

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 12, 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: Alistair Lihou, Lynn Petrozza, Christopher Phifer, Susan Adelizzi-Schmidt, Andrew Shawl, Matthew Unsworth and Paul Casaccio.

Absent: Joseph Healy, Jeffrey Pierson and Thaddeus Klepac.

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

**APPROVAL OF THE MAY 8, 2014 MEETING MINUTES**

A motion to approve the minutes was made by Mr. Unsworth, seconded by Mr. Phifer and approved. Abstain: Lihou, Petrozza.

**SWEAR IN PAUL DIETRICH AND SHELLEY LEA**

**APPLICATIONS**

1. **JAMES & MAUREEN CARD – BLOCK 566, LOT 35 – BA09-14**

Application is for a use variance for expansion of a non-conforming use, a use variance to allow two principal structures on the same lot and a site plan waiver lot to construct a 24' x 32' detached garage at 1208 Route US 9 South, Seaville.

James and Maureen Card, 1208 South Shore Road, Ocean View, NJ were sworn. Mr. Card testified that when he purchased the property it was zoned Highway Commercial. The property is now zoned CM2. The house was on the lot at that time. He has operated a construction business on this property for many years. He would like to construct a detached garage to store his tools in and to clean up the property. He is requesting a variance for the height of the garage to allow 25 ft. where 20 ft. is permitted. The additional height works better structurally. The garage will be used for storage only. He eventually wants to add electric and plumbing for heat. There will not be a bathroom. The garage will be sided and will match the house.

Solicitor Marcolongo stated that since the garage would be a principal structure and not an accessory structure it would not require a variance for the height.

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 – James and Maureen Card are the owners of 1208 Route US 9 South, Seaville New Jersey, block 566, lot 35. The property is located in the CM2 zone and contains a single-family dwelling. The applicants are requesting a use variance for expansion of a non-conforming use and a use variance to allow two principal uses on the same lot. The applicants wish to construct a detached garage to store tools used for the construction business he operates at the property. It was determined that the height variance would no longer be necessary since the house and the garage would be principal structures. The garage will have electric and plumbing for heat. The garage will not be used for living quarters. The garage will maintain the character of the neighborhood and conform to the house. The second floor of the garage will be used for storage. There was no public comment. He feels the variance can be granted using special reason (a) since the lot is on a State highway and has a pre-existing residence. The proposed garage would not impact traffic and (k) the site is perfect for commercial development since it is located on a State highway. He finds that granting the application would not impair the purpose or intent of the land use law.

MS. PETROZZA \_ she concurs.

MR. PHIFER – He finds that special reasons e and g apply.

MR. LIHOU – He is in favor of the application for the reasons stated.

MR. UNSWORTH – He concurs.

MS. ADELIZZI-SCHMIDT - She concurs.

MR. CASACCIO – There will not be any living facilities in the garage.

A motion was made by Mr. Phifer and seconded by Ms. Petrozza to grant the application. In favor: Lihou, Petrozza, Phifer, Schmidt, Shawl, Unsworth, Casaccio.

2. DANIEL WILLIAMSON – BLOCK 12, LOT 19.01 – BA10-14

Application is for a temporary permit to allow a trailer on site during construction of a new single-family dwelling and to allow two principal structures on the same lot at 415 Route 49 in Tuckahoe.

Daniel Williamson, 415 Route 49, Tuckahoe, was sworn. He testified that there was a fire at his house three weeks ago. He would like to live in a trailer on the site during the construction of a new home. He wants to stay on the property since he is concerned about vandalism. The property is approximately 4 acres and is located in the TR zoning district.

Mr. Williamson testified that a temporary electric pole is being 4hooked up. He submitted pictures of the trailer to show that it is not a detriment to the property or the public good. The trailer is being loaned to him with the understanding that it is returned as soon as he is done with it. He agreed that the trailer would not remain on site more than 30 days after receiving a certificate of occupancy or a temporary certificate of occupancy.

Mr. Williamson testified that he attended the committee meeting on June 9<sup>th</sup> where the Township Committee approved a temporary permit conditioned upon a favorable recommendation from the board. He has contacted the Cape May County Health Department and they have no problem with him hooking the trailer to the septic.

After discussion on the matter Solicitor Marcolongo stated that if approved the board could authorize the board secretary to send a letter to Township Committee in support of the

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Application and adopt a resolution immediately given the emergency circumstances.

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

MR. SHAWL – Dan Williamson is the owner of 415 Route 49 in Tuckahoe, New Jersey, Block 12, Lot 19.01. The house on this property is uninhabitable due to a recent house fire. He would like to place a trailer on site to live in during construction of a new home. The property is approximately 4 acres and fronts on Route 49. He feels that special reasons e and g apply. There was not any testimony from the public. He does not feel that making a recommendation to Township Committee to approve a temporary use permit would compromise the intent of the zoning ordinance or zoning plan.

MS. PETROZZA – She concurs.

MR. PHIFER – He concurs with Mr. Shawl. He finds that special reasons a, b, e and g apply.

MR. LIHOU – He is in favor.

MR. UNSWORTH – The applicant would like to stay on the property since they have pets and also to prevent vandalism. They have received approval from the health department to use the septic on site. They are in the process of getting temporary electric set up.

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

MR. CASACCIO – The applicant has agreed to remove the trailer within 30 days of receiving a TCO or a CO. This would be a recommendation for up to a two year period so they would not have to come back to the board if they go over one year. If the Township Committee should need a second letter of recommendation the Board should authorize the board secretary to write it without coming back before the Board.

A motion was made by Mr. Unsworth and seconded by Ms. Adelizzi-Schmidt, to recommend that Township Committee permit the temporary use permit for two principal uses on the same lot for a period not to exceed two years with the condition the trailer is removed from the property within 30 days of the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy and that the Chairman may expedite the resolution by signing it on Monday. In favor: Lihou, Petrozza, Phifer, Adelizzi-Schmidt, Shawl, Unsworth, Casaccio.

**RESOLUTIONS**

1. GABRIELA KAPLANOVA – BLOCK 568, LOT 2.05 – BA03-14

A motion to adopt the resolution was made by Mr. Unsworth and seconded by Mr. Shawl. In favor: Phifer, Adelizzi-Schmidt, Shawl, Casaccio.

2. FRANKLIN SACK JR. – BLOCK 12, LOT 14.02 – BA07-14

A motion to adopt the resolution was made by Mr. Unsworth and seconded by Mr. Shawl. In favor: Phifer, Adelizzi-Schmidt, Shawl, Casaccio.

**BILLS**

A motion to pay the bills was made by Ms. Petrozza, seconded by Mr. Phifer, and approved.

**DISCUSSION**

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Mr. Dietrich reviewed the results of the Diversity Study.

Solicitor Marcolongo reported on the status of pending litigation.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Shawl, seconded by Ms. Adelizzi-Schmidt, and approved. The meeting was adjourned at 8:04 p.m.

Submitted by,

Shelley Lea