

**UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
JULY 15, 2010**

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 (7:40) William Brown, James Kelly, Gary Riordan, James Schroder, Donald Kissling, Janet McCrosson, Susan Ragan, Chair Renee Scrocca.

Absent: Frank Conrad and Mayor Richard Palombo.

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

**APPROVAL OF THE JUNE 17, 2010 MEETING MINUTES**

A motion was made by Mr. Schroder and seconded by Mr. Kelly, to approve the minutes. In favor: Kelly, Riordan, Schroder, Kissling, McCrosson, and Scrocca. Abstain: Brown, Ragan.

**PAUL DIETRICH SWORN**

**APPLICATIONS**

1. JOHN HOLLAND – BLOCK 567, LOT 17.01 – SD03-10

Applicant is requesting preliminary and final subdivision approval for a 3 lot major subdivision at 1861 Route US 9 South, Seaville.

Jon Batastini, Esquire, represented the applicant. He stated that this could be a minor subdivision except that it had been previously subdivided. The applicant plans to create 3 lots (17.01, 17.04 and 17.05). Although Lot 17.01 exceeds the lot area requirements a lot frontage variance is needed to allow 110.97 ft where 140 ft is required.

Nick Holland, 69 Hope Corson Road, Seaville, was sworn. He explained that he has Power of Attorney for his Father, John Holland. A copy of the Power of Attorney, dated 6/12/00, was marked as Exhibit A-1.

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Mr. Holland testified there are 3 existing lots. They are proposing to create an additional 2 lots that would front on Route 9. A 40 ft wide access easement is proposed along the southwesterly line of Lot 17.05 and a 25 ft wide access easement is proposed along the frontage of Lot 17.05. They plan to apply for Farmland Preservation and sell the development rights for lots 17.03, 17.04 and 17.05. There are wetlands on lots 17.01 and 17.02.

Mr. Batastini requested the Board allow the applicant to request both preliminary and final subdivision approval at the same time and waive the requirement that each is approved separately since the subdivision is technically a minor subdivision.

Mr. Dietrich agreed this would be a minor subdivision if approvals were granted more than 2 years ago. Existing Lot 17.01 needs to be changed to proposed lot 17.06. Solicitor Marcolongo requested that a revision date be added to the plan.

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

MR. BROWN – Nick Holland is appearing on John Holland's behalf. Nick Holland has Power of Attorney. Mr. Holland is the owner of Block 567, Lot 17.01. A lot frontage variance is being requested. This is a request for preliminary and final approval for a 3 lot major subdivision at 1861 Route 9 in Seaville. The purpose is to determine the value of the lots for Farmland Preservation.

MR. KELLY – The applicant has submitted plans dated January 2010. A copy of the Power of Attorney, dated 6/12/00 was marked as Exhibit A-1. Lots 17.03, 17.04 and 17.05 are being sold for farmland preservation. The Board Engineer has asked that the lot number be changed to reflect 17.06 rather than lot 17.01. The Board Solicitor has asked that the revision dates be shown on the plan.

MR. RIORDAN – The applicant is seeking a waiver of the time to allow preliminary and final approvals to be granted at the same time.

MR. SCHRODER – Nothing to add.

MR. KISSLING – He concurs.

MS. McCROSSON – Nothing to add.

MRS. RAGAN – Nothing to add.

MRS. SCROCCA – Lot 17.01 requires a lot frontage variance, however the lot is over 8 acres. She believes the benefit of granting this variance would outweigh any detriments and can be granted without impairing the intent and purpose of the zoning ordinance.

A motion was made by Mr. Kelly and seconded by Mr. Kissling to grant preliminary and final major subdivision approval and lot frontage variance with the condition that the applicant revise the plans to show a revision date and the correct frontage of 110.97 ft, and revise the lot number so that Lot 17.01 is now 17.06, and the standard conditions. In favor: Brown, Kelly, Riordan, Schroder, Kissling, McCrosson, Ragan, and Scrocca.

