

TOWNSHIP PLANNING BOARD
MEETING MINUTES
APRIL 21, 2005

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.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Daniel Bready, William Brown, Robert Caldwell, Andrew McCrosson, Gary Riordan, Bruce Thompson

ABSENT: James Kelly, Edward Kenney, James Schroder, Mayor Richard Palombo

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

APPROVAL OF MINUTES – FEBRUARY 17, 2005

A motion to approve the minutes was made by Mr. McCrosson, seconded by Mr. Caldwell, and approved.

APPLICATIONS

1. **FANCESCO RACANELLI – BLOCK 602, LOTS 11.01 & 11.02 – SD01-05:**

Application is for a minor subdivision to realign the existing lot lines and variances for lot area, lot frontage, lot width, lot depth and side yard setbacks at 716 & 718 Route US 9 South, Marmora.

William E. Bajohr, Esquire, represented the applicant. He stated that the applicant purchased the properties in the late 1960's. A survey was done when the lots were purchased, however the survey did not show the error in the placement of the dwelling. The error was found when the owner attempted to sell the properties to family members. The purchasers propose to renovate the properties and use them as summer homes. The applicant is requesting a minor subdivision to realign the lot lines so the line will no longer be in the middle of the single-family dwelling on lot 11.02. He does not feel the application as proposed will have a negative impact on the property or the neighborhood. He feels if the application is not granted it would be a great impact on the owner. He

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believes the application meets the criteria for a minor subdivision. The applicant agrees to remove the covered screen patio on the southern property.

Mr. Dietrich stated that the 1959 tax maps show the property as 2 lots. The 1982 tax map show only 1 lot. He referred to a 2 lot minor subdivision plan dated July 11, 1967 which was approved by the planning board and a survey dated March 15, 1968.

Victoria Castronovo, 7 Malibu Court, Jackson, NJ and Anne Racanelli, 10 Autumn Lane, Freehold, NJ, were sworn in.

Mrs. Racanelli testified that her in-laws purchased both of the dwellings in 1967 or 1968. Her nephews would like to purchase the property. They cannot purchase the lots without the subdivision approval.

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

MR. BROWN – Francesco Racanelli is the owner of Block 602, Lots 11.01 and 11.02 also know as 716 & 718 Route US 9 South, Marmora. The applicant is requesting a minor subdivision to realign the existing lot lines and bulk variances for lot area, lot frontage, lot width, lot depth, and side yard setback. The original survey was in error. A minor subdivision was approved in 1967. In 1982 when the tax map was revised the lots were consolidated into 1 lot. This application will correct that.

MR. McCROSSON – The applicant is represented by council. The plan dated 2/7/05 by Matthews Land Surveying, represents current and as built conditions and reflects non-conforming and pre-existing conditions. The lots were 2 separate parcels on the tax records until 1982 when they were consolidated. The improvements were constructed in the 1960's. The applicants are not proposing to add or change current conditions but rather to sell the property. There was no public comment.

MR. CALDWELL – The applicant will remove the 12' x 12' covered screen patio.

MR. RIORDAN – The condition originated a long time ago. This is an irregular shaped property. Council demonstrated there is nominal negative impact.

MRS. SCROCCA – The applicants do not plan any changes to the property other than removing the 12' x 12' porch. She believes this is a safety benefit to the township. Granting the variances would not impair the intent and purpose of the zoning ordinance. The benefits of granting the application would outweigh any detriments.

A motion was made by Mr. Brown and seconded by Mr. Riordan, to grant the minor subdivision with the requested variances, with the standard conditions and that the 12 ft. x 12 ft. covered screen patio is removed. Those in favor: Bready, Brown, Caldwell, McCrosson, Riordan, Thompson, Scrocca.

2. ROBERT & NANCY STANTON AND JOHN & CAROLINE GARRAHAN-BLOCK 574, LOTS 12.13 & 12.04 – SD02-05:

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Application is for a minor subdivision to realign the existing lot lines and a side yard setback variance at 1014 & 1012 Route US 9 South, Marmora.

Amy L. Houck, Esquire, represented the applicants. She stated that the owners of lot 12.04 were granted a side yard setback variance for a garage in 2002. While building the garage they discovered it was only 8.6 ft. from the lot line. Mr. & Mrs. Garrahan agreed to a minor subdivision to realign the lot lines so a variance will not be needed for the garage. The existing gazebo on lot 12.03 would be only 12.1 ft. from the property creating the need for a side yard setback variance.

Stephen C. Martinelli, Professional Land Surveyor, was sworn in. He testified that a variance was granted to permit a 10 ft. side yard setback for the construction of a 32' x 28' garage on lot 12.04. A height variance was also granted to allow the garage to be 21 foot high. The frontage and width on both lots are pre-existing non-conforming conditions. The 21.7 ft. side yard setback on lot 12.04 is also pre-existing. The garage is currently under construction.

Mr. Dietrich stated that the plat meets the township's filing requirements. This is almost the same plan as previously approved. The previous subdivision made lot 12.04 a conforming lot by making it over 40,000 sq. ft.

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

MR. CALDWELL – The applicant has standing to present this minor subdivision for the realignment of lot lines.

MR. RIORDAN – He believes the benefits of granting the variances outweighs any detriment.

MR. McCROSSON – The applicants have standing to prosecute this matter. Amy Houck, Esquire, is representing the applicants. Testimony was given by Stephen Martinelli, PLS. The plan dated 2/23/05 is incorporated as fact. The subject property is block 574, lots 12.03 and 12.04. The application would not have a detrimental impact on the surrounding properties or the zone plan.

MRS. SCROCCA – There are no physical changes to the property. The lot will be less non-conforming as it was previously.

A motion was made by Mr. McCrosson and seconded by Mr. Caldwell, to grant the minor subdivision and variances with the standard conditions. Those in favor: Bready, Brown, Caldwell, McCrosson, Riordan, Thompson, Scrocca.

BILLS

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

DISCUSSION

Mr. Dietrich has received a request from Scarborough Properties, Inc., to amend the Upper Township Waste Water Management Plan for the proposed ShopRite. They need approval to discharge more than 2,000 gallons of wastewater. Approval from the Township is needed along with the Cape May County Health Dept. and N.J.D.E.P. The township solicitor asked that the Planning Board be made aware of the matter. The developer is proposing to install a modified system similar to ACME and Osprey Point. A hydrological analysis was performed on the site last year. Copies of the technical data and reports will be forwarded to the township.

He updated the board on the Centers Designation process. A plan endorsement petition committee has been formed. They met 2 or 3 months ago in regards to revising the centers boundaries from what was originally proposed in 1999. This was sent to the office of smart growth. He received a review 2 weeks ago. He will meet with the consultant to try to achieve a happy medium. It will then return to the endorsement committee to work on proposed zoning regulations and ways to implement the center boundary area. It will eventually return to the planning board for their review and recommendation to township committee that it be submitted to the State.

D. ADJOURNMENT:

A motion to adjourn the meeting was made by Mr. Brown, seconded by Mr. Thompson, and approved. The meeting was adjourned at 8:05 p.m.

Submitted by,

Shelley Lea
Board Secretary