

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 9, 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, Christopher Phifer, Lynn Petrozza, Matthew Unsworth.

Absent: Andrew Shawl and Paul Casaccio.

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

SWEAR IN BOARD PROFESSIONALS

APPROVAL OF THE JULY 12, 2007 MEETING MINUTES

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

TABLED APPLICATIONS

1. THOMAS TOWER / ACTION SUPPLY, INC. – BLOCK 549, LOT 110 – BA17-07

This application was tabled until September 13, 2007. The applicant has agreed to waive the time in which the board has to act on the application. No further notice will be given.

APPLICATIONS

1. JOHN McGRATH JR. AND PATRICK FLANAGAN – BLOCK 567, LOT 50.01 - BA18-07

Application is for an extension of variances granted for an age-restricted housing development at 1357 Route 9 South, Palermo.

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Julius N. Korschak, Esquire, represented the applicant. He stated that a use variance and bulk variances were granted for an age restricted housing development on February 10, 2005. The applicant is now requesting a one year extension of the variances granted by Resolution BA25-04. The applicants are currently working with NJDEP in regards to the wetland transition area. A CAFRA permit will be needed for this project.

Mr. Korschak further explained that the town centers have been approved and they are waiting for the new zoning to come into effect. The applicants will return to the board for site plan approval. He understands that the COAH requirements will apply to this application.

Paul Callahan, representative of the company, was present.

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

MR. PIERSON – John J. McGrath and Patrick Flanagan have made an application for an extension of variances granted for an age restricted housing development. Elizabeth Corson and Curtis Corson, Jr. are the owners of the property. The subject property is located at 1357 Route US 9 in Palermo and is also known as Block 567, Lot 50.01. A golf course currently exists on the site. Resolution BA25-04 was previously adopted on February 10, 2005. This is a transition time with new ordinance going into affect. They are currently working with the NJDEP. They will require a CAFRA permit. The affordable housing will apply. There was no public comment.

MR. KLEPAC – Jules Korschak represented the applicants.

MRS. BURGIN – The applicants will return for site plan approval.

A motion was made by Mrs. Burgin and seconded by Ms. Petrozza, to grant the one-year extension from February 10, 2007 to February 10, 2008. In favor: Bergus, Burgin, Klepac, Pierson, Phifer, Petrozza, Unsworth.

2. JCS REAL ESTATE DEVELOPMENT CORP. C/O JOSEPH CRADDOCK –
BLOCK 306, LOT 19.01 – BA06-07

Application is for a use variance for the expansion of a non-conforming use, site plan waiver to permit outside storage and a sign variance at Olde Towne Storage, 2290 Route 50, Tuckahoe.

Ms. Petrozza stepped down during this application.

Robert Cooper, Esquire, represented the applicant. Approvals were previously granted for a mini storage facility at this location. The applicant is requesting a use variance to expand the use to allow outside storage of boats, cars, trailers and related items. The applicant is also requesting a variance for the existing sign on the building and site plan waiver since they will not be affecting the parking, lighting or drainage on site.

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Thomas Sidrane, Registered Licensed Architect, was sworn in. He described the subject property and surrounding area. The property is located on the corner of Route 49 and Route 50. The property is approximately 3 acres. They are proposing outside storage for long term parking of larger vehicles. The parking spaces are 8 ft. x 30 ft. There is a 30 ft. wide drive aisle.

Mr. Sidrane further testified there is a need for this type of use in the township. The proposed use will help to eliminate property owners from parking these vehicles at their residences. This is a benefit since property owners will not be parking trailers in front of their homes and on their residential lots. He feels the property is particularly well suited for this type of a use since the facility already exists. He feels there will be no substantial detriment to the public or the zoning plan or zoning ordinance. The applicant owns the adjacent property. He stated that the applicant would be willing to limit the visual impact by putting slats into the existing 6 ft. high chain link fence or adding landscaping.

