

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 11, 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

FLAG SALUTE

ROLL CALL

Present: Stephen Ay, Marshall Behr, Elizabeth Bergus, Frank Conrad, Ted Klepac, Jeffrey Pierson, Andrew Shawl, Matthew Unsworth, Paul Casaccio.

Absent: None

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

APPROVAL OF JULY 14, 2005 MEETING MINUTES

A motion to adopt the minutes was made by Mr. Shawl, seconded by Mr. Ay, and approved. Abstain: Bergus.

BILLS

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

SWEARING IN BOARD PROFESSIONALS

Chairman Casaccio swore in Paul Dietrich and Robert Schultz as professionals for the board.

APPLICATIONS

1. LONGSTAFF PROPERTIES, LLC – BLOCK 838, LOTS 1 & 21 – BA10-05:

Application is for a use variance to permit a swimming pool on a lot zoned Resort Commercial at 5 Tecumseh Road, Strathmere.

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

Jon Batastini, Esquire, represented the applicant. He stated that the applicant purchased the property in 2004. A use variance was granted in 2003 to construct a single family on the property since it is located in a Resort Commercial zone.

Sherry Longstaff, 25 Arkansas Avenue, Ocean City, was sworn in. She testified that her family plans to live at this location. She has 3 small kids and would like to have a pool in her yard rather than go to the crowded beach. She feels it is more convenient and it is easier to teach her children to swim in a pool than in the ocean. She did not realize that a variance would be needed to install a pool. She stated that the property is not listed in the Multiple Listing Service.

John E. Helbruner, Professional Engineer and Licensed Architect, was sworn in. He testified that the surrounding area is mostly residential. The "RC" zone does not permit pools. There are 6 zones in the township that allow swimming pools as an accessory use. Timber pilings and a concrete slab would be installed below grade serving as a base to place the proposed fiberglass pool. A use variance is needed since the ordinance does not include pools as an accessory use in this particular zone. The buffer variance being requested may not be needed since the proposed use is residential not commercial. The pool meets the setbacks and lot coverage requirements in the ordinance. He believes the pool would provide more light, air and open space than a garage. Swimming pools are an incidental accessory use to a residential use and would be appropriate. A 4 ft. fence will be installed around the fence. He believes the variance could be granted without detriment to the public good since there is no increase in intensity.

Mr. Helbruner testified the pool would be 6 ft. deep and would beat grade. The ground water would be approximately 2 ft. below existing grade. The pool would only float if it were left empty and without any kind of valve relief.