

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION MEETING MINUTES
JANUARY 14, 2016**

The annual reorganization 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, Thaddeus Klepac, Alistair Lihou, Christopher Phifer, Andrew Shawl, Carol Tutelian, Matthew Unsworth and Paul Casaccio.

Absent: Lynn Petrozza and Susan Adelizzi-Schmidt.

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

ZONING BOARD OATH OF OFFICE 2016

REORGANIZATION

A motion to nominate Paul Casaccio as Board Chair was made by Mr. Unsworth and seconded by Mr. Shawl. Hearing no other nominations the nominations were closed.

PAUL CASACCIO BOARD CHAIR FOR 2016

A motion to nominate Matthew Unsworth as Vice Chair was made by Mr. Shawl and seconded by Mr. Healy. Hearing no other nominations the nominations were closed.

MATTHEW UNSWORTH VICE CHAIR FOR 2016

A motion to nominate Dean Marcolongo as Board Solicitor was made by Mr. Shawl and seconded by Mr. Unsworth. Hearing no other nominations the nominations were closed.

DEAN MARCOLONGO BOARD SOLICITOR FOR 2016

A motion to nominate Paul Dietrich as Board Engineer was made by Mr. Shawl and seconded by Mr. Healy. Hearing no other nominations the nominations were closed.

PAUL DIETRICH BOARD ENGINEER FOR 2016

A motion to nominate Shelley Lea as Board Secretary was made by Mr. Unsworth and seconded by Mr. Shawl. Hearing no other nominations the nominations were closed.

SHELLEY LEA BOARD SECRETARY FOR 2016

OFFICIAL NEWSPAPERS 2016

A motion was made by Mr. Shawl and seconded by Mr. Unsworth, to utilize The Press and the Sentinel Ledger as the official newspapers. The motion was approved.

APPROVAL OF THE DECEMBER 2015 MEETING MINUTES

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

TABLED APPLICATIONS

1. RONALD MONTGOMERY – BLOCK 845 LOT 7 – BA 25-15

This application has been tabled until February 11, 2016 at 7:30 p.m. There will be no further notice required.

2. ROUTE 50 LLC – BLOCK 561 LOTS 36 & 37 – BA 27-15

This application has been tabled until February 11, 2016 at 7:30 p.m. Notice of this meeting will be sent to everyone on the certified mailing list and published in the newspaper.

APPLICATIONS

1. NORMAN LAWAND – BLOCK 727 LOTS 14.02 & 15 – BA 21-15

Applicant is requesting bulk variances to construct an addition to an existing single family dwelling at 25 Wistar Avenue in Marmora.

Norman Lawand, 29 Norwood Road, Marmora, was sworn. Mr. Lawand testified the house has two bedrooms and one and a half baths. His daughter in law, fiancée and their two children occupy the home. Currently the house is too small for the family. He would like to add a 390 sq. ft. playroom for the kids. This is a corner lot with frontage on both Wistar Avenue and Norwood Road. The house is already too close to the road and does not meet either of the front yard setbacks. The lot area is 7,785 sq. ft. and is located in the “R” Center Residential zone. A copy of a survey by Mark G. DeVaul, dated April 20, 2015 shows the location of the proposed 15’ x 26’ addition.

This is an undersized lot therefore the setbacks can be reduced. It was determined the front setbacks would be consistent with the two adjoining properties, however variances are requested to allow a 23’ setback on Wistar Avenue and 15’ on Norwood Road, where 50 ft. is required. A variance is needed to allow the distance between the existing detached garage and the new addition to be 10 ft. where 15 ft. is required. A variance is

needed to allow the building coverage to be 25.30% where 22% is allowed. The impervious coverage is conforming.

Mr. Lawand testified the addition would be one story. He believes the proposed addition would conform with the existing house and that the proposed setbacks conform with the neighborhood. He further testified he utilizes city water and the addition would not affect the location of the septic. He will have a plumber relocate the water line. He agreed to consolidate the lots.

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

MR. UNSWORTH – Norman Lawand is requesting several variances for his pre-existing non-conforming lot at 25 Wistar Road in Marmora. This is a corner lot and requires two front yard setbacks and variances for the distance between structures and building coverage. The applicant would like to construct an addition to accommodate a growing family. The addition would be in keeping with the neighborhood. The proposed setbacks are consistent with setbacks throughout the neighborhood. The lot is unique since it has two front yards. The applicant has agreed to a deed of consolidation. The septic is in the rear of the home and would not be effected. There is city water and the applicant will have the line relocated. He finds there would not be any detriment to the public good.

MRS. TUTELIAN – She agrees.

MR. PHIFER – Nothing to add.

MRS. GALDERISI – She is in favor.

MR. SHAWL – He concurs. There was no public comment.

MR. LIHOU – He agrees.

MR. HEALY – He concurs.

MR. CASACCIO – He concurs.

A motion was made by Mr. Unsworth and seconded by Mr. Shawl, to grant the application with the condition the applicant consolidate the lots prior to a certificate of occupancy. In favor: Healy, Lihou, Phifer, Shawl, Tutelian, Unsworth, Casaccio.

