

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 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 Chair advised of the meetings compliance with the Open Public Meeting Notice. Everyone saluted the flag.

A. APPROVAL OF THE AUGUST 12, 2004 MEETING MINUTES:

A correction was made to page 3 of the minutes to show that the fence would have plastic slats not slabs. A motion to approve the minutes as amended was made by Mrs. Bergus, seconded by Mr. Unsworth, and approved. Abstain: Ay, Conrad.

B. BILLS:

A motion to pay the bills was made by Mr. Pierson, seconded by Mr. Behr, and approved.

C. RESOLUTIONS:

1. ALL ACTION WATER SPORTS, INC. – BLOCK 558, LOT 27 – BA 13A-04:

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

2. GESEKING, HERMAN – BLOCK 551, LOT 9 – BA 14-04:

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

3. DUFFY, CHRISTINE – BLOCK 589, LOTS 12 THROUGH 30 – BA 15-04:

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

4. FAUST, THOMAS – BLOCK 663, LOT 4.09 – BA 16-04:

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

D. TABLED APPLICATIONS:

Jules Konschak, Esquire, requested to table the following applications until October 14, 2004. The applicants agree to waive the time in which the board has to act on the applications. No further notice is required.

1. TOWER, THOMAS – BLOCK 453, LOT 180.08
2. TOWER, THOMAS – BLOCK 453, LOT 180.07
3. TOWER, THOMAS – BLOCK 453, LOT 180.02

E. APPLICATIONS:

1. COTRO DEVELOPMENT COMPANY, INC. – BLOCK 600, LOTS 14 & 39 – BA19-04:

Application is for a minor subdivision and use variance for the expansion of a non-conforming use on Route 9, Marmora.

Mr. Ay and Mr. Pierson stepped down during discussion and voting on this application.

Jules Konschak, Esquire, represented the applicants. Each of the lots has a residential structure that fronts on Route 9. The lots are split zoned, commercial in the front and residential towards the rear. The proposed subdivision will follow the zone lines. They are proposing to realign the lot lines to make them more conforming. They are proposing to create one additional lot with frontage on Stagecoach Road. The applicants could construct a road and create 4 lots.

James Chadwick, PE, was sworn in. He testified that lot 14 has frontage along Route 9 and Stagecoach Road and contains one single-family residence. They propose to make the lot wider by realigning the existing lot line. A side yard setback variance is needed to the accessory garage. This creates a lot that is more in keeping with the intent of the CM zone. Both lots fronting on Route 9 will be entirely in the CM zone and the rear lot will be in the R zone. He feels the benefits of granting the application outweighs any detriments. He feels the variances can be granted without detriment to the public good or impairing the intent and purpose of the zone plan since they will provide more consistent lot area for the existing dwellings. The lots will no longer be split zoned.

Mr. Konschak stated that a buy/sell letter was sent to the owner of lot 13.06. The owner of the lot was not interested and a copy of the response was marked as Exhibit A-1.

Mr. Dietrich requested that the coordinates be listed on the subdivision plan. The side yard setbacks on the zoning schedule for the residential lot are not correct and must be revised prior to filing.

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

MR. BEHR – Jules Konschak is representing Cotro Development, LLC. They are the owners of Block 600, Lots 14 and 39 located on Route 9. They are requesting to subdivide the property and realign the lot lines. The lots have frontage on Route 9. One of the lots runs from Route 9 to Stagecoach Road. This is a split zone. The applicants intend to subdivide where the zone line is located. The new lot will be located entirely in the R zone. The two commercial lots are currently used as residential dwellings. The variances needed are minimal. Buy/sell letters have been sent. The intent of the new lot is for residential purposes.

MR. CONRAD – There was no public comment.

MRS. BURGIN – The 2 commercially zoned lots fronting on Route 9 will continue to be used for residential.

A motion was made by Mr. Klepac and seconded by Mr. Conrad, to grant the minor subdivision, use variance and bulk variances with the standard conditions and that the subdivision plan is revised as required by Mr. Dietrich. Those in favor: Behr, Bergus, Burgin, Conrad, Klepac, Unsworth, Casaccio. Abstain: Ay, Pierson.

2. TRUMBELL, ELAINE – BLOCK 838, LOT 12 – BA20-04:

Applicant is requesting variances for front yard setbacks and setback for an accessory structure to construct a front porch at 40 Vincent Road, Strathmere.

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

Joseph Maffei, PE, and Elaine Trumbell, Elmer, NJ were sworn in. Mr. Maffei testified that the existing shed would be removed. The new shed will meet all the setback requirements. The plan and survey will be amended to show Tecumseh Road since it is not shown. A front yard setback variance is needed for the expansion of the porch on the front of the dwelling. There is currently an existing porch and stairs. The porch will be expanded by 2 ft. The steps will be located on the side of the porch. The dwelling with the proposed deck expansion will conform to other homes in the area since they also have porches and are close to the road. He feels the variance is minimal. The improvements will not effect the septic.

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

MR. UNSWORTH – Elaine Trumbell is the owner of Block 838, Lot 12, located at 40 Vincent Road, Strathmere. She is requesting variances for pre-existing side yard setback and front yard setback variance to replace an existing porch with a larger porch. The new shed will meet the setback requirements. There is no curb or sidewalk in front of the lot. The porch will add to the appearance of the home and the neighborhood. There was no public comment.

MR. CONRAD – The stairs will be 2 ft. shorter.

MRS. BURGIN – The property is consistent with other properties in the area.

