

UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
DECEMBER 16, 2004

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. The Chair advised of the meetings compliance with the Open Public Meeting Notice. Everyone saluted the flag.

A. ROLL CALL:

Present: Bready, Brown, Caldwell, Georgetti, McCrosson, Schroder, Thompson, Scrocca

Absent: Kelly, Kenney, Palombo

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

Mr. Georgetti left the meeting at this time since a quorum was present.

B. APPROVAL OF THE NOVEMBER 18, 2004 MEETING MINUTES:

A motion to accept the minutes was made by Mr. Schroder, seconded by Mr. Thompson, and approved. Abstain: Brown.

C. MASTER PLAN REEXAMINATION – REVIEW OF AGE RESTRICTED ORDINANCE:

Mr. Dietrich introduced Marsha Shiffman, Professional Planner, hired by the township to review the current ordinance. The sub-committee created to help in the process consisted of Paul Dietrich, Dean Marcolongo, Paul Casaccio, Zoning Board Chair, Robert Caldwell and Jim Kelly.

Ms. Shifman reviewed the 15 page document that she prepared. The document contains 2 ordinances, Adult Retirement Community and Assisted Living Residence. She feels this will help the township meet the affordable living obligation.

Age restricted housing would be a conditional use permitted only in the Residential zone. A property must be 8 acres or greater and have access to a major road. There must be common open space area of at least 30 percent. Single family, 2 family, townhomes and multi family dwellings are permitted. Various accessory uses are also permitted. At least one person in the household must be 55 or older and no one younger than 19 years of age. Visitors under the age of 19 are permitted no more than 8 weeks during any 12 month period.

Assisted living residences are permitted in the Residential and Commercial zones and are conditional uses. The development must have access on a major road. No more than 2 occupants per unit are permitted.

The meeting was open to the public.

Jules Konschak indicated that he is not sure this provides the balance needed by the township since the height is limited to 35 ft. He believes the developers will be limited to constructing all 8 unit buildings.

Steve Martinelli agrees with Mr. Konschak about the density. He believes the density should be as high as possible to encourage this type of development.

Mr. Dietrich stated that this will be included on the January 20, 2004 agenda to review possible changes to the ordinance.

D. APPLICATIONS:

1. CLUBHOUSE PROPERTIES, LLC – BLOCK 453, LOT 80.06 – SD10-04:

Application is for a 2 lot minor subdivision at 8 Camlough Road, Petersburg.

Julius Konschak, Esquire, represented the applicant. This is a request for a 2 lot minor subdivision. There are no variances required. Soil borings have been done and added to the plan. They have applied to the NJDEP for a LOI since the previous one expired on November 9, 2004.

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

MR. BROWN – The applicant is requesting a 2 lot minor subdivision at 8 Camlough Road, Petersburg. The applicant is Clubhouse Properties, LLC. The subject lot is Block 453, Lot 80.06. There was no public comment. The board engineer had no comments in regards to the application.

MR. CALDWELL – There are wetlands on the property.

MR. McCROSSON – Clubhouse Properties, LLC, are the owners of the property and have standing to prosecute this application. There are no variances. The subdivision as proposed meets the current ordinance standards and is classified as a minor subdivision. Mr. Konschak is representing the applicant. A wetland delineation is pending since the previous one expired. The revised plan dated November 9, 2004 is incorporated as fact.

A motion was made by Mr. Schroder and seconded by Mr. Thompson, to grant the subdivision with the standard conditions and that the applicant obtain a current LOI from

the DEP. Those in favor: Bready, Brown, Caldwell, McCrosson, Schroder, Thompson, Scrocca.

2. MILDRED DURHAM – BLOCK 479, LOTS 48.01 & 48.02 – SD11-04:

Application is for a one-year extension of preliminary major subdivision approval at 401 Willets Lane, Marmora.

Chairperson Scrocca announced that this application has been withdrawn and will not be heard.

3. NATIONAL SIGN SERVICES, LLC – BLOCK 561, LOT 2 – PB12-04:

Application is for preliminary and final site plan approval and variances to allow 2 freestanding signs, total sign area, setbacks and to permit a flashing sign at CVS, Route 9, Seaville.

