

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 8, 2007

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

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

SWEAR IN BOARD PROFESSIONALS

APPROVAL OF MINUTES

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

TABLED APPLICATIONS

The following applications have been tabled until March 7, 2007 at 7:30 p.m. The applicants have agreed to waive the time in which the board has to act on the application. No further notice is required to be given by the applicant.

1. Robert Breunig – Block 548, Lot 6.01
2. Robert Breunig – Block 453, Lot 170.02
3. Maureen & Kevin Sheridan – Block 756, Lot 3
4. Gaetano & Maria Giordano – Block 668, Lots 21,22,23.01

REMINDER: NJPO MANDATORY TRAINING CLASS WILL BE HELD AT THE CAPE MAY COUNTY VOTEC ON MARCH 3, 2007 STARTING AT 8:15 A.M. ANOTHER CLASS IS BEING HELD AT THE ATLANTIC COUNTY VOTEC ON FEBRUARY 17, 2007

APRIL MEETING DATE

The meeting date in April has been changed to Monday, April 2, 2007 beginning at 7:30 p.m.

APPLICATIONS

1. WHIPPOORWILL CAMPGROUND – BLOCK 616, LOTS 3,4,5 AND BLOCK 615, LOTS 1 & 2 AND BLOCK 613, LOT 5 AND BLOCK 617, LOTS 3 THROUGH 10 – BA33-06

Applicant is requesting a use variance for expansion of a non-conforming use to construct a pole barn, a use variance for the height of the structure, a front yard setback variance and a waiver of site plan requirements at 810 South Shore Road, Palermo.

Mr. Pierson did not participate during discussion and voting on this application.

Jon Batastini, Esquire, represented the applicant. The applicant is proposing to construct a 100 ft. x 40 ft. pole barn on the southeast corner of the campground. The property is in the Residential zone. The addition of a pole barn is considered an expansion of a non-conforming use and requires a use variance. Campgrounds are not a permitted use in this zone. The proposed building coverage is 1.1% where 10% is permitted. A rendering of the proposed pole barn was submitted as Exhibit A-1.

Thomas Swenk, 825 Stagecoach Road, Marmora, president of the corporation and the owner was sworn in. He has owned the property for 31 years.

Joseph Maffei, Professional Engineer, was sworn in. He testified that the height of the proposed structure would be 23 ft. where 20 ft. is permitted. A use variance will be required since the building exceeds 10% of what is permitted. The pole barn will not have water and septic. They are proposing additional landscaping and buffering.

Mr. Swenk testified that he currently stores a substantial amount of equipment in the same location the pole barn is proposed. The equipment consists of log splitters, golf carts, dump truck and tractors. The building has to be tall enough to raise and lower the loader and dump truck. He feels it would be beneficial to have the equipment stored inside a building and out of the weather. It would help clean up the site and be more secure. The location is out of the way and will not interfere with the campsites. The area where the pole barn will be located is wooded. There will be no impact to any of the neighbors. He intends to plant trees and shrubbery to replace what is taken out and to hide the structure. The barn will be at least 100 ft. from any neighbor.

Mr. Maffei testified this is a 29 ½ acre lot. The barn will be placed on the corner of Atlantic Avenue. There will be doors on 3 sides of the barn. They propose to add drainage. There will be building mounted lights. The barn will not intensify the campground use. He believes the variances can be granted without substantial detriment to the public good since the campground already exists. The barn will help clean up the property. The height of the garage is similar to a ranch style home and will not be a

detriment to the neighbors. The variance can be granted without substantially impairing the zoning plan or master plan.

Mr. Dietrich believes that a site plan waiver is sufficient. He suggests that the applicant consolidate the lots. Mr. Batastini stated that the lots have been consolidated and that the deed shows them as consolidated. He stated that the applicant has previously requested that the township vacate Atlantic Avenue.

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

MR. UNSWORTH – Whippoorwill Campground is located at 810 South Shore Road in Marmora. They are requesting variances to build an accessory structure in the front yard. This is a unique shape lot. The area is already used to store equipment. The building will provide safety and security for the equipment. The lots have been consolidated. The applicant is willing to help satisfy the COAH obligation. The only utility in the structure will be electric. The application meets the drainage requirements. Landscape buffering is proposed around the structure. There will be no significant impact to the adjoining properties. The proposed lot coverage is only 1.1%.

MR. SHAWL – The pole barn will not be used as a residence. There will be building mounted lighting. There was no public comment.

MRS. BURGIN – The pole barn will be located away from the campsites. The barn will not intensify the use. This will be an enclosed area for Mr. Swenk to store his equipment and machines. The barn will promote safety. The variances can be granted without substantial detriment to the public good or zone plan.

MR. CASACCIO – The pole barn will be used by the campground and will not be rented.