2. CAPE ATLANTIC FOOD SERVICES MARMORA, LLC – BLOCK 651, LOT 1 – PB06-10

Application is for amended site plan approval and variances to allow a monument sign and for the number of signs on site along with directional and menu board signs at the proposed Burger King at 4 Roosevelt Boulevard in Marmora.

Mr. Brown stepped down during discussion and voting on this application.

Richard Carlucci, Esquire, represented the applicants.

Edmond C. Speitel, Professional Engineer, was sworn. Mr. Speitel testified that a 3,000 sq ft fast food restaurant was previously approved in this location as part of the original site plan. The proposed Burger King is 2,910 sq ft. When they received approvals several years ago the restaurant was in the same location 93 ft off the right of way line. A front yard setback was never requested or granted. To comply with the setback requirement they would have to remove 7 ft of the landscape buffer. He believes that the requested front yard setback is a reasonable request.

Mr. Speitel testified that variances are needed for the proposed signs. A variance is needed to allow 2 signs on the building. A variance is needed to light the two signs on the east and the north side of the building.

Mr. Speitel testified the Board originally granted variances to allow 3 freestanding signs. There is currently 355.62 sq ft of freestanding signage where only one 100 sq ft sign is permitted. They are seeking one additional monument sign, approximately 60 sq ft to be located on Roosevelt Boulevard directly in front of the building. This sign would be the Burger King logo with a reader board. The reader board would conform to the ordinance and would change every 8 minutes. The monument needs to be located closer to the road so that it is visible from the intersection and when coming around the curb on Roosevelt Boulevard. They are also proposing 3 directional signs, 5 sq ft each where 2 ft is permitted. The directional signs would be located at entrance off Roosevelt Boulevard, one on site and another on Tuckahoe Road. The signs would be 5 ft off the ground.

Mr. Schroder made the comment that the signs are overkill and that the proposed directional signs are advertisement signs and not directional. Mr. Kelly stated that he agrees with Mr. Schroder. He believes the building mounted signs make sense but he is not in favor of the monument sign.

Mrs. Scrocca stated the signs are overkill. She referred to a Burger King in Cape May Court House. Ms. McCrosson stated that the location of the proposed monument doesn't make sense since the sign is even with the existing pylon sign in front of the property. Mr. Riordan discussed an existing Burger King in Vineland, New Jersey. He stated that the circle signs at this Burger King are much smaller and still grabs your attention. He is concerned about safety and that granting the variance for the signs would make it

necessary to grant variances for all the other stores in the shopping center. Many of the board members agree the directional signs need to be lowered and the size reduced.

Mr. Carlucci stated that the monument sign is needed for safety reasons. This sign is not only for the residents but also for visitors that are not familiar with the area.

Mr. Speitel testified they are proposing a 0 setback for the monument sign where 30 ft is required. The sign would not be located in the site triangle. They believe the proposed brick face monument sign would be more attractive.

Eric Salisbury, Managing Director of Cape Atlantic Food Services, was sworn. Mr. Salisbury testified that approximately 60 to 65 percent of the business is generated by the drive thru. The 2 proposed menu boards would help to move the cars along quicker in the drive thru. The directional signs are important so that vehicles do not enter the drive thru the wrong way.

Mr. Salisbury testified there are 2 proposed drive thru windows to speed up the process. He stated that the handicap parking spaces are proposed against the building to meet the ADA requirements. He also stated this is the basic sign package for Burger King.

Chair Scrocca suggested the applicant review the architectural section in the ordinance. She commented that this is the gateway to the community and the proposed façade is not aesthetically pleasing. She stated that the building is very plain and not attractive. Ms. McCrosson agreed. Mr. Schroder stated that not enough information has been provided to the Board. He wants color renderings to better understand what is proposed.

Mr. Speitel testified the front yard setback has no detriment to the public. The sign package is mostly for aesthetics. He feels the lit signs and the monument sign are significant to the site due to the proximity to Route 9. He believes the directional sign is needed and he agrees that the signs in the site triangle need to be lower. He feels the requested variances meet the criteria for a C2 variance and can be granted without impairing the intent of the zoning plan. He sees no detriment to the public.

