

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 6, 2007**

A special 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: Elizabeth Bergus, Mary Jean Burgin, Ted Klepac, Jeffrey Pierson, Andrew Shawl, Matthew Unsworth, Christopher Phifer, Paul Casaccio.

Absent: Lynn Petrozza.

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

SWEAR IN BOARD PROFESSIONALS

1. LEONARD & JOYCE WILSON – BLOCK 839, LOT 4 – BA38-06

Mrs. Bergus stepped down during discussion and voting on this application.

Application is for front yard setback variance to construct a second floor on an existing single-family dwelling, a front yard setback variance for the proposed detached garage, a use variance for the expansion of a pre-existing non-conforming use since the property is located in a commercial zone, at 2 E. Webster Avenue in Strathmere.

Arthur T. Ford, III, Esquire, represented the applicants. He informed the board that the applicants require a use variance to add an addition to their home since it is located in the Commercial zone.

Leonard Wilson, 2 Webster Avenue, Strathmere, was sworn in. He testified that he is the owner of the property. The house was built in the 1930's. They are proposing to upgrade the structure and provide off street parking. The existing shed will be removed and a new smaller shed will be located on the property.

Robert Bachich, RA, principal of Bachich Associates, was sworn in. He testified the

UPPER TOWNSHIP ZONING BOARD

FEBRUARY 6, 2007

PAGE 2 OF 8

structure is located in the CM zone. The proposed shed will be smaller than the existing shed. The shed is actually part of an old garage. The applicants propose to expand the structure vertically and within the existing footprint. The proposed garage will be located 10 ft. from the septic.

Mr. Dietrich indicated that the existing steps are located in the township right of way. He suggested the applicant try to move the steps so they would be on their own property. Mr. Bachich agreed to try and move the steps.

A sheet of paper with 4 photographs was submitted as Exhibit A-1. The photos show the structure from different angles.

Mr. Ford will request township committee grant an easement for the steps to remain where they are if they cannot be moved. A variance will be needed for accessory building coverage. The ordinance indicates that the applicant is permitted to have two curb cuts.

Mr. Bachich stated that a variance is needed to allow the proposed shed to be located 6 ft. from the side property line instead of the required 8 ft. A variance is also needed for the distance between the shed and the structure. He believes the benefits of replacing the older non-conforming shed with a smaller more conforming shed outweighs any detriments. He believes the variances can be granted without detriment to the zone plan or master plan. The building was constructed as a single-family dwelling and has been there a long time. No changes to the footprint of the building are proposed. The proposed additions will maintain light, air and open space. He believes the proposed renovations fit into the scheme of how Strathmere used to be. The house will meet the 28 ft. height requirement.

Mr. Dietrich commented that the Cape May County Planning Board has indicated they do not want the second driveway. They are concerned about cars backing into Commonwealth Avenue. He does not believe that a k-turn is possible without installing additional hard surface. He would like to see the garage moved back approximately 10 ft. for vehicles to access the garage. Mr. Ford stated that a rear yard setback variance would be needed to relocate the garage. Mr. Dietrich suggested adding hardscaping on the east to provide additional room to back out. This would not negatively affect the impervious surface.

Mr. Wilson testified that the second floor of the garage would be used for storage. There will be no apartment in the garage.

Stephen C. Martinelli, Professional Licensed Surveyor, was sworn in. He concurs with the comments made by Mr. Bachich. He submitted a photograph of the adjoining structure. The photo proves the setbacks are similar to the applicants. The photo was marked as Exhibit A-2.

UPPER TOWNSHIP ZONING BOARD

FEBRUARY 6, 2007

PAGE 3 OF 8

The meeting was open to the public. Hearing no response the meeting returned to the board.

Mr. Ford stated that he would have Mr. Martinelli measure the distance of the neighbors house. If there is less than a 6 ft. difference the garage will remain where it is located on the plan. If they find there is a 6 ft. to 8 ft. difference the garage will be reduced by 2 ft.

The board gave their findings of fact.

MR. UNSWORTH – Leonard Wilson is the owner of 2 Webster Avenue in Strathmere also known as Block 839, Lot 4. He is requesting a use variance to for the expansion of a non-conforming structure. He is also requesting setback variances for the single-family dwelling, detached garage and shed. The proposed renovations to the existing structure will enhance its appearance and the neighborhood. The house will be in keeping with the character of Strathmere. The house will be within the 28 ft. height limit. The front steps are currently located in the township right of way. The applicant has agreed to request township committee grant an easement for the front steps to remain in their current location. If necessary the garage will be reduced by 2 ft. There was no public comment. The improvements will be done within the same footprint.

MR. SHAWL - He concurs.

MRS. BURGIN – The second floor of the garage will be used for storage only. The applicant will request an easement from the township so the existing steps can remain on township property. If the request is denied the applicant will move the steps out of the township right-of-way.

MR. PIERSON – He concurs.

MR. KLEPAC – He concurs.

MR. CASACCIO – This is a less intense use of the property. This is a unique lot since it is located on a corner and has two front yards. He would be in favor of amending the setbacks to make the site safer.