Mr. Sidrane testified that the sign located on the building helps to identify the business. He believes the sign is beneficial to the public. He feels the sign is not detrimental to the public or the zoning plan or zoning ordinance. He feels that a formal site plan is not needed for this application since they are only attempting to designate a parking area. The applicant is willing to place concrete bumpers in the parking area.

Joseph Craddock, 754 Fourth Street, Somers Point, was sworn in. Mr. Craddock is the owner of the property. He testified that he would like to be able to park 12 vehicles in the designated area.

Mr. Dietrich stated that the facility predates the current buffer requirements. He stated that a 5 ft. buffer would be necessary for this use. A decorative fence would make the fence in compliance with the zoning ordinance. The proposed 30 ft. drive aisle exceeds the 25 ft. required in the ordinance.

Mr. Craddock testified that he is willing to install a white vinyl fence with low level landscaping for aesthetic purposes. He testified that there are 72 storage units in the facility. He will no longer require the banner sign on the fence.

Mr. Craddock agreed to a condition that there would not be any repair or maintenance on the vehicles while being stored on this site. He stated that this is a low impact use and that it would not have a negative impact on traffic. The site is locked and lit at night. The tenant in the house located on the adjacent lot watches the property.

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

MR. PIERSON – JCS Real Estate Development Corp. is the owner on the property located at 2290 Route 50 in Tuckahoe. The property is also known as Block 306, Lot 19.01. Robert Cooper, Esquire, represented the applicant. They are requesting an

expansion of a non-conforming use. The applicant will require D and C variances to enlarge the storage facility to permit outside storage of boats, trailers and cars. They are also requesting a site plan waiver and sign variance. The site is approximately 3 acres. The proposed parking stalls would be 8 ft. wide x 30 ft. long. Twelve spaces are proposed. There was lengthy discussion concerning the fence and proposed buffer. The applicant will provide concrete bumpers in each parking space. There is a need for this type of use. The outside storage will help get large vehicles off the public streets. There are other storage facilities in the township that have received similar approvals. He feels there will be no detriment to the public good. He will replace a section of the chain link fence with white vinyl fence. The fence will be moved back 5 ft. to provide room for shrubbery. He feels this will be a visual enhancement to the area. The sign variance is to permit a sign on the building. He no longer requires a sign attached to the fence. He feels the sign will not have any negative impact. There will not be any disturbance to the site only designating parking spaces. He feels the plan as proposed meets the requirements for a site plan waiver. They are proposing a 30 ft. wide drive aisle. There will be no repairs or maintenance to the stored items. There will be no vehicles for sale. There was no public comment. The applicant has someone police the property.

MRS. BURGIN – The decorative fence will be in compliance with the current zoning ordinance. Mr. Sidrane has indicated that the variances can be granted without detriment to the public or the zoning plan or zoning ordinance. There are lights and security. Since this is already a storage facility this is an expansion of a non-conforming use.

MR. KLEPAC – There will be no storage of hazardous materials.

A motion was made by Mrs. Bergus and seconded by Mrs. Burgin, to grant the application with the condition that the applicant install a decorative fence with ground level shrubbery and install bumpers, and that there will be no hazardous material stored or any maintenance or repairs, to the stored vehicles, there will be no items for sale, and the standard conditions. In favor: Bergus, Burgin, Klepac, Pierson, Phifer, Unsworth.

3. TERRY AND CINDI HENES – BLOCK 838, LOT 9 – BA10-07

Applicants are requesting a variance to permit a 40 ft. wide driveway opening at 30 Vincent Road, Strathmere.

Mr. Unsworth and Mrs. Bergus stepped down during this application.

A motion was made by Mr. Klepac and seconded by Mr. Phifer to nominate Mr. Pierson to act as Chairman for this application.

Michael Stanton, Esquire, was present to represent the applicants. He stated that this is a conforming lot in the Resort Residential zone. This is a new structure on the property. They are requesting a 40 ft. curb cut where 12 ft. is permitted. The previous building had four off street parking spaces and one on street parking space. They are now requesting seven off street parking spaces with no on street spaces. If a 12 ft. curb cut were required

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it would result in one on street parking space since the driveways on the adjoining properties are on the property line.

