

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 9, 2011**

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.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Ted Klepac, Christopher Phifer, Jeffrey Pierson, Matthew Unsworth, Lynn Petrozza, Peter Schuler, Joseph Healy and Chair Paul Casaccio.

Absent: Shawl

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

APPROVAL OF THE MAY 12, 2011 MEETING MINUTES

A motion to approve the minutes was made by Mr. Pierson, seconded by Mr. Unsworth, and approved. Abstain: Petrozza and Casaccio.

PAUL DIETRICH AND SHELLEY LEA SWORN

TABLED APPLICATIONS

1. T & R HOLDINGS LLC – BLOCK 348, LOT 1.01 – BA01-11

This application has been tabled until July 14, 2011. The applicant's attorney has agreed to waive the tolling of time. There will be no further notice.

APPLICATIONS

1. SEAN MONTGOMERY / INTEGRITY BAYVIEW PROPERTIES LLC – BLOCK 825, LOTS 10 & 10.01 – BA10-11

Applicant is requesting variances for rear yard setback, principal building coverage and driveway width to reconstruct a single-family dwelling at 808 Bayview Drive, Strathmere.

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Arthur T. Ford, III, Esquire, represented the applicant. Robert Bachich, Architect and Robert Bruce, Professional Engineer were sworn in along with Sean Montgomery, owner of the LLC.

Mr. Montgomery testified that he purchased the property in 2005. The current structure that was built in the 1950's does not comply with the FEMA regulations.

Mr. Bachich testified in regards to Exhibit A-1 and A-2 each containing 2 photographs of the subject property. Mr. Bachich described the existing house as a deteriorating one-story structure with several additions. The non-conformities related to this structure include side yard setback and building coverage (27.73%). The plan will be revised to show there are at least 4 parking spaces on the property. Sidewalks will be added to the plan. The septic is located on the south side of the property. Mr. Dietrich recommended installing flares at the street opening to make the curb cut comply to the ordinance (12') and for safety purposes and to eliminate a variance.

Mr. Bachich testified a portion of the house would be saved and moved toward the street so that new pilings can be put in. The house will be moved onto the pilings so they can begin rebuilding around it. The plan will be revised to show that a 10 ft setback is needed to the bulkhead. The proposed building will have shake siding and will be compatible to the neighborhood.

Mr. Bachich testified that the benefits of granting the variances outweigh the detriments since some of the non-conforming conditions have been reduced and the proposal is consistent with the neighborhood. He believes the variances can be granted without detriment to the zoning ordinance. This proposal offers better flood protection and would adhere to the FEMA requirements. He did not include the front landing in the building calculations on the plan. He figured that this would increase the coverage by 50 sq ft equal to 1%, resulting in 28.73% building coverage.

Mr. Dietrich asked if the new pilings would interfere with the tiebacks on the bulkhead. Mr. Bachich stated that prior to construction the engineer would review what is currently on site.

Mr. Montgomery agreed to add landscaping.

Mr. Bruce testified that the existing bulkhead is in good condition.

The meeting was open to the public.

Herb Hollinger, 113 Putnam Road, Strathmere, was sworn. He lives across the road from the subject property. He feels the renovations would be a big improvement to the neighborhood. The existing home is in bad shape. He believes the improvements would enhance the value of his home.

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George Welker, 702 Bayview Avenue, Strathmere, was sworn. He has photos of the house in 1948. He is in favor of the application.

Hearing no further comment the meeting was closed to the public and returned to the Board for findings of fact.

MR. UNSWORTH –Sean Montgomery and Integrity Bayview Properties is the owner of 808 South Bayview Drive. The applicant proposes to replace most of an existing single story structure. The septic design has been approved. The location of the septic makes this application unique. The applicant has requested variances for rear yard setback to the bulkhead, 10 ft required and 6.17 ft proposed, building coverage and waiver for landscape plan. The rear yard setback is needed due to the location of the septic. The lot coverage is being reduced from 33% to 28.73%. The new construction will meet the current FEMA regulations and building codes. Two neighbors have testified they are in favor of the application. The existing structure is approximately 50 years old and not worth saving. He is in favor of the plan as presented.

MR. PIERSON – The architect has made the building conform more to the current ordinances. A rear yard setback is needed due to the shallow lot. He is in favor.

MR. KLEPAC – The neighbors have testified the addition will enhance the neighborhood. Arthur Ford represented the applicant.

MR. SCHULER – The applicant has testified there are 4 parking spaces on site.

MS. PETROZZA – The application can be granted without detriment to the master plan or zoning ordinance.

A motion was made by Mr. Pierson and seconded by Mr. Klepac, to grant the variances for rear yard setback and lot coverage and a waiver of the landscape plan, with the condition that the plan is revised to show four on site parking spaces, the flare at the street opening making the curb cut 12 ft wide, include curbing and sidewalk along with the standard conditions. In favor: Klepac, Phifer, Pierson, Schuler, Unsworth, Petrozza, Casaccio.

2. JLC DEVELOPERS LLC – BLOCK 853, LOT 10 – BA11-11

Applicants are requesting variances for lot width, front yard setback and driveway width for the construction of a single-family dwelling at 30 E. Winthrop Avenue, Strathmere.

