

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
DECEMBER 9, 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 Chairman 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	Frank Conrad
Elizabeth Bergus	Ted Klepac
Mary Jean Burgin	Jeffrey Pierson
	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 NOVEMBER 10, 2004 MEETING MINUTES:

A motion to adopt the minutes was made by Mrs. Bergus, seconded by Mr. Conrad, and approved. Abstain: Burgin.

C. MARSHALL BEHR ACTING AS BOARD CHAIRMAN:

Chairman Casaccio announced that he has a conflict with the application for Thomas Breazeale. A motion to have Mr. Behr act as Board Chair for this application was made by Mrs. Bergus, seconded by Mrs. Burgin and approved.

D. TABLED APPLICATIONS:

The following applications have been tabled until January 13, 2005. The applicants have agreed to waive the time in which the board has to act on the application. No further notice is required.

1. JOHN McGRATH AND PATRICK FLANAGAN – BLOCK 567, LOT 50.01 – BA25-04
2. WILLIAM BAILEY – BLOCK 383, LOT 2 – BA27-04
3. THOMAS ALBERICO – BLOCK 553, LOT 8 – BA30-04

E. APPLICATIONS:

1. ANTHONY LAURIELLO – BLCOK 633, LOT 33 – BA28-04:

Applicant is requesting a lot frontage variance and a waiver from having to submit a survey, to construct a single family dwelling on Ocean Avenue, Palermo.

Anthony Lauriello, 32 Cynwyd Drive, Cape May Court House, was sworn in. He testified that when he purchased the lot there was adequate frontage on Pacific Avenue. Since that time the township has vacated Pacific Avenue. Only 120 ft. of improved road frontage exists on Ocean Avenue where 140 ft. is required. He has been in contact with the Township in regards to purchasing lots 1 & 2 in Block 633. He will be notified if the lots are being sold at the next tax sale.

Mr. Dietrich gave the board the history in regards to the creation of the lots.

Mr. Lauriello testified that the lots have been consolidated into one lot. The lot and the proposed house conform to the neighborhood.

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

MR. BEHR – Anthony Lauriello is the owner of Block 633, Lot 33. The lots have been consolidated. There was originally sufficient frontage on Pacific Avenue prior to the township vacating the road. He now only has 120 ft. of road frontage on Ocean Avenue. He will purchase additional property if it becomes available to increase the amount of road frontage. The lot consists of several 25 ft. x 100 ft. lots that were previously owned by Guenther & McCreesh.

MR. CONRAD – There was no public comment.

MRS. BURGIN – The property is larger than the required 40,000 sq. ft.

MRS. BERGUS – The applicant is requesting a waiver from providing a survey.

MR. CASACCIO – He feels the waiver can be granted since a portion of the tax map showing the surrounding area has been provided. The lot is similar to other lots in the area in regards to size and shape. The proposed dwelling will meet the setback requirements.

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

2. ANTHONY BREAZEALE – BLOCK 636, LOTS 1-4 AND 34-37 BA29-04:

Applicant is requesting variances for lot area, lot depth, front yard setback and percentage of lot coverage, to construct a single family dwelling on Ocean Avenue, Palermo.

Richard Marrone, Esquire, represented the applicant. He stated that the applicant is the owner of the property. The lots consist of 20,000 sq. ft. The applicant proposes to construct his home on this property.

Mr. Casaccio stepped down during discussion and voting on this application. Mr. Behr acted as Chair.

Thomas Breazeale, 7 Luke Court, Seaville and Stephen Filipone, Professional Engineer and Planner, were sworn in.

Mr. Filipone testified that the lots are not located on an improved street. He believes there is adequate space for a septic system on the property. The neighborhood is predominantly made up of 20,000 sq. ft. lots. The average size house in the neighborhood is approximately 2,000 sq. ft. The applicant proposes to construct a 2,000 sq. ft. single-family dwelling. He also proposes to construct a garage approximately 400 sq. ft. He feels this is in keeping with the neighborhood and is a reasonable request.

