

TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
NOVEMBER 10, 2005

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.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Stephen Ay, Elizabeth Bergus, Ted Klepac, Jeffrey Pierson, Matthew Unsworth, Paul Casaccio.

Absent: Marshall Behr, Frank Conrad, Andrew Shawl.

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

SWEARING IN OF BOARD PROFESSIONAL – PAUL DIETRICH

APPROVAL OF THE OCTOBER 13, 2005 MEETING MINUTES

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

CHANGE IN DECEMBER MEETING DATE AND TIME

The date and time of the meeting has been changed to Tuesday, December 6, 2005 at 7:00 p.m. The completeness hearing will begin at 6:30 p.m.

APPLICATIONS

1. HARLEN AND MARY SOUDER – BLOCK 838, LOT 8 – BA07-05:

Application is for a side yard setback variance and waiver from providing structures with 200 ft. to permit an access ramp at 26 E. Vincent Road, Strathmere.

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

Mary Souder, 4024 N. Warner Road, Lafayette, PA, and Bruce Souder, 49 Nashua Drive, Sicklerville, NJ, were sworn in.

Bruce Souder, the applicant's son, testified that the ramp is needed for Harlen Sauder who is a disabled veteran. He needs the ramp to access the house with his wheelchair. The ramp goes from the sidewalk to the house. There will be no impact on the septic. He feels this is the best location for the ramp.

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

MR. UNSWORTH – Harlen and Mary Souder are the owners of 26 E. Vincent Road, Strathmere, also known as Block 830, Lot 8. Bruce Sauder gave testimony in regards to the 3 ft. wide wooden ramp. The ramp will allow Harlen Sauder to access the home in his wheelchair. The septic is located in the rear of the property. They are requesting a 2.7 ft. setback where 6 ft. is required. He does not believe the ramp will have a negative impact on the neighborhood. The ramp will enhance the use of the property for the current owner.

MR. AY – There was no public comment.

MR. PIERSON – The ramp will assist in Mr. Sauders' ability to ingress and egress the home. Mr. Sauder is an 84 year old one hundred percent combat blind disabled veteran from World War II.

MR. CASACCIO – The ramp will be needed in the event of an emergency.

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

2. LEONARD MIGLIACCIO – BLOCK 686, LOT 4 – BA17-05:

The applicant is requesting a variance to permit a 5 ft. fence and a storage shed in the front yard at 18 North Drive, Beesleys Point.

Leonard and Sherry Migliaccio, 18 North Drive, Beesleys Point, were sworn in.

Mrs. Migliaccio testified this is a corner property and has three front yards. They are proposing to locate a 10 ft. x 16 ft. garden shed and a 5 ft. high fence in the front yard area. They utilize this area as their back yard. Their neighbors on Steel Road also have sheds and garages in this area. She submitted photos showing other sheds on Steel Road. The photos were marked as Exhibits A-1 through A-4 . The location of the shed has no impact on the septic.

The meeting was open to the public.

Roberta Townsend, Chestnut Avenue, Palermo, was sworn in. She had questions as to why the applicant is requesting a 5 ft. high fence.

Mrs. Migliaccio stated the fence is needed to hide a garden and a boat. It is also for privacy.

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

MR. UNSWORTH – Leonard and Sherry Migliaccio are the owners of 18 North Drive, Beesleys Point, also known as Block 686, Lot 14. They are requesting variance relief for a shed in a front yard and for a 5 ft. fence where 4 ft. is permitted. The lot fronts on three streets and limits the applicant to only one rear or one side yard. If this were a side yard they would not need a variance. The shed location is consistent with the neighborhood. The setbacks are reasonable. The fencing and location of the shed are consistent with the neighborhood. The shed does not effect the well and septic.

MR. AY – Questions were asked by a resident outside of 200 ft.

MR. PIERSON – He believes the variances can be granted without any substantial detriment to the public.

MR. KLEPAC – The fence and the shed conform to the rest of the neighborhood.

MR. CASACCIO – The location of the shed and fence are consistent with others on Steel Road.

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

3. ROBERT & ELLEN BARKER – BLOCK 856, LOT 5 – BA18-05:

Applicants are requesting variances for height, side yard setback and expansion of a non-conforming use to locate a gazebo at 208 N. Commonwealth Avenue, Strathmere.

