

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JULY 11, 2013**

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

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Present: Christopher Phifer, Jeffrey Pierson, Andrew Shawl, Lynn Petrozza, Joseph Healy, Alistair Lihou, Susan Adelizzi-Schmidt and Paul Casaccio.

Absent: Matthew Unsworth and Hobart Young.

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

**APPROVAL OF THE JUNE 13, 2013 MEETING MINUTES**

A motion to approve the minutes was made by Mr. Pierson, seconded by Ms. Adelizzi-Schmidt and approved.

**APPLICATIONS**

1. RANDALL ROASH – BLOCK 821, LOT 4 – BA08-13

Applicant is requesting a front yard setback variance and side yard setback variance for the principal building and setback variances for the detached garage and shed located at 124 Prescott Avenue in Strathmere.

Arthur T. Ford, III, Esquire, represented the applicant. He stated that the applicant is requesting a front yard setback since the front porch is encroaching into the setback. The property was flooded during hurricane Sandy and in another storm in 2010.

Mark DeVaul, Professional Land Surveyor, was sworn. Mr. DeVaul testified there are at least four other lots to the east of Mr. Roash's property that do not meet the front yard setback requirement. The front yard setback was 11.6 ft. prior to any construction. The intent was to move the building so it conformed to the setback; however the As Built Survey that he prepared dated May 7, 2013 shows the building is 14.4 ft. where 15 ft. is

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required. The accessory buildings are pre-existing and do not meet the setbacks for an accessory structure.

Mr. DeVaul testified that he believes raising the house improves safety from fire and flood and that bringing the house up to current building code is also a benefit. He also believes the property provides for light, air and open space.

Mr. Dietrich asked for clarification since the front yard setback shown on the Variance Plan dated May 15, 2013 is different than the As Built Survey dated May 7, 2013. Mr. DeVaul testified that the 14.4 ft. setback on the variance plan is correct. Mr. Dietrich agrees that the building was supposed to be set back 15 ft. and it was probably just a layout error.

Randy Roash, 124 Prescott Street, Strathmere, was sworn. Mr. Roash testified that he has had storm damage twice since purchasing the property in 1996. In 2010 he decided to raise the structure and hired Robert Bruce to prepare the plans. He obtained a permit to raise the building and move it back on the lot to meet the setback requirement. He had just moved out of the house and into a rental and the house movers were scheduled to begin one week after Hurricane Sandy hit. The entire first floor was destroyed in the storm. The demolition and remediation were significant and took a while. The building was moved back and new curb and sidewalk installed.

Mr. Dietrich explained that the applicant is requesting a variance for the curb cut. The curb cut is 20 ft. where 12 ft. is permitted. He concurred that the applicant's property was flooded during Sandy and has been raised to comply with flood elevations.

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

MR. PIERSON – Randall Roash owner of 124 Prescott Avenue in Strathmere, Block 824, Lot 4, is requesting variances for the house and accessory structures. He purchased the house in 1996. After moving the building back Mr. DeVaul found the encroachment while preparing the As Built Survey. Mr. DeVaul testified there are other homes in the area with non-conforming front yard setbacks. The house has been raised to meet the current FEMA codes. The setback to the HVAC units on the side of the house do not require a variance. The applicant is requesting a variance for the driveway width in order to clean up the non-conformities. The applicant installed new curbs and sidewalks. Mr. Dietrich noted that he saw the damage done to the property. He finds the applicant meets the criteria in regards to flood.

MR. HEALY – He concurs.

MR. SHAWL – The design fits within the character of the neighborhood and provides light, air and open space for the adjacent dwellings. The applicant owns lot 10.01 located in the rear of the subject property.

MS. PETROZZA – There was no public comment.

MS. ADELIZZI-SCHMIDT – She concurs.

MR. PHIFER – He agrees.  
MR. LIHOU – He agrees.  
MR. CASACCIO – Nothing to add.

A motion was made by Mr. Pierson and seconded by Ms. Petrozza to grant the bulk variances associated with raising the single family structure and the variances for the accessory structures and the width of curb cut. In favor: Phifer, Pierson, Shawl, Petrozza, Healy, Lihou, Casaccio.

### **RESOLUTIONS**

#### **FRED BECKER – BLOCK 547, LOT 3 – BA07-13**

A motion to adopt the Resolution was made by Mr. Pierson, seconded by Ms. Petrozza, and approved. In favor: Phifer, Pierson, Shawl, Petrozza, Lihou, Casaccio. Abstain: Healy, Adelizzi-Schmidt.

### **BILLS**

A motion to pay the bills was made by Mr. Phifer and seconded by Mr. Pierson and approved.

### **DISCUSSION**

Solicitor Marcolongo informed the Board that the T & R matter is still going on after 9 weeks. They have had oral argument. The Holt matter has been pushed back to August.

Mr. Dietrich announced the Supreme voted to uphold COAH.

A motion was made by Mr. Pierson and seconded by Ms. Petrozza to adjourn the meeting. The meeting was adjourned at 7:56 p.m.

Submitted by,

Shelley Lea