

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
AUGUST 9, 2012**

The regular meeting of the Upper Township Zoning Board was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 7:30 p.m.

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Present: Ted Klepac, Christopher Phifer, Matthew Unsworth, Lynn Petrozza, Hobart Young, Alistair Lihou, Susan Adelizzi-Schmidt and Chair Paul Casaccio.

Absent: Jeffrey Pierson, Andrew Shawl and Joseph Healy.

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

SWEAR IN BOARD PROFESSIONALS

APPROVAL OF THE JULY 12, 2012 MEETING MINUTES

A motion to adopt the minutes was made by Mr. Unsworth and seconded by Mr. Young. In favor: Young, Lihou, Schmidt, Casaccio. Abstain: Klepac, Phifer, Unsworth, Petrozza.

APPLICATIONS

1. SUSAN MORGAN – BLOCK 477, LOT 9.02 – BA04-12

Solicitor Marcolongo explained that the applicant did not send notices to the utility companies listed on the Certified List of Property Owners. He is requiring that the notices be sent to the utility companies and republished in the newspaper prior to the September 13th meeting. There will be no further notice to the property owners.

2. BUSTED KNUCKLE AUTO & TIRE LLC – BLOCK 544.02, LOT 9 – BA09-12

Applicant is requesting a site plan waiver and a conditional use variance to allow a stone surface parking area in lieu of paving at 1300 Stagecoach Road, Seaville.

Jeffrey Sutherland, Esquire, represented the applicant.

John Goodwin, 8 E. Dundee Road, Ocean City, NJ and Robert Bruce, Professional Engineer, were sworn.

Mr. Bruce testified in regards to plans by Robert Bruce & Associates dated 6/6/12. He testified that the applicant is utilizing a one story block section of an existing commercial building. There is an existing wire fence that surrounds the 4.20 acre property. They propose eight paved spaces in the front of the building including a handicap space. This space would be used primarily for the office. In the rear they propose a stone parking area for the storage of vehicles. They have put slats in the fence so that the vehicles can't be seen. This is similar to other uses in the township. The impervious coverage would not be increased so there are no proposed improvements to the stormwater management. The grading in the rear of the site stays the same. They propose a total of 28 parking spaces behind the fenced area. There would be three spaces for employees and an additional twenty five. The storage area would be used for vehicles being serviced by the applicant.

Mr. Sutherland stated that the relief they are looking for is in Section 20-6.4, 6 Conditional Uses, which requires that no parking shall be permitted on unpaved areas.

Mr. Bruce testified that if the use variance were granted it would not have a negative impact on the surrounding area. The well and septic would not be impacted.

John Bodin agreed to delineate the parking spaces using railroad ties for a visual barrier. He testified that the stone parking area would be used for storage and employees to keep the front open for aesthetic reasons. He agreed to amend the application to indicate that the stone parking area would be for customers and employees to use and not just for their personal vehicles.

Mr. Sutherland stated that the applicant intends to comply with the ordinance in regards to the length of time a vehicle can remain on the property. He submitted a copy of a survey showing the area that the applicant is leasing that was marked as Exhibit A-1.

Mr. Dietrich agrees with Mr. Young that landscaping should be added between the 16 ft. wide stone driveway and the concrete pad to prevent vehicles from parking there. The applicant agreed to plant the vegetation before December 31, 2012. He further agreed that the drainage on site would not be changed and that it meets the criteria for a site plan waiver.

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

MR. UNSWORTH ~ Busted Knuckle Auto & Tire, LLC is leasing space at 1300 Stagecoach Road in Seaville also known as Block 549.02, Lot 9. The applicant is requesting a site plan waiver and

conditional use variance to allow stone parking in lieu of paving. Jeffrey Sutherland, Esquire, is representing the applicant. John Bodin and Robert Bruce, Engineer, were sworn and testified in regards to the application. The use is permitted. The front yard setback is an existing non-conforming condition. Both Mr. Bruce and Mr. Dietrich agree the stone area will handle the existing runoff and that the existing drainage is appropriate. The applicant has agreed to buffer the front of the property and amend the application to include customer and employee parking in the stone area. A copy of the boundaries has been submitted into evidence. There was no public comment. He is in favor of the application with the conditions noted. He sees no detriment to the neighborhood or the zoning plan.

MR. YOUNG ~ He stated that the property has a history of being used for storage. Parking the vehicles here would not change anything.

MR. PHIFER ~ He believes the application can be granted without substantial detriment to the public good and would not impair the intent and purpose of the zoning plan or zoning ordinance.

MS. PETROZZA ~ Concurs.

MR. LIHOU ~ Concurs.

MR. KLEPAC ~ The applicant agrees to maintain the property.

MR. CASACCIO – Nothing to add.

A motion was made by Mr. Unsworth and seconded by Mr. Young to grant the application with the condition the applicant revise the plan to evidence where the fenced area will be in accordance with Exhibit A-1, amend the application to evidence that the proposal is to allow storage of customer vehicles in the stone parking area and amend the plan to add vegetation as recommended by Mr. Dietrich and the standard conditions. In favor: Klepac, Phifer, Unsworth, Petrozza, Young, Lihou, Casaccio.

BILLS

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

RESOLUTIONS

1. TERRY CZAJA – BLOCK 551, LOT 8 – BA05-12

A motion to adopt the Resolution was made by Mr. Unsworth and seconded by Mr. Young, and approved. Abstain: Unsworth, Klepac, Phifer, and Petrozza.

2. BRIAN COMISKY – BLOCK 661, LOT 29 – BA08-12

A motion to adopt the Resolution was made by Mr. Unsworth, seconded by Mr. Shawl, and approved. Abstain: Unsworth, Klepac, Phifer, and Petrozza.

3. RICHARD MASSEY – BLOCK 841, LOT 6 & 6.01 – BA07-12

A motion to adopt the Resolution was made by Mr. Unsworth, seconded by Ms. Adelizzi-Schmidt and approved. Abstain: Unsworth, Klepac, Phifer, and Petrozza.

DECISIONS AND APPLICATIONS 2011 – ANNUAL REPORT

There was discussion concerning the recommendations made in the report. Deletions and changes were made to the report.

A motion to forward the annual report to the Planning Board was made by Mr. Klepac and seconded by Mr. Unsworth, and approved with all in favor.

ADJOURNMENT

A motion was made by Mr. Unsworth to adjourn the meeting. The meeting was adjourned at 8:32 p.m.

Submitted by,

Shelley Lea
Zoning Officer