

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MARCH 14, 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 7:40 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Jeffrey Pierson, Andrew Shawl, Alistair Lihou, Susan Adelizzi-Schmidt and Matthew Unsworth.

Absent: Christopher Phifer, Lynn Petrozza, Joseph Healy, Hobart Young, and Brian McCoy.

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 FEBRUARY 14, 2013 MEETING MINUTES

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

APPLICATIONS

1. **ROBERT & ELLEN BARKER, JAMES & STEPHANIE PIACENTINO AND MARIAN SWANSON – BLOCK 856, LOT 5 – BA03-13**

Applicants are requesting a use variance for expansion of a non-conforming use and bulk variances to raise an existing triplex at 208 N. Commonwealth Avenue, Strathmere.

Robert and Ellen Barker, 3600 Centerville Road, Greenville, DE; Marian Swanson, 244 Azalea Lane, West Grove, PA and James Piacentino, 1023 Arbor Way, Newton Square, PA, were sworn. Christina L. Amey, Architect and Robert Bunting, 9 Dawn Road, Petersburg, were also sworn.

Mrs. Barker testified they are trying to restore their home after it was damaged by Superstorm Sandy. She submitted photos as part of her application showing the structure

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surrounded by flood water. The structure is non-conforming since there are three units. Mrs. Barker submitted copies of a Topographic Survey prepared by Stephen C. Martinelli, dated 2-8-13. She also submitted a Variance Plan by Christina Amey, Architect, dated 3-1-13. An addendum to the variance plan was submitted that change the configuration of the steps for unit 2. The addendum is dated March 14, 2013.

Mrs. Barker testified that Mr. Bunting will be the contractor for the project. A height variance is needed to raise the structure from 27.75 ft. to 33ft. A variance is also needed for the two proposed curb cuts. The front yard setback on Commonwealth Avenue would be increased from 0' to 5' 11".

Solicitor Marcolongo stated that Township Committee has introduced Ordinance 006-2013 that would permit existing non-conforming uses and structures to be raised including modifications to their means of egress without variance relief if they meet certain criteria, specifically that there is no expansion of the footprint of the building, the stairs leading into the building can be no closer than one foot to the property line and the building is only being raised to the minimum height necessary to meet the new advisory base flood elevations. If someone met these criteria they would not have to come before the Zoning Board.

Mr. Dietrich added that FEMA was in the process of adopting new flood insurance rate maps. After the storm they put out advisory base flood elevations (ABFE) that are raising the flood elevation levels significantly in New Jersey and part of New York. This also put an impact on the height requirements. In Strathmere, height is currently measured from the center line (crown) of the road. The new ABFE's put an additional 2.3 ft. of height plus the Township instituted 1 ft. of freeboard. Essentially, there is 3.3 ft. of additional height that a home would have to be raised to be in compliance with the new rate maps. The Bigger Water Act signed by Congress and the President in June 2012 is removing the subsidies for flood insurance especially for second homes.

Mr. Dietrich stated that the elevations on the plan are not labeled correctly and need to be revised.

Ms. Amey testified this is a non-conforming use since there are three units where the ordinance allows only single-family dwellings. She stated that lifting the building would provide a total of 4 onsite parking spaces where there are currently none. They are raising the building higher than the minimum for the ABFE in order to get an 8 ft. high garage underneath the building. The front yard setback on Commonwealth Avenue will be made more conforming.

Ms. Amey discussed the proposed stairs for each of the units. She agreed to revise the plan to add the changes in the addendum. She stated the applicants are requesting a 12 ft. wide curb cut on Seacliff Avenue and a shared 20 ft. curb cut on Commonwealth Avenue.

Mrs. Barker testified her husband is an American with Disability so it is important for unit #3 to have a garage where there would be extra wide steps with a stair lift to take him to the garage to the living space.

Ms. Amey testified that the proposed plan complies with the building coverage and impervious coverage requirements. The lot is 100' x 100'. The house cannot be moved back further on the lot because of the location of the septic system. The detached garage and gazebo will remain on site.

Mr. Dietrich confirmed that the proposed large balcony on Seaclyff Avenue meets the setback requirement. He stated that previous approvals for this property included that a deed of consolidation be filed. He would like confirmation this was done.

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

MR. SHAWL – The applicants are the owners of 208 N. Commonwealth Avenue in Strathmere, New Jersey, Block 856, Lot 5. The applicants are seeking a use variance for a 3-unit dwelling in a single-family zoning district. Variances are also being requested for building height and width of the curb cut for the new driveway on Commonwealth Avenue. The structure was previously a 4 unit dwelling but has been reduced to 3 units. The building was damaged severely in Super Storm Sandy. The applicants are proposing to raise the structure and put parking underneath. They also propose to remove an existing front porch that would improve the front yard setback on Commonwealth Avenue. The building can't be moved back on the lot because of the septic location. The detached garage and gazebo will not be modified during this project. The applicants are requesting a variance using the current ordinance standards for height. Paul Dietrich testified that the Township is considering changes to the ordinance that would prevent homeowners from going before the Board if they meet certain criteria. Changes are also being considered in regards to how height is measured because of the changes in the flood elevation maps by FEMA. The applicants are proposing one 12' wide curb cut and a second 20' curb cut where they are permitted only on 12' curb cut. The curb cuts would lead to the garage parking that would help keep cars off the street. There was no public comment. He believes that relief can be granted without substantial detriment to the zoning ordinance or zoning plan. The proposed plan raises the structure in a way that would preserve light, air and open space. The lot is appropriate for a triplex since it is one of the largest lots in Strathmere.

MR. LIHOU – He believes the variances should be granted since there is no negative impact and because there would be no negative effect on the light, air and open space.

MR. PIERSON – The applicants have met special reasons 40:55D2 (b), (c) and (d).

MS. ADELIZZI-SCHMIDT – The applicants have done their due diligence and have been through an awful lot. Everything is in order. There are no negative impacts.

MR. UNSWORTH – He concurs with his colleagues. When dealing with multifamily structures and R2 structures there are different building requirements mainly for access and requires them to have more staircases into the structure. This is a 10,000 sq. ft. lot in

the RR zone where a minimum of 4,000 sq. ft. is needed. Unit #3 will be ADA compliant. The applicants agree to revise the plan to include the changes in the addendum and correct the labeling of the elevations. The applicants will also confirm that the lots have been consolidated and agree that no building permit would be issued until the lots are consolidated into one.

A motion was made by Mr. Pierson and seconded by Mr. Shawl to grant the application as presented with the condition the applicant revise page 2 of the plan to evidence the correct the north and south elevations and add the addendum showing the new stairway and that a deed of consolidation will be required to be filed with the County after being reviewed by the Board Solicitor. In favor: Pierson, Shawl, Lihou, Adelizzi-Schmidt and Unsworth.

BILLS

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

RESOLUTIONS

1. R C CAPE HOLDINGS LLC – BLOCK 639, LOT 15.01 – BA01-13

A motion was made by Mr. Pierson and seconded by Mr. Shawl to adopt the Resolution. In favor: Shawl, Lihou, Unsworth. Abstain: Pierson, Adelizzi-Schmidt.

OPEN TO THE PUBLIC

ADJOURNMENT

A motion was made by Mr. Pierson and seconded by Mr. Shawl, to adjourn the meeting. The meeting was adjourned at 8:20 p.m.

Submitted by,

Shelley Lea