Julius Konschak, Esquire, represented the applicant. He stated that a sign package was not included with their original application. The ordinance allows only 1 freestanding sign per site. They are requesting 2 freestanding signs. The property is 2.93 acres and a 75 sq. ft. freestanding sign is permitted. If the property were 3 acres or more it would be allowed to have a 100 sq. ft. sign. Two signs are desirable since there is an entrance and exit on 2 main roads. The proposed sign on Route 9 is 68 sq. ft. and meets the ordinance requirements. This sign contains a message board. The proposed sign on Route 50 is 43 sq. ft. and is low to the ground. This is an irregular shaped lot and is unique since it has 2 entrances. The total proposed sign area is 111 sq. ft. The attached signs were previously approved.

Robert Oelenschlager, CVS Project Manager, was sworn in. He designs the signage for CVS stores located in New Jersey, Pennsylvania and part of New York. He testified that other message board type signs are in the area. The proposed sign does not flash, scroll or blink. It will only fade in and out. The freestanding signs eliminate the need for sale posters in the windows.

The board members asked why the other businesses in the township did not have to appear before the board. They directed Mr. Dietrich to have the zoning officer look into the matter and make sure the proper approvals were obtained.

Mr. Schroder stated that motorist would be watching the message board instead of the road. Mrs. Scrocca feels that the proposed signage should be reduced.

Mr. Oelenschlager testified that they are willing to use the signs for emergencies, such as Amber Alert, tornados, etc. The message board sign is a standard sign and it would be expensive to reduce the size.

Edmond Speitel, PE, was sworn in. He testified that the Route 50 entrance is unique since access is over an easement. This is a unique situation due to the configuration of the lot. The sign on Route 50 is needed for identification and is appropriate for this location. He also believes that 44 sq. ft. is an appropriate size sign for this location. The

identification sign at this location would reduce the traffic at the Route 9 & 50 intersection. He feels the benefits of granting the variance would outweigh any detriments since the sign would help the traffic flow. This is not a corner lot, however, it functions as one.

Mr. Speitel testified that the proposed 68 sq. ft. free standing sign meets the setback and area requirements. The total proposed sign area is 111.8 sq. ft. where 75 sq. ft. is permitted. The sign package is in keeping with the signage in the area. The variance for sign area can be granted without detriment to the public since the site is almost 3 acres and would be permitted a 100 sq. ft. sign if it were 3 acres. The signs would not impair the intent and purpose of the zone plan since the property is located on 2 state highways.

After a short recess Mr. Kenschak stated that the applicants would like to keep the sign on Route 9 as it appears on the plan since this is their primary sign. They proposed to reduce the size of the sign on Route 50.

Mr. Dietrich recommended that the sign be reduced to 24 sq. ft. to a total sign area of 92 sq. ft. He feels this is an appropriate size since the property is almost 3 acres where 100 sq. ft. of signage is permitted. Mr. Kenschak indicated that this is acceptable. He also agreed that the sign would not change messages more than every 15 minutes.

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

MR. McCROSSON – The plans dated 11/11/04 prepared by Speitel and Speitel are incorporated as fact. Jules Kenschak, Esquire, represented the applicants. Edmond Speitel and Robert Oelenschlager gave testimony. A letter has been submitted authorizing Mr. Oelenschlager to speak for CVS. The sign on Route 9 meets the ordinance requirements. The applicant seeks a variance for a second sign on Route 50 as well as side yard setback relief. The setback seems reasonable given the unique configuration of the property. The sign is designed to enhance traffic safety. The benefits of the second sign outweigh the detriments to the zoning ordinance. He believes the slow display of the message under the permanent portion of the sign meets the intent of the ordinance and would prohibit distraction of traffic passing by.

MR. CALDWELL – He believes the variance is justified by the unique location of the property. They agree to reduce the sign on Route 50 to 24 sq. ft. with a total of 92 sq. ft. of signage. If the property were 3 acres a 100 sq. ft. sign would be permitted. He feels the request is reasonable under the circumstances. He agrees the speed of the sign should be limited.

MR. SCHRODER – He believes the sign is in violation of the ordinance.

MRS. SCROCCA – She agrees with Mr. McCrosson’s comments. She disagrees with Mr. Schroder. She does not believe that the sign changing every 15 minutes is animated, flashing or creates the illusion of movement nor does it revolve.

