

**UPPER TOWNSHIP PLANNING BOARD
MEETING MINUTES
MARCH 15, 2012**

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

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Daniel Bready, James Kelly, Anthony Inserra, Gary Riordan, James Schroder, Janet McCrosson, Mayor Richard Palombo and Chairperson Renee Scrocca.

Absent: William Brown, Donald Kissling and Susan Ragan.

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

APPROVAL OF THE FEBRUARY 16, 2012 MEETING MINUTES

A motion to approve the minutes was made by Ms. McCrosson and seconded by Mr. Riordan. In favor: Bready, Inserra, Riordan, McCrosson, Palombo, Scrocca. Abstain: Kelly, Schroder.

PAUL DIETRICH SWORN

APPLICATIONS

1. 2058 SOUTH SHORE ROAD, LLC – BLOCK 561, LOT 25 – PB02-02

Applicant is requesting preliminary and final site plan approval, variances for tract boundary setback, minimum mobile home space area and width, landscape buffer width and number of signs, to provide for the construction of a 110-unit, age restricted mobile home development at 2058 South Shore Road, Seaville. The applicant also requests the Board endorsement of the 208 individual water quality amendment.

Julius Konschak, Esquire, represented the applicant. Mr. Konschak stated that the property is located in a (MH) Mobile Home District. The proposed use is a specifically permitted use in this zone. The Township identified this property as a potential mobile home site in the mid 2000's. In 2010 the applicant requested the Township Committee consider making this part of the mobile home zone. The Board hired Maser Associates, Professional Planners, to examine the concept proposal. Their report indicated this was a

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good site for the proposed use. In September of 2010 the Board adopted Resolution 02-10 recommending that Township Committee include this site in the MH zone. Subsequently, there was a Master Plan Reexamination conducted by Maser Associates (Marcia Shiffman) that also recommended this site be included in the MH zone. Township Committee then adopted Resolution 008-2011 that made changes consistent with the Master Plan and adopted the zoning map, which had been revised by Mr. Dietrich with the latest revision date of 4/8/11 and clearly includes this property in the MH zone.

Mr. Korschak stated the property is unusual since it fronts on both Route 9 and Route 50. There would be entrances on both roads. They have supplied the Board with a brochure as part of the application that shows the type homes they are proposing with a modern upscale appearance like a modular home. There is a proposed clubhouse that is not a requirement in the ordinance. They are proposing on site wastewater treatment similar to what was constructed at Osprey Point by the same developers.

In terms of density, the ordinance allows seven units per acre of gross density. The property consists of 22 acres and 150 units would be permitted. Each unit requires 5,000 sq ft of space. Some of the spaces would be less than required and some would be more. They comply with the parking requirement but do require setback variances and buffering variances. This property was previously zoned commercial and is adjacent to an R2 zone. He stated that this is a good transitional use.

Mr. Korschak stated that a tract boundary setback variance is requested for the south side of the property. As a buffer to the commercial zone they are proposing to install a fence. Landscape buffer variances are requested on the north (25 ft) and south (40 ft). He believes that for a project this size there are minimal variances requested. They are requesting an identification sign on both the Route 9 and Route 50 frontages where only one sign is permitted.

Vincent Orlando, Harry Vanderslice and David Shropshire, were sworn.

Harry Vanderslice, 216 Victoria Lane, Ocean City, testified the same developers were involved in the development of Osprey Point a 149-unit, age restricted development. He is a licensed realtor. He has seen a demand for a less expensive but yet quality development like Osprey Point. The submitted brochure shows the appearance of a typical unit.

Mr. Vanderslice testified the units are age restricted in accordance with the ordinance to allow 55 years and older and that there is an affordable housing component in the ordinance. In answer to a question by Solicitor Marcolongo, Mr. Vanderslice testified that he is confident there is a market for this type of development. He is also confident there would be financing available for this development.

