

**UPPERTOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JULY 14, 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, Ted Klepac, Christopher Phifer, Susan Adelizzi-Schmidt, Larry Truli, Carol Tutelian, Matthew Unsworth and Paul Casaccio.

Absent: Sherrie Lisa Galderisi, Lynn Petrozza and Andrew Shawl.

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

**APPROVAL OF THE JUNE 9, 2016 MEETING MINUTES**

A motion to approve the minutes was made by Ms. Adelizzi-Schmidt, seconded by Mr. Healy, and approved.

**SWEAR IN PAUL DIETRICH AND SHELLEY LEA**

**APPLICATIONS**

1. **JOYCE JOHNSON – BLOCK 547 LOTS 3.01 & 3.02 – BA13-16**

Applicant is requesting a one-year extension of bulk variances granted to construct a home at 102 Tyler Road in Greenfield.

Joyce Johnson, 46 Jill Avenue, Marmora, was sworn. Mrs. Johnson testified that the original variances for front yard setback and lot frontage were granted in July 2013.

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

MR. UNSWORTH – Joyce Johnson is the owner of the subject property. In July of 2013 variances were granted for front yard setback and lot frontage to construct a single family dwelling on this

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lot. This is the second request for a one-year extension. Three extensions are permitted. Due to the wetlands on the property the permit extension act does not apply.

MR. KLEPAC – The applicant represented herself.

A motion was made by Ms. Adelizzi-Schmidt and seconded by Mr. Unsworth, to grant a one-year extension of variances granted until July 11, 2017. In favor: Healy, Klepac, Phifer, Adelizzi-Schmidt, Tutelian, Unsworth and Casaccio.

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

Continuation of an application for a use variance for expansion of a non-conforming use and a variance to allow three habitable floors needed to raise an existing triplex at 10 E. Whittier Avenue in Strathmere.

Arthur T. Ford, III, Esquire, represented the applicant. Solicitor Marcolongo provided the board with Ordinance 006-2013 regarding non-conforming structures. The Solicitor does not believe that variances are needed based upon this ordinance as long as the applicant complies with what was approved in 2003 and raises the house in the exact same footprint. Mr. Ford stated that the applicant intends to demolish the illegal addition constructed without permits and raise the building to BFE plus one.

The meeting was open to the public.

Eric Garrabrant, Esquire, questioned the ordinance referred to by the Solicitor. He discussed what type of piling he feels is appropriate for lifting the house.

J. W. Anderson, Architect, described how the house would be lifted on the pilings.

Solicitor Marcolongo feels that the variances granted in 2003 allow the non-conforming triplex use to continue. The addition to the structure not included in the 2003 approval must be demolished or a use variance will be required for it to remain.

Mr. Ford requested to table the application until a zoning permit is issued. He agreed to waive the tolling of time. He agreed to re-notice if the application comes back to the board.

3. WILLIAM COSSABOONE – BLOCK 845 LOT 5 – BA08-16

Applicant is requesting a use variance for expansion of a non-conforming use and a variance to allow 3 habitable floors needed to raise an existing triplex at 10 E. Whittier Avenue in Strathmere.

William Cossaboone, owner of 103 S. Commonwealth Avenue, New Jersey, was sworn along with James Chadwick, Professional Engineer and Registered Architect.

Mr. Cossaboone testified he has owned this property since December 2008. He would like to make some improvements to his home. The property has experienced significant damage during recent storms.

Mr. Chadwick submitted four photos of the property that were marked A-1, A-2, A-3 and A-4. He described each of the photos. The property is located on the east side of Commonwealth Avenue and is in an "RC" Resort Commercial zoning district. Single family residences are not a permitted use in this zone. The detached garage shown in the photos sits on the property line to the north.

Mr. Chadwick testified the first floor is currently at elevation 6.5 and prone to water damage. They propose to raise the building and construct a new foundation. They propose to lift the building to elevation 15 to create a garage area under the residence to store two vehicles. There is also space for two additional cars between the garage and Whittier Road. They propose to demolish the existing detached garage to provide additional yard area and make a 15 ft. wide curb cut to access onto Whittier Road.

Solicitor Marcolongo stated that D2 variances are needed to lift the structure above the minimum BFE and to add the decks. Mr. Chadwick stated that BFE plus one would be elevation 10 but the applicant proposes to go 5 ft. higher to provide parking underneath. He stated they have asked for a modest expansion of the deck since it would provide an aesthetic enhancement to the building and to connect the second floor deck to the deck in the rear of the building. He described the proposed decks shown in the plan he prepared dated 3/22/16. He described each of the variances and why the variances should be granted. He feels the board can grant the variances without substantial detriment to the public good and without impairing the intent and purpose of the zoning plan and zoning ordinance. He stated that the proposed improvements promote safety, better emergency egress from the building, free flow of traffic, additional onsite parking which reduces congestion on the streets and promotion of a better visual environment and secure from fire and flood.

Mr. Dietrich testified the plan is designed to provide one parking space on the road between the driveway and Commonwealth Avenue.

Jerry Huffman, 100 Commonwealth Avenue, was sworn. He had questions regarding the septic.

