

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MNIUTES
NOVEMBER 13, 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, Thaddeus Klepac, Jeffrey Pierson, Andrew Shawl, Matthew Unsworth, Paul Casaccio.

Absent: Christopher Phifer, Lynn Petrozza and Kenneth Yakopic.

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

APPROVAL OF THE OCTOBER 9, 2008 MEETING MINUTES

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

TABLED APPLICATIONS

1. SHORE KIDS LTD T/A TWISTIES TAVERN – BLOCK 841, LOT 9 – BA20-08

This application has been tabled at the request to the applicant's attorney. The application will be heard on January 8, 2008. The applicants agree to waive the tolling of the time. There will be no further notice of this meeting.

APPLICATIONS

1. KRISTINA WRIGHT – BLOCK 348, LOT 84 – BA23-08

Application is for preliminary approval of a 4 lot major subdivision with a use variance for expansion of a non-conforming use, variances for lot area, lot frontage and lot width at 1581 Route 50, Petersburg.

Kristina Wright, 1581 Route 50, was sworn in along with Joseph Maffei, Professional Engineer.

Mr. Maffei testified the property is 300 ft. wide x 2,000 ft. long. There is an existing commercial use known as Max Marine. The applicant is requesting to create 3 residential lots and the existing commercial use on Route 50. The residential lots will be accessed by an extension of McDaniel Court. The property is unique since it is located in both the CM4 zone and an Agricultural zone. A storm water basin will be constructed toward the rear of the lot. A 100 ft. buffer is provided in the rear of the storage area on proposed Lot 84.01.

Mr. Maffei stated a use variance is needed for the expansion of a non-conforming use. The variances being requested are due to the long and narrow lot. The lots are similar to what exists in the rest of the neighborhood. Each lot will have its own driveway.

Solicitor Marcolongo stated that a condition of the applicant's site plan approval was that a deed was to be filed in regards to the 100 ft. buffer. Mr. Dietrich suggested including this condition on the subdivision plat.

Mr. Maffei testified this area has been rezoned and now requires additional area and frontage. Lot 84.02 requires a lot frontage variance and lot 84.03 and 84.04 are compatible to other lots in the development. He stated the applicant would satisfy the COAH requirements under the ordinance in effect at that time. They have not yet applied for septic permits. They do not anticipate any problems with obtaining the permits.

Mr. Dietrich stated the access easement is a standard width.

Solicitor Marcolongo stated the applicant must post a performance bond. The ordinance also requires a storm water management fee. He suggested a condition that Mr. Dietrich and Mr. Maffei establish the storm water management fee. Mr. Maffei confirmed that the applicant is in favor of the one time fee to be paid prior to filing the final plat.

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

MR. UNSWORTH – Kristina Wright, Block 348, Lot 84, is proposing a 4 lot major subdivision with variances. The property is an existing non-conforming use. The subdivision will create 3 residential lots that will be attached to an existing subdivision. One of the proposed lots requires a variance for lot area. Two of the lots need variances for lot frontage and width. The ordinance has changed since the adjacent subdivision was developed. The proposed lots exceed the requirements that were in place when the adjacent subdivision was developed. The lots are considerably larger than the other residential lots in the area. The applicant has agreed to several conditions including the 100 ft. buffer in the rear of the commercial lot, the COAH requirement, performance bond, storm water basin, and maintenance fee. The use variance is needed for the

expansion of a non-conforming use. The applicant has not applied for well and septic permits but has indicated the soils are sufficient to support septic systems. There was no public comment.

MR. PIERSON – Proposed lots 84.03 and 84.04 are extremely long and narrow due to the overall width of the property. They are similar in width to the existing lots. Lot 84.02 is limited in size due to the 100 ft. setback on the commercial lot. The lots will be larger than the existing lots. He feels there is no detriment to the current zoning laws. The subdivision would enhance the use of the property.

MR. SHAWL – The engineer testified the storm water basin would meet the requirements of the ordinance.

MRS. BURGIN – The application is for preliminary approval only. The subdivision meets special reason c. She believes the application can be granted without substantial detriment to the public good and will not substantially impair the intent or purpose of the zoning plan.

A motion was made by Mr. Klepac, and seconded by Mrs. Burgin to grant preliminary major subdivision approval, a use variance for expansion of a non-conforming use for the commercial use in the AR zone and 5 C variances relating to the residential lots with the standard conditions and the filing of the deed restriction regarding the 100 ft. vegetated buffer in the rear of the commercial lot, showing the 100 ft. buffer on the plat, satisfying the COAH requirements, payment of the performance bond and storm water management fee to be paid prior to the filing of the plat. In favor: Burgin, Klepac, Pierson, Shawl, Unsworth, Casaccio.

2. 912 NORTH SHORE ROAD, LLC – BLOCK 479, LOT 108 – BA16-08

Application is for amended preliminary and final site plan approval, bulk variances and a use variance for expansion of a non-conforming use, for a 2 phase project to create additional parking and jet ski storage and to construct a building to be used for storage and restrooms, relocate the existing sign and variance for the outside display at Beesleys Point Sea Doo, 912 Route US 9 North, Beesleys Point, New Jersey.