Jeffrey P. Barnes, Esquire, represented the applicants. The applicant is the contract purchaser of the property. The current owners are Joseph and Loretta Saia. The property is located in the (RR) Resort Residential zone. There is currently a one-story structure with parking underneath and a shed. The property is unique since it is located on the corner and has two front yards. The applicant proposes to demolish the existing garage to remove an encroachment and to locate the new septic. The retaining wall for the septic will be no higher than 4 ft. The applicant proposes to stay within the existing footprint and add one more story.

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Mr. Barnes reviewed the requested variances. A variance is needed for lot width since 39.59 ft exists where 40 ft is required. The front yard setback on Neptune Avenue is currently 4.8 ft where 15 ft is required. A variance is needed to allow 1.3 ft. The curb cut is currently 39 ft and will be reduced to 24 ft to conform more to the 12 ft that is permitted.

Barbara Allen Woolley-Dillon, Professional Planner and Carmen J. LaRosa, Registered Architect and Planner, were sworn.

Mr. LaRosa testified in regards to the Proposed Renovations / Addition Plan that he prepared last revised 5-24-11. He submitted an aerial photo of the site that was marked as Exhibit A-1. Mr. LaRosa testified there is currently a raised one-story structure on the property with 4 bedrooms and decks on the north and south. The applicant proposes to remove the detached garage to decrease the building coverage and impervious coverage. They also plan to install a raised septic system on the southern end of the lot and renovate the existing structure with additions. The curb cut on Neptune Avenue will be eliminated and the curb cut on Winthrop is being reconstructed to utilize the parking under the building. A second story is being added. The footprint will not change except for the wrap around deck that is proposed on the southeast corner. The deck on Neptune Avenue would be 5 ft wide x 16.6 ft long. The exterior will be shake siding.

Mr. Dietrich stated that the curb cut would have no negative impact since this is a corner lot and no parking is allowed.

Mr. LaRosa stated that the open decks are needed for aesthetics and to see the ocean. The existing deck extends 1.5 ft past the building. He stated that the deck could be reduced to 4 ft wide. The deck would not be a detriment to the neighbors since curbs and sidewalks will be added on Neptune Avenue.

Ms. Dillon testified that the single-family structure is a permitted use in the RR zone. She reviewed each of the variances that are being requested. She feels the lot width variance is diminimis. The rear deck will now be 2.3 ft from the property line. She believes the special reasons for granting the variance for the decks can be found in at least 6 of the special reasons contained in NJSA40: 55D-2. There are no neighbors on the side where the decks are proposed to encroach into the setback.

The meeting was open to the public.

Craig Bennett, 21 E. Winthrop Avenue, Strathmere, was sworn. Mr. Bennett has lived here for 40 years. The cottage that existed on this lot was destroyed by fire in 1978. The structure was re-built and never maintained. He submitted 2 photos of the property that were marked as P-1 and P-2. He stated there is a history of zoning violations in regards to this property. He is concerned about the setbacks of the decks. He believes the renovations would be an improvement to the neighborhood.

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Dennis Robinson, 26 E. Winthrop Avenue, Strathmere, was sworn. Mr. Robinson lives next door to the property and is glad to see the renovations. He has concerns about the septic.

Linda Skand, 14 E. Winthrop Avenue, Strathmere, was sworn. Ms. Skan does not want the structure any closer to Neptune Avenue than it already is.

The meeting was closed to the public and returned to the Board for findings of fact.

MR. UNSWORTH – JLC Developers LLC are the contract purchasers of 30 E Winthrop Avenue in Strathmere. The applicant is requesting variances for lot width, front yard setback and curb cut. This is a unique property since it is a corner lot with two front yards. The renovations and additions will improve the aesthetics of the site since it is currently a run down dilapidated structure that has not been maintained. The building coverage and impervious coverage will be improved substantially with the removal of the garage and stairs. The proposed deck is being added for architectural reasons and views of the ocean. The deck would have no impact on the neighbors. The applicant has agreed to reduce the deck from 5 ft to 4 ft wide to improve the requested setback. A new septic will be installed that would improve the environmental impact. The building will meet FEMA and building code requirements. The proposed 24 ft wide curb cut would not be a detriment since no parking is allowed in this area. He believes the proposed curbs and sidewalks will be a benefit. He is in favor of the application.

MR. PIERSON – He concurs. He believes that the variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning law.

MR. KLEPAC – He concurs.

MR. SCHULER – He concurs.

MS. PETROZZA – She concurs.

A motion was made by Mr. Pierson and seconded by Mr. Unsworth, to grant the variances with the condition the deck is reduced to 4 ft wide; the applicant must submit the septic permit when issued and the standard conditions. In favor: Klepac, Pierson, Phifer, Unsworth, Petrozza, Schuler and Casaccio.

RESOLUTION

1. RALPH & DEANNA HOLT – BLOCK 651, LOT 19 – BA09-11

A motion was made by Mr. Pierson and seconded by Mr. Klepac, and approved.
Abstain: Unsworth, Petrozza, Casaccio.

BILLS

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

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CLOSED SESSION

A motion to enter into closed session was made by Mr. Pierson, seconded by Mr. Unsworth, and approved. (8:54 p.m.) The Board returned to the regular meeting at 9:07 p.m.

ADJOURNMENT

A motion was made by Mr. Pierson and seconded by Ms. Petrozza to adjourn the meeting. The meeting was adjourned at 9:07 p.m.

Submitted by,

Shelley Lea