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

MR. UNSWORTH – The applicant is the owner of the subject property which he purchased in 2015. He is requesting several variances to raise his house and expand the decks. This is a

unique property with two front yards requiring variances for two front yard setbacks. A use variance is needed for expansion of a non-conforming use since single family homes are not permitted in the RC zone. The applicant will remove the detached garage which will reduce the building and impervious coverage. The 38% building coverage will be reduced to 34.2%. The 56.4% impervious coverage will be reduced to 44.7%, less than 60% permitted. There will be parking for two vehicles under the structure and another two vehicles between the garage and the road. The parking spaces in the garage are slightly undersized. A larger curb cut is requested to access the parking spaces. Mr. Chadwick listed several special reasons for granting the application. One neighbor asked about the requirements for the septic. A use variance is also needed since the building would be raised above BFE.

MR. HEALY – He finds the variances can be granted without detriment to the public good.

MR. PHIFER – He agrees with the special reasons given by Mr. Chadwick.

A motion was made by Ms. Adelizzi-Schmidt and seconded by Mr. Unsworth, to grant the application as proposed with the condition the detached garage is removed from site, the curb and sidewalk in front of the garage will be replaced, the applicant must revise the zoning schedule to correct the front yard setback and add a note regarding the curb and sidewalk in front of the garage. In favor: Healy, Klepac, Phifer, Adelizzi-Schmidt, Tutelian, Unsworth, Casaccio.

4. JOSEPH CASALENA – BLOCK 854 LOT 4 – BA12-16

Applicant is requesting variances for rear yard setback, lot depth and length of curb cut to construct a single family dwelling at 108 N. Commonwealth Avenue, Strathmere.

Joseph Casalena, 9 Prescott Avenue and Carmen J. Larosa, Registered Architect and Professional Planner, were sworn.

Mr. Larosa testified that the property narrows as it gets further from Commonwealth Avenue. The septic system was designed to work in connection opposite the septic on the adjacent property to the north. He stated that the proposed house meets the coverage requirements but not the rear yard setback since they are proposing 10' 4" where 30' is required. The rear yard setback is needed because of the location of the septic in the front yard. They are also requesting a variance to allow a 16' curb cut on Winthrop Avenue where 12' is permitted. The wider curb cut is needed for access into the garage. They are also requesting a lot depth variance. The proposed dwelling will have 2,258 sq. ft. of habitable space with a covered observatory deck on the top. There would be 18' 4" between the proposed structure and the adjoining house. The first floor of the dwelling would have two bedrooms a tv/video room and two bathrooms. The second floor would be the living area and kitchen dining area.

It was determined that the cupola is permitted above base flood since it provides access. This is a corner lot with two front yard setbacks. The decorative overhang on the garage cannot exceed 18" or it will be included as part of the building and would have to comply with the

setback. Mr. Larosa agreed to restrict the overhang to 18". Mr. Dietrich stated that the top of slab is below BFE and all materials would have to be flood proof. He also stated that there is a deck on the bottom floor where there is storage which is not typical. There can be no habitable space in this area.

The board expressed concern since even though the first floor storage area is below BFE it is above grade. Mr. Casalena testified it is his intention to use the first floor for storage and parking. Mr. Larosa testified there is 18' for parking a vehicle inside the garage. The garage door is recessed to allow 18' for parking between the garage and the road. There are three on site spaces proposed.

The meeting was open to the public.

Anthonie Peter Prinsen, 96 N. Commonwealth Avenue, was sworn. He commented that there are no other septic systems along Commonwealth Avenue. Mr. Dietrich disagreed with this comment and also explained the distance requirements for septic systems. Mr. Prinsen feels the septic is unsightly and submitted a photo that was marked P-1. Mr. Casalena testified that the septic and front yard would be landscaped.

Robert Whitelaw, owner of 201 N. Commonwealth Avenue, was sworn. He asked if procedures have changed since he was before the board for 6 or 7 years to build his home and septic. The board members did not recall this application.

Andrew Ojamaa, 6 W. Winthrop Avenue, was sworn. He is an architect and he does not see a hardship for granting this application. Installing the septic before coming to the board makes no sense to him. He stated there is plenty of room to construct a two-bedroom home on this property without a variance. He objects to the requested variances.

Mr. Ojamaa, another owner of 6 W. Winthrop Avenue, was sworn. He does not feel it is right to encroach into the setback with such a large home. He doesn't feel the variances are reasonable and that a two-bedroom home without all the extras could be designed for this lot.

Gerry Kuhn, previous owner of 108 N. Commonwealth Avenue, was sworn. He testified that a TWA permit was granted in 2012 for the same septic and a 30' x 31' house setback 8' from Winthrop Avenue.

Hearing no further comment, the meeting was closed to the public.

Mr. Unsworth agrees the septic is unsightly and he would like to see a plan showing the proposed landscaping. Other members had concerns with the proposed setbacks. Mr. Casalena agreed to provide a plan of the proposed landscaping.

The application will be tabled until August 11, 2017 at 7:30 p.m. The applicant agreed to waive the tolling of time. There will be no further notice of this meeting.

**SWEAR IN NEW BOARD MEMBER LARRY TRULI**

**RESOLUTION**

1. **MARK & PATRICIA LAWLOR – BLOCK 348 LOT 94.14 – BA11-16**

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

**BILLS**

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

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Phifer, seconded by Mr. Unsworth, and approved. The meeting was adjourned at 9:42 p.m.

Submitted by,

Shelley Lea  
Secretary