Vincent Orlando, Professional Engineer and Planner and Licensed Architect, was present to review the 22-page site plan by EDA. Mr. Orlando stated that the permitted density would allow 158 units on the site. A small clubhouse and swimming pool would be located off of Route 9 that would start out as a sales unit and convert to the clubhouse at some point in time. Their intent is to create a sidewalk on one side of the road and ancillary parking on the other. In regards to the drainage on site, Mr. Orlando testified that the storm water would be handled by an open pond near Route 50 and a recharge basin on Route 9. There would be a positive benefit since water would no longer run to the low spots in the rear of Poets Woods. The water would be captured and conveyed to the drainage basin. They propose a retaining wall along the property line; a vinyl fence and landscaping that would create an enhanced buffer along the north side of the property. This is a private development and not a public roadway.

Mr. Orlando testified it is important to identify both entries and feels that two signs are appropriate. They propose to utilize New Jersey American Water on site. There would be fire hydrants along the entire road as recommended by the fire company.

Mr. Orlando testified in regards to the requested variances. He testified the proposal does not violate the light, air and open space since they will meet the setback requirements. He believes the application meets the C1 criteria due to the long and narrow shape of the lot. He believes the application also meets the C2 criteria since I, L and M of the purposes of zoning would be advanced. He stated that eliminating all runoff coming from the south and incorporating it in their recharge basin is a benefit to the public. He believes there is no substantial detriment to the zoning ordinance or zone plan.

Mr. Dietrich asked for the test pits to verify the depths to seasonal high. Mr. Orlando stated that they have done a number of soil analysis on site. He also asked that Mr. Orlando check some of the calculations regarding impervious coverage for the basin areas. The other items are in regards to the intersection improvements at Route 50 and Route 9. He asked that Mr. Orlando verify that a 22 ft cartway is provided and show the site triangles on the final plan. He has concerns with the sidewalk along the internal loops. Mr. Orlando agreed to make the sidewalk 5 ft wide and create a depressed curb. A mechanical room has not been shown for the proposed pool or a building for the treatment facility. The names of the streets need to be shown on the plan and submitted to the Tax Assessor to verify there is no duplication. He recommended no parking signs. He would like to see the details for the fountain for aeration for the ponds. There are a couple of low spots on the north side of the retaining wall, especially at station 8 + 50 that could be picked up by extending the pipe under the retaining wall.

Mr. Orlando testified the treatment facility would be maintained on a daily basis and would not have an odor. The facility would require a series of permits. Reports are filed with the State every month requiring sampling.

Mr. Orlando stated that an application has been filed with the State for a 208 Water Quality Plan. The Township is currently working with the County and State to amend

their water quality plan. This site is included in the plan. The applicants are moving forward independently at a faster pace to secure the amendment. One of the requirements is that the Planning Board and Township endorse the amendment.

Mr. Dietrich stated there was a meeting this week with County and State officials on the plan. There are two phases of the plan. This site was originally in the 2006 Housing Element and Fair Share Plan that was not filed. The site was not included in the 2008 plan that was submitted to COAH. The applicant decided not to participate with the Township since they were not certain how they would develop the site.

David Shropshire, Professional Engineer and Planner and Traffic Engineering Specialist, 5600 Asbury Avenue, Ocean City, testified that a Major Access Permit would be needed from NJDOT for both the Route 9 and Route 50 access points. They will have to go through a pre-application meeting with DOT where they will deal with site distance and other concerns raised by Mr. Dietrich. He estimates around 50 to 70 vehicles will be generated during the peak hours. The projections they have done show maybe a peak of 12 vehicles making a left turn into the site off the Route 9 access. For a typical day they are looking at good levels of service. They do not have any peak summer activity projected in the report. He does not believe there would be any significant detrimental impact on the traffic since it is not a high generator and there are two access points to distribute the trips. They propose left and right hand turns out of the site onto Route 50.

Mr. Dietrich stated that COAH requires that twenty percent of the units be affordable rental apartments. The current rules limit the amount of age-restricted affordable housing that can count towards the Township obligation. Mr. Korschak added these are maximum two bedroom units. Solicitor Marcolongo commented that as a condition of approval language would be added that there would be no construction without final site plan approval with the submission of an affordable housing plan deemed in compliance with the then current Municipal and State Affordable Housing regulations.

The meeting was open to the public and the following were sworn.

Diane Thompson, 1520 Stagecoach Road, wanted to know where the treatment plant would be located and what would be planted in the buffer. She is concerned about the wells.

