

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
AUGUST 12, 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 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:

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

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

B. APPROVAL OF THE JULY 8, 2004 MEETING MINUTES:

A motion to approve the minutes was made by Mrs. Bergus, seconded by Mr. Unsworth, and approved. Abstain: Ay, Klepac.

C. TABLED APPLICATIONS:

Chairman Casaccio announced the following applications have been tabled and will not be heard until September 9, 2004. The applicants have agreed to waive the time in which the board has to act on the application. No further notice is required.

1. COWELL, CHARLES & SUSAN – BLOCK 652.01, LOT 1
2. COTRO DEVELOPMENT COMPANY, LLC – BLOCK 600, LOT 14 & 39

D. APPLICATIONS:

1. FAUST, THOMAS – BLOCK 663, LOT 4.09 – BA16-04:

Applicant is requesting variances for lot area and setbacks to construct a garage and porch addition at 3 Alexandria Court, Beesleys Point.

Mr. Casaccio stepped down during discussion and voting on this application.

Thomas Faust and Brendan Faust, 3 Alexandria Court, were sworn in.

Mr. Faust testified that they are proposing to construct a porch and a garage onto an existing single-family dwelling. He purchased the property after the Alexandria Court subdivision was completed. The proposed addition will make the house conform more to the neighborhood. The well and septic are not effected by the addition.

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

MR. BEHR – Mr. Faust is the owner of Block 663, Lot 4.09, also know as 3 Alexandria Court in Beesleys Point. The existing residence became part of a subdivision. The lot is irregular. The homes in the area are more modern than this house. He is proposing to add a porch and an attached garage. The improvements are an upgrade to the house. The applicant is making a significant effort to improve the quality of the building to fit in with the neighborhood.

MRS. BURGIN – There was no public comment. The improvements will promote a more pleasing visual appearance in the neighborhood.

MR. KLEPAC – This will be a substantial improvement to the neighbors.

MR. UNSWORTH – The well and septic will not be impacted by the additions.

A motion was made by Mrs. Bergus and seconded by Mr. Pierson, to approve the application with the standard conditions. Those in favor: Behr, Bergus, Burgin, Klepac, Pierson, Unsworth, Casaccio.

2. ALL ACTION WATER SPORTS, INC. – BLOCK 558, LOT 27 – BA13-04:

Application is for preliminary and final site plan approval to construct a commercial building to be utilized for the sale of recreational vehicles at 3030 Route US 9 South, Seaville.

Mr. Casaccio returned to the board and Mr. Ay stepped down.

Dorothy McCrosson, Esquire, represented the applicant. The applicant was previously granted a use variance and bulk variances.

Joseph Maffei, PE, was sworn in. He described the amendments made to the site plan. A variance is requested for the landscape buffer. They have reduced the size of the display area in the front.

Mr. Dietrich stated that the applicant has complied with the comments in his previous review letter. He has requested that stone wicks be added to the drainage basin. The applicant has reduced the size of the stone display area in the front. He feels the previous conditions should continue. The proposed signage meets the ordinance requirements.

Raymond Leps, 1150 Route 50, Petersburg, was sworn in. He testified that the crates would be stacked 4 high, approximately 16 ft. in height. They would be stored in the rear of the property. He feels this is a safe height. The proposed fence is 6 ft. high chain link with plastic slats. If the crates were only allowed to be 12 ft. high they would take up too much room on the ground. He anticipates the maximum of 100 crates to be stored on site at one time.

The meeting was open to the public.

Robert Roth, 3041 Route US 9 South, Seaville, was sworn in. He objects to the site plan and buffer variance. He does not believe it is in keeping with the residential area. He does not feel that traffic or noise has been addressed. He sees no benefit to the township.

William Roth Jr., 3053 Route 9 South, Seaville, was sworn in. He concurs with his brother. He feels that white pine in the buffer is a bad choice. He believes that cedar should be planted since they grow fast. He does not feel the stone area is stable enough for the weight of the crates. He had questions about the drainage and any oil spills.

Mr. Maffei described the proposed drainage. He agreed to replace the white pines with cedar trees. The plan will be amended to indicate the area where the crates will be 16 ft. high and where they will be 12 ft. high. One of the lights will be relocated. Mr. Dietrich stated that these are new vehicles being delivered to the site. All repairs will be done inside of the building.

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

Mr. Maffei testified that the proposed landscape buffer would block the view of the building and the rear of the site. He feels the variances can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zoning ordinance.

MR. BEHR – All Action Water Sports, Inc. is requesting site plan approval and buffer variance to operate a business on Route 9 in Seaville, also known as Block 558, Lot 27. The plantings will be changed from white pine to cedar. The height of the crates will be shown on the revised plan. The chain link fence will have plastic slats.

MRS. BURGIN – The variance can be granted without substantial detriment to the public good and will not impair the zoning ordinance or master plan.

MR. UNSWORTH – The applicant will add wicks to the drainage area. There was public comment concerning environmental impacts. Their concerns were addressed by the applicant's engineer and the board engineer.