2. TERRY DAILEY – BLOCK 566 LOT 51 – BA 22-15

Applicant is requesting a two lot minor subdivision and a use variance for the expansion of a non-conforming use for the continuation of an existing telecommunications tower and an existing duplex on the property along with bulk variances at 1538 -1540 Route US 9 South in Seville.

Mr. Casaccio stepped down during this application and Mr. Unsworth acted as Chair.

Julius N. Konschak, Esquire, represented the applicant. The lot is unusual since there are two principal structures, a duplex in the front and a cell phone tower in the rear. The applicant would like to subdivide the lot and sell the duplex and keep the tower site. He

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submitted 5 exhibits, A-1 is an aerial photo of the site, A-2 is two photos of the duplex, A-3 is a copy of the Memorandum of Lease, dated August 21, 2012, A-4 is a Memorandum Lease for a guy wire that encroaches into the neighbor's property dated April 8, 2008, and A-5 is a copy of a letter sent to J. Larry Blohm, dated December 21, 2015 in regards to his agreement with American Tower LP for the location of the communications tower guy wires and related structures . The non-conforming structures on proposed lot 51.01 will remain the same. A new driveway is not proposed on the lot since the communication companies have always accessed the lot between the two property lines.

Terry Dailey, 821 Leiling Lane, Mays Landing, NJ and Mark Gibson, Professional Land Surveyor, were sworn.

Ms. Dailey testified she purchased the property in 1986. She has a difficult time obtaining a mortgage for the property because of the dual use. She testified the communication companies send a truck to check on their equipment.

Mr. Gibson prepared the Plan of Proposed Minor Subdivision, dated 10-27-15. He testified the property is 2.74 acres and located in the "R2" zoning district. He testified the only variance needed for proposed lot 51.02 besides the use variance for the duplex is for the distance between structures. He believes the non-conformities are being reduced since there would no longer be two non-conforming uses on one lot. Proposed lot 51.01 requires variances since the communications building is too close to the side property line and the structures are too close together. These are pre-existing conditions. He stated there are cross easements on this property and the neighbors. He feels the variances are not detrimental to the public good. He feels the variances can be granted without any impact to the zoning plan or ordinance. He believes that special reason g could be used for granting the use variance.

Mr. Korschak confirmed that a use variance is needed to make the lot with the duplex smaller. Mr. Dietrich testified the plat conforms to the ordinance requirements.

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

MR. SHAWL – The property is located along the west side of Route 9. There is currently a cell tower and a duplex on the lot. Terry Dailey, owner of the lot, is proposing to subdivide the property and create a separate lot for the tower and a lot for the duplex use. A use variance is needed since both the tower and duplex are not a permitted use. There would be one non-conforming use per lot which lessens the non-conformance. The variances needed for the non-conforming distance between buildings on both proposed lots are pre-existing. The only other variance is for frontage for the cell tower lot. Testimony has been given that the 27 ft. of road frontage is sufficient for access. Special reason g would apply for granting the variances. Mr. Dietrich has testified the plat complies with the township subdivision ordinance. The County granted

a waiver of review. Mr. Korschak produced an agreement with the neighbor for encroachments from the cell tower. There was no public comment. He finds the subdivision and variances can be granted without detriment to the public, zoning plan and municipal law.

MRS. TUTELIAN – She agrees.

MRS. GALDERISI – She agrees that special reason g complies and that it would be a benefit for the cell tower use and duplex to be on separate lots.

MR. PHIFER – He concurs with his colleagues.

MR. LIHOU – He agrees each use should be on a separate lot.

MR. HEALY – He agrees. Nothing is being changed on the site.

MR. UNSWORTH – The uses on the site pre-date zoning. Both uses are pre-existing non-conforming.

A motion was made by Ms. Galderisi and seconded by Mr. Healy, to grant the application as proposed with the standard conditions. In favor: Galderisi, Healy, Lihou, Phifer, Shawl, Tutelian, Unsworth.

RESOLUTIONS

1. DEAN MARCOLONGO, ATTORNEY AT LAW, FOR PROFESSIONAL SERVICES FOR 2016

A motion to adopt the resolution was made by Mr. Lihou and seconded by Mr. Healy. In favor: Galderisi, Healy, Phifer, Tutelian, Unsworth. Abstain: Lihou and Shawl.

2. PATRICK MAHON – BLOCK 839 LOT 3 BA 20-15

A motion to adopt the resolution was made by Mr. Lihou and seconded by Mr. Healy. In favor: Healy, Phifer, Tutelian, Unsworth. Abstain: Galderisi, Lihou and Shawl.

3. CAMBRIA SOLAR CONSTRUCTION LLC – BLOCK 447 LOT 1.01 AND BLOCK 477 LOT 4 – BA 23-15

A motion to adopt the resolution was made by Mr. Lihou and seconded by Mr. Healy. In favor: Healy, Phifer, Unsworth. Abstain: Galderisi, Lihou, Shawl and Tutelian.

BILLS

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mrs. Galderisi, seconded by Mr. Shawl, and approved. The meeting was adjourned at 8:20 p.m.