Mr. Stanton submitted one sheet of paper containing 4 photographs showing the garage with two cars parked inside. This was marked as Exhibit A-1. A photo of the subject property was marked as A-2. A photo of the property to the west was marked as A-3. A photo of the property to the east was marked as A-4. There are nine properties on his road that similar driveways.

Terry Henes, 30 Vincent Road, was sworn in. He testified that he is a year round resident of Strathmere. He has owned the property for 9 years. They recently demolished the original house and constructed a new house in the same location. He testified that there are 9 properties on his road with similar curb cuts. There are 108 properties in Strathmere that do not comply with this requirement. He is able to park two vehicles inside the garage and one on the side of the garage.

Mr. Dietrich stated that the concrete along the entire front of the property is new.

Mr. Pierson expressed concerns in regards to fire safety.

A copy of a survey was marked to show the width of the curb cut and where the concrete would be removed and grass planted. A 6 inch high curb and sidewalk will be added to conform to the ordinance. The survey was marked as Exhibit B-1. The survey shows the drive aisle, two areas with grass and a sidewalk and 6 inch curb. A 23 foot parking space will be provided on the road. The curb cut will be 15 ft. The remainder will be a transition in the curb. Mr. Stanton agreed that Exhibit B-1 is the applicant's new proposal.

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

MRS. BURGIN – Terry and Cindi Henes are the owners of 30 Vincent Avenue in Strathmere known as Block 838, Lot 9. Their property is located on the east side of Commonwealth Avenue approximately 300 ft. from the water tower. The applicants have amended their application to remove two strips of concrete approximately 22 feet in length to allow grass and a 6 inch curb. This would leave approximately 15 ft. for a driveway opening. The work will be completed by the end of November. The benefits of the deviation of zoning appears that it would not be a detriment. She believes that relief can be granted without substantial detriment to the public good since and will not substantially impair the intent and purpose of the zoning ordinance. The plan will also allow for a vehicle to be parked on the street where parking was not previously proposed.

MS. PETROZZA – The new proposal should be approved for special reasons “B” and “T”. She feels the new proposal is satisfactory.

MR. PHIFER – A 40 ft. driveway opening currently exists on site where only 12 ft. is permitted. The board had to find a compromise to provide parking on the street.

MR. KLEPAC – There was no public comment. He believes that the benefits of granting the variance outweigh any detriment. There was no public comment.

MR. PIERSON – He believes the variance can be granted without substantial detriment to the public good and will not substantially impair the intent or purpose of the zone plan or zoning ordinance.

A motion was made by Mr. Klepac and seconded by Mr. Phifer to approve the amended request as per Exhibit B-1 with the standard conditions. In favor: Burgin, Klepac, Phifer, Petrozza, Pierson.

4. CATHERINE BARRON-ELSEY – BLOCK 453, LOT 70.04 – BA13-07

Application is for a use variance to permit a two-family dwelling at 14 Nordic Drive, Petersburg.

Julius N. Korschak, Esquire, represented the applicants. The applicants are requesting a use variance to construct a mother in law apartment. The addition will have its own entrance, bathroom, kitchen and living area. A photo of the residence was marked as Exhibit A-1. The addition will be in the rear of the existing house. The dwelling will maintain the appearance of a single-family dwelling. There are duplex on Nordic Drive so the proposed addition will not be out of character of the neighborhood. The four owners currently live in the house. The applicants agree to deed restrict the new addition so that it cannot be used as a rental.

James E. Chadwick, Professional Engineer and Registered Architect, was sworn in. Robert Barron, Muriel Barron, Robert Elsey and Catherine Elsey, were sworn in.

Mr. Chadwick testified that the applicants propose to construct a one-story addition to the rear of their existing structure. The applicants will share a deck and pool. There will be a separate entrance to the addition. The applicants are willing to a deed restriction. There are a number of duplexes already existing in the neighborhood and in the Southwoods development next door. The proposed addition would be in character with the neighborhood. The structure will continue to look like a single-family dwelling from the road. The number of bedrooms in the structure will remain the same since one of the existing bedrooms will be made into a craft room. He believes that constructing an addition to the existing structures would help to conserve natural resources by adding onto the existing house. He feels there will be no negative impact to the neighbors.

