

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
NOVEMBER 9, 2017**

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: Sherri Lisa Galderisi, Joseph Healy, Ted Klepac, Karen Mitchell, Lynn Petrozza, Andrew Shawl, Larry Trulli and Chairman Paul Casaccio.

Absent: Christopher Phifer, Susan Adelizzi-Schmidt, Matthew Unsworth.

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

**APPROVAL OF THE OCTOBER 12, 2017 MEETING MINUTES**

A motion to approve the minutes was made by Mrs. Galderisi, seconded by Mr. Shawl, and approved. Abstain: Healy, Trulli.

**SWEAR IN PAUL DIETRICH AND SHELLEY LEA**

**APPLICATIONS**

1. **JAMES & BARBARA McCORMICK – BLOCK 569 LOT 16 – BA 17-17**

Applicant is requesting variances for the distance between buildings and to allow an accessory structure in the front yard to construct a detached garage at 2 White Oak Drive in Palermo.

Jeffrey Barnes, Esquire, represented the applicants. Mr. Barnes explained the lot area is 46,905 sq. ft. and is located in the "R" Center Residential Zoning District. The applicants have owned the property since 2009. They would like to replace an existing 10' x 30' detached garage with a new 14' x 30' detached garage. The garage is currently pre-existing non-conforming since it is located in the front yard setback. The new garage will be slightly closer to the existing house on the lot. The old garage was 9.7 ft. from the house and the new garage will be 7.9 ft. from the house. The lot is unique since it is on a corner and has two front yards.

James G. McCormick, 2 White Oak Drive, was sworn in. Mr. McCormick testified that he has owned the property 8 or 9 years. The old garage was falling down and was knocking down his fence. He has demolished the old garage and began work on a new garage. He did not get a permit and was asked to stop construction. The garage is currently under construction and has a floor, three walls and Tyvek. He has chosen this garage since it has a standard size overhead

door that matches the other two garages on the property. The new garage conforms better with the house and the neighborhood.

Mr. Dietrich stated that if the garage were moved to conform with the required distance between buildings it would make the non-conforming front yard setback much worse. He stated this lot is larger than most of the lots in the Oak Forest Subdivision.

Mr. Barnes stated that special reason i applies. The new garage would match the overhead doors on the attached garage. The garage would be aesthetically pleasing and would be a benefit to the neighborhood. The garage would not change the character of the neighborhood. He believes the variances can be granted without substantial detriment to the public since it has been there for a long time. He further stated that granting the variance would not impair the intent of the ordinance since the garage has always been in the front yard.

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

MR. SHAWL – James and Barbara McCormick are the owners of 2 White Pine Drive, known as Block 569 Lot 16. The applicants wish to reconstruct a garage in their front yard. The applicants have owned the property 8 or 9 years. The old garage was in disrepair and knocked down. The new garage is slightly larger with a standard size garage door that would match the doors on the other existing garages on the property. This is a corner lot with frontage along Route 9 and White Oak Drive and has two front yard setbacks. The garage is designed to promote a good visual environment. Jeffrey Barnes, Esquire, has indicated the positive criteria has been met since the garage promotes good civic design. This is a large lot and he finds this is the best location for the garage.

MRS. GALDERISI – She concurs. The old garage was a safety concern and the new garage will improve the safety in the area.

MR. TRULLI – There was no public comment.

MR. KLEPAC – He concurs.

MR. HEALY – He concurs.

MS. MITCHELL – She concurs.

MR. CASACCIO – He concurs and agrees this is a unique lot.

A motion to grant the application with the standard conditions was made by Mrs. Galderisi and seconded by Mr. Healy. In favor: Galderisi, Healy, Klepac, Mitchell, Shawl, Trulli and Casaccio.

2. CELLCO PARTNERSHIP D/B/A/ VERIZON WIRELESS – BLOCK 560 LOT 1.01 – BA 18-17

Application is for amended preliminary and final site plan approval, a use variance for a use not permitted in a zone and a use variance for a structure more than 10% higher than permitted, to construct a 128-ft. high wireless telecommunication monopole at 2087 Route US 9 South in Seville.

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Paul Casaccio stepped down during this application and Andrew Shawl acted as Chair. Lynn Petrozza joined the board.

Solicitor Marcolongo reminded the board that this applicant was before the board on May 11, 2017 to construct a 68 ft. telecommunication pole at this site. The applicant would now like to extend the height of the structure from 68 ft. to 145 ft.

Richard F. DeLucry, Esquire, represented the applicant. Mr. DeLucry stated this is essentially the same proposed development that came before the board previously with one exception that this pole would have a maximum height of 128 ft.

Jody DeMarco, Andrew M. Petersohn, P.E. and Andrew M. Miller, P.E., were sworn. Paul Dietrich and Shelley Lea were also sworn.

