

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES FEBRUARY 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: Sherrie Lisa Galderisi, Joseph Healy, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Carol Tutelian, Matthew Unsworth and Paul Casaccio.

Absent: Thaddeus Klepac, Alistair Lihou and Susan Adelizzi-Schmidt.

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

APPROVAL OF THE JANUARY 8, 2015 MEETING MINUTES

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

APPLICATIONS

1. ENDICOTT-REARDON FAMILY MUSEUM – BLOCK 558 LOT 25 – BA24-14

Applicant is requesting preliminary and final site plan approval, a use variance to permit two principal uses on one lot and a second use variance to permit a residential use as a principal use along with several bulk variances to construct a museum and to utilize the existing single family dwelling for caretakers living quarters at 3036 Route US 9 South in Seaville.

Jon Batastini, Esquire, represented the applicant. Mr. Batastini commented that there would be two principal uses on the property, the existing house and the proposed museum. The existing house is already owned by the 501C3 company and would become the caretakers quarters and storage for the museum. He reviewed the bulk variances and waivers being requested.

Mark J.Gibson, Gibson Associates, 522 Sea Isle Boulevard, Ocean View, Walter Surran, Gibson Associates, 522 Roosevelt Boulevard, Robert Bachich, Principal of Bachich Associates, 3323 Simpson Avenue, Ocean City and Harriet Reardon-Bailey, 11 Anchorage Avenue, Seaville, were sworn.

Mrs. Reardon testified that in 2009 the Endicott Reardon Family Museum was officially founded as a NJ not for Profit Corporation. In 2010 she received IRS notification that it would be a 501C3 Corporation. She testified the caretaker of the museum would live in the existing house that was

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built by her uncle in 1927. The museum will show what the area was like in the 1920's when her family moved here.

Robert Bachich, Registered Architect, testified the property fronts on Route 9 and Corson Tavern Road. The property is wooded in the rear. He submitted as Exhibit A-1 a color rendering of the proposed museum building and an aerial photograph showing the site with the museum and emergency drive aisle and the surrounding area. The proposed building would be one story with an attic for storage. He doesn't feel the proposed project would have any detriment to the neighbors. He feels this is an inherently beneficial use due to the low intensity and the educational benefits. Museums are a permitted use in this zone; however a single family residence is not.

Mark Gibson agrees this is an inherently beneficial use. They are requesting a use variance to allow two principal uses. He believes this site is particularly well suited for a museum and satisfies the positive criteria. He sees no detriment in granting the variances requested. He stated the lot is unique since it is long and narrow and makes it impossible to meet the side yard setbacks. The shape of the lot also makes the lot non-conforming in regards to lot frontage and width and requires a variance. They intend to leave a 10 ft. wide landscape buffer on the sides for the neighbors. The proposed building is 40' x 60'. He feels the relief is reasonable because of the narrowness of the lot. He feels the waivers being requested could be granted since the application meets the requirement for the number of parking spaces needed and because this is such a low intensity use. It is his interpretation that the required landscaping is for larger parking areas and not a small area like the one proposed. They are only clearing an area large enough for the proposed building, a small picnic area and the access road. The lighting will be sufficient to light the parking area, however they are not lighting the entire drive aisle. They are asking to pave the drive aisle and stone the parking area to minimize the drainage needed. He stated that the neighbor to the north has concerns about glare from the parking area coming onto his property. The applicant has agreed to plant 6 ft. high evergreens in the buffer area along 80 ft. of the parking area alongside Mr. Biggs property.

Mr. Gibson testified the lot frontage is 98.24 ft. as shown on the plan and that the deed is incorrect. He stated that the non-conforming shed will be moved and will be used to store landscape equipment. He stated that the emergency access is being proposed in case there is a lot of traffic on Route 9 or if needed emergency vehicles could access the property using either road. There would be a gate that would be locked.

Mr. Dietrich was sworn. He agrees with the technical variances regarding stone and lighting due to the size and intensity of the project. He suggested the applicant contact public works regarding trash collection. He also suggested that rain barrels would be beneficial since this is an educational facility and to provide irrigation.

The meeting was open to the public. Hearing no response the meeting returned to the board for finding of fact.

MR. UNSWORTH – The Endicott Reardon Family Museum is requesting several variances at their property at 3036 Route US 9 South. They are requesting two use variances. Most of the requested bulk variances are because of the long narrow shape of the lot. There is currently a historic structure on the property that was built in 1927 by the applicant's family. This structure would be used for the caretaker of the property to live in. The applicant has agreed to add

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evergreens in the landscape buffer adjacent to the property line on the north side owned by Mr. Biggs. The applicant has also agreed to provide rain barrels for education purposes and to provide water for irrigation. An emergency access would be provided to add better emergency access to the property. The traffic on the site would be minimal since the proposed use is low intensity. A state access permit would have to be approved by the NJDOT. There was no public comment. He is in favor of the application and believes the use is inherently beneficial due to the educational opportunities associated with it. The application has been amended to alleviate the concerns of the neighbors. He feels that there is no negative impact associated with this application.

MR. HEALY – He is in favor of the application. He believes there would not be a negative impact to the public good or the neighborhood.

MR. SHAWL – The proposed use would not significantly impact the intent or purpose of the zone plan or the municipal land use law. The site is well suited for this particular use. He is in favor of the low intensity lighting. Landscaping equipment would be stored in the shed that is being relocated.

MS. PETROZZA – She concurs. She believes this would be an inherently beneficial use and would be an asset to the community.

MR. PHIFER – He agrees this is an inherently beneficial use.

MRS. GALDERISI – She believes the use is beneficial. She is in favor of the emergency access.

MRS. TUTELIAN – She agrees this is an inherently beneficial use. She believes the benefits of granting the requested variances outweigh any detriments. The project meets the intent of the town center.

MR. CASACCIO- He finds this is an inherently beneficial use.

A motion was made by Mr. Unsworth and seconded by Ms. Petrozza, to grant the application with the condition there will be a deed restriction with regard to the single family dwelling to a caretakers residence prepared to the satisfaction of the Board Solicitor, the landscaping on the north side of the property would be augmented pursuant to the testimony given by Mr. Gibson and rain barrels will be provided for education and on site irrigation. In favor: Healy, Petrozza, Phifer, Shawl, Tutelian, Unsworth, Casaccio.

SUMMARY OF APPLICATIONS HEARD BY THE BOARD IN 2014

Mr. Dietrich discussed the zoning ordinance changes that were recommended by the Planning Board that are being reviewed by Township Committee.

The Board did not make any recommendations for changes to the ordinance at this time. A resolution will be prepared and adopted next month to send to Township Committee.

BLLS

A motion to pay the bills was made by Mr. Healy, seconded by Mrs. Galderisi and approved.

LITIGATION

Regarding the ongoing litigation involving Ralph and Deanna Holt, Solicitor Marcolongo stated that the Judge confirmed the decision of the Planning Board; however the Judge

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disagreed with the board's determination regarding res judicata. The board must now hear the application on its merits after the applicants have supplied applications and plans, replenished the escrow and noticed.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Healy, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 8:46 p.m.

Submitted by,

Shelley Lea