Mr. Chadwick stated that the shed in the rear of the property would only be 11 ½ ft. from the proposed addition. This would require a variance since there must be 15 ft. distance from the shed to the house. This is a newer shed and it sits on a foundation. He believes that leaving the shed in this location would not be a detriment to the neighbors, the zoning plan or the zoning ordinance. The entrance to the addition will be next to the parking area. There will be no impact on the well or septic.

The meeting was open to the public.

Kenneth Ryan, 15 Nordic Drive, was present to support the application. He believes that mother in law apartments should be permitted in the township.

Barbara Miller, 16 Nordic Drive, was sworn in. She is in favor of the application.

Hearing no further comments the meeting was closed to the public and returned to the board for findings of fact.

MR. PIERSON – Catherine Barron-Elsy is the applicant. The subject property is located at 14 Nordic Drive in Petersburg known as Block 453, Lot 70.04. Jules Konschak represented the applicants. The applicant is requesting a use variance to construct a one-story mother in law apartment. The apartment would have a separate entrance. They are also requesting a setback variance to allow the existing shed to remain in the same location. From the road the building will appear to remain a two story colonial residence. The addition will be in the rear of the building. The applicants are willing to deed restrict the apartment. Mr. & Mrs. Barron both have physical conditions that make this proposal beneficial to the family. The neighbors are in support of the application. Mother in law apartments are a growing trend. The applicants will share a deck and pool. This is similar to a previous application that the board heard. There are 3 to 6 existing duplex in the area. The aesthetics of this duplex will be better than the existing duplexes in the area. The number of bedrooms will not be increased. This will help to preserve the natural resources since the applicants propose to add on to an existing dwelling rather than construct a new home. The septic and propane tank will be moved to accommodate the addition.

MRS. BURGIN - She believes this would be in keeping with the neighborhood. It is aesthetically pleasing. She feels the variances can be granted pursuant to NJS40:55D-2 “c” due to the two buildings being joined; “e” since there will be the same number of occupants and bedrooms as there are now and “i”. She feels the intent and purpose of zoning will not be impaired. Two neighbors testified that they are in favor of the variance.

MS. PETROZZA – The deed restriction will transfer with any new ownership. She feels this is beneficial to the township. The well and septic will not be impacted.

MR. KLEPAC – The applicants were represented by Jules Konschak and testimony was given by James Chadwick.

A motion was made by Mr. Pierson and seconded by Mr. Klepac to grant the use variance for the addition and the setback variance for the location of the shed with the standard conditions. In favor: Bergus, Burgin, Klepac, Pierson, Phifer, Petrozza, Unsworth.

5. JUSTIN AND BARBARA GEORGETTI – BLOCK 567, LOT 23.03 – BA14-07

Application is for a side yard setback variance to construct an addition to their single-family dwelling at 2 Cedarcrest Court in Seaville.

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Justin Georgetti, 2 Cedarcrest Court, was sworn in along with his son Scott Georgetti, 828 Stagecoach Road, Marmora.

Scott Georgetti testified that this is a narrow lot. The existing structure currently meets the setbacks. The existing screen porch is only 6 ft. wide. There is not enough room for his parents to move around. He may add a handicap ramp in the future. There will be no impact on the well or septic. The side yard is actually the neighbors rear yard.

Justin Georgetti testified that he concurs with the testimony given by his son Scott Georgetti. A photo of the dwelling was marked as Exhibit A-1.

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

MR. PIERSON – Justin and Barbara Georgetti are the owners of the property. The property is located at 2 Cedarcrest Court in Seaville or Block 567, Lot 23.03. They are requesting a side yard setback variance to extend the closed in porch. Physical conditions of the applicants require more space to maneuver.

