

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
DECEMBER 8, 2016**

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, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Larry Truli, Matthew Unsworth and Paul Casaccio.

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

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

**SWEAR IN PAUL DIETRICH AND SHELLEY LEA**

**APPROVAL OF THE NOVEMBER 10, 2016 MEETING MINUTES**

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

**APPLICATIONS**

1. **STEPHEN BELL – BLOCK 843 LOT 2 – BA 18-16**

Applicant is requesting a rear yard setback variance to reconstruct a detached garage at 101 Bayview Drive in Strathmere.

Stephen Bell, 101 Bayview Drive, was sworn. Mr. Bell testified that he is the owner of the old Coast Guard property. There is a house and two detached garages on this property. He was before the board in 2006 and obtained a side yard setback and accessory building coverage variance to reconstruct the smaller garage. The larger garage was built in 1939 or 1940 in anticipation of World War II to allow the Coast Guard to guard the coast line. The garage is 40' x 28' and set on a concrete slab. The building is old and deteriorating and has lead and asbestos. He proposes to remove the building and replace it with another garage the same size in the same location. He would like the new building to look like the old building except the doors will

be different. There would not be any plumbing inside the building but there would be electric. The new building would comply with the 20' height limit.

Solicitor Marcolongo stated that the applicant was granted an accessory building coverage variance in 2006 and does not need the variance granted again.

Mr. Bell testified there would not be any plumbing inside the building but there would be electric. The new building would comply with the 20' height limit.

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

MR. SHAWL – Stephen Bell is the owner of the property at 101 Bayview Drive in Strathmere. There is a dwelling and two accessory buildings on this property. The applicant proposes to demolish the 40' x 28' detached garage since it is dilapidated and in need of repair. The applicant proposes to replace the garage with a new garage similar to what is there now. A rear yard setback variance is needed to construct the garage in the same location. The height of the building will be less than 20'. There was no comment from the public. He finds the variance can be granted without detriment to the public good and without impairing the intent and purpose of the zone plan.

MS. PETROZZA – She concurs.

MR. PHIFER – He concurs.

MR. TRULI – He concurs.

MR. UNSWORTH – He concurs. The applicant would be able to repair the structure in its current location, however he chooses to tear down the building and bring it up to code. He will remove the asbestos and lead that exists now. The new garage would meet the FEMA requirements for venting.

MR. HEALY – He concurs.

MR. CASACCIO – The applicant received approval in 2006 to replace the other garage on the site.

A motion was made by Mr. Shawl and seconded by Mr. Unsworth to grant the rear yard setback for the accessory structure with the standard conditions. In favor: Healy, Petrozza, Shawl, Truli, Unsworth and Casaccio.

2. JUDITH WOLFE – BLOCK 757 LOT 3 – BA 19-16

Applicant is requesting variances for side yard setback, front yard setback, rear yard setback, building coverage, impervious coverage, lot area, lot frontage, lot width and lot depth, to construct a single family dwelling at 2712 S. Bayview Drive in Strathmere.

Julius Korschak, Esquire, represented the applicant. Mr. Korschak explained the subject property is unique since it is only 25 ft. wide. In 2007 when the applicant purchased the

property it contained a single family dwelling that was built in the 1940's. In 2012 the structure suffered substantial flooding during Super Storm Sandy and in 2013 the house was severely damaged in a fire. The applicants then obtained permits to rehab and raise the structure, however while raising the house, the house was destroyed. After beginning construction on a new home the applicant was sent a letter to stop work on the house in September 2016.

Mr. Korschak went on to explain the proposed house is basically in the same footprint as the old house. The neighbor to the south of the property, lot 2, has concerns about the first floor cantilever since it is so close to his property. Discussions with the neighbor have resulted in the cantilever being relocated to the rear of the structure.

Clement Lisitski, was present representing Ralph and Teresa Mills, owners of 2716 S. Bayview Avenue. He stated that the cantilever on the old house was underneath his client's home. Now that the house is being raised the proposed cantilever is very close to their bedroom window. His client is in favor of relocating the cantilever and having no windows on the side of the house where the cantilever was proposed. Mr. Korschak agreed to amend the application to move the cantilever and not have any windows where the cantilever is shown on the current plan.

