

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 8, 2004

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. The Open Public Meeting Notice was read into the record. Everyone saluted the flag.

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

Stephen Ay	Frank Conrad
Elizabeth Bergus	Ted Klepac
	Paul Casaccio

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

B. APPROVAL OF THE FEBRUARY 25, 2004 MEETING MINUTES:

A motion was made by Mrs. Bergus and seconded by Mr. Klepac, to approve the minutes. Those in favor: Ay, Bergus, Conrad, Klepac, Casaccio.

C. APPROVAL OF THE MARCH 11, 2004 MEETING MINUTES:

The minutes were amended to indicate that Mrs. Bergus voted in favor of the Steve Nickelsberg application.

A motion was made by Mrs. Bergus and seconded by Mr. Klepac, to approve the minutes as amended. Those in favor: Ay, Bergus, Conrad, Klepac, Casaccio.

D. TABLED APPLICATIONS:

1. ALL SEASONS MARINA – BLOCK 736, LOT 47:
2. PINE HILL TRAILER PARK- BLOCK 600, LOTS 42 & 43:
3. ROBERT DONATUNI – BLOCK 839, LOT 22:

The above applications have been tabled until May 13, 2004. The applicants have agreed to waive the time in which the board has to act. There will be no further notice required.

E. APPLICATIONS:

1. KRUEGER, PAUL & LYDIA – BLOCK 841, LOTS 12 & 12.01 – BA 02-04:

UPPER TOWNSHIP ZONING BOARD

APRIL 8, 2004

PAGE 2 OF 5

Applicants are requesting variances for front yard setback, percentage of lot coverage and width of street opening, to replace 3 pre-existing units with 1 single-family dwelling at 224 Bayview Drive, Strathmere.

Mrs. Bergus stepped down during discussion and voting on this application.

Julius Korschak, Esquire, represented the applicants. The applicants purchased the property several years ago as an older structure with 3 apartments. The structure has been destroyed by fire. They are proposing to construct one single family dwelling on the site. They are proposing two driveways, both 12 ft. wide. The lots cannot be consolidated since one is a riparian lot and is not buildable. The additional lot was used as part of the lot calculation since it is a grant.

Dr. Paul Krueger, 435 Gladstone Avenue, Haddon Heights, NJ, was sworn in. He is the owner of the property. The original dwelling burned down on December 26, 2002. Correspondence from the Cape May County Dept. of Health, dated June 13, 2003, was marked as Exhibit A-1. The septic system is located in the rear of the property and impacts on the size and design of the house. Off street parking will be provided.

Mr. Schultz stated that the chimney encroaches into the side yard setback and a variance should be requested. Mr. Dietrich stated that the architectural drawings show the chimney. The plan drawn by Mr. Martinelli does not include the chimney.

Stephen Martinelli, Surveyor, was sworn in. The proposed front yard setback fits in with the other structures in the neighborhood. Photographs showing other homes in the area were marked as Exhibits A-2 through A-8. He believes the proposed stairs will be consistent with the character of the neighborhood. The photos also show there is another lot in the area with two driveways and several wider driveways.

Robert Bachish, Architect and Planner, was sworn in. The septic location and size forced them to locate the structure in the front yard setback area. He believes the benefits of granting the front yard setback outweigh any detriments since there are a lot structures in the area with similar setbacks and because a single-family dwelling will be constructed where there were 3 apartments within a structure. There are no accessory structures proposed. The building coverage requested is 29.75 percent. A copy of a survey dated 12/10/99 was marked as Exhibit A-9. The survey shows the proposed front yard setback will be more conforming than the previous structure. He believes the chimney is an architectural feature that has been added. He believes the variances can be granted without detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinance since the proposed building will fit nicely into this already developed neighborhood. He feels the proposed dwelling is an improvement over what was previously on site and will enhance the neighborhood.

Mr. Dietrich feels that the lot coverage should be verified. Mr. Korschak agreed to submit a dimension plan.

UPPER TOWNSHIP ZONING BOARD

APRIL 8, 2004

PAGE 3 OF 5

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

MR. CONRAD – Paul and Lydia Krueger are the owners of Block 841, Lots 12 & 12.01. They are requesting variances for front and side yard setback, percentage of lot coverage and width of street opening, to replace 3 pre-existing units. The prior structure burned down in 2002. The lot is currently vacant. They have obtained septic approval from the Cape May County Health Dept. They are proposing to cover 29.75% of the lot. They are proposing 2 – 12 ft. driveways. The proposed dwelling is consistent with other structures in the neighborhood and sits back further than some. The lot is in a Resort Residential zone. Photos have been provided. There was no public comment.

MR. AY – The structure is below the height permitted. As built surveys including height will be submitted.

