

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 9, 2006

The regular meeting of the Upper Township Zoning Board was held at 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: Stephen Ay, Elizabeth Bergus, Mary Jean Burgin, Ted Klepac, Jeffrey Pierson, Andrew Shawl, Matthew Unsworth, Paul Casaccio.

Absent: Lynn Petrozza

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

APPROVAL OF THE MINUTES FROM JANUARY 12, 2006

The following amendments were made to the minutes:

- Finding of fact on page 3 were corrected to show Mrs. Burgin not Mr. Brown.
- The approval of the December 2005 meeting minutes need to be included.

A motion was made by Mrs. Burgin and seconded by Mr. Unsworth, to approve the minutes with the amendments. Abstain: Pierson.

SWEARING IN OF BOARD PROFESSIONALS

Paul Dietrich and Shelley Lea were sworn in.

APPLICATIONS

1. CLAYTON DEVELOPMENT, LLC – BLOCK 573, LOT 26 – BA02-06:

Application is for sketch plat classification of a proposed 5 lot major subdivision at 1070 Willetts Road, Palermo.

Mr. Casaccio and Mr. Ay stepped down during this application.

Arthur T. Ford, III, Esquire, represented the applicants. Stephen Martinelli, Professional Land Surveyor, was sworn in.

Mr. Martinelli testified that the property is located on Willetts Road and White Oak Drive in Palermo. There is an existing 2 story duplex on the property. The applicant is proposing to subdivide the property and create four additional building lots. The proposed lots meet or exceed the zone requirements. They are proposing to install a cul-de-sac at the end of White Oak Drive and improve Willetts Road.

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

MRS. BERGUS – Clayton Development Associates are the owners of Block 573, Lot 26. They are proposing a 5 lot major subdivision. There is an existing duplex on site that is pre-existing non-conforming.

MR. SHAWL – The applicants are only requesting classification of a major subdivision at this time.

MR. UNSWORTH – The applicants will request a use variance when they return for preliminary approval. The applicant is requesting a 5 lot subdivision. The ordinance states that subdivisions over 3 lots are considered major subdivisions. The applicants are proposing a new street.

A motion was made by Mr. Pierson and seconded by Mrs. Bergus, to classify the proposed subdivision as a major subdivision. In favor: Bergus, Burgin, Klepac, Pierson, Shawl, Unsworth.

2. FREDERICK AND DEBORAH JACOB – BLOCK 791, LOT 42 – BA01-06:

Application is for a lot coverage variance and height variance to construct a rear deck and raise the dwelling to allow parking underneath at 1900 South Commonwealth Avenue in Strathmere.

Frederick Jacob, 601 Quail Drive, Millville, NJ, was sworn in. He testified that the subject property is their summer residence. They would like to construct a deck on the rear of their single-family dwelling. He submitted 2 photos showing the structure. The photos were marked into evidence as Exhibit A-1 and A-2. The dwelling will be set on pilings to allow space underneath for parking and storage. His architect designed the building plans to conform to the ordinance. His builder asked that he obtain a variance in case there is a difference after the house is put on the pilings. They are requesting a variance to exceed the permitted height by 18 inches. The addition is proposed on the north side of the property. There are only wetlands in the rear of the property. The addition will have no negative impact on the neighbors since it is in the rear of the structure. The application meets the lot area requirement and setbacks. He believes the variance can be granted without setting a precedent.

He testified that he requested to purchase 10 ft. of property from the owner of lot 40. The request was denied. He is willing to remove the shed from the property as a compromise. The location of the proposed addition will not have any effect on the septic. NJDEP approval is not needed.

Solicitor Marcolongo stated that he has received correspondence from the Cape May County Department of Health indicating there will be no negative effect on the septic.

Mr. Dietrich stated that the height of the building was measured from the average grade and not the centerline of the road. This may have a small effect on the height of the building. He feels the variance should be granted in case it is needed after the building is put on pilings and raised. The proposed decks are shown on the survey but are not shown on the architectural plans.

Mr. Jacob testified that the architectural plans would be amended to show the decks if the variance is approved.

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

MR. UNSWORTH – Frederick and Deborah Jacob are the owners of 1900 South Commonwealth Avenue in Strathmere also known as Block 791, Lot 42. They are requesting a variance for lot coverage to construct an addition to their single-family residence. A height variance is requested in case the building exceeds the height limit after it has been raised and set on pilings. Parking for 2 cars will be provided under the building. They are requesting 30.3% lot coverage where 25% is permitted. This is after the shed is removed. They have requested a variance to exceed the height by 18 inches. There will be sufficient headroom under the building. There was no public comment. The Cape May County Dept. of Health has determined the addition will not impact the septic.

MRS. BURGIN – The applicant has tried to obtain additional land from his neighbors but was unsuccessful.

MRS. BERGUS – An as built survey will be required to verify the height of the structure.

MR. PIERSON – The narrowness of the lot prohibits the applicant to achieve the coverage allowance. There is no additional property for the applicant to purchase.

MR. KLEPAC – The decks are being constructed in the rear and will have no impact on the neighbors.

A motion was made by Mr. Ay and seconded by Mrs. Bergus, to grant the application with the standard conditions and that the applicant remove the shed from the site, supply an as built survey and revise the architectural plans to show the decks.

3. STARDUST DEVELOPMENT, LLC – BLOCK 600, LOT 24.02 – BA02-06:

Application is for site plan approval for a 500 unit self-storage and office/storage space and a use variance to permit one of the five proposed buildings to be two story and variances for lot frontage and width, at 131 Stagecoach Road, Marmora.

Michael Fusco, Esquire, represented the applicant. He requested to table the application since there were only 6 board members that could vote on the application. He agreed to waive the time in which the board has to act on the application. No further notice is required.

RESOLUTIONS

1. CECELIA S. QUIGLEY t/a THE CHILDREN'S PLACE OF MUSIC AND LEARNING, INC. – BLOCK 558, LOT 14 – BA22-05:

A motion to adopt the resolution was made by Mrs. Bergus, seconded by Mr. Unsworth, and approved. Abstain: Pierson.

2. DOLORES CLAYTON – BLOCK 599, LOTS 26, 27, 28 – BA23-05:

A motion to adopt the resolution was made by Mrs. Bergus, seconded by Mr. Klepac, and approved. Abstain: Pierson, Casaccio.

BILLS

A motion to approve the bills for payment was made by Mrs. Bergus, seconded by Mr. Pierson, and approved.

DISCUSSION

Solicitor Marcolongo has prepared a resolution to accompany the summary of applications for 2005 and a letter to Mayor Palombo requesting certain changes to the ordinance.

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Mr. Pierson, and approved. Those in favor: Ay, Bergus, Burgin, Klepac, Pierson, Shawl, Unsworth, Casaccio.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Ay, seconded by Mr. Unsworth, and approved. The meeting was adjourned at approximately 8:30 p.m.

Submitted by,