

**UPPER TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
SEPTEMBER 20, 2012**

The regular meeting on 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, Anthony Inserra, Gary Riordan, James Schroder, Susan Ragan, Joseph Harney, Janet McCrosson and Chair Renee Scrocca.

Absent: Daniel Bready, William Brown, James Kelly, Anthony Inserra, Janet McCrosson and Mayor Richard Palombo.

Also in attendance were Dean Marcolongo, Board Solicitor; Paul Dietrich, Board Engineer; Joanne Herron, Acting Board Secretary.

**APPROVAL OF THE AUGUST 16, 2012 MEETING MINUTES**

A motion was made by Mr. Schroder and seconded by Mr. Riordan to approve the minutes. In favor: Bready, Inserra, Riordan, Schroder, Ragan, Harney, McCrosson and Scrocca.

**SWEAR IN PAUL DIETRICH**

**APPLICATIONS**

1. DISCUSSION REGARDING ZONING DISTRICT CHANGES ALONG TUCKAHOE ROAD IN MARMORA FOR BLOCK 652.01, LOTS 16 THROUGH 19

Paul Dietrich, Township Engineer, was sworn.

Fred Heyer, of Heyer, Gruel & Associates, 236 Broad Street, Red Bank, New Jersey, was sworn.

Chair Scrocca stated this is a rehearing of a prior application that was heard several months ago before the full board. Because of conflicts we are having a rehearing. The Board members present tonight were at the prior hearing and Fred Heyer was asked to give a summary of his prior testimony.

Mr. Heyer testified that several months ago his firm was retained to review the zoning for certain properties in the Marmora section, specifically property located in Block 652.01 along Tuckahoe Road. The properties consisted of Lots 16, 17, 18 and 19. They prepared and distributed a memo dated May 17, 2012. The conclusion of the memo was that it was feasible to rezone a part of that area from residential use to a commercial zoning district. He then became aware of a court decision involving James Ginn vs. Township of Upper and the Upper Township Zoning Board of Adjustment. This decision involved one of the properties that was the subject of their study. They were unaware of that litigation or the court decision at the time the report was done. Mr. Ginn is the owner of Lot 17, which is a 50' x 125' lot. It is an isolated undersized lot and the court permit the owner of the property to develop it with a single-family residential use. Part of the analysis that lead to the original recommendation was the fact that the frontage of lots 16, 17 & 18 were vacant and undeveloped and suitable as a potential commercial site. Given the fact that lot 17 is now approved for a residential use it would not create a viable commercial site. If only lot 19 were rezoned it would be isolated and could be seen as spot zoning. They recommended that it would be premature to consider rezoning that property at this time and that the residential zoning should stay in place. This is not to say that some point in the future the issue could not be revisited. Now that there is an approved home sitting in the middle of the frontage it is his opinion that it should not be rezoned.

He stated that lots 16 and 18 both have homes on them that would be outside of the area that would be rezoned. 7 36