Alfred Moyer, 1522 Stagecoach Road, asked about lighting. Mr. Orlando stated the streetlights would be just to illuminate the road and the lights would not spill onto the back yards of the neighbors. The lights would be on 18 ft tall poles with 100-watt Victorian globes. There is no lighting proposed on the interior loop roads only the entry road. He is also concerned about the water line.

Joseph Mitchell, 1518 Stagecoach Road, stated that he is not aware of any drainage problems in the area and that the applicant should maintain the required buffer width.

Robert Kane, 1524 Stagecoach Road, agrees with Mr. Mitchell in regards to the buffer. He is in favor of pipes under the retaining wall. He asked about the height of the retaining wall. Mr. Orlando responded the wall ranges from 2 to 3 feet. In one of the low areas it is 5-½ ft. It would be constructed with decorative block.

Kevin Olandt, 1514 Stagecoach Road, believes this is a good transition from the commercial to the residential. He is glad the drainage will be improved since there has been drainage problems since the applicant cleared the property. He stated that some of the lots would be 30% smaller than the required 5,000 sq ft. He does not feel this is appropriate. He feels the setbacks should be met. He agrees this is a unique lot. He is very concerned about the buffer being less than required. He does not feel the fence is appropriate. He is concerned about how close the road would be to the property line. He asked that the lights be dark sky compliant.

Mr. Orlando testified that approximately 60% of the lots are less than 5,000 sq ft.

William Orr, 1510 Stagecoach Road, is the owner of one of the properties that had flooded. He asked what kind of guarantees there would be that the properties on Stagecoach Road would not flood when the construction begins.

Mr. Orlando believes the flooding was due to a high water table and not surface water. The surface water currently going to that area would be eliminated because of the proposed drainage.

Isabel Zuzulock, 1513 Stagecoach Road, asked why the low-income housing was not mentioned in the Notices. She asked if the units are not purchased by 55 and over if the entire property would become low income.

Mr. Korschak responded that there would be a deed restriction that at least one person in the unit must be 55 or older. No one under the age of 19 could live here. The portion of the property being used as low-income housing could be a family with no age restriction.

Jeanne Mentzer, 2043 Route US 9 South, asked if there was low income in Osprey Point. Solicitor Marcolongo answered there is not since the Township did not have an ordinance in effect at that time. He stated that the applicant would be responsible for creating a low-moderate income-housing plan that would be in compliance with the State regulations. The applicant would be required to comply with the plan. Low income housing would be interspersed throughout the development and would be identical to all of the other houses in the development. He stated that each unit would be designed to have 2 off street parking spaces.

William Metzner, 2043 South Shore Road, had a question about drainage.

Robert Kate, 1524? Stagecoach Road, asked about installing a traffic light at the Route 9 entrance. Mr. Shropshire testified that a light in this location could not be warranted since there would not be enough traffic generated.

The meeting was closed to the public.

MR. KELLY – The applicants are requesting preliminary site plan approval for a 110-unit age restricted mobile home development. The applicant is the owner of the property. The property is located in the MH zone. The property consists of 22+ acres. Mr. Orlando gave testimony about the layout of the plan. He discussed the buffer, retention wall and 6' high vinyl fence. The site would utilize New Jersey American Water and not private wells. David Shropshire addressed the traffic and testified the site would not generate a significant increase in traffic. Mr. Dietrich asked that the plans be amended to show the additional site improvements that he requested. He does not believe that a hardship exists, however the proposed development would improve the site. Nine property owners have concerns about the variances requested.

MR. RIORDAN – He believes the applicant is trying to meet the concerns of the residents. The applicant's engineer has indicated that the drainage in the area would be improved. Mr. Dietrich has listed the additional information that he will need from the applicant. He feels the application meets the C2 criteria and that the benefits outweigh the detriments. He listed 3 special reasons that he feels would be met. He feels the drainage is a benefit.

MR. SCHRODER – He believes this is a unique property and certain concessions have to be met. He believes the applicant qualifies for the variances requested. It is his opinion that Mr. Vanderslice builds quality developments and that this development would enhance the Township.

MR. INSERRA – He is satisfied with the testimony by the applicant.

MR. BREADY – The applicant proposes 110 units where over 150 could actually be located.

