

**AGENDA FOR MEETING of DECEMBER 1, 2010
7:00 PM**

- 1. Call to order.**
- 2. Open Public Meetings Act announcement.**
- 3. Roll Call.**
- 4. Pledge of Allegiance.**
- 5. Vote on minutes of the 11-3-10 meeting.**
- 6. Correspondence.**
- 7. Yank Marine Services, LLC – Major Site Plan/Variance for waterfront reconfiguration and the installation of a new boat lift that may exceed the 50 ft. height limitation. Determination of completeness. Possible public hearing. Possible action.**
- 8. Cumberland County Farmland Preservation Plan – Discussion and decision on Township’s interest in the program.**
- 9. Other.**
- 10. Adjournment.**

MAURICE RIVER TOWNSHIP LAND USE BOARD

Meeting Minutes: December 1, 2010

Present: B. Stowman, Chairman, C. Thompson, V. Chairman, Committeewoman K. Ireland, Committeeman K. Langley, R. Chard, J. Carrara, R. Hoffman, J. Lafferty, K. Schellinger, PE, T. CuvIELLO, PP and M. Benson, Solicitor.

The Chairman announced that this meeting was held in accordance with the Open Public Meetings Act of New Jersey.

The minutes of the 11-3-10 meeting were approved on a motion by Ireland and seconded by Langley. Chard and Lafferty abstained. All other members voted in favor of the motion.

The Secretary announced receipt of the following correspondence:

1. The November 2010 New Jersey Planner publication. The main article referenced the appeals court decision to toss out COAH rules. Planner Tiffany CuvIELLO commented that it was determined by the court that the growth share methodology was invalid and the process of coming up with new regulations will start over.
2. A no call up letter from the Pinelands Commission dated 10-29-10 stating that the zoning permit issued to Charles Brackett for a forestry operation on Block 291, Lots 57 & 62 and Block 323, Lots 2,4 & 14-17 could now take effect.
3. A copy of meeting minutes for the November 3rd, 4th and 9th meetings regarding the Cumberland County Open Space and Recreation Master Plan.

**YANK MARINE SERVICES, LLC
MAJOR SITE PLAN/VARIANCE**

**BLOCK 276, LOT 4
487 MAIN ST., DORCHESTER**

This application was carried over from the November meeting due to a late notice to one property owner. Timely notice was made for this meeting.

Thompson stepped down due to a possible conflict of interest.

Nicholas Menas, Esq., from the law firm of Cooper Levenson, represented the applicant. He explained that the Yanks propose to install a much larger boat lift to enable them to repair and build larger boats on this site. The application requested major site plan approval along with a 'c' variance for the height of the lift, which will not exceed 10 % of the permitted height.

Schellinger read his review report dated 10-16-10. He talked about the checklist items P3, P6, P10, P13, and P14. These items require that a survey be provided as well as zoning information,

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tax map reference, number of parking spaces provided and setbacks. He noted that it appeared that the lift would conform to the 50 ft. setback. These plan items could be addressed with a perfected plan as a condition of approval. Other checklist items required testimony to determine the need for waivers.

Schellinger further discussed the requested waiver for a stormwater management plan. Based on the industrial nature of this business, the applicant was required to obtain an individual stormwater management permit which had been acquired from the NJ DEP in 2007. A copy was previously provided for the Board's file. Schellinger stated that he could support a partial waiver of this item, however, there were some erosion issues along the northerly property line that needed attention.

Peter Kearney and David Diefenthaler, engineers with Duffield Associates, were sworn in. Both gave their credentials and were accepted by the Board as qualified to testify on this application.

Diefenthaler stated that the applicant can comply with the plan items outlined by Schellinger. He provided further testimony for other checklist items in the review report. He stated that there were no signs proposed (P20); no change to the circulation on site, but employee parking will be added to the plan (P24); no change to vegetated areas except for the wetland mitigation planting and the creation of a tidal wetland area near the river (P26); the site is compacted and most runoff goes toward the river, however, the existing erosion along the northerly property line can be mitigated by creating a berm with some of the excavated material (P27).

Schellinger stated that the water running off of a roof toward the northerly line is causing the erosion. He asked that engineering detail be provided for a swale or a berm to prevent continued erosion. He stated that he could support a partial waiver or this item could be made a condition of approval.

Diefenthaler further testified that a deed restriction will be created by the wetlands permit along with a perpetual maintenance easement (P28). He also stated that no new lighting was proposed and a waiver requested (P29).

On a motion by Carrara, seconded by Hoffman and a unanimous vote, the application was deemed complete with the waivers and plan revisions discussed.

Peter Kearney presented the site plan dated 10-12-10 which was marked as Exhibit A-1. He testified that all improvements would be taking place at the waterfront. The applicant's objective is to service larger boats with minimum impact to the site. Improvements will be made to the railway and dock. The boat lift well is a concrete structure supported by steel sheet piling.

