

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 25, 2004

A special meeting of the Upper Township Zoning Board of Adjustment was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 7 p.m. The Chair advised of the meetings compliance with the Open Public Meeting Notice. Everyone saluted the flag.

A. ROLL CALL: Roll call was taken with the following members present:

Marshall Behr	Ted Klepac
Elizabeth Bergus	Jeffrey Pierson
Mary Jean Burgin	Matthew Unsworth
Frank Conrad	Paul Casaccio

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

B. TABLED APPLICATIONS:

The following applications are tabled until the March 11, 2004 meeting. There will be no further notice required for these applications.

C. APPLICATIONS:

1. RDJ ENTERPRISES, LLC – BLOCK 566, LOT 36 – BA 36-03:

Application for minor subdivision approval and use variance to permit an accessory structure in the front yard and setback variances, preliminary and final site plan approval for a proposed self storage facility at 1292 Route US 9 South, Seaville.

Mr. Casaccio stepped down during this application and Mr. Unsworth acted as Chairman.

Julius Korschak, Esquire, represented the applicant. The property is currently occupied by a residence and commercial structure. They are proposing to subdivide the property. A use variance is needed since the residence is located in the front yard. Variances are needed for lot frontage and width. Preliminary and final site plan are needed for the storage facility. He feels this project is particularly well suited for being located off of the road.

Joseph Maffei, PE, was sworn in. He testified this is a long, rectangular shaped lot. There are wetlands in the rear of the property. The new lot will require variances for lot

frontage and width. This is a conditional use in the CM zone. A copy of a letter from the D.E.P. was marked as Exhibit A-1. The plan has been modified due to the verification of the wetland line by D.E.P. The unit in the rear of the property will be removed and another will be reduced. They are not proposing outdoor storage. They propose to contribute 75 cents per sq. ft. into the Fire Capital Improvement Fund. They agree to plant additional evergreens for buffering. The only access is through a sliding gate in the front. They are proposing one dwelling unit and an office in the building. He described the proposed lighting.

Mr. Korschak stated that the hours of operation have not yet been decided.

Mr. Dietrich requested the plan be revised to include the site triangle on the drive entrance, the paving detail, verify the distance on the drainage calculations in regards to the basin and the standard drainage easement language. The plan as proposed meets all the requirements for conditional use. The subdivision meets all bulk requirements except lot frontage and width. The existing building requires a use variance and front yard setback.

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

MR. BEHR – RDJ Enterprises, L.L.C. are represented by Julius Korschak, Esquire. They are requesting to subdivide Lot 36 in Block 566. The existing single-family dwelling will be located on lot 36.01. A use variance is needed since the residence is located in the CM zone. The existing dwelling and masonry accessory building pre-date the zoning ordinance. The lot is very narrow. There are wetlands in the rear of the lot. Storage facilities are a conditional use in the ordinance and are what he considers low use. Plantings will minimize the visibility of the facility. Plan revisions have been made due to the wetlands. A letter from D.E.P. referring to a modified buffer was marked as Exhibit A-1. Traffic flow seems to be adequate. The site will be fenced. There will be a one bedroom apartment and an office in the building. Additional trees will be added between the 2 lots or an ornamental fence. Tree removal will be limited.

MR. CONRAD – The applicant's engineer testified there would be adequate lighting. The lighting will not interfere with any residents. The proposed sign conforms to the ordinance. The sign will be externally lit. There was no public comment.

MRS. BURGIS – There will be no outside storage. There will be a security gate.

MR. PIERSON – The project meets the negative criteria. The application can be granted without any substantial detriment to the public good and will not impair the intent of the zoning plan or zoning ordinance. The applicant requested to contribute 75 cents per sq. ft. to the Fire Capital Improvement Fund in lieu of the fire facilities. This is a unique shaped lot. The applicants professionals have satisfied the issues in regards to wetlands on the site.

MRS. BERGUS – The applicant will meet the requirements as stated by the township engineer. She feels the applicants are creating a desirable visual environment. The rear building will be eliminated and one of the others will be reduced by one foot.

MR UNSWORTH – A total of 770 sq. ft. of storage area will be removed. A contribution will be made to the fire fund. There will be no outside storage. The site triangle will be added to the plan. The applicant must submit the drainage easement. The plan meets the requirements for a conditional use. Paving details will be added. There will be no toxic and/or hazardous materials stored on site.

A motion was made by Mrs. Bergus and seconded by Mr. Pierson, to grant the request for minor subdivision, use variance and variances for lot frontage, width and front yard setback and preliminary and final site plan approval, with the standard conditions. Those in favor: Behr, Bergus, Burgin, Conrad, Klepac, Pierson, Unsworth.

2. ROBERT & CYNTHIA OSTER – BLOCK 610, LOT 13 – BA 40-03:

Application is for a rear yard setback variance to enclose an existing deck at 126 Bryan Road, Marmora.

Robert and Cynthia Oster, 126 Bryan Road, Marmora, were sworn in. They testified that there are 2 existing decks on the rear of the dwelling. They are proposing a 12' x 16' enclosed porch. Their house is small and they have 2 teenagers and need the additional room. There are other porches in the area. One of the neighbors received a variance to construct their porch. Photos showing other porches in the neighborhood were marked as Exhibit A-1. Other porches in the neighborhood are in the rear of the dwellings. They can't locate the porch on the side due to the septic location. They propose to heat the porch. He agreed to a deed of consolidation.

The meeting was open to the public.

Tim Dickey, 118 Bryan Road, Marmora, was sworn in. He feels the enclosed porch will provide additional space for his family. He is in favor of the application.

Hearing no further response the meeting returned to the board for finding of fact.

MR. UNSWORTH – Robert and Cynthia Oster are the owners of 126 Bryan Road. They are requesting a rear yard setback variance. They propose to construct an enclosed porch on an existing patio. The lot is shallow and limits the setback area. The location of the septic also limits where the porch can be located. The proposed setback is similar to others in the neighborhood. The porch will conform to other porches in the area. The applicant has agreed to a deed of consolidation. Granting the variances will not create a detriment.

MRS. BURGIN – This is one of the larger lots in that area.

MR. BEHR – The unique is unique shaped. The lots are narrow.

A motion was made by Mr. Unsworth and seconded by Mr. Conrad, to grant the rear yard setback variance with the standard conditions and the deed of consolidation. Those in favor: Behr, Bergus, Burgin, Conrad, Klepac, Unsworth, Casaccio.

D. ANNUAL REPORT:

Board members were given a Summary of Zoning Applications from 2003. The board discussed age restricted housing, lots with 2 front yards, extension of approvals, enforcement of apartments and consolidation of lots.

Solicitor Marcolongo will prepare a resolution with the board's recommendations to the planning board for their consideration.

E. ADJOURNMENT:

A motion to adjourn the meeting was made by Mr. Pierson, seconded by Mr. Unsworth, and approved. The meeting was adjourned at 8:45 p.m.

Submitted by,

Shelley Lea
Secretary