Robert and Ellen Barker, 3600 Centerville Road, Greenville, DE 19807, were sworn in. Mrs. Barker testified that they are proposing to locate a gazebo on the site. She believes the gazebo would be aesthetically pleasing and will be a beautiful addition to the neighborhood. They propose to plant flowers and shrubs. They would be able to sit in the yard and be protected from insects. They agreed to relocate the gazebo so it conforms to the 10 ft. side yard setback requirement. A side yard setback variance will no longer be needed. This is a corner lot and has frontage on two streets. The gazebo will have no impact on the well or septic. The foundation will meet the construction code requirements.

Solicitor Marcolongo informed the board that the applicants require a use variance for the expansion of a non-conforming use since there is currently a multi-unit dwelling on site along with the applicant's residence. The applicants are requesting a height variance to

allow 12 ft. where 10 ft. is permitted. This is actually a use variance since the height will exceed 10 percent of what is permitted.

Mr. Pierson stated there are at least three sheds in the area. Adjacent lot 6 is vacant.

The meeting was open to the public.

David Schmidt, 6 N. Bayview Drive, Strathmere, was sworn in. He believes the height of the gazebo is modest and that the gazebo will fit in with what exists on site. He is in favor of the proposal.

Roberta Townsend, previously sworn, asked questions in regards to the application.

Hearing no further response the meeting was closed to the public and returned to the board for finding of facts.

MRS. BERGUS – Robert and Ellen Barker are requesting use variances for a gazebo in their side yard. The requested height is 12 ft. and requires a use variance. They have amended the application so that the side yard setback variance is no longer needed. They have road frontage on two streets. There was public comment from one resident within 200 ft. Roberta Townsend a resident outside of 200 ft. asked questions about the application. This is a condominium use. She feels this will be a nice improvement to their yard.

MR. PIERSON – The variances requested can be granted without substantial detriment to the public good and will not substantially impair the intent of the zoning ordinance. The gazebo will add to the aesthetics of the property.

MR. AY – The gazebo will have no impact on the septic.

MR. UNSWORTH – This is a very large lot. The 4-unit dwelling predates the ordinance. This is a pre-existing non-conforming use. There is no problem with the lot coverage. The applicant will obtain the necessary building permits. The taller structure allows better ventilation and creates a more functional roof.

MR. CASACCIO – The gazebo promotes light, air and open space.

A motion was made by Mrs. Bergus and seconded by Mr. Klepac, to grant the variances with the standard conditions and that the zoning officer confirm the setbacks of the gazebo. Those in favor: Ay, Bergus, Klepac, Pierson, Unsworth, Casaccio.

4. RON SALOTTI – BLOCK 553, LOT 4 – BA19-05:

Application is for a side yard setback variance to construct a deck and access ramp at 19 New Bridge Road, Seaville.

Ronald and Debra Salotti, 19 New Bridge Road, Seaville, were sworn in. Mr. Salotti testified that they recently added an addition for their handicap daughter. The variance requested is to construct a deck and a handicap ramp. The proposed ramp is 3 ft. wide.

He feels this is the best location for the deck because of the location of the septic. This is a unique shaped lot since it is long and narrow. This is a slightly undersized lot and the side yard setback requirement has been reduced to 23.5 ft. The ramp is to long to put on the front of the house.

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

MR. UNSWORTH – Ronald Salotti is the owner of 19 New Bridge Road, also known as Block 553, Lot 4. The applicant is requesting side yard setback relief for a deck and ramp. This is an irregular shaped lot that narrows as the lot goes back. The deck and ramp will not look aesthetically pleasing on the front of the dwelling. The applicants have a daughter that is wheelchair bound. The ramp is to access the house. The applicant has designed a deck that conforms to the residential ADA requirements. There will be no impact to the well and septic. This is the most usable portion of the property.

MR. AY – There was no public comment.

MR. PIERSON- He believes the unique shape lot justifies relief from the side yard setback.

MR. CASACCIO – The house is not parallel to the street. The lot area is under 40,000 sq. ft.

A motion was made by Mr. Unsworth and seconded by Mr. Ay, to grant the application with the standard conditions. Ay, Bergus, Klepac, Pierson, Unsworth, Casaccio.

RESOLUTIONS

1. PAM HITCHNER – BLOCK 549, LOT 56 – BA15-05

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

2. OMNIPOINT COMMUNICATIONS ENTERPRISES, INC. – BLOCK 350, LOT 12 – BA18-04:

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

BILLS

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

CLOSED SESSION

A motion to go into closed session to discussion pending litigation was made by Mr. Pierson, seconded by Mrs. Bergus, and approved.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Unsworth, seconded by Mrs. Bergus, and approved.

Submitted by,