Solicitor Marcolongo stated that a rear yard setback would be needed to move the garage back 5 ft. The applicant is requesting a 25 ft. rear yard setback variance where 30 ft. is required.

A motion was made by Mr. Klepac and seconded by Mr. Unsworth, to grant the use variance for expansion of a non-conforming use. In favor: Burgin, Klepac, Pierson, Shawl, Unsworth, Phifer, Casaccio.

A motion was made by Mr. Klepac and seconded by Mr. Pierson, to grant the side yard setback for the shed and the variance needed for the distance from the shed to the house. In favor: Burgin, Klepac, Pierson, Shawl, Unsworth, Phifer, Casaccio.

A motion was made by Mrs. Burgin and seconded by Mr. Unsworth, to grant the variances needed to allow the detached garage to be 35 ft. from the house and 25 ft. from

the rear property line, with the condition that the garage be no closer to the road than the garage on Lot 3. In favor: Burgin, Klepac, Pierson, Shawl, Unsworth, Phifer, Casaccio.

2. ALBERT & SUZANNE LORD – BLOCK 862, LOTS 3 & 4 – BA36-06

Application is for a rear yard setback variance to construct a screen porch with a deck above, a variance for building coverage and for the width of the two curb cuts at 29 East Seaview Avenue, Strathmere.

Arthur T. Ford, III, Esquire, represented the applicants.

Stephen Muse, Registered Architect, was sworn in. He testified that the single-family dwelling is currently under construction. The applicants would like to add a 440 sq. ft. deck on the back of the structure. The lot depth is 92.9 ft. where 100 ft. is required. The non-conforming lot depth creates the need for the setback variance. They propose two 20 ft. wide curb cuts. There is currently a 30 ft. curb cut and an 11 ft. curb cut at the site.

Mr. Dietrich stated that previously there were two houses on these lots.

Mrs. Burgin stated that she would prefer to see two 12 ft. curb cuts instead of what is being proposed.

Mr. Muse testified that they are trying to provide off street parking. Since the property in the rear is owned by the D.E.P. there would be no detrimental affect on any neighbors. Moving the stairs to the deck would block the windows. There will be 4 parking spaces under the structure.

George Frtiz, General Contractor, was sworn in. He testified that the ground floor was designed to break away in case of ocean intrusion.

Stephen Martinelli, previously sworn, testified that proposed deck would increase the building coverage. They are requesting a variance to allow 33.2% where 25% is permitted. The proposed building coverage is similar to others in the area. He submitted an aerial photograph showing the property and surrounding area. The photo was marked as Exhibit A-1. The photo proves there will be no detrimental effect to the rear of the property since there is only beach, sand and an inlet. One vehicle could park in front of the site between the driveways. He stated that there are properties with larger curb cuts than proposed. He believes the variance could be granted without detriment to the neighborhood or zoning plan. The open deck will maintain light, air and open space.

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

Mr. Dietrich suggested reducing the curb cuts to 14 ft. to provide 40 ft. between the driveways.

The board was asked for their findings of fact.

MR. SHAWL – Albert and Suzanne Lord are the owners of 29 E. Seaview Avenue in Strathmere, Block 862, Lots 3 & 4. They are requesting variances for building coverage and rear yard setback to construct a deck. They are also requesting a variance for two 14 ft. curb cuts. There will be a minimum of 40 ft. between the driveways. The property in the rear of the applicants is owned by the NJDEP. The design is suited for the residential zone. The proposed on site parking exceeds what is required. There was no public comment. The proposed lot coverage is similar to at least 5 other properties within 200 ft.

MR. UNSWORTH – The deck will meet the flood and construction codes. The proposed lot coverage would be consistent with many lots in Strathmere. The applicant is seeking two 14 ft. curb cuts with 40 ft. in between. The unique shape of the lot creates the need for the variance.

MR. PIERSON – The variances can be granted without substantial detriment to the public good.

A motion to approve the variances was made by Mrs. Bergus, seconded by Mr. Pierson and approved. In favor: Bergus, Burgin,

3. CARL & SUSANNE SNYDER – BLOCK 791, LOT 25 – BA31-06

Application is for a front and side yard setback variances to raise an existing single-family dwelling at 2204 S. Commonwealth Avenue in Strathmere.

Carl Snyder, 2204 Commonwealth Avenue, was sworn in. He is the owner of the property. He submitted 4 photographs of the existing one story dwelling with a sunroom on the top. The photos were marked as Exhibit A-1. He is proposing to raise the house for protection from flooding. The height of the structure will be similar to other homes in the area. Parking will be provided under the structure. He has owned the property for 10 years.

Mr. Ford represented the applicants.

John Martin, Registered Architect, was sworn in. He testified that the applicants propose to raise the house. The exterior walls and window openings will remain. A second floor addition is proposed. Two off street parking spaces will be provided. The height of the structure will be below 33 ft. The number of bedrooms will not be increased. He reviewed the proposed demolition to the house that will include knocking out the interior walls and retaining the exterior walls and window openings. The house will meet the FEMA regulations.

