

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
FEBRUARY 13, 2014**

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

Absent: Thaddeus Klepac and Jeffrey Stuart.

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

APPROVAL OF THE JANUARY 9, 2014 MEETING MINUTES

A motion to approve the minutes was made by Mr. Unsworth and seconded by Mr. Pierson, and approved. In favor: Healy, Lihou, Petrozza, Phifer, Pierson, Adelizzi-Schmidt, Shaw, Unsworth and Casaccio.

TABLED APPLICATIONS

1. NEW JERSEY AMERICAN WATER – BLOCK 560, LOT 1.01 – BA13-13

This application is tabled until the March 13, 2014 at 7:30 p.m. The applicants agree to Waive the tolling of time. There will be no further notice of this application.

APPLICATIONS

1. EUGENE & DAWN DOHERTY – BLOCK 735, LOT 2 – BA01-14

Applicants are requesting a variance for maximum impervious lot coverage, 20% permitted, 35.82% proposed, to install an in ground swimming pool at 101 Harbor Road, Beesleys Point.

Jeffrey P. Barnes, Esquire, represented the applicants. This property is located in the “R2” zoning district. There is currently a single family house on the property. This is an irregular shape property and is 25,000 sq. ft. The applicants were before the board in 2011 for an addition to their house. Most of the non-conformities were addressed at that

time. The existing 4,950 sq. ft. tennis court and other impervious coverage in this area will be removed and replaced with grass. A 777 sq. ft. (15'x34') swimming pool will be added. The impervious coverage will be reduced by a substantial amount.

Joseph Gallagher, 15 North Shore Road, Marmora, was sworn. He is the construction manager and general contractor for this project. He testified the subject lot is compatible to other lots in the area. There is no additional land for the applicant to acquire. He testified that pools are a permitted use in the R2 zone. The NJDEP has issued permits for the removal of the tennis court and construction of the swimming pool. He believes the variance can be granted without substantial detriment to the public good and would not substantially impair the intent of the zoning ordinance. He further believes the site is particularly well suited for this proposed project. The shed on the east of the property has been moved to the neighbor's property. The tennis court has already been removed.

The meeting was open to the public. Hearing no comment the meeting returned to the board for findings of fact.

MR. SHAWL – Eugene & Dawn Doherty are the owners of 101 Harbor Road. The applicant is requesting a variance for impervious coverage. The coverage will be reduced as part of the application. The applicant has removed an existing tennis court and shed and proposes to construct a pool and patio. The lot is undersized and contains a pre-existing single family residence with attached garage that has non-conforming setbacks. The proposed pool is a permitted accessory in the R2 zone and meets the required setbacks. The previous impervious coverage was 52% and the proposed impervious coverage is 36%. There was no public comment. Testimony was given that there is not any adjoining land to purchase. The lot is similar to the size and character of other lots in the neighborhood. The pool is a desirable visual enhancement to the property. The proposed pool would not impair the zoning plan or the zoning ordinance.

MS. PETROZZA – She concurs.

MR. PHIFER – The impervious coverage is being reduced by 4,173 sq. ft. He finds the pool would be more aesthetically pleasing.

MR. UNSWORTH – He concurs. Most if not all the lots in that neighborhood are undersized. Many of the lots exceed the permitted impervious coverage. The improvements are consistent with the aesthetics of the neighborhood and would improve the visual environment of the yard.

MR. PIERSON – He believes the variance can be granted using NJS40:55D-70, C. (1) due to the shape of the lot.

SUSAN ADELIZZI-SCHMIDT – She is in favor of the application.

MR. HEALY – He concurs with his colleagues.

MR. CASACCIO – One shed has been removed from the property and one shed remains on site.

A motion was made by Mr. Pierson and seconded by Ms. Petrozza, to grant the application with the condition the applicant comply with the standard conditions and that

only one shed will be permitted on the property. In favor: Healy, Petrozza, Phifer, Pierson, Shawl, Unsworth and Casaccio.

OFFICIAL BOARD MEMBER OATH – ALISTAIR LIHOU

RESOLUTIONS

1. DEAN R. MARCOLONGO, ATTORNEY AT LAW, FOR PROFESSIONAL SERVICES

A motion to adopt the resolution was made by Mr. Unsworth and seconded by Mr. Pierson, and approved.

2. AMENDED ANNUAL REPORT

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Ms. Petrozza, and approved.

BLLS

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

DISCUSSION

Solicitor Marcolongo informed the Board that it has been 5 months since oral argument on the Holt matter. There is still not a decision.

The T& R case is still at the appellate division and has not yet been scheduled for oral argument.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Shawl, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 7:55 p.m.

Submitted by,

Shelley Lea