

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 14, 2007

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: Elizabeth Bergus, Ted Klepac, Matthew Unsworth, Christopher Phifer, Lynn Petrozza, Paul Casaccio.

Absent: Mary Jean Burgin, Jeffrey Pierson, and Andrew Shawl.

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

**SWEAR IN BOARD PROFESSIONALS**

**APPROVAL OF THE MAY 10, 2007 MEETING MINUTES**

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

**APPLICATIONS**

1. RALPH HOLT – BLOCK 652.01, LOT 19 – BA01-07

Application is for a use variance to utilize the second floor for catering, variances for existing lot area and lot depth, revised site plan approval including the proposed catering business, six tables, revisions to the parking, drainage and buffering at Ralph's Bagels, 121 Tuckahoe Road, Marmora.

Julius N. Korschak, Esquire, represented the applicant. He requested to table the application since there are only 5 board members present.

The application will be scheduled on the July 12, 2007 meeting agenda. The applicant agrees to waive the time in which the board has to act on the application. There will be no further notice given.

2. KARL FISCHER – BLOCK 654, LOT 4 – BA08-07

Applicant is requesting variances for front yard setback and lot coverage to add a screened room onto an existing single-family residence at 2 St. Martins Place, Marmora.

Karl Fischer, 2 St. Martins Place, Marmora, was sworn in. He testified that he would like to add a screen room so that his family could enjoy the yard without being bothered by insects. He stated that the neighborhood is made up of small lots and small homes. He is requesting a variance to allow a 23.5 ft. front yard setback where 25 ft. is required. The proposed setback is compatible to other houses in the neighborhood. The only place to locate the screen room is in the back of the house.

Mr. Fischer testified that he utilizes city water. There is no well. The addition will have no impact on the septic. There will be no impact on the adjacent church. He believes the addition will enhance the aesthetics of the property. There is an alley that is located in the rear of the house. Although the addition will be located in the rear of the house, the alley between his property and the church is considered road frontage and therefore requires a front yard setback.

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

MR. UNSWORTH – Karl Fischer is requesting variances for front yard setback and lot coverage. The applicant utilizes city water. The proposed addition is 12 ft. x 13 ft. The addition will not impact the septic. The addition will enhance the quality of the neighborhood. There was no public comment.

MS. PETROZZA – She believes the addition will add appeal to the property. She believes the variance can be granted since the addition will provide light, air and open space.

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

**RESOLUTIONS**

1. HOLLYBERRY LLC – BLOCK 453, LOT 182.03 – BA410-6 –  
AMENDMENTS TO THE RESOLUTION

A motion to adopt the resolution was made by Mrs. Bergus, seconded by Mr. Klepack and approved.

3. JAMES MONTELEONE – BLOCK 639, LOT 22 – BA07-07

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

4. GAETANO & MARIA GIORDONO – BLOCK 668, LOTS 21, 22 & 23.01 – BA40-06

A motion to adjourn the meeting was made by Mrs. Bergus, seconded by Mr. Klepac, and approved.

### **BILLS**

A motion to pay the pay was made by Mrs. Bergus, seconded by Ms. Petrozza, and approved.

### **CLOSED SESSION – PENDING LITIGATION IN REGARDS TO ACTION SUPPLY, INC. – BLOCK 549, LOT 110**

A motion to go into closed session was made by Mr. Unsworth, seconded by Mr. Phifer, and approved. (7:55 p.m.)

3. ROBERT CHATTIN & MICHELLE JACKSON – BLOCK 567, LOT 48 – BA11-07

Applicants are requesting variances for lot frontage, a use variance to allow the detached garage to be located in the front yard and a use variance to allow two houses on one lot until the new house is constructed and the existing house is demolished at 1435 Route US 9 South, Marmora.

Michelle Jackson and Robert Chattin, 1435 South Shore Road, Palermo, were sworn in.

Ms. Jackson testified that they are proposing to replace their existing home with a new ranch style house. They are requesting three variances. A lot frontage variance is being requested to allow 125 ft. where 140 ft. is required. A use to allow them to live in the existing house while the new house is being constructed. A variance to allow the existing detached garage to be located in the front yard. The new house will meet the setbacks.

Ms. Jackson submitted two photos of the existing house and garage and a hand drawn picture showing the new house and the garage and the proposed landscaping. The photos were marked as Exhibits A-1. A copy of the well / septic permit from the Cape May County Department of Health, dated 04/23/07 was submitted and marked as Exhibit A-2.

Ms. Jackson stated that there is no available land to purchase since the adjoining properties are narrow. The lot is irregular shaped. They need to keep the house on the lot during construction since they have four children. The house will be a modular. They

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propose to install a hardscape driveway apron on Route 9. They will plant arbutus along the front of the property to help block the noise from Route 9 and to hide the garage.

Ms. Jackson requested 90 days from the issuance of a CO to demolish the existing house and fill in the septic and cap the well. The new house will be compatible to other homes in the neighborhood. There are new shingles on the detached garage and heat. The garage is the same color as the new house. The garage door faces the driveway not the road. They wish to keep the garage for storage. They plan to construct a new garage sometime in the future.

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

MR. UNSWORTH – Michelle Jackson and Robert Chatten are the owners of 1435 Route US 9 South in Palermo. They are requesting a variances for non-conforming lot frontage, two principal structures on a lot and to allow a detached garage to be located in the front yard. The applicants have requested 90 days from the date of their Certificate of Occupancy to demolish the existing single-family dwelling. There is not any additional property to purchase to meet the lot frontage requirement. The lot is 1.88 acres. The lot widens in the rear where the new house will be located. They have received their well and septic permit from the Cape May County Department of Health. They are proposing a buffer along Route 9 to block the view of the garage. The detached garage will match the new home. They hope to remove the existing garage in the future. He feels the new location of the house is better since it is further off the road.

MS. PETROZZA – She believes the new house will be aesthetically pleasing. The detached garage will be similar to the house. She feels that 90 days to demo the house is reasonable. The new structure will meet the setback requirements.

A motion was made by Mr. Unsworth and seconded by Mrs. Bergus, to grant the application with the standard conditions and the condition that the existing single-family dwelling will be demolished within 90 days after the issuance of a Certificate of Occupancy. In favor: Bergus, Klepac, Unsworth, Phifer, Petrozza, Casaccio.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Unsworth, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 8:20 p.m.

Submitted by,