

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 10, 2011**

The regular meeting of the Upper Township Zoning Board of Adjustment was held on March 10, 2011 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, Lynn Petrozza, Peter Schuler, Joseph Healy and Vice Chair Matthew Unsworth.

Absent: Andrew Shawl, Chair Paul Casaccio.

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

SWEAR IN BOARD PROFESSIONALS

APPROVAL OF THE FEBRUARY 10, 2011 MEETING MINUTES

Mr. Klepac made a motion and Mr. Pierson seconded to approve the minutes. In favor: Klepac, Pierson, Petrozza, Schuler, Healy and Unsworth. Abstain: Phifer.

APPLICATIONS

1. **KEVIN & MAUREEN SHERIDAN – BLOCK 756, LOT 3 – BA02-11**

Applicants are requesting variances for front, rear and side yard setbacks, building coverage and lot frontage along with any other variances needed to construct an addition to an existing single-family dwelling at 2808 S. Bayview Drive, Strathmere.

Kevin Sheridan, 22 Strawbridge Avenue, Westmont, NJ, was sworn along with James Chadwick, 13 Killdeer Drive, Petersburg. Mr. Sheridan testified that he and his wife are the owners of the subject property. They have 4 grown children and grandkids and need more space. Their bedroom is small and doesn't have a closet. They would like to increase the size of the bedroom and add a game room on the first floor. They also propose to extend the deck on the second floor to enjoy the outdoors better.

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MARCH 10, 2011

PAGE 2 OF 4

James Chadwick, Engineer, produced a series of photographs. Solicitor Marcolongo marked the 5 sheets consisting of 9 photographs as Exhibit A-1. Mr. Chadwick discussed each of the photos showing the subject property, unpaved township road, and surrounding properties. The property is located in the Conservation zoning district requiring 10 acres. Other lots in the immediate vicinity that are zoned Resort Residential only require 4,000 sq ft. The plan that he prepared dated 5/26/09 and last revised 2/14/11 provides the requirements for both zones. The zoning of the property has created a hardship on the applicants. Although the lot is significantly undersized the size of the lot is similar to many others in the area.

Mr. Chadwick testified the existing house is a two-story residence elevated above a timber foundation. Four years ago the applicants obtained Board approval to lift the deteriorating structure, build a new foundation and renovate. They have found the house is too small to accommodate the children and grandchildren. The applicants propose a one-story addition with a flat roof on the north side of the structure that would allow them to expand the size of their master bedroom and build a game room. The roof would be made into a second floor deck.

Mr. Chadwick testified the actual useable uplands on the property are 3,300 sq ft. He compared what exists to what is required in the Conservation zone. In addition to the variances requested a lot depth variance is also needed since this variance was not approved previously. He feels that the variance to allow 23.2% building coverage is a minor deviation from the 22% permitted. He feels the requested variances are reasonable given the size of the lot. He feels the variances can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zoning ordinance or plan.

Mr. Chadwick described the holding tank approved by the NJDEP that is used rather than a septic. The applicants use municipal water and not a well. Mr. Chadwick discussed the parking. He stated that the cars would most likely park in front of the residence rather than turn right and park next to the house as shown on the plan.

Mr. Dietrich testified that the Township does not grade or maintain this section of Bayview Drive. He doesn't believe that the Township could get a DEP permit to improve the road. The 3 property owners are seasonal and they maintain the road.

Solicitor Marcolongo asked if an easement has been granted to the property owners to the south of this property that was a condition of approval in the prior resolution BA34-06. Mr. Chadwick testified that an easement has not been filed. He doesn't feel an easement is necessary since it is now possible to get around the pole on the east side. Mr. Dietrich explained that the width of the road was been widened to improve access. He doesn't feel the easement is needed. Mr. Unsworth believes there should be an easement since it was a condition of the previous approval.

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MARCH 10, 2011

PAGE 3 OF 4

Mr. Chadwick testified that DEP permits would not be needed for the addition. He also agreed to revise the zoning schedule to show the correct standards in the RR zone and add a note regarding the undersize lot criteria. Mr. Dietrich added that if the property were located in the RR zone a variance for building coverage would not be needed.

The Board was polled in regards to the easement and it was decided that the condition would continue.

The meeting was open to the public. Hearing no response the meeting returned to the Board for findings of fact.

MR. PIERSON – Kevin & Maureen Sheridan are requesting C 1 variances at property they own located at 2808 S Bayview Drive in Strathmere. The applicants are requesting variances for front, rear and side yard setbacks, building coverage, lot frontage and depth. They have 4 children and grandchildren. They wish to expand the first floor to add a game room and enlarge the bedroom and extend the deck. James Chadwick supplied 9 photos that were marked as Exhibit A-1. The house was previously lifted and renovated as approved by the Board. The property is on an unpaved Township road and does not require curb and sidewalk. The property is in a Conservation zone making it difficult to expand the size of the structure. He believes the lot conforms with 55D:7 c since this is a narrow lot that justifies the need for side yard setbacks. The lot is shallow and oddly shaped. He feels the variances can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the ordinance.

MR. KLEPAC – There was substantial discussion concerning parking, easement, well and septic. The applicant represented himself. The applicant's planner, James Chadwick, gave testimony. There was no public comment.

MR. PHIFER – If the property were zoned RR only a side yard setback variance would be needed.

MR. UNSWORTH – the applicant has an existing septic holding tank that was approved by NJDEP. The holding tank would not be impacted by the proposed addition. Mr. Chadwick will revise the zoning schedule on the plan. The easement that was part of the prior approval will be recorded.

A motion was made by Mr. Pierson and seconded by Ms. Petrozza, to grant the application with the condition the applicant revise the zoning schedule to show the need for the lot depth variance, the RR section of the schedule will be amended to show the correct building coverage and impervious coverage requirements, a note that the criteria is based upon the non-conforming lot section, the easement for the property to the south will be completed prior to the issuance of a building permit. In favor: Klepac, Phifer, Pierson, Petrozza, Schuler, Healy, Unsworth.

BILLS

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

PUBLIC COMMENT

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Klepac, seconded by Mr. Pierson, and approved. The meeting was adjourned at 8:27 p.m.

Submitted by,

Shelley Lea