

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 3, 2012**

A special meeting was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 8:00 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Ted Klepac, Christopher Phifer, Andrew Shawl, Joseph Healy, Hobart Young, Susan Adelizzi-Schmidt, Chair Paul Casaccio.

Absent: Jeffrey Pierson, Matthew Unsworth, Lynn Petrozza and Alistair Lihou.

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

SHELLEY LEA SWORN

APPLICATIONS

1. **MARILYN S ROLAND – BLOCK 855, LOTS 2 & 2.01 – BA06-12**

Applicant is requesting a one-year extension of variances granted to raise an existing boathouse at 204 N. Bayview Drive, Strathmere.

Solicitor Marcolongo stated that the Board had granted a use variance to raise the existing boathouse and a side yard setback variance on February 7, 2008. Variances expire after two years. The Zoning Ordinance and MLUL allow for three one-year extensions. This is the applicant's third extension. If approved the variance would carry until March 13, 2013. The Permit Extension Act does not cover this property since it is environmentally sensitive.

Robert & Marilyn Roland, 9 Stonehenge Lane, Malvern, PA, were sworn. Mr. Roland testified they are trying to get a reasonable estimate to raise the boathouse. They recognize this is their final extension. They have not made any changes to what was approved.

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

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MR. SHAWL – Robert Roland has given testimony on behalf of Marilyn Roland, owner of the property. They are investigating the best and reasonable way of raising the boathouse. This is the third and last extension that can be granted. There was no public testimony. He sees no reason why the extension could not be granted.

MR. YOUNG – Nothing to add.

MR. PHIFER – Nothing to add.

MR. CASACCIO – Nothing to add.

A motion was made by Mr. Young and seconded by Mr. Shawl to grant the third one-year extension of the prior variance relief that would extend the approval through March 13, 2013. In favor: Phifer, Shawl, Healy, Young, Casaccio.

2. DARRYL & ANNE MARIE CILLI – BLOCK 791, LOT 26 – BA01-12

Applicants are requesting variances for building coverage; front yard setback, side yard setbacks and pre-existing lot width and lot depth, to construct a new single-family dwelling at 2200 S. Commonwealth Avenue, Strathmere.

Mr. Klepac and Ms. Adelizzi-Schmidt joined the Board.

Darryl Cilli, 133 DeerPath Lane, Media, PA, was sworn. Sam Kim, Associate with Richard Villa Architect and Richard Villa, Architect, were sworn.

Darryl Cilli, property owner, testified he bought the property to use in the summers and holidays. The house currently has 2 bedrooms and he wants it to remain 2 bedrooms. They would like to optimize the views of the ocean and bay. Adding onto the structure was not economical.

Mr. Kim testified they propose to maintain the same non-conforming side and front yard setbacks. They have begun the permitting process for CAFRA. They propose to increase the building coverage from 33.3% to 37.3%. They would conform to the rear yard setback. This will be new construction and the septic would be upgraded. A plan was prepared by Robert Bruce, PE, for the upgraded septic. There was confusion in regards to the front yard setback. The application and dimension on the plan are 5.3 ft and the zoning schedule indicates 6.26 ft. The zoning schedule will be revised to indicate 5.3 ft. The proposed driveway width is 12 ft. The building will be raised to meet the flood standards and two parking spaces will be provided underneath. The new house will be compatible to other homes in the area.

Solicitor Marcolongo stated that any approval would include that the curb and sidewalk be installed if required by the Board Engineer. He stated that the applicant is requesting technical variances for lot area, lot width and lot depth.

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MR. SHAWL – Darryl and Ann Marie Cilli are the owners of Block 791, Lot 26, located at 2200 S. Commonwealth Avenue. The applicants purchased the property to use during the summer and on holidays. Rather than renovate the house it would make sense economically to demo the existing home and build a new home. The structure will maintain the side and front yard setbacks and slightly increase the rear yard setback while conforming to the ordinance. The building coverage would increase by 4%. Technical variances are being requested for lot area, lot width and depth. The new house would fit in with the character of the neighborhood. There was no public testimony.

MR. YOUNG – He believes this is a good plan.

MR. PHIFER – Nothing to add.

MR. HEALY – Nothing to add.

MS. ADELIZZI-SCHMIDT – Nothing to add.

MR. KLEPAC – He concurs.

MR. CASACCIO – The driveway width will conform. If the Board Engineer deems curbs and sidewalks are necessary the applicant agrees to install them.

A motion was made by Mr. Klepac and seconded by Mr. Healy, to grant the application with the conditions that the applicant revise the zoning schedule to evidence a 5.3 ft front yard setback and add curb and sidewalk if required by the Township Engineer. In favor: Klepac, Phifer, Shawl, Healy, Young, Adelizzi-Schmidt and Casaccio.

3. ROBERT DEVER – BLOCK 567.01, LOT 7 – BA03-12

Applicant is requesting a variance to allow a 6 ft high fence in the front yard where only 4 ft is permitted at 8 Erica Lane, Seaville.

Robert Dever, 8 Erica Lane, Seaville, was sworn. He testified that his property is a corner lot with frontage on both Erica Lane and Cedar Lane. He is proposing to install a 6 ft high fence on the east side of the property. They hope to install a pool in this area in the future. He would like the fence to keep his dog and small children in the yard.

Mr. Dever testified there is currently a 6 ft fence along the rear property line that was installed by his neighbor. He will ask the neighbor if he can replace their fence, if not he will install the fence right up next to his neighbors. The new fence would be located 5 ft from the sidewalk on Cedar Lane. He proposes to plant shrubbery between the fence and the sidewalk.

Ms. Adelizzi-Schmidt asked why a 4 ft high fence would not be enough. She has concerns that a 6 ft high fence in this area would stand out. Mr. Dever commented that 6 ft is needed for privacy. He stated there are 6 ft high fences across the street. The fence would be solid white vinyl.

Mr. Young asked he would be in favor of installing a 5 ft high fence with lattice on top to give the appearance of a lower fence.

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

MR. SHAWL – Robert Dever is the owner of 8 Erica Lane, Block 567.01, Lot 7. The applicant is requesting to install a 6 ft high fence along Cedar Lane, which is his rear yard although technically a second front yard since this is a corner lot. There are other 6 ft high fences in the neighborhood. The fence would help to enhance the applicants privacy. The applicant would like the fence for safety purposes since he has small children and a dog. There was no public comment. The fence would be made of white vinyl.

MR. YOUNG – He concurs. The applicant has testified the fence would not be in the site triangle and would not affect the site of the adjoining property.

MR. PHIFER – Nothing to add.

MR. HEALY – Nothing to add.

MS. ADELIZZI-SCHMIDT – Nothing to add.

MR. KLEPAC – He concurs.

MR. CASACCIO – The applicant agreed to keep the fence 5 ft off the Cedar Lane property line and add vegetation to buffer the fence. He will talk to his neighbor in the rear as to whether they will replace the fence or butt up to it.

A motion was made by Mr. Shawl and seconded by Mr. Young, to grant the application with the condition that the 6 ft high white vinyl fence will be 5 ft from the sidewalk adjacent to Cedar Lane with landscaping on the outside of the fence to provide an aesthetic buffer. In favor: Klepac, Phifer, Shawl, Healy, Young, Adelizzi-Schmidt and Casaccio.

BILLS

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Shawl, seconded by Mr. Young, and approved. The meeting was adjourned at 8:48 p.m.

Submitted by,

Shelley Lea