was sworn. She feels that 8 variances are too many. She feels the proposed building will reduce their property value. She would like the new fence extended to a distance of 33 ft. from the center of Route 50 where the current fence ends.

Dan Murray, owner of 6 Crop Street, was sworn. He feels the proposed commercial use would have a detrimental effect on the value of the homes in the residential development. He would like to see the access on Route 50.

Stoddard Bixby, 1479 Route 50, Tuckahoe, was sworn. He testified that he would like the fence to be 6 ft. high to keep the deer from eating the hay in his field. He suggested adding wire on the top of the fence to make it 6 ft. high.

Mr. Kenschak requested the Board consider granting a variance to allow a 6 ft. high fence in the front yard.

Larry Migliaccio, 13 Crop Street, was sworn. He has no objection to the proposed commercial use, however he is disappointed the access is on Farm Road. He would like no parking signs on Farm Road along with a no outlet sign. He suggested the applicants install a wood fence due to the iron problem in the water.

Mr. Dietrich testified that a street opening on Farm Road is the safest location.

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

MR. KELLY – This is an application for preliminary and final site plan approval. The applicants are Rich and Rochelle Crabtree. The property is located at 1425 Route 50. Jules Kenschak is representing the applicants. Joseph Maffei gave testimony regarding the application. This is part of a 22 lot subdivision. The front of the subdivision along Route 50 is commercial and the rest is residential. The former 20,000 sq. ft. lot area requirement has changed to 2 acres. This property has 2 front yards. Members of the public had concerns about the access, fencing, and parking on Farm Road. The style of fencing will be determined at a later date. The public has requested “no parking” and “no outlet” signs. The building will be reduced by 500 sq. ft. to increase the side yard setback to 25 ft. This change will also reduce the impervious coverage proposed.

MR. BREADY – The applicants have made efforts to lessen the public's concerns.

MR. RIORDAN – Some of the variances being requested are due to the re-zoning in 2003. He believes the applicants have addressed the concerns of the neighbors. He feels this application could be granted without detriment to the public good.

MR. SCHRODER – He believes that more intense uses are permitted on this lot. He believes the applicants have met the criteria for granting the variances.

MR. TERWILLIGER – He is concerned with the access on Farm Road.

MRS. SCROCCA – Although she understands the concerns of the neighbors, she believes the benefits of granting the variances outweigh the detriments. She believes the variances can be granted without impairing the intent and purpose of the zoning ordinance.

Mr. Crabtree agreed to a condition there would be no deliveries prior to 8 a.m.

A motion to grant the application as proposed with the standard conditions and that the applicant comply with the Fire Safety Improvement Fund and the COAH obligation, was made by Mr. Kelly, seconded by Mr. Riordan, and approved. In favor: Bready, Brown, Kelly, Riordan, Schroder, Terwilliger, Ragan, Scrocca.

**IMPACT REPORT ON THE PETITION FOR DE-ANNEXATION**  
**STRATHMERE AND WHALE BEACH**

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The Board made recommendations for changes to the report. Solicitor Marcolongo listed the items that he found need to be amended. He will make the necessary amendments to the report before forwarding it to the Township Committee.

A motion was made by Mr. Kelly and seconded by Mr. Brown, to approve the report with the correction and to forward the report to Township Committee for appropriate action. In favor: Bready, Brown, Kelly, Schroder, Terwilliger, Ragan, Scrocca. Abstain: Riordan.

**RESOLUTIONS**

1. **STRATHMERE AND WHALE BEACH DEANNEXATION**

A motion to approve the resolution was made by Mr. Schroder, seconded by Ms. Ragan, and approved. In favor: Bready, Brown, Kelly, Schroder, Terwilliger, Ragan, Scrocca. Abstain: Riordan.

**BILLS**

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

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Schroder, seconded by Mr. Brown, and approved. The meeting was adjourned at 9:15 p.m.

Submitted by,

Shelley Lea