

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 13, 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, Matthew Unsworth, Lynn Petrozza, Hobart Young, Susan Adelizzi-Schmidt and Paul Casaccio.

Absent: Joseph Healy and Alistair Lihou.

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

**APPROVAL OF THE APRIL 11, 2013 AND MAY 9, 2013 MEETING MINUTES**

A motion to approve the minutes was made by Mr. Pierson, seconded by Mr. Unsworth.

**APPLICATIONS**

1. FRED BECKER – BLOCK 547, LOT 3 - BA07-13

Application is for a two lot minor subdivision, a use variance to allow a flag lot and bulk variances for lot frontage and front yard setback at 104 Tyler Rad.

Michael Stanton, Esquire, represented the applicant.

Thomas N. Tolbert, P.L.S. with Design Land Surveying, was sworn. Mr. Tolbert testified that he prepared the subdivision plan dated 5-20-13. He explained the applicant proposes to create two lots out of the 71.9 acre parcel. There is an existing two-story single-family dwelling and a small workshop on the property. There is also a tennis court and swimming pool on the property.

Mr. Stanton stated that proposed lot 3.02 would consist of 61.4 acres and proposed lot 3.01 would be 11.1 acres. Lot 3.02 would need a lot frontage variance. Lot 3.01 would require a front yard setback variance and a D variance to allow a flag lot.

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Mr. Tolbert testified the subject property is located on the western side of Tyler Road. The property is in the Conservation zone and a majority of the lot is wetlands. He believes the proposed lot frontage and the front yard setback is in keeping with the character of the neighborhood.

Mr. Stanton stated the applicant is proposing a 100' setback rather than the required 400' setback on lot 3.01 to preserve the privacy on lot 3.02. He has prepared a deed restriction so that the owner of lot 3.01 would have to build as close to Tyler Road as possible to maintain a buffer.

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

MR. UNSWORTH – Fred Becker, owner of 104 Tyler Road, Block 547, Lot 3, is proposing a minor subdivision to create two lots. There is an existing single family home on the property. The owner is looking to subdivide an irregular shaped 11.1 acre parcel off to create an additional building lot. The vacant lot would meet all the bulk requirements except for the front yard setback. The lot with the house would consist of 61.4 acres and would meet the bulk requirements except for the frontage. This lot would have 217.22' of frontage were 400' is required. There would be a deed restriction for no clearing or construction in an area that creates additional buffering around lot 3.02 and leaves a buildable area in the front of approximately 4 acres. The environmentally sensitive area in the back would not be impacted. There was no public comment. The applicant has not applied for septic permits. Because of the unique shape of the lot, environmental constraints on the lot, excessive acreage and location of the existing structure he finds the lot would be appropriate for the proposed development. Lot 3.01 would exceed the 10 acre lot area requirement. The frontages proposed are consistent with the frontages along Tyler Road. The proposed setbacks are also consistent with the homes on Tyler Road. He would be in favor of the application as presented. The property abuts a Conrail right of way so there would be no impact to the neighbors.

MR. PIERSON – He concurs with Mr. Unsworth. He finds that granting the variances would not have a negative impact on the zoning ordinance or zone plan.

MS. ADELIZZI-SCHMIDT – She sees no negative impact.

MR. SHAWL – He concurs.

MS. PETROZZA – She concurs.

MR. PHIFER – On an intellectual level he feels this application is particularly well suited for this site due to the environmental restraints and the fact that Tyler Road is not a heavily traveled road.

MR. YOUNG – He concurs. He finds that lots located in the Conservation zone typically exceed the lot area and length. He believes that flag lots should be permitted in the Conservation zone and not be required to obtain a frontage. There is no negative impact. He is familiar with the property and finds it is well suited for what the applicant is proposing.

CHAIR CASACCIO – He concurs.

A motion was made by Mr. Pierson and seconded by Mr. Unsworth, to grant the minor subdivision and use variance to permit a flag lot in the Conservation zone and variances for lot frontage (3.02) and front yard setback (3.01) and a waiver from providing soil borings with the condition that the shaded area shown on the plan shall be deed restricted from clearing or construction. In favor: Phifer, Pierson, Shawl, Unsworth, Petrozza, Young, Adelizzi-Schmidt and Casaccio.

### **RESOLUTIONS**

#### **MPS LANDHOLDERS LLC – BLOCK 479, LOTS 30, 31, 32, 35 & 37 – BA14-12**

A motion to adopt the Resolution was made by Mr. Unsworth and seconded by Mr. Pierson. In favor: Phifer, Pierson, Shawl, Unsworth, Young.

#### **MPS LANDHOLDERS LLC – BLOCK 479, LOT 46 – BA13-12**

A motion to adopt the Resolution was made by Mr. Unsworth and seconded by Mr. Pierson. In favor: Phifer, Pierson, Shawl, Unsworth, Young.

#### **MARK & LINDA BATEMEN – BLOCK 835, LOT 6 – BA05-13**

A motion to adopt the Resolution was made by Mr. Unsworth and seconded by Mr. Pierson. Phifer, Pierson, Shawl, Unsworth, Young.

### **BILLS**

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

### **DISCUSSION**

Solicitor Marcolongo informed the Board that Mr. & Mrs. Holt have appealed the decision made by the Board regarding res judicata.

A motion was made by Mr. Pierson and seconded by Ms. Petrozza to adjourn the meeting. The meeting was adjourned at 7:54 p.m.

Submitted by,

Shelley Lea