MAYOR PALOMBO - A sign would be located at each entrance. Eighty percent of the units would be deed restricted and could only be occupied by senior citizens. Twenty percent would be for affordable housing. The units would contain no more than 2 bedrooms. The buffer would be a mix of trees and other plantings common to the area. The lights would be dark sky compliant. Two parking spaces would be provided for each unit and 63 additional spaces would be provided throughout the development. There has been discussion with NJ American Water Company to install a line down Stagecoach Road for other residents to hook up if they chose to do so. Prior development by the applicant has been an asset to the community. The owner would maintain the property.

MS. McCROSSON – The applicant has shown they are less dense than what is allowed. This is an efficient use of the land, which is one of the C2 criteria. They have developed the property for a majority to be used by senior citizens at a reasonable cost. The benefits outweigh the detriments and the purpose of the zoning ordinance is advanced. The traffic would be split between two access roads, which would lessen the impact.

MRS. SCROCCA – The Board has struggled with the issue of affordable housing for a long time. One way they have addressed this is by designating appropriate pieces of land

for projects that would help meet the requirements. The proposed use is specifically permitted. The applicant is coming in at a lower density and exceeds most of the bulk requirements. Because of the unusual shape and narrowness of the property it almost begs the need of the variances requested. She believes there is a hardship because of the shape of the land. She feels the C2 criteria is met since the variances could be granted without impairing the intent and purpose of the zone plan and advances the purposes of zoning. The development would be a visually attractive and desirable environment and encourages senior housing. She feels the signs at separate entrances are warranted since the property fronts on two State highways. She also believes a recommendation is needed for the 208 plan.

A motion was made by Mr. Bready and seconded by Mr. Riordan, to grant preliminary major site plan approval for a 110 unit age restricted mobile home development and requested variances and recommendation for amendment to the Water Quality Management Plan with the condition that the applicant provide soil borings to the Board Engineer as well as the width of the entrance and site triangles, revise the plans to evidence a 5 ft wide sidewalk, a bicycle rack at the club house, aeration of the wet ponds, provide for a tie in to the storm water management system with piping along the length of the retaining wall as necessary at station 8/50, on site lighting would be dark sky compliant, no construction will occur on the property without final major site plan approval with the submission of an Affordable Housing Plan which is deemed to be compliant with both the current Municipal and State Affordable Housing Regulations. In favor: Bready, Kelly, Inserra, Riordan, Schroder, McCrosson, Mayor Palombo, Chair Scrocca.

DISCUSSION

Solicitor Marcolongo stated that Township Committee has requested that the Board consider rezoning the first 100 ft along Tuckahoe Road near Ralph's Bagels. At the last meeting the Board discussed retaining planners.

Mr. Dietrich stated that he is waiting for one more quote to come back. He informed the Board that they can't go forward with obtaining a professional planner until the Township Committee adopts their budget.

Mr. Dietrich addressed the 208 Water Quality Plan. The State has adopted new regulations whereby within 180 days from mid January all Counties must submit a final updated sewer service area. The County hired a consultant last year to start the process. The Township must send a preliminary map to the State by the end of June. He wants the Board to review the information prior to submittal since some things have changed. This will be listed on the April agenda.

RESOLUTIONS

1. ST MAXIMILIAN KOLBE PARISH – BLOCK 650, LOT 5 – PB01-12

A motion to adopt the Resolution was made by Ms. McCrosson and seconded by Mr. Inserra. In favor: Bready, Inserra, McCrosson. Abstain: Kelly, Riordan, Palombo, and Scrocca.

2. 553 REALTY (MARCIA HOCKER) –BLOCK 553, LOT 7 – PB03-11

A motion to adopt the Resolution was made by Ms. McCrosson and seconded by Mr. Inserra. In favor: Bready, Inserra, McCrosson, Scrocca. Abstain: Kelly, Riordan, and Palombo.

BILLS

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

DISCUSSION

Solicitor Marcolongo advised the Board that on Wednesday he will be at the Appellate Division along with Daniel Young and Frank Corrado in regards to the Strathmere Deannexation. He expects a decision within 3 months.

ADJOURNMENT

The meeting was adjourned at 9:47 p.m.

Submitted by,

Shelley Lea