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Kearney further testified that they will be upgrading the boat lift from a 50 Ton lift to a 600 Ton lift. Only ¼ acre of the 5.85 acre site will be used for the improvements necessary to support the lift structure. He stated that the existing timber dock and railway are to be removed. This area will be excavated out for the larger boats. A new fixed timber dock will be installed. He also explained that geotubes filled with dredge materials will be used in the wetlands restoration area to prevent erosion of adjacent properties. The dredge soils will remain on the property and some may be used to create a berm. The dredge material is greater than 90% sand. A more organic soil will be used in the wetland mitigation area.

Kearney described how the boats will be lifted and transported to the yard to be worked on. He pointed out that because of the grade of the site, it would not be possible to get the large boats too close to the road. The lift itself will be stored on the well at the waterfront.

John Yank, property owner, was sworn in. He testified that there would be no change in the hours of operation, which is 8 AM to 5 PM, unless there is an emergency. The noise level should also be the same. The motor in the lift is less than 200 HP. He further stated that 6 to 8 men from this area will be coming from his Tuckahoe operation. There will be a total of 25 to 30 employees.

Yank further testified that the average boat would stay on the site about 15 days. No other buildings are proposed. The driveway is dragged 3 or 4 times a year to keep it smooth.

Menas stated that the variance relief needed for height is actually mitigated by the slope of the property. Visual impact is diminished when the lift is stored on the well, which is the lowest part of the property.

Cuviello pointed out the criteria for the C-2 variance including benefits of the application, advancing the purposes of zoning, and the benefits outweighing the detriments.

On a motion by Carrara, seconded by Chard and a unanimous vote, the public hearing was opened.

Roy Oliver, an adjacent property owner, was sworn in. He stated that he owns Block 276, Lot 4 immediately north of the Yank property. He commended the Yanks for their interest in the Township and stated that their business is a big plus.

Oliver proceeded to discuss his concerns with the erosion affecting his driveway. He explained that there were two areas where erosion was occurring caused by substantial runoff from the roof of a building. He stated that guttering would help. Approximately 600 ft. away, the gulleys created were almost a foot deep. He provided several photographs of this situation. He further

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stated that this is the only access to his property and it would be an economic detriment to have to deal with this constant erosion.

Oliver asked if the floating dock would be extended beyond the riparian limits. Yank confirmed that the existing dock will be removed and the new fixed dock is within the riparian limit.

Oliver questioned if any sandblasting would be taking place. John Yank responded that it would and that appropriate measures would be taken to contain the sandblasting material.

Oliver also asked if there were specific setback requirements for non-stationary items such as boats. Schellinger replied that no specific setbacks were found.

Mr. Yank stated that the lift could deposit a boat no closer than about fifteen (15) feet from the property line. The boats would have to be parked parallel to the property line and will be further away than the boats that have been parked there in the past.

Oliver stated that he plans to install a fence along the property line within the next few months which will delineate exactly where the line is. He further questioned the location of a high tension line and the proposed location of gas lines for his commercial building. Schellinger added that he often sees electric and gas lines crossing each other in developments. The utility company will resolve if this creates any concerns.

Schellinger asked if the owner was willing to resolve the erosion problems referred to by Mr. Oliver. John Yank responded that he was willing to correct this problem. They would consult with their engineers to decide whether to use a berm or swale. Schellinger requested that a grading detail be shown on a perfected site plan.

Oliver again thanked the Yanks for investing in Maurice River Township.

There being no further public comment, Lafferty motioned to close the public hearing. Hoffman seconded. Unanimous.

Schellinger suggested that bonding be required as a condition of approval to cover the costs of grading to prevent further erosion on the adjoining property. Menas stated that the amount of the bond would be diminimous, and requested that no bonding be required. After a brief discussion, the Board consented and no bond was required.

On a motion by Hoffman, the major site plan and C-2 variance for the height of the boat lift was approved based on there being no detriment to the public, a benefit to the Township and no impact on the Master Plan. The approval was made subject to the submission of a perfected plan showing grading details to deal with the erosion issue and proper maintenance of the geotubes.

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Carrara seconded. Unanimous roll call vote.

Cumberland County Farmland Preservation Plan

The Board discussed the proposal presented at the 11-3-10 meeting by Matthew Pisarski of the Cumberland County Planning Department, regarding the establishment of a 2011 preservation project area in the vicinity of the prison. Since there is plenty of open space in the Township, any property owner can pursue farmland preservation on their own; and, the proposal may further limit the Township's development potential, the Board did not see any benefit in taking part in the farmland preservation project at this time.

On a motion by Ireland, the Secretary was instructed to send a letter to the Cumberland County Planning Department of this decision. Langley seconded. Carrara opposed. All other members voted in favor of the motion.

Respectfully submitted,

Barbara D. Sutton, Secretary