A motion was made by Mr. Behr and seconded by Mr. Pierson, to grant the variances with the standard conditions and that the plans are corrected. Those in favor: Behr, Burgin, Conrad, Klepac, Pierson, Unsworth, Casaccio.

3. COWELL, CHARLES & SUSAN – BLOCK 652.01, LOT 1 – BA17-04:

Applicants are requesting variances for lot area and setbacks to construct a single-family dwelling at the corner of Tuckahoe Road and Old Tuckahoe Road in Marmora.

Charles and Susan Cowell, 1011 Stagecoach Road, Palermo, were sworn in. Mrs. Cowell testified that this is a corner lot with 2 front yards. The lot is similar to others in the area. The proposed house would conform to others in the area. They have owned the lot since 2001. They propose to construct a 2 story cape cod with a basement and garage. The house would be 1,767 sq. ft. and the garage would be 506 sq. ft. This does not include the square footage of the basement. Buy/sell letters were sent to adjoining property owners. This will be their principal residence. They have not yet obtained a well or septic permit. The garage will be turned so that the doors do not face Burning Tree Lane.

Mr. Dietrich stated that all the lots within 200 ft. except for the church property are non-conforming in size. A lot coverage variance is needed since the front porch is not included in the square footage. The applicants amended their application to request a lot coverage variance. If the applicant constructs a rear deck it would have to be less than 18 inches above the ground so it won't be included in the lot coverage.

The meeting was open to the public.

Irene Scholler, 6 Burning Tree Lane, Marmora, was sworn in. She is opposed to the variances being requested. She is concerned that the proposed house would negatively affect their property values since the lot and proposed house are smaller than the lots on Burning Tree Lane and that a house in this location would make the traffic problem worse.

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

MR. BEHR – Charles & Susan Cowell are the owners of Block 652.01, Lot 1, located at the corner of Tuckahoe Road and Old Tuckahoe Road. This is a unique shaped lot with 2 front yards. It is surrounded by 2 homes. The lot was created before the new zoning laws went into affect. Buy/sell letters were sent to the 2 adjacent properties. The applicants are unable to acquire additional property. They are proposing to construct a modest size home that would conform to the size of the lot. There will be room to make a k-turn so they will not have to back out onto the road.

MRS. BURGIN – There was testimony from Mrs. Scholler, property owner within 200. She had concerns about traffic, location of the garage and her property value.

MR. UNSWORTH – The applicants have amended their application to request a lot coverage variance for the front porch. This is an irregularly shaped corner lot. It is

located on two County roads. The proposed setbacks and lot size are consistent with other lots in the neighborhood. They need septic and well approvals.

MRS. BERGUS – An as built survey will be done when the house is completed.

MR. PIERSON – They have designed the home to conform to the neighborhood. They have taken into consideration the traffic patterns and aesthetics. The garage has been designed so the residents of Burning Tree Lane do not have to see the garage doors.

A motion was made by Mrs. Bergus and seconded by Mr. Klepac, to grant the application with the additional variance to allow 12% lot coverage, with the standard conditions and that the plan shows the correct setbacks and not the application. Those in favor: Behr, Bergus, Burgin, Klepac, Pierson, Unsworth, Casaccio.

4. ETLING, ROBERT – BLOCK 646, LOT 8 – BA24-04:

Applicant is requesting variances for lot area, lot frontage, lot width and depth, to construct a single-family dwelling on Park Avenue in Marmora.

Robert Etling, 218 Laurel Drive, Marmora, was sworn in. Joseph Maffei, PE, previously sworn, testified that the applicant proposes to construct a house on an undersized lot. He was previously granted approval on October 12, 2000. However, the approval has since expired. Buy/sell letters were sent out with no response. Some of the conditions of the previous approval have been met. The fence that was encroaching on the property has been moved and a deed of consolidation has been filed. A new well on the neighbor's property has not yet been installed. This is the same plan that was previously approved. The size of the lot is similar to most of the lots in the area. The proposed setbacks are similar to others in the area. The construction of a dwelling on this lot would have no detrimental effect to the public good.

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

MR. UNSWORTH – Robert Etling is the owner of Block 646, Lot 8, located on Park Avenue in Marmora. He was granted approval on October 12, 2000 for the same exact plan. The variance has expired and no extensions were ever requested. Mr. Dietrich will confirm that the lots have been consolidated. The applicant has agreed to continue the previous conditions of approval. He still has to install a new well on the neighbors property to meet the distance requirements. He incorporates Resolution BA22-00 as his findings. The lot is similar to other lots in the neighborhood. There have been no zoning changes that would affect this lot since the previous approval was granted. The application meets all setback requirements. The applicant needs variances for lot area, frontage, width and depth. There was no public comment.

MR. CASACCIO – If the applicant had requested the 3- one year extensions he would not have to request approval.

A motion was made by Mr. Unsworth and seconded by Mrs. Burgin, to grant the application with the standard conditions and that the conditions of the previous approval

remain in effect. Those in favor: Behr, Bergus, Burgin, Klepac, Pierson, Unsworth, Casaccio.

F. DISCUSSION:

1. RE-EVALUATION OF TOWNSHIP PROPERTY:

Chairman Casaccio stated that a company has been hired to re-assess the entire township. There are a lot of small lots with high assessments.

A motion was made by Mr. Behr and seconded by Mrs. Burgin, to have Solicitor Marcolongo send a letter to the township committee making them aware of the situation. The letter will be copied to the tax assessor.

G. ADJOURNMENT:

A motion to adjourn the meeting was made by Mr. Unsworth, seconded by Mr. Behr, and approved. The meeting was adjourned at 9:18 p.m.

Submitted by,

Shelley Lea
Board Secretary