George Miller, Esquire, represented the applicants. He stated this is a family owned business. The applicants propose a 2-phase project to expand the business. This is a unique site since it is on the water. He feels the use is consistent to what is in the neighborhood. There is a Federal buffer that restricts the location of the display racks. The use variance is needed since there are 2 principal uses on the property, a historic house and the jet ski business.

Joseph Maffei, Professional Engineer, was sworn along with Joseph Innocente, 421 Laurel Drive, Egg Harbor Township.

Mr. Maffei testified the applicant is proposing to install additional jet ski racks and stone parking areas. The plan shows 12 overflow parking spaces parallel to Route 9. They propose to widen the driveway and add landscaping and fencing in the front. The

proposed 13 ft. high jet ski racks in the front of the property will be fenced in and evergreen trees will be planted.

Mr. Maffei stated the existing sign would be relocated outside of the site triangle as part of Phase II. The sign will still require a setback variance. The bathhouse will be removed and replaced with a 40 ft. x 50 ft. building to be used for storage and bath facilities.

Mr. Maffei testified that he does not believe the expansion will have any negative impact on the surrounding property owners due to the type of development in the area and the property will be cleaned up and made more aesthetically pleasing. This is an appropriate location for this type of use due to the close proximity to the water and the frontage on Route 9. He feels there will not be any negative impact on the zone plan since this is an existing facility.

Mr. Maffei testified the ordinance allows 30% display storage area and they are proposing 32%. The jet ski's are being stored and are not for sale. A variance is needed to allow storage in the front yard. The lot has frontage on Route 9 and Clay Avenue. The site will be more conforming by providing additional parking, relocating the sign and providing a buffer. The landscaping will include pines and flowering trees. The proposed bathhouse will not have an impact on the septic since it will be the same as the existing bathhouse.

Mr. Miller stated the business has changed through the years. People no longer come just to ride jet skis. They now offer service and storage as well. They need to offer these services since the business of renting jet skis has declined.

Mr. Maffei testified that the application conforms to the land use law due to the appropriate location and the historic site.

Mr. Miller stated there are currently no plans for the existing 3-story structure on the site. He does not believe the house has a negative impact on the jet ski operation. Mr. Pierson expressed concern about the structure in regards to fire safety.

Mr. Miller amended the application to include a variance for storage on a pervious surface.

Mr. Maffei will revise the plans to show the dates of the revisions that were made.

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

MR. PIERSON – The applicants are 912 North Shore Road, LLC. The subject property is block 479 and lot 108. This is a family business. They are requesting preliminary and final approval and a use variance due to the existing 3-story frame structure on site. They are also requesting variances for storage on a pervious surface, increase of 2% storage of

what is permitted and display in the front yard. The racks cannot be moved to the rear of the property due to the Federal buffer. A buffer is proposed to reduce the view of the 13 ft. high storage racks. The buffer will meet the ordinance requirements. This is a unique property with 2 front yards. Phase I will be the addition of 3 storage racks, 10' x 20' storage shed, pervious pavement, fencing, the driveway will be widened and asphalted. In phase II they will remove the existing bathhouse and construct a 40' x 50' restroom and storage building. The bathhouse will have no impact on the septic. They will provide 12 stone and 12 grass parking spaces for employee and overflow parking as part of Phase I. The sign will be relocated out of the site triangle. They have already taken action to correct the encroaching shed and fence. There was no public comment.

MR. UNSWORTH – He concurs with Mr. Pierson. There was discussion concerning the existing residence on site that is currently vacant. The residence is the reason for the use variance since there are 2 principal structures. He realizes the structure is an eyesore but he would hate to see it demolished since they would lose the ability to restore it.

MR. SHAWL – There was testimony in regards to the changes to the business and how the improvements to the site would provide additional storage for jet skis. The use on the site is appropriate given its location on the water and the size of the lot. The proposed buffer meets the intent of the ordinance.

MRS. BURGIN – The sign will be located outside of the site triangle. Phase II will be subject to the COAH obligation. The final plan will include the revision dates. She believes the application complies with special reasons G and I. She believes the variances can be granted without substantial detriment to the public good and will not impair the intent or purpose of the zoning plan or ordinance.

A motion was made by Mr. Unsworth and seconded by Mr. Pierson, to grant amended preliminary and final site plan approval, use variance and the variances for storage/display area with the standard conditions and the conditions set forth on the record. In favor: Burgin, Klepac, Pierson, Shawl, Unsworth, Casaccio.

3. WILLIAM & CHERYLE EISELE – BLOCK 476, LOT 7.01 – BA20-08

Applicants are requesting variances for side and front yard setbacks and distance between the principal and accessory structure at 280 S. Old Tuckahoe Road, Petersburg.

William J. Eisele Jr. and Cheryle Eisele, 280 S. Old Tuckahoe Road, Petersburg, were sworn.