Vincent Orlando, Professional Engineer, was sworn. Mr. Orlando testified that he prepared the plans by EDA, dated 11-28-16. He testified they are proposing a 14.67' wide x 4' cantilever directly behind the house. This is only on the first floor. This would make the second floor deck in the rear of the house wider. The second floor deck does not have a roof.

Mr. Orlando testified in regards to the proposed setbacks which are very similar to the old house on the property. The proposed front yard setback is 11.67' to the bay window. The requested side yard to the south is 2.76' to the bay window. The proposed rear yard setback is now 18.8'. The side yard setback to the north remains 4.1' to the bay window and 4.78' to the main structure. The building coverage will increase slightly but will not exceed 37.5%. The lot (impervious) coverage is proposed to be 83% including the driveway. This amount is less than what is existing.

Solicitor Marcolongo stated that a variance is needed for curb and sidewalk even though the property is located on a gravel road. He stated that the applicant has agreed to send a buy/sell letter to the neighbor to the north and provide proof of mailing prior to the next meeting.

Mr. Orlando testified this is a classic C 1 variance because of the narrow lot and because the new home will be located in almost the same footprint as the old house that was destroyed. He believes the variances could be granted without detriment to the public good and without impairing the intent and purpose of the land use law.

Mr. Orlando agreed to revise the plan to show two parking spaces under the structure.

Mr. Dietrich testified that the proposed flat roof meets the height requirement.

The meeting was open to the public.

Mr. Lisitski requested to see the revised plan prior to the resolution being adopted. Mr. Orlando agreed to forward the revised plan to Mr. Lisitski and Mr. Crane before the next meeting.

Hearing no further comment, the meeting returned to the board for findings of fact.

MR. UNSWORTH – The applicant is requesting several variances to reconstruct a house that was previously on the property that was damaged by Super Storm Sandy and later fire damaged. Permits were acquired for raising and reconstructing the old structure. The applicants now require variance relief for front yard setback, side yard setback, rear yard setback, building coverage, lot coverage and curb and sidewalk. This is a pre-existing non-conforming lot that is only 25' wide. The unique narrowness of the lot makes it almost impossible to build a functional structure on the property. The fire is a hardship and not the fault of the applicant. The new structure will conform to building and FEMA regulations and will improve the neighborhood as well as the safety and welfare of the Township. A revised plot plan, zoning schedule and buy/sell letter will be submitted prior to adopting the resolution. Clement Lisitski, attorney for the property owner to the south, has agreed with some revisions made by the applicant and no longer has objections to the application.

MR. HEALY – Nothing to add.

MR. SHAWL – He agrees that a hardship exists due to the size of the lot and sequence of events that happened. He finds the variances can be approved without detriment to the zoning ordinance or zoning plan.

MS. PETROZZA – She concurs.

MR. PHIFER - He agrees with Mr. Orlando that NJSA40:55D-70 ( a ) applies due to the narrowness of the lot.

MR. TRULLI – He concurs.

MR. CASACCIO – The revised plans will show parking for two vehicles under the structure.

A motion was made by Ms. Petrozza and seconded by Mr. Unsworth, to grant the requested variances for side yard setback, front yard setback, building coverage, impervious coverage, lot area, frontage, width, depth, curb and sidewalk, rear yard setback with the following conditions: Buy/sell letter will be sent to the neighbor to the north prior to next month's meeting and copied to the board solicitor, the plans will be revised to remove the cantilever on the south side of the building and construct a cantilever on the rear of the building, there will be no windows on the south side in the area where the cantilever was originally proposed, two parking spaces will be shown under the building, there will not be a roof on the second floor deck, the plans will be revised at least ten days prior to the January meeting which will be sent to Mr. Lisitski and Mr. Crane who have reserved the right to object if the plans do not evidence what was agreed to this evening. In favor: Healy, Petrozza, Phifer, Shawl, Trulli, Unsworth, Casaccio.

## **RESOLUTIONS**

1. KAREN AND ANDREW LUDWIG – BLOCK 15, LOTS 13 – 16, 25 – BA 20-16

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

**MEETING DATES 2017**

A motion was made by Mr. Unsworth and seconded by Mr. Shawl to approve the dates as presented.

**BILLS:**

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

**ADJOURNMENT:**

A motion to adjourn the meeting was made by Mr. Phifer and seconded by Ms. Petrozza. The meeting was adjourned at 8:34 p.m.

Submitted by,

Shelley Lea