

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
OCTOBER 8, 2009

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.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Mary Jean Burgin, Ted Klepac, Jeffrey Pierson, Andrew Shawl, Lynn Petrozza, Kenneth Yakopic, Vice Chairman Matthew Unsworth.

Absent: Christopher Phifer and Chairman Paul Casaccio.

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

TABLED APPLICATIONS

The application listed below has been tabled at the applicant's request and will be heard at the next regularly scheduled meeting on November 12, 2009. No further notice of this meeting is required.

1. RC CAPE HOLDINGS – BLOCK 479, LOTS 74, 76, 94.01, 97, AND 98 – BA29-09

NEW BUSINESS

1. SUZ-ANTHONY CORP. – BLOCK 12, LOT 9 – BA27-09

Application is for a use variance to allow for an expansion of 24 campsites at an existing campground located in the TR zoning district along with bulk variances, design waivers and amended preliminary and final site plan approval at 465 Route 49, Tuckahoe.

William Spiegel, Esquire, represented the applicants. Mr. Spiegel stated the applicants are the owners of River View Campground. They would like to add 24 campsites. The campground is a pre-existing, non-conforming use in the TR zone. He stated that Cedar Villas Inc owns the adjoining lots 8.01 through 8.07. These lots are preserved farmlands and can only be used for agricultural purposes. Suz-Anthony Corp and Cedar Villas are both owned solely by Noel McCreesh and Anthony D'Abundo. The Bureau of Nonpoint Pollution Control has given approval for 132 sites, however they are only proposing 125. The current license is for 101 sites. The campground was originally developed in the

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
OCTOBER 8, 2009
PAGE 2 OF 4

1970's. The applicants have received correspondence from CAFRA stating that an application is not applicable.

Joseph Maffei, Professional Engineer, was sworn along with Noel McCreesh, 905 Stagecoach Road, Palermo, New Jersey.

Mr. Maffei submitted an aerial photograph of the property that was marked as Exhibit A-1. He testified there are currently 101 sites in the campground. The applicants propose to create 24 new campsites toward the Route 49 side of the campground. There is an existing hedgerow approximately 200 ft. from the road that will remain. They are proposing a separate tree line buffer between the new units and Route 49. There is over 900 ft between Route 49 and the new sites.

Mr. Maffei testified the campground contains access to the river via a boat ramp and fishing pier. Mr. Maffei feels there is no negative impact since the campground already exists.

Mr. Maffei reviewed the variances needed which include front yard setback, 50 ft. required, 15.50 ft. proposed; side yard setback, 35 ft. required, 12 ft. proposed; maximum building and impervious coverage. The only impervious coverage is the sites and the pool and playground area. The lot coverage was calculated figuring that everyone would add a florida room onto their trailer. The entire property is over 40 acres. The roads in the campground are stone and are not included as impervious surface.

Mr. Maffei testified there is a swimming pool, playground and a recreation area inside the office. He feels the existing recreation meets the ordinance standards.

Mr. Dietrich advised the Board that the Township licenses campgrounds. If the application were approved they would need to request that Township Committee expand their license for the additional sites.

Mr. Maffei testified the campground ordinance requires 40% open space or 60% coverage, however the subject property is in a TR zone that does not allow for campgrounds. If this were in a different zone they would meet the coverage requirements. He testified there is sufficient room for emergency vehicles to turn around on site.

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

MR. SHAWL – The applicants Suz-Anthony Corp are the owners of Block 12, Lot 9 known as 465 Route 49 in Tuckahoe. They are requesting variances for front yard setback, side yard setback, building coverage and lot coverage and landscape buffer. They are also requesting waivers for stone access drive, environmental site analysis, traffic impact study and soil boring results. They are also requesting a use variance for

the expansion of a non-conforming use and amended site plan approval. Joseph Maffei gave testimony in support of the application. He feels the negative criteria has been met since the area is well suited for a campground. There is more than 900 ft. from Route 49 to the campsites. There is an existing hedgerow between the campsites and Route 49 and an additional hedgerow is proposed. The adjoining property is in the farmland preservation. This is a flag lot. The building coverage is actually less than permitted in a campground, however since the property is located in the TR zone it does not meet the ordinance requirement. There are currently 101 sites. The applicant proposes to add 24 sites for a total of 125 sites. The access roads will be made of stone to avoid additional runoff. There was testimony that there would be no impact on traffic. He finds the variances can be granted without detriment to the public good and without any impact to the zoning plan.

MR. YAKOPCIC – He agrees.

MRS. BURGIN – Correspondence from the NJDEP, dated May 7, 2009 was presented that indicates CAFRA approval is not applicable. There are 101 licensed sites. For recreation there is currently an office with inside recreation, pool, boat ramp and play area. There was no public comment.

MS. PETROZZA – She concurs.

MR. PIERSON – He believes the applicant complies with special reasons 40:55D2 (b) and (e). The applicant will comply with the affordable housing fee. The proposed landscape buffer will be in place prior to a building permit. Township Committee must approve the additional sites since they will need to be included in their license. The applicant must meet with the Tuckahoe Volunteer Fire Company regarding the fire safety fund.

MR. KLEPAC – He concurs.

MR. UNSWORTH – He concurs with his colleagues. This is a unique property that is well buffered by deed-restricted farmland.

A motion was made by Mr. Pierson and seconded by Mr. Klepac, to approve the application with the condition that the applicant must satisfy the fire safety fund, payment of the development fee, obtain license approval from the Township Committee for the expansion of the campground, develop a hedgerow as proposed prior to the issuance of any building permit and obtain an easement from the farmland preservation committee along with the standard conditions. In favor: Burgin, Klepac, Pierson, Shawl, Yakopci, Petrozza, Unsworth.

RESOLUTIONS

1. FRANK CARPINO – BLOCK 565.03, LOT 101 – BA17-09

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

2. MPS LANDHOLDERS LLC – BLOCK 479, LOT 46 – BA22-09

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

3. MPS LANDHOLDERS INC – BLOCK 479, LOTS 30,31,32,35 & 37 – BA23-09

A motion to adopt the resolutions was made by Mr. Shawl, seconded by Mr. Pierson, and approved. Abstain: Yakopcic and Petrozza.

4. JAMES & SANDRA BAUER – BLOCK 559, LOT 36.02 – BA26-09

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

5. ANTHONY & BARBARA TIERNO – BLOCK 666, LOTS 9 & 10.01 – BA25-09

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

BILLS

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

APPLICATIONS CONTINUED

1. COASTAL PARTNERS STORAGE LLC – BLOCK 566, LOT 36.01 – BA28-09

Julius N. Korschak represented the applicant. He stated that during the break it was determined that a use variance is not needed. The application will be forwarded to the Planning Board for their review.

APPROVAL OF THE SEPTEMBER 10, 2009 MEETING MINUTES

A motion to approve the minutes was made by Mr. Klepac, seconded by Ms. Petrozza, and approved.

ADJOURNEMENT

A motion to adjourn the meeting was made by Mr. Pierson, seconded by Mr. Yakopcic, and approved. The meeting was adjourned at 8:35 p.m.

Submitted by,