Stephen Martinelli, previously sworn testified that the requested variances are in keeping with the character of the neighborhood. The existing encroachment onto lot 24 will be

corrected. The existing 30 ft. wide driveway will be reduced to 12 ft. He believes the proposed renovations are appropriate for Strathmere.

Mr. Martinelli testified there are several pre-existing non-conforming conditions on site including lot area, lot frontage, lot width, lot depth, front, side and rear yard setbacks, maximum building coverage, and the width of the driveway.

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

MR. PIERSON – Carl and Susanne Snyder, 167 Braddock Avenue, Hammonton, New Jersey are the owners of 2204 Commonwealth Avenue in Strathmere. The property is also known as Block 791, Lot 25. The applicants are proposing to renovate an existing single-family structure. Their intention is to raise the house and provide parking underneath. Pre-existing non-conforming conditions include lot area, lot frontage, lot width and lot depth. Raising the building will exasperate the already non-conforming conditions requiring variances for the front yard setback and both sides. They are also requesting a variance for building coverage. The building coverage will be improved slightly, from 33.03% existing, down to 32.98% where 25% is permitted. The impervious coverage is being reduced from 42.35% to 33.25% where 60% is permitted. The street opening is being reduced from 30 ft. to 12 ft. to make it conform to the ordinance. There are no accessory buildings proposed.

MRS. BERGUS – There was no public comment.

MRS. BURGIN – Raising the house would be consistent with other houses in the area. Two off street parking spaces will be provided under the building. The building will be straightened. There are no additional bedrooms proposed.

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

4. ROBERT & MARLA KOHAUT – BLOCK 828, LOT 3 – BA37-06

Application is for a rear yard setback variance and a variance to allow two 12 ft. curb cuts to construct a single-family dwelling at 704 Commonwealth Avenue in Strathmere.

Arthur T. Ford, III, Esquire, represented the applicants. The applicants have obtained a septic permit. This is a corner lot and has two front yards. The septic system will be located in one of the front yards causing the house to be pushed back towards the rear of the property.

Marla and Roert Kohaut, 4 Caldwell Circle, Ticonderoga, New York, were sworn in. Mrs. Kohaut testified that the property has been in the family for 35 years. Mr. Kohaut's father purchased the property in 1972. A copy of correspondence from the N.J.D.E.P. in

regards to the freshwater wetlands on the property was marked as Exhibit A-1. A copy of the septic permit from the Cape May County Department of Health, dated 4/7/06 was marked as Exhibit A-2.

Robert Bachich, previously sworn, testified that the lot is large enough for a compliant septic system. The septic will be located on the corner of the lot. Due to the location of the septic a rear yard setback is needed. They are requesting a variance to allow a 6 ft. rear yard setback where 30 ft. is required. The two proposed driveways are off of Commonwealth Avenue. The roof overhand and columns were not included in the building coverage. A variance will be needed for coverage since it will be over the permitted 25%. The plan will be amended so there will be 20 ft. between the driveways.

The meeting was open to the public.

Joseph D. Evancich, 700 S. Commonwealth Avenue, Strathmere, was sworn in. He is opposed to the rear yard setback variance since the house would be located so close to his property line.

Hearing no further comment the meeting returned to the board for findings of fact.

MR. UNSWORTH – Robert and Marla Kohaut from Ticonderoga, New York are the owners of 704 S. Commonwealth Avenue in Strathmere. The property is known as Block 828, Lot 3. A 6 ft. rear yard setback is proposed where 30 ft. is required. The applicant is also requesting a variance to allow 2 - 12 ft. wide curb cuts. There will be a minimum of 20 ft. between the driveway aprons. There will be sufficient room to make a k-turn. This is a corner lot. The septic is located on Putnam Avenue. Mr. Evancich, owner of the property in the rear of this lot objects to the granting of a rear yard setback variance. He believes the proposed dwelling would be aesthetically pleasing. The proposed dwelling meets the bulk requirements except the rear yard and lot coverage. Two parking spaces will be underneath the house.

MRS. BURGIN – Mr. Kohaut's father began the permitting process in 1976. The County dictated the location of the septic. The 20 ft. between driveways will allow for parking.

MRS. BURGIN – The septic permit was issued in 2006. The lot is located in the RR zone.

MR. PIERSON – He believes the variances can be granted without substantial detriment to the public good and will not impair the intent and purpose of the land use plan.

Mr. Ford stated that the applicant agrees to deed restrict the house for single-family only.

A motion was made by Mr. Unsworth and seconded by Mr. Pierson, to grant the variance for rear yard setback, principal building coverage and two 12 ft. curb cuts, with the standard conditions and that the applicant provide 20 ft. between the curb cuts, deed restrict for single-family only. In favor: Bergus, Burgin, Pierson, Shawl, Unsworth, Casaccio.

UPPER TOWNSHIP ZONING BOARD

FEBRUARY 6, 2007

PAGE 8 OF 8

ADJOURNMENT

A motion to adjourn the meeting was made by Mrs. Bergus, seconded by Mr. Unsworth, and approved. The meeting was adjourned at 10:35 p.m.

Submitted by,

Shelley Lea