Christopher Scarborough, member of SP Marmora, was sworn. He testified that he has given consent to make this application.

The meeting was open to the public.

Andrew Bulakowski, New Jersey Regional Council of Carpenters, Cape May County, was sworn. He has spoken to Mr. Salisbury about the project. He feels this will be a good project and will provide construction opportunities. He stated that members of the Council of Carpenters are present.

Hearing no further comment the meeting returned to the Board for findings of fact.

MR. KELLY – Cape Atlantic Food Services Marmora, LLC, are before the Board regarding Block 651, Lot 1, located at 4 W. Roosevelt Boulevard in Marmora. The Floor Plan by Ragan Design Group is dated 5-25-10. The site plan by Speitel and Speitel, Inc. is dated 7-19-07 and last revised 8-5-10. The applicant is requesting preliminary and final site plan approval and variances for a monument sign, directional signs and building mounted signs. The 7 ft front yard setback was shown on the original plan. Richard Carlucci, Esquire, represented the applicant. Eric Salisbury testified in regards to the application. Edmund Speitel, Engineer, reviewed the proposed signage. Andrew Bulakowski indicated the Burger King could be a benefit to the NJ Regional Council of Carpenters. MR. RIORDAN – The applicant is requesting relief of the 100 ft setback and sign variances. Mr. Bulakowski supports the local carpenters. Mr. Speitel testified that granting the variances would be a benefit. However he feels the opposite in regards to the signs. He believes the numerous sign variances are a detriment.

MR. BREADY – He believes there are too many signs proposed. He feels the Board members need more information.

MR. KISSLING – He believes the lit sign by the entrance is a good idea. He finds the monument sign to be offensive.

MR. SCHRODER – He finds the presentation was not appropriate. There were no color renderings of the proposed signs or site. He finds it difficult to visualize how the signs would look. He also finds that the sign package as presented is a detriment in many ways. He does not like the design of the building.

MS. McCROSSON – She concurs. The additional lit signs on the building benefit the applicant and not the public. The signs were not included in the site lighting and she feels there is no benefit in regards to safety. She finds the sign on Tuckahoe Road is more of an advertisement than a safety feature. She would like the applicant to come back with a plan for a building that is more aesthetically pleasing.

MRS. RAGAN – She agrees the building needs more style. She feels that a sign is needed that is visible from Route 9. She feels the sign on Tuckahoe Road could be a problem, however the directional signs for the drive thru are needed.

CHAIR SCROCCA – She stated there are houses in visual distance of the shopping center. She has concerns about granting the proposed signs and other signs in the future. She finds the proposed signs are a visual overload. She finds the setback variance to be diminimis and would mess up the turning radius if the building had to be relocated. She feels the monument sign is overkill and is a distraction. The directional signs are too big and too high and are for advertising and not safety.

Mr. Carlucci requested to table the application until August 19, 2010 to make changes to the plan. Chair Scrocca announced that no further notice would be required.

## **DISCUSSION**

Mr. Dietrich reviewed a report that he received the night before from Marsha Shiffman, Professional Planner in regards to the rezoning of a site in Seaville to MH. The property was not included in the 2008 Fair Share Plan as a Mobile Home designation. Ms. Shiffman has done an analysis and finds the site could meet some of the housing needs.

He discussed regional contribution with Woodbine. This matter will be discussed further at a later date.

**RESOLUTIONS**

1. CAPE COMMERCIAL BUILDERS LLC – BLOCK 600, LOT 13.02 –PB03-10

A motion to adopt the resolution was made by Mr. Schroder, seconded by Ms. McCrosson, and approved. Abstain: Brown, Ragan.

2. ATLANTIC CAPE BUILDERS LLC – BLOCK 600, LOT 13.01 – PB04-10

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

3. WESLEY UNITED METHODIST CHURCH – BLOCK 455, LOT 35 – PB05-10

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

**BILLS**

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

**ADJORNMENT**

A motion to adjourn the meeting was made by Ms. McCrosson. The meeting was adjourned at 9:25 p.m.

Submitted by,

Shelley Lea  
Zoning Officer