The applicant is willing to improve the cartway and improve Chestnut Street to the township standards. A cul-de-sac will be installed at the intersection of Ocean Avenue at the request of Mr. Dietrich. The average front yard setback in the neighborhood is 25 ft. He feels the requested lot coverage variance is minimal and conforms to the other lots in the neighborhood. He believes the benefits of granting the variances outweigh any detriments since the applicant is not able to purchase any additional land.

Mr. Breazeale testified that he has owned the property for approximately 1 ½ years. He agrees to consolidate the lots if the application is approved.

Mr. Dietrich indicated that there are 3 front yards. Prior to purchasing the property the applicant applied to the township to vacate a portion of Chestnut Street and purchase the lots in Block 637 owned by the township. If he had been able to purchase the lots he would have a conforming lot. He recommends that if the board grants the variances the applicant must make another request to purchase the lots from the township. The township may sell the lots since the applicant is now the owner of the property. He feels this is the best location for the cul-de-sac since it would connect with a more modern subdivision where the lots and houses would be more compatible.

Mr. Breazeale testified that he tried to purchase the lots approximately 2 years ago while he was the contract purchaser of the lots. If the application is approved he agrees to make a second request to township committee to purchase lots 1 through 7.

Mr. Marrone stated that buy/sell letters were sent to the adjoining properties. Either of the lot owners wanted to buy or sell. Their responses were submitted and placed into the file.

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

MRS. BERGUS – Thomas Breazeale, owner of Block 636, Lots 1-4 and 34-37, is requesting variances for lot area, lot depth, front yard setback and percentage of building coverage to construct a single family dwelling as his residence. He has sent buy/sell letters to the 2 adjoining properties. He tried to purchase lots 1 through 7 from the township approximately 2 years ago. This request was denied. The applicant has agreed that if the application is approved he will approach township committee to purchase the lots as owner of the subject property. If the township sells him the lots it would make his lot conforming. If the township rejects the request he will then install a cul-de-sac as recommended by Mr. Dietrich. Twenty-six of thirty lots in the area are on 20,000 sq. ft. lots. The applicant agrees to consolidate the lots. There was no public comment.

MR. KLEPAC – The single family dwelling is a permitted use in the Residential zone.

MRS BURGIN – It is likely that a septic permit can be obtained for this property even though it is undersized.

MR. BEHR – The township engineer believes that a cul-de-sac will help traffic flow. If the applicant is able to purchase lots 1 through 7 from the township a cul-de-sac will not be needed.

A motion was made by Mrs. Burgin and seconded by Mr. Conrad, to grant the application with the standard conditions and that the applicant file a deed of consolidation, request that the township vacate Chestnut Avenue and allow him to purchase Block 637, Lots 1 through 7 and if that is denied a cul-de-sac will be installed as recommended by the township engineer. No zoning permit will be issued until a response is received from the township committee. Those in favor: Bergus, Burgin, Conrad, Klepac, Behr.

F. RESOLUTIONS:

1. JACK LYNCH – BLOCK 246, LOT 47 – BA26-04

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

G. BILLS:

A motion to approve the bills as submitted was made by Mrs. Burgin, seconded by Mr. Klepac, and approved.

H. DISCUSSION:

Chairman Casaccio announced that the sub-committee formed to create a revised age restricted housing ordinance met with the planners last week. They have determined that there is not any property within the township that can comply with current ordinance requirements. The revised ordinance will be reviewed and approved by the planning board before it is submitted to township committee.

UPPER TOWNSHIP ZONING BOARD

DECEMBER 9, 2004

PAGE 5 OF 5

Solicitor Marcolongo stated that CVS would be going to the Planning Board for a sign variance for a second freestanding sign. After researching the matter he has determined that this is a CI variance rather than a use variance. A swimming pool or accessory building in the front yard will now require a setback variance instead of a use variance since they are a permitted accessory use.

- I. ADJOURNMENT: A motion to adjourn the meeting was by Mr. Klepac and approved. The meeting was adjourned at approximately 8:40 p.m.

Submitted by,

Shelley Lea
Secretary