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

2. DENNIS SIGOVICH – BLOCK 861, LOT 6 – BA32-06

Applicant is requesting variances for front yard setback and lot coverage to construct a 2nd floor deck at 300 N. Commonwealth Avenue, Strathmere.

Dennis Sigovich and Marcia Paullin, 548 Kings Lane, Andalusia, Pennsylvania, were sworn in.

Mr. Sigovich testified that they are proposing to add an 8 ft. x 24 ft. deck on the second floor. This would be an open deck without a roof. The deck would be made of cedar with a cedar handrail. This is a corner lot. A front yard setback variance is needed to permit 7.4 ft. where 15 ft. is required. A lot coverage variance is needed to permit 26.65% where 25% is permitted. The septic is located near the driveway and will not be affected by the deck. The proposed deck will improve the look of the property. The setbacks will be similar to others in the neighborhood.

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

MR. UNSWORTH – Dennis Sigovich and Marcia Paullin are the owners of the property located at 300 N. Commonwealth Avenue in Strathmere. They are requesting a front yard setback variance and lot coverage variance. This is a corner lot with 2 front yards. The applicants are proposing to add a cedar deck in the front of the house. The deck would conform to the existing house. The deck will improve the property and the neighborhood. There will be no impact on the septic. The proposed setbacks are consistent with other decks and homes in the area. There was no public comment.

MR. SHAWL – They are proposing to use cedar decking and a cedar handrail.

MS. PETROZZA – The deck satisfies special reason C.

MRS. BURGIN – The relief can be granted without substantial detriment to the public good and without detriment to the zoning plan or master plan.

MR. KLEPAC – This is a corner lot. If it were a side yard it would meet the setback.

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

3. J.P. STRATHMERE, L.P. – BLOCK 845, LOT 8 – BA39-06

Application is for a use variance for the expansion of a non-conforming use to permit the applicant to raise and rehab an existing duplex at 14 E. Whittier Avenue, Strathmere.

Michael Stanton, Esquire, represented the applicants. George Wray Thomas, Professional Engineer and Planner and Registered Architect, was sworn in. Peter Scrivano, principal in the corporation, was also sworn in.

Mr. Stanton stated that they would like to raise the existing duplex and relocate it on the lot. The new location will conform to the setback requirements. The non-conforming side and rear yard setbacks will be brought into conformance. The duplex is not a permitted use in the township so the proposed improvements require a use variance. The structure is currently unattractive and in need of improvements.

Four photographs of the existing duplex were submitted and marked as Exhibit A-1.

Mr. Thomas testified that they propose to raise the building to construct a new raised foundation. The building is currently below base flood elevation. Raising the building will bring the first floor up to required flood elevation. The habitable space will not be increased. He believes that the visual enhancement of the structure and the conforming setbacks are reasons for granting the variance. They will be adding a deck and stairway. There will be no substantial detriment to the public good, the zone plan or master plan. Curb and sidewalk are proposed. The curb cut will be 12 ft. wide. They are not

proposing a new septic. He discussed the proposed demolition. A demo plan will be submitted.

Mr. Scrivano testified that the duplex is small. He agreed to deed restrict the units for seasonal rental only.

It was determined that the entry in the front was not included in the building coverage calculations. The coverage proposed is 25.3% where 25% is permitted.

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

MR. UNSWORTH – J.P. Strathmere, L.P. are the owners of 14 E. Whittier Avenue. They propose to raise the building to meet the current flood requirements. They are proposing a 12 ft. wide driveway apron to provide street parking. This is a dilapidated structure in need of repair. They propose to condo the units. They will require a variance for building coverage. Mr. Scrivano has agreed to deed restrict both of the units. The units will only be rented from April 1 to October 1. There was no public comment.

MR. SHAWL – The first floor will be raised above flood elevation. The applicant supplied 4 photos of the structure. The renovations will greatly improve the aesthetics. The duplex will be moved to the center of the lot to conform to the setback requirements. Relocating the building will increase light, air and open space.

MRS. BURGIN – She believes the variances can be granted without substantial detriment to the public good and will not impair the intent and purpose of the zone plan.

MRS. BERGUS – The applicant requires a demolition permit.

MR. PIERSON – The renovations preserve the character of the neighborhood. The proposed improvements will conform to the area.

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, Pierson, Shawl, Unsworth, Casaccio.

RESOLUTIONS

1. ATKINSON DEVELOPMENT GROUP – BLOCK 559, LOTS 36.01, 37 & 39 – BA29-06

A motion to adopt the resolution was made by Mr. Shawl, seconded by Ms. Petrozza, and approved.

BILLS

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

ADJOURMENT

A motion to adjourn the meeting was made by Mrs. Bergus, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 9:15 p.m.

Submitted by,

Shelley Lea