Mr. Eisele testified they have lived at this location since 1971. They are proposing renovations to their single-family dwelling. The proposed front porch requires a front yard setback variance to allow 36.8 ft. where 50 ft. is required. A side yard setback variance to allow 22.8 ft. where 25 ft. is required to construct a rear porch to provide access to the back of the house. A variance is also needed to allow the distance from the existing garage to the proposed rear porch to be 12.7 ft. where 15 ft. is required. There is room on the 51,715 sq. ft. lot for the additions to be built without variances, however this is the best location since it would square off the back of the house.

Mr. Eisele testified the renovations will have no impact on the well or septic and will improve the appearance of the home. The renovations will improve the appearance of the house since they will be able to eliminate some of the gables and change the roofline. The house will be resided.

Mr. Dietrich stated the proposed setbacks are similar to others in the neighborhood.

Mr. Eisele believes the variances can be granted without any negative impact to the neighbors or the zoning plan.

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

MR. UNSWORTH – The applicants are William and Cheryle Eisele of 280 S. Old Tuckahoe Road, block 476 and lot 7.01. The applicants are proposing renovations to the existing structure by adding square footage to the home. The renovations will make the structure a shorter distance from the garage. A variance is needed to permit 12.7 ft. where 15 ft. is required. They are adding a covered porch onto the front of the home moving the house closer to the front yard lot line. Due to the angle of the home the rear deck will be closer to the side property line. They are doing other extensive renovations to the home that will enhance the appearance of the home. The renovations will not effect the well or septic. There was no public comment. He does not believe there is a negative impact or a reason not to grant the variances.

MR. SHAWL – He believes the renovations will be a nice addition to the neighborhood.

MRS. BURGIN – The application can be granted under special reason C. The structure was built prior to the existing code. Other properties in the neighborhood have similar setbacks. She believes the variances can be granted without substantial detriment to the public good or impairing the intent or purpose of the zoning plan ordinance.

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

4. JOHN & MARY BALTZ – BLOCK 561.01, LOT 32.39 – BA26-08

Application is for a front yard setback variance to construct a front porch at 210 Tennyson Place, Seaville.

John & Mary Kay Baltz, 210 Tennyson Place, Seaville, New Jersey, were sworn.

Mr. Baltz testified the proposed front porch would encroach 6 ft. into the setback. The proposed covered porch is 6' x 22' 8". This is a unique lot since there are 2 front yards. The porch will help them to enjoy the air, light and open space. The porch would be compatible to other porches in the neighborhood.

Mr. Dietrich stated the lot area is 13,663 sq. ft. and is undersized. The existing house currently does not meet the required 50 ft. setback.

Mr. Baltz testified the house is closer to the road than the adjacent property owner. He believes the variance can be granted without any negative impact to the neighbors or the zoning ordinance. The porch will not impact the well or septic.

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

MR. SHAWL – John and Mary Kay Baltz are the owners of 210 Tennyson Place in Seaville, block 561.01 and lot 32.39. They are requesting a front yard setback variance to construct a covered porch. They have testified the porch is similar to other porches in the neighborhood. The lot is undersized. The addition will help them enjoy the light, air and open space. There was no public comment. The addition will not impact the well or septic.

MRS. BURGIN – The proposed improvements will enhance the appearance of the house. The applicant's property does not meet the requirements in the non-conforming structures and lots ordinance since the addition will be closer to the property line than the adjacent property. She believes the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan or ordinance. There are 2 front yards.

MR. KLEPAC – He concurs.

MR. UNSWORTH – He concurs.

MR. PIERSON – He believes the addition will preserve the character of the neighborhood and raise the values.

MR. CASACCIO – He concurs.

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

RESOLUTIONS

1. NATHAN & MAUREEN DORON – BLOCK 829, LOT 3 – BA22-08

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

2. BLOCK 567 LOT 27 ASSOCIATES – BLOCK 567, LOT 27 – BA15-08

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Mr. Pierson, and approved. Mr. Casaccio abstained.

3. RALPH & DEANNA HOLT – BLOCK 652.01, LOT 19 – BA21-08

A motion to adopt the resolution was made by Mr. Shawl, seconded by Mrs. Burgin, and approved. Mr. Unsworth abstained.

BILLS

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

DISCUSSION

Solicitor Marcolongo briefed the Board on the litigation involving Thomas Tower/Action Supply Inc. The briefs have been submitted to the Court. They are waiting for the Judge to schedule oral argument.

Mr. Dietrich addressed the Ralph and Deanna Holt matter. He has asked the Solicitor to send a copy of the memorializing resolution to the applicant along with a letter notifying them the application cannot be heard or continued in its present form. Based on this he will be able to send a notice that they have not complied with the Municipal Court order that included re-vegetation of the site, re-excavation and certification of the drainage basin and removal of 3 tables inside. The trash enclosure has been relocated.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Klepac, seconded by Mr. Pierson, and approved. The meeting was adjourned at 9 p.m.

Submitted by,

Shelley Lea