

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 8, 2006**

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

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

**SWEARING IN OF BOARD PROFESSIONALS**

**APPROVAL OF THE MAY 11, 2006 MEETING MINUTES**

A motion to approve the minutes was made by Mrs. Bergus, seconded by Mr. Unsworth and approved. Abstain: Burgin.

**APPROVAL OF THE MAY 30, 2006 MEETING MINUTES**

A motion to approve the minutes was made by Mr. Klepac, seconded by Mr. Ay, and approved. Abstain: Pierson.

**APPLICATIONS**

1. **THEODORE KAYIALES – BLOCK 479, LOT 28 – BA16-06**

Theodore Kayiales, 601 Tuckahoe Road, Marmora, was sworn in. He requested to table the application until July 13, 2006 at 7:00 p.m.

He agreed to allow the zoning officer and construction official to inspect the site and the property at 10 a.m. on June 9, 2006.

2. **CLAYTON DEVELOPMENT – BLOCK 573, LOT 26 – BA15-06**

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Application is for final approval of a proposed 3 lot major subdivision at 1070 Willets Road in Palermo.

Paul Casaccio and Stephen Ay stepped down during this application. Mr. Unsworth acted as Chair.

Arthur T. Ford, III, Esquire, represented the applicants. He informed the board that preliminary approval was granted on April 11, 2006. They have paid the fire fund and recreation fund. The bonds have been posted except for the surety bond.

Mr. Dietrich stated the surety bond must be paid prior to filing. The block numbers west of Willets Road were changed to 573.01. The subdivision meets the map filing laws. The applicants have begun construction on the project.

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

MR. SHAWL – Clayton Development LLC is the owner of Block 573, Lot 26. The block numbers on the west side have been changed. The parcel is 5.6 acres. The final plat meets the requirements for the map filing law. There was no public comment. Arthur Ford represented the applicant.

MRS. BERGUS – The block numbers are being changed.

MR. UNSWORTH – The surety bond will be paid prior to filing. The recreation and fire funds have been paid.

A motion was made by Mrs. Bergus and seconded by Mr. Pierson, to grant the application with the standard conditions. In favor: Bergus, Burgin, Klepac, Petrozza, Pierson, Shawl, Unsworth.

3. THOMAS TOWER/ACTION SUPPLY, INC. – BLOCK 549, LOT 110 – BA09-06

Application is for an interpretation as to whether or not the mining is a permitted use on the adjoining property zoned AR and a possible use variance and buffer variance to allow the expansion of an existing mining operation on Stagecoach Road, Seaville,

Stephen Ay stepped down during this application.

Julius N. Korschak, Esquire, represented the applicant. They are requesting an interpretation and not site plan approval at this time. This parcel was part of a mining license in the past. The parcel is 17 acres. The ordinance requires 20 acres for mining. They would consolidate this lot with 2 other lots to equal 24 acres. They have notified property owners within 200 ft. of Lot 110, 135 & 136.

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Solicitor Marcolongo stated that he is comfortable with the notices. The plan shows the consolidation of all 3 lots.

Clement Lisitski, Esquire, represented 3 property owners, the Reilly's, 19 Cambridge Drive, the McClory's, 21 Cambridge Drive and the Hallsworth's, 10 Cambridge Drive. The Reilly's and the McClory's are directly affected. The homeowners have formed an informal homeowners association called Cambridge Associates. He requested a continuance of the meeting since the applicant's attorney supplied packages containing several documents dating back to 1986 to the board secretary and board members on June 6, 2006. He does not believe the board members have had enough time to review the material. He believes the application is deficient since the applicant has not listed reasons for granting the variance.

Ms. Petrozza joined the board at this time. She will listen to the tape of the portion of the meeting that she missed.

Mr. Korschak stated that Mr. Tower has made an effort to meet with Mr. Lisitski's clients to help resolve any issues or concerns they have.

Solicitor Marcolongo verified that he received a fax from Mr. Lisitski requesting to continue the application. A completeness hearing was held on April 20, 2006 and the application was deemed incomplete pending the submission of previous resolutions involving the mining operation. The documents submitted contained some old resolutions but not all of them. He believes the matter should be deemed incomplete and that Mr. Korschak be required to file all resolutions from 1986 forward for the boards review. He believes continuing the matter is in the best interest of the public and the objectors.

Mr. Korschak and Mr. Lisitski both agreed to supply each other with all documents that will be reviewed by the board.

Mr. Korschak agreed to waive the tolling of the time in which the board has to act on the application.

The application will be heard on July 13, 2006. The meeting will begin at 7:00 p.m. to hear the application of Theodore Kayiales. Mr. Tower's application will be heard after this application.

### **RESOLUTIONS**

1. ROBERT McALLISTER – BLOCK 549, LOTS 52.04 & 70 – BA05-06

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

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2. JAMES & SHARON DOUGHERTY – BLOCK 723, LOT 60.04 – BA10-06

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

3. JAMES & MARYANN McAFEE – BLOCK 687, LOT 28 – BA12-06

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

**BILLS**

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

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Unsworth, seconded by Mrs. Burgin, and approved. The meeting was adjourned at 8:43 p.m.

Submitted by,

Shelley Lea