

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

AUGUST 14, 2008

The regular meeting of the Upper Township Zoning Board of Adjustment 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: Mary Jean Burgin, Ted Klepac, Christopher Phifer, Jeffrey Pierson, Andrew Shawl, Matthew Unsworth, Lynn Petrozza, Kenneth Yakopcic, Paul Casaccio.

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

SWEAR IN BOARD PROFESSIONALS

APPROVAL OF THE JULY 10, 2008 MEETING MINUTES

A motion to approve the minutes was made by Mr. Unsworth, seconded by Mr. Yakopcic, and approved. Abstain: Pierson and Petrozza.

TABLED APPLICATIONS

The following applications were tabled at the applicants request until September 11, 2008. The applicants have agreed to waive the tolling of time. No further notice of these applications will be necessary.

1. FRANK DIRENZO – BLOCK 559, LOTS 21.01 & 21.02 – BA12-08
2. THOMAS INNOCENTE – BLOCK 479, LOT 108 – BA16-08
3. BLOCK 567, LOT 27 ASSOCIATES – BLOCK 567, LOT 27 – BA15-08

APPLICATIONS

1. PETER DAVISH – BLOCK 653.02, LOTS 14 & 15 – BA09-08

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

AUGUST 14, 2008

PAGE 2 OF 6

This is a continuation of an application for a use variance for the expansion of a non-conforming use to permit renovations and the addition of a deck and detached garage the addition of an existing duplex in the (TC) Town Center Zone. The applicant is also requesting front yard setback variances on Route 9 and the Unnamed Road, accessory building coverage variance and the distance between the shed and the house, tat 10 Route 9 North, Marmora.

Jeffrey Pierson and Matthew Unsworth stepped down during this application.

Dorothy McCrosson, Esquire, represented the applicant. She explained that the applicant was before the board on June 12, 2008. The applicant recently purchased this 2 family dwelling with 2 dilapidated out buildings. He has begun massive renovations to the property. The applicant would like to add a small deck onto the side of the structure and demolish the outbuildings. He would like to construct a garage in the rear of the property. The property is unusual since it has 2 front yards, Route 9 and an unnamed street on the southerly property line. The configuration of the lot and the street on the southerly property line justifies this variance. She reviewed the variances needed including the distance between the accessory structure and the main structure.

James E. Schwabb, Professional Engineer, was sworn. He testified the distance from the house to the accessory building is 16 ft. where 25 ft. is required. If the accessory structure were moved back to meet the setback a rear yard setback would then be needed. He believes the benefits of eliminating the old outbuildings and constructing a new garage substantially outweigh any detriments. Removing the old structures would decrease the already existing non-conformities. Constructing the garage in this location is better planning than sliding the garage back and creating the need for a rear yard setback and perhaps affecting the turning radius into the center bays. He believes the variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan.

Ms. McCrosson stated that the application was previously tabled so that she could discuss enrolling one of the apartments into the COAH program. The applicant has already signed a lease for the rental of the vacant apartment. The acquisition costs and the costs of the renovations make it financially unfeasible for him to do this. This property was chosen for the income-producing unit. The applicant will not be able to pay his mortgage if he is not able to rent the other side for fair market value.

Solicitor Marcolongo commented that Ms. McCrosson has supplied him with a copy of the lease evidencing the apartment was rented prior to the last meeting. The apartment is being rented for \$1,100.00.

Ms. McCrosson indicated that her client believes it has satisfied its burden in establishing a basis for the variances since the benefits outweigh any detriments.

Mr. Dietrich agreed that maintaining the rear setback is more important. He is in favor of the proposed configuration of the new garage.

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

MR. SHAWL – Peter Davish is the owner of an existing duplex at 10 Route US 9 North, Marmora, also known as Block 653.02, Lots 14 & 15. Mr. Davish is requesting to construct a deck and a detached garage. The applicant requires a use variance for expansion of a non-conforming use and several bulk variances. The property is a corner lot and has frontage on Route 9 and an unnamed road used for access by the church. The structure has been utilized as a duplex for many years. The applicant has made improvements to the duplex and the property. They are maintaining open space. There was testimony from a member of the church indicating they have no problem with the proposal and believe it will be a positive improvement.

MRS. BURGIN – If the unnamed street were a side yard and not a front yard the structure would be in compliance. The applicant is requesting a variance to allow the garage to be 16 ft. from the duplex where 25 ft. is required. They must maintain at least 10 ft. distance for fire safety or the shed must be removed. She believes the benefits of removing the outbuildings outweigh any detriment in granting the variances. She believes the improved aesthetics meets NJS40:55d c and i. She believes the application can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

MR. KLEPAC – The property is unusually configured making it necessary to obtain variances.

MR. CASACCIO – The applicant's attorney discussed the COAH situation and the applicant cannot help the Township with the COAH issue. The applicant has agreed to modify the shed that is currently attached to the duplex.

A motion was made by Mr. Klepac and seconded by Mrs. Burgin to grant the variances requested with the standard conditions and that the garage will not be used commercially or rented and that the lots are consolidated. In favor: Burgin, Klepac, Phifer, Shawl, Petrozza, Yakopcic, Casaccio.

2. CHARLES DOYLE – BLOCK 826, LOTS 10 & 10.01 – BA17-08

Applicant is requesting variances for front yard setbacks and 20 ft. wide driveway opening, for renovations to an existing single-family dwelling at 500 S. Bayview Drive, Strathmere.

Mr. Shawl stepped down during this application.

