

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
OCTOBER 8, 2015**

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, Andrew Shawl, Matthew Unsworth and Paul Casaccio.

Absent: Ted Klepac, Susan Adelizzi-Schmidt, Carol Tutelian, Sherri Lisa Galderisi.

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

**APPROVAL OF THE SEPTEMBER 10, 2015 MEETING MINUTES**

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

**SWEAR IN PAUL DIETRICH AND SHELLEY LEA**

**APPLICATIONS**

1. MARLA KOHAUT – BLOCK 828 LOT 3 – BA19-15

Applicant is requesting variances for rear yard setback and building coverage for a single family dwelling currently being constructed at 704 S. Commonwealth Avenue, Strathmere.

Arthur T. Ford, III, Esquire, represented the applicant. In February 2007 the board granted a rear yard setback variance to allow the applicant to construct a single family dwelling on this lot. A condition of that approval was that the applicant moves the house 2 ft. away from Commonwealth Avenue. The house is currently under agreement of sale. The As Built Survey shows that the second floor deck is not in compliance with the approved setbacks. The property owner is now requesting a rear yard setback variance for the cantilever that extends approximately 2 ft. past the columns and a variance for building coverage.

Robert L. Bachich, Registered Architect, was sworn. Mr. Bachich prepared the plan dated 6/28/06 and last revised 9/10/15. He testified the 2 ft. cantilever was not on the previously approved plan and extends into the setback. He feels the variance can be granted based on a construction error. He feels there would not be a detriment since this is open space and not a part of the building.

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Mr. Dietrich explained an 18 inch overhang is permitted but this is not considered an overhang. At the original approval the board had the applicant move the house back to provide onsite parking.

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

MR. SHAWL – Marla Kohaut is the owner of block 828 lot 3 located on the corner of Putnam Avenue and Commonwealth Avenue in Strathmere. The third level deck was constructed 24 inches wider than was approved by the board. The applicant is requesting approval to allow the overhang. Mr. Bachich testified that the light, air and open space would not be negatively impacted. The deck is similar to others in the neighborhood; however it is close to the property line. He finds the variances can be granted without detriment to the zoning plan.

MR. PHIFER – Notices were sent and there was no response from any neighbors.

MS. PETROZZA – She concurs.

MR. UNSWORTH – He concurs.

MR. LIHOU – He concurs.

MR. HEALY – He concurs.

A motion was made by Ms. Petrozza and seconded by Mr. Unsworth, to grant the application with the condition that deeds will be filed restricting the building to a single family dwelling and a Restrictive Deed prohibiting habitable space on the first floor prior to obtaining a certificate of occupancy. In favor: Healy, Lihou, Petrozza, Phifer, Shawl, Unsworth, Casaccio.

### **PUBLIC PORTION**

### **RESOLUTIONS**

1. YANK BOAT WORKS – BLOCK 348, LOTS 10, 11 & 14 – BA17-15

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

2. MONICA RAAB – BLOCK 597 LOT 28 – BA18-15

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

### **BILLS**

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

### **COAH**

Mr. Dietrich gave a short update on COAH.

### **ADJOURNMENT**

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A motion to adjourn the meeting was made by Mr. Shawl and seconded by Mr. Unsworth. The meeting was adjourned at 7:51 p.m.

Submitted by,

Shelley Lea