MRS. BURGIN – There was no public comment. The applicants are requesting a 15.43 ft. setback where 25 is required. The setback is currently 25.43 ft. The addition includes 7 ft. expansion of the existing porch and 3 ft. needed for the stairs. This is a large lot. The addition will be 150 ft. from the neighbors structure.

MR. KLEPAC – The applicants quality of life would be substantially improved by the addition.

MR. UNSWORTH – This is an attractive structure. The addition will enhance the structure and the neighborhood. They intend to build a ramp in the future.

A motion was made by Mr. Pierson and seconded by Mr. Klepac, to grant the side yard setback variance with the standard conditions. In favor: Bergus, Burgin, Klepac, Pierson, Phifer, Petrozza, Unsworth.

6. HALL & DEBRA ZAHREND – BLOCK 453, LOT 247.08 – BA16-07

Application is for a front yard setback variance to construct a front porch on their single-family dwelling located at 14 Luke Court in Seaville.

Hall and Debra Zahrend, both of 14 Luke Court, were sworn in.

Mrs. Zahrend testified that they are requesting a front yard setback variance needed to construct a 42 ft. x 8 ft. front porch on their house. Their property is located on a cul-de-sac. They are requesting a variance to allow a 45 ft. setback where 50 ft. is required. There will be no impact on the well or septic. The porch will enhance the appearance of the structure. Other houses on Luke Court have similar porches. The construction of the proposed porch will be consistent with the neighborhood. A photo showing the front of the house was marked as Exhibit A-1.

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

MR. PIERSON – Hall and Debra Zahrend are the owners of the property located at 14 Luke Court in Seaville or Block 453, Lot 247.08. They are requesting a front yard setback variance. This is a unique lot due to the cul-de-sac. There will be no impact on the well or septic. The front yard setback is currently 53 ft. and is proposed to be 45 ft.

MRS. BURGIN – The proposed front porch is in keeping with the neighborhood. There was no public comment.

MS. PETROZZA – The porch will provide adequate light air and open space.

A motion was made by Mrs. Bergus and seconded by Mr. Phifer to grant the front yard setback variance with the standard conditions. In favor: Bergus, Burgin, Klepac, Pierson, Phifer, Petrozza, Unsworth.

7. JAMES & NANCY LUTZ – BLOCK 567, LOT 29 – BA15-07

Application is for a use variance for the expansion of a non-conforming use to construct an addition to their house at 1727 Route 9 South in Seaville.

James and Nancy Lutz, both of 1727 Route 9, were sworn in. They have lived at this location for over 50 years. The addition is needed to add a larger back door and to extend the dining area. The addition meets the setbacks. The property is almost 2 acres. There is an existing single-family dwelling and a detached garage with living quarters on the property. A use variance is required since there are two principal uses on the lot.

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

MR. PIERSON – James and Nancy Lutz are the owners of 1727 Route 9 known as Block 567, Lot 29. The applicants are requesting a use variance for the expansion of a pre-existing non-conforming use. The applicants have owned the property for 50 years. There is an existing detached garage with an apartment. They are proposing to construct a 20 ft. x 20 ft. addition to the rear of the house that will be used as a dining room. There will be no impact on the well or septic. There was no public comment.

MRS. BURGIN – The property is located in the Residential zone. The proposed addition meets the bulk requirements. She feels the variance can be granted pursuant to special reasons “a” and “e”. She believes the variances can be granted without substantially impairing the intent and purpose of the ordinance.

A motion was made by Mrs. Bergus and seconded by Ms. Petrozza, to grant the use variance with the standard conditions. In favor: Bergus, Burgin, Klepac, Pierson, Phifer, Petrozza, Unsworth.

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BILLS

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

CLOSED SESSION

A motion was made by Mr. Pierson and seconded by Ms. Petrozza to go into closed session. Closed session began at 10:35 p.m. and ended at 10:40 p.m.

ADJOURNMENT

A motion was made by Mr. Pierson and seconded by Mrs. Bergus to adjourn the meeting. The meeting was adjourned at 10:40 p.m.

Submitted by,

Shelley Lea