A motion was made by Mr. Brown and seconded by Mr. Bready, to grant the application with the standard conditions and that the sign can only change every 15 minutes, the sign on Route 50 will be reduced to 24 sq. ft., approximately 3’x8’. Those in favor: Bready, Brown, Caldwell, McCrosson, Thompson, Scrocca. Opposed: Schroder.

4. SCARBOROUGH PROPERTIES, INC. – BLOCK 651, LOT 1 THROUGH 5, 10, 11 & 16 AND BLOCK 653.01, LOTS 1 & 5 – PB11-04:

Application is for preliminary site plan approval and variances for landscape buffers and proposed signage, for a shopping center to be located at Route 631, Route 623 and Stagecoach Road in Marmora.

Julius Konschak, Esquire, represented the applicant. Mr. Brown stepped down during this application.

Mr. Konschak discussed correspondence that has been received from the County of Cape May concerning traffic issues and the impact on County roads. He requested to table the application until the January 20, 2005 meeting. He agrees to waive the time in which the board has to act on the application. The application will not require any further notification. He suggested that an informal presentation be made since the public was present and the applicant’s professionals.

Mrs. Scrocca stated that a letter has been received from Cape May County Counsel. The county owns a portion of the property included in the application. The applicant will have to bid on the property in order to obtain it from the county.

Mr. Konschak stated that the property consists of 18 acres. Approximately 90,000 sq. ft. of commercial development is proposed. The proposal includes a Shop Rite supermarket, 8,000 sq. ft. of retail stores, a retail pharmacy and a fast food establishment. There are 500 parking spaces proposed. They believe this is a needed commercial development since there are no supermarkets in Marmora. Several other approvals are needed for this project including, county and CAFRA. The drainage has been designed to collect the stormwater on site and also from Roosevelt Boulevard. There would be an on site waste water disposal plant since a development of this size requires an NJPDES permit. A traffic study has been submitted and recently revised. The applicant intends to work with the county to resolve certain issues including widening of the shoulder on Old Tuckahoe Road. The variances requested are minor. They are proposing 10’ x 18’ long parking spaces where 10’ x 20’ are required by ordinance.

A motion was made by Mr. Caldwell and seconded by Mr. McCrosson, to have Orth Rogers prepare a traffic study. The motion was approved with all in favor.

Christopher Scarborough discussed the CAFRA process.

The meeting was open to the public.

Robert Lea, 42 Stagecoach Road, asked about the proposed lighting. He also referred to the condition of Cedar Square Shopping Center.

Mr. Scarborough stated that the lights would be shoebox type similar to what exists in the municipal hall parking lot. The site will be kept up and will not fall into disrepair.

Helen Fea, business owner in Wayside Village, asked about access to the site.  
Mr. Korschak pointed out the entrances on the map.

Keith Jack, 44 Stagecoach Road, asked if the trees across the road from his property would remain.

Mr. Dietrich stated that this is a tree preservation area. The NJDEP and the county will require a deed restricted so that the area cannot be cleared.

Jim Collins, 20 Stagecoach Road, recommended the board notify more of the neighbors. Mrs. Scrocca informed him that the statute requires the applicant notify property owners within 200 ft., post a notice on the bulletin board at township hall, and print a notice in the local newspaper. A notice is also on the township website. Mr. Collins also asked where the trucks would be going on site. He was informed that the loading docks would be located in back of the building towards Old Tuckahoe Road. The trucks would probably enter off of Old Tuckahoe Road.

A representative from Stardust Development Co., doing business as Cape Atlantic Storage was present to request information on the proposed access on Route 631. He would like the access moved further east.

E. RESOLUTIONS:

1. MELVIN DEVELOPMENT – BLOCK 646, LOT 17.02 – SD12-04:

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

2. ROBERTS ROAD, LLC – BLOCK 599, LOTS 37 & 38 – PB10-04:

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

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F. BILLS:

A motion to pay the bills was made by Mr. Schroder, seconded by Mr. Thompson, and approved.

G. ADJOURNMENT: The meeting was adjourned at 9:55 p.m.

Submitted by,

Shelley Lea  
Secretary