MR. PIERSON – The proposal conforms with 40:55D2(i) & (k). The proposed use will conform to the commercially zoned area even though there are existing residential uses in the area.

MR. KLEPAC – The applicant has agreed to change the types of vegetation in the buffer.

A motion was made by Mr. Pierson and seconded by Mr. Unsworth, to grant preliminary and final site plan approval and variance for buffer with the standard conditions and that the site plan is amended as required and that the wicks are added to the basin. Those in favor: Behr, Bergus, Burgin, Klepac, Pierson, Unsworth, Casaccio.

3. GESEKING, HERMAN – BLOCK 551, LOT 9 – BA14-04:

Application is for a minor subdivision and use variance for expansion of a non-conforming use at 93 Route 50, Seaville.

Herman Geseking, 3 Heritage Drive, Beesleys Point, was sworn in. He is requesting to create 2 lots from one existing lot. The property goes from Route 50 back to Stagecoach Road. The front is zoned commercial and the rear is zoned residential. The existing non-conforming single-family use on Route 50 will remain.

Mr. Dietrich stated that the easement dedication on the plan must be changed since this particular section of Stagecoach Road is owned by the township not the county.

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

MR. UNSWORTH – Herman Geseking is the owner of Block 551, Lot 9. He is requesting a two lot minor subdivision. There is an existing single-family home fronting on Route 50 a pre-existing non-conforming use. The applicant proposes to create a conforming lot on Stagecoach Road.

MR. BEHR – There was no public comment.

A motion was made by Mrs. Burgin and seconded by Mr. Pierson, to grant the subdivision and requested variance with the standard conditions and that the plan is amended to dedicate the easement to the township. Those in favor: Behr, Bergus, Burgin, Klepac, Pierson, Unsworth, Casaccio.

4. DUFFY, CHRISTINE – BLOCK 589, LOTS 12-30 – BA15-04:

Application is for a variance to construct a single-family dwelling on a lot without improved road frontage on Ocean Avenue, Palermo.

Christine Duffy, 60 Evergreen Drive, Seaville and Roberta Townsend, 801 Chestnut Avenue, Palermo, were sworn in. Ms. Townsend discussed what she believed to be possible conflicts with the board chair and board engineer. Ms. Duffy chose to waive any potential conflict.

Ms. Duffy testified that since the previous application they have faced the dwelling toward Ocean Avenue. She is proposing to clear the road 320 ft. long and 20 ft. wide. Only 250 ft. long and 10 ft. wide would be improved. She feels the board is not being

fair by requesting that she pave past her property. She feels the property owner across the street could pave the additional 10 ft. in width if they choose to build.

After discussing the proposed road Ms. Duffy amended her application to clear 320 ft. in length and 25 ft. in width. The road will be improved 250 ft. long and 20 ft. wide with 4 inches DGA base and 2 inches I-4 surface course. The unimproved section of the road will be cleared, stumped and compacted.

The meeting was open to the public.

Charles Hunter, owner of Block 589, Lots 1 thru 10 and 33 thru 40. He has just obtained his building permit and plans to build on these lots. He is concerned about the roadway in front of lots 31 & 32. He feels that leaving this portion of the road unimproved would be a detriment. He indicated that he would possibly be willing to work with the applicant in regards to paving the unimproved section.

Patrick Duffy, 60 Evergreen Drive, was sworn in. He had questions about the proposed road.

Stephen Ay, 4 Cove Road, Beesleys Point, was sworn in. He lives on an unimproved road that was created prior to the current master plan. It is actually his driveway and is not a township road.

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

MR. UNSWORTH – Christine Duffy, contract purchaser of property located on Ocean Avenue, known as Block 589, Lots 12 thru 30. She is requesting variances to build on an unimproved street. The applicant has amended her application and is now proposing a substandard road. The road will be cleared 320 ft. in length and 25 ft. in width. The road will be improved 250 ft. in length and 20 ft. in width using 4 inches of DGA base and 2 inches I-4 surface course. This seems to be a good compromise for both the township and the applicant since it will improve circulation and access to this particular lot and others in the area. There was comment from the adjacent neighbor that he is not opposed to the development of the lot. He is concerned that the road be improved.

MR. CASACCIO – The road will add to fire safety and circulation. The paving must be completed prior to obtaining a Certificate of Occupancy.

A motion was made by Mr. Klepac and seconded by Mr. Unsworth, to grant the application with the standard conditions. Those in favor: Behr, Bergus, Burgin, Klepac, Pierson, Unsworth, Casaccio.

#### E. RESOLUTIONS:

1. ALL ACTION WATER SPORTS, INC. – BLOCK 558, LOT 27 – BA13-04:

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

F. BILLS:

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

G. ADJOURNMENT:

A motion to adjourn the meeting was made by Mr. Behr, seconded by Mr. Pierson, and approved. The meeting was adjourned at 10:20 p.m.

Submitted by,

Shelley Lea  
Secretary