MR. KLEPAC – The applicant provided photos of the existing homes in the neighborhood. The septic system is located in the rear. The proposed building will be an improvement compared to what existed. The proposed structure will be compatible with the neighborhood. He does not see the shower on the first floor as a problem. The septic is being upgraded.

MR. CASACCIO – He incorporates the testimony given by Mr. Bachish and Mr. Martinelli as his finding of fact. Evidence shows the house will be compatible with the neighborhood. The lot coverage will be verified on the plan.

A motion was made by Mr. Klepac and seconded by Mr. Ay, to grant the requested variances with the standard conditions, The plan drawn by Mr. Martinelli will be revised to show the chimney, the lot coverage will be verified, an as built survey will be submitted. Those in favor: Ay, Conrad, Klepac, Casaccio.

2. GEORGETTI INVESTMENTS, LLC – BLOCK 567, LOT 55 – BA 06-04:

Applicant is requesting final approval of a 16 lot major subdivision and site plan approval for an existing jewelry store on Route 9, Palermo.

Jules Konschak, Esquire, represented the applicant.

Joseph Maffei, PE, was sworn in. The plan has been revised to comply with the conditions of preliminary approval. They are currently working on obtaining a N.J.D.O.T. permit for the proposed new road. He reviewed the site plan. They are proposing 12 parking spaces for the jewelry store. The existing sign will be relocated further back from the road. Access to the existing house will be off the new road. He is in agreement with the comments in Mr. Dietrich's letter dated April 1, 2004.

Mr. Dietrich stated that the plat should be revised to add the age-restricted nature of the 2 family dwellings. Additional design details in regards to the drainage basin should be added to the plan.

UPPER TOWNSHIP ZONING BOARD

APRIL 8, 2004

PAGE 4 OF 5

The meeting was open to the public.

Walter Shamanski, Philadelphia, was present. He is not an attorney and cannot represent a property owner within 200 ft. There was a brief recess. Mr. Korschak stated that he spoke to Mr. Shamanski and finds that he is not an interested party as defined by the Statute and should not be allowed to give testimony. Solicitor Marcolongo agreed that he is not an interested party and that the issues he wished to address should have been brought before the board during preliminary review.

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

MR. CONRAD – Georgetti Investment, LLC, Block 567, Lot 55 are requesting final subdivision and site plan approval. The applicant has met most of the conditions of preliminary approval. There was no public testimony. Relocating the sign and reconfiguring the parking on site will improve the traffic flow and allow for better visibility.

MRS. BERGUS – The deed restriction will be prepared to the township's satisfaction.

MR. CASACCIO – The applicant has addressed most of Mr. Dietrich's comments.

A motion was made by Mr. Klepac and seconded by Mr. Conrad, to grant final subdivision approval and site plan approval with the standard conditions and that the plans are revised per Mr. Dietrich's comments and the deed restriction is approved by the township. Those in favor: Ay, Bergus, Conrad, Klepac, Cassacio.

3. ORR, WILLIAM – BLOCK 566, LOT 61 – BA 05-04:

Application is for a front yard setback variance for an addition to an existing dwelling at 1 Evergreen Drive, Seaville.

William Orr, 1 Evergreen Drive, Seaville, was sworn in. He is proposing to construct a 14' x 22' addition to his home. The dirt lane in the rear of his house is considered a road and therefore is a front yard. The lot is unique since it has frontage on 3 roads. The 6 ft. high fence existed when he purchased the property. There is currently a shed on site. The addition will not affect the septic or well. He believes the variance can be granted without impairing the intent and purpose of the zoning plan or ordinance. He does not feel it will be a detriment to the public.

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

MR. CONRAD – William Orr is the owner of Block 566, Lot 61, also known as 1 Evergreen Drive. He is requesting a front yard setback variance to construct an addition. The addition will technically be located in the rear yard, however it is considered a front yard due to a dirt lane. He does not feel that granting the variance will be a detriment to the public.

UPPER TOWNSHIP ZONING BOARD

APRIL 8, 2004

PAGE 5 OF 5

MRS. BERGUS – The fence is a pre-existing condition.

MR. KLEPAC – The applicant has expressed a need for the variance.

A motion was made by Mrs. Bergus and seconded by Mr. Ay, to grant the variance with the standard conditions. Those in favor: Ay, Bergus, Conrad, Klepac, Casaccio.

F. RESOLUTIONS:

1. STEVE NICKELSBURG – BLOCK 811, LOT 2:

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

2. TRICIA CILIBERTO – BLOCK 479, LOTS 55 & 56:

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

3. THOMAS TOWER – BLOCK 565.03, LOT 54:

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

G. BILLS: A motion to pay the bills was made by Mrs. Bergus, seconded by Mr. Conrad, and approved.

H. ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Conrad, seconded by Mr. Klepac, and approved. The meeting was adjourned at 9:00 p.m.

Submitted by,

Shelley Lea
Board Secretary