Arthur T. Ford, III, Esquire, represented the applicant. He stated that the applicant proposes to renovate the existing structure, which is located on a corner lot. The lot

fronts on Commonwealth Avenue and Sumner Road an unimproved street. There is a 20 ft. pre-existing curb cut.

Charles Doyle, 12 Larson Park Drive, Medford, New Jersey, was sworn. He testified that he acquired the subject property in February 2008. He plans to renovate the property in accordance with the plans. The proposed renovations will improve the property aesthetically and also reduce the number of bedrooms in the house.

Mr. Dietrich testified that the Township has replaced the bulkhead on Sumner Avenue. The bulkhead and the pier on the applicant's property are in a severe state of disrepair. Mr. Doyle indicated that he is aware they are in disrepair.

Mr. Ford submitted 4 sheets each containing 2 photos showing the subject property and the surrounding area taken by Mr. Bachich. The photos were marked as Exhibits A-1, A-2, A-3 and A-4.

Robert L. Bachich, R.A., 3323 Simpson Avenue, Ocean City, was sworn. He reviewed each of the photos submitted. Exhibit A-1 and A-2 are photos of the existing dwelling. The photo shows the ramp along the side of the building that encroaches into the right of way. The ramp will be removed as part of the project along with the deck and shed. Exhibit A-3 and A-4 show the street openings of the adjacent properties and depicts the fact there is no curb or sidewalk.

Mr. Bachich reviewed the plan he prepared dated 5/15/08 and revised 7/17/08. The plan includes a demolition plan indicating what will be removed and what will remain. The shed and attached cabana will be removed along with the front steps and the ramp on the side. There are currently 5 bedrooms in the house. The rooms will be reconfigured so there are only 3 bedrooms. He believes the building will be improved visually as well as structurally. They originally planned to remove the roof and gut the 1st and 2nd floor. They now propose to take down the walls and floor system in the 2nd floor and replace the joists so not to put any additional weight on the structure.

Mr. Bachich testified the proposed 2nd floor deck in the rear of the property would require a variance. The encroaching steps on Bayview Drive will be moved to the interior of the property. The impervious coverage will be reduced from 35.01% to 28.32% by removing the front step, ramp and sheds. The principal building coverage will be reduced from 32.87% to 21.62%. He believes the house will conform to the surrounding properties. The plan will be revised to include curb and sidewalk.

There was conversation in regards to the 20 ft. curb cut on Bayview Drive. It was determined that the curb cut would be reduced to 18 ft. in width at the curb and widen to 20 ft. at the property line. The application will be amended to show the change.

The meeting was open to the public.

Tony Addario, 512 Bayview Drive, Strathmere, was sworn. He testified that he has no problem with what is being proposed. He does have a problem with the township requiring curb and sidewalks.

Mr. Dietrich stated responded that several Strathmere residents have asked him to address the drainage issues on Bayview Drive. In order to do this the road elevation may have to be raised to prevent flooding. This involves the addition of curbs and sidewalks. The Township ordinance requires any new construction have curb and sidewalks.

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

MR. UNSWORTH – Charles Doyle is the owner of 500 S. Bayview Drive, Block 826, Lots 10 and 10.01. The applicant is looking to renovate an existing structure using the footprint of the main home. A non-conforming ramp, outbuildings and front steps will be removed. A variance is needed for the 2nd floor deck that will be 3.0 ft. from the front property line on Sumner Avenue where 15 ft. is required. The applicant is also requesting a variance for the driveway width. The original request was for a 20 ft. curb cut but the applicant has agreed to reduce the width to 18 ft. at street and 20 ft. at the property line. Two feet will be gained on the north side of the lot. The septic is not impacted by the construction. The improvements to the property are substantial and will improve the appearance of the property. The lot coverage is being reduced substantially. Mr. Addario commented that he is not opposed to the improvements but has concerns about future sidewalks and curbs. He would be in favor of granting the application with the changes that were referred to.

MR. PIERSON – The applicant has given positive criteria that the narrow lot justifies approval of the front yard setback variances. The reduced number of bedrooms is less burden on the septic system. The renovations will reduce the building coverage along with impervious coverage.

MR. KLEPAC – Mr. Bachich has indicated the aesthetics would be greatly improved by this application. Arthur T. Ford, Esquire, represented the applicant.

MS. PETROZZA – She believes the application maintains light, air and open space and promotes a better visual environment.

MRS. BURGIN – The non-conforming shed, ramp and stairs will be removed. The renovations will reduce the number of bedrooms from 5 to 3. She believes the application can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance.

MR. CASACCIO – The applicant agrees to add curb and sidewalk. The flood requirements will be met.

A motion was made by Mr. Pierson and seconded by Mr. Unsworth, to approve the application with the standard conditions and the condition that an amended site plan be submitted showing the amended driveway width, curbs and sidewalks. In favor: Burgin, Klepac, Phifer, Pierson, Shawl, Unsworth, Petrozza, Yakopcic, Casaccio.

RESOLUTIONS

1. ROBERT WHITELAW AND PAMELA LAWS – BLOCK 857, LOT 1 – BA10-08

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Mr. Pierson, and approved. Abstain: Pierson and Petrozza.

2. WARREN NORTH – BLOCK 657, LOT 9 – BA13-08

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Mr. Pierson, and approved. Abstain: Pierson and Petrozza.

3. JOSEPH McCANN BUILDERS, LLC – BLOCK 829, LOT 4.01, BA14-08

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Mr. Pierson, and approved. Abstain: Pierson and Petrozza.

BILLS

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

ADJOURMENT

A motion to adjourn the meeting was made by Mr. Pierson, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 8:50 p.m.

Submitted by,

Shelley Lea