Mr. DeMarco, Professional Engineer, testified they are proposing a 50' x 50' fenced compound behind the existing buildings. Inside the fenced area they are proposing a 123 ft. monopole with a 5 ft. lightning rod. The new structure would not generate any employees or smoke or require water or sanitary facilities. This would be an unmanned site and a technician would come to the site once a month. The bulk requirements are being met. There is currently a 160 ft. tall water tower on this site. They propose an 8 ft. high fence with barbwire on top. Inside the compound is the tower, the base to the tower, radio equipment and a tank for the generator. He discussed wind speed, velocity and fall zone. The proposed tower is self-supporting and there would not be any guide wires.

Mr. Dietrich testified the height of the proposed tower is similar to the tower located behind the rescue squad.

Andrew Petersohn, Radio Frequency Engineer, testified that Verizon Wireless has a capacity issue in this area. They are currently unable to keep up with the demand in the area. In May when they proposed a 68 ft. high tower they anticipated a 25% increase in traffic for the area, however during the summer they saw it was actually a 68% traffic increase. By increasing the height of the tower, they will be able to fill in the gaps on the Parkway and Route 50. He referred to Exhibits A-1 and A-2 color renderings of the area around the proposed tower. He stated that the white indicates gaps in coverage during the summer. He testified that these facilities are a crucial tool for first responders for communication. The tower would enhance 9-1-1 service. He stated that the internet and wireless data is being used for many different things now making the demand higher and driving up the capacity. The tower is designed to meet the ordinance requirement to co-locate antennas.

Mr. Dietrich stated that he does not see the benefit of increasing the height of the tower since there is not that much of an increase in coverage.

James Miller, Licensed Professional Planner, testified that he has visited the site. He produced 4 photos on a large sheet of paper that was marked A-3. The photos are simulated views of how the tower would look from Pastime Place, CVS parking lot, the Garden State Parkway and from the road to Osprey Cove. He believes this site is particularly well suited for this use since it is

located in a commercial zone where there are other non-residential uses and since the TCC zone is the most intense of the commercial districts. This property has a significant amount of depth that allows the structure to be located behind the shopping center. It is situated between the stores and the water tower compound. He finds there is no detriment in locating the proposed tower in this location. He feels this is the least intrusive way to provide a tower in this area. There are wooded areas to the north and south that would obscure the views. He testified that the proposed use contributes to the general welfare and that the overall benefit of the application is the enhanced communications and closing the gaps in service. He stated this is a low impact use that doesn't generate traffic, noise or vibrations. The only potential detriment is from a visual aspect since a tall structure is needed to help the antennas operate. The proposed structure is a benefit to the community including residential and commercial and emergency service providers. He feels that the benefits of granting the variances far outweigh any detriments. He also feels there is no detriment to the zone plan and that the application satisfies the negative and positive criteria. He stated that the tower would allow them to cover not only the shopping center but a ¾ mile range. He stated that new apps are putting a strain on data.

Solicitor Marcolongo informed the board that this applicant will be coming before the board next month to construct a tower at the Seaside Cemetery in Marmora.

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

MS. PETROZZA – The property at 2087 Route US 9 South is located in the TCC zone. The applicant, Verizon Wireless, was before the board on May 11, 2017 and received approvals to construct a 68 ft. high monopole behind the Cedar Square Shopping Center. They are before the board again to extend the height of the monopole to 128 ft. Andrew Petershon, Radio Frequency Engineer, testified their analysis shows that traffic growth is between 60% and 65% more than anticipated. An 8 ft. high fence will surround the compound. The extended height of the tower will enhance the 9-1-1 service and can co-locate antennas for emergency responders. The site will be inspected once a month. The fall range is within the property dimensions and would not be a detriment to any of the surrounding roadways. The tower will be 32 ft. lower than the water tower on site. They demonstrated that this site is particularly well suited for the proposed use. The depth of the property allows for uses such as this to be located behind the stores. They have provided facts that the negative criteria have been met. She finds the benefits to the public good far outweigh the detriments.

MR. KLEPAC – He finds the applicant provided a thorough application.

MR. TRULLI – He finds the proofs to be satisfactory.

MS. GALDERISI – She was hoping the range of service would be greater. The tower would be a benefit to 9-1-1 and the community.

MR. HEALY – He concurs.

MS. MITCHELL – She concurs.

MR. SHAWL – He concurs with his colleagues. There was no public comment. He finds the variances can be granted without detriment to the public good.

Mr. Dietrich asked that the applicant provide a copy of the RF Coverage Report to show the final coverage.

A motion was made by Ms. Mitchell and seconded by Mr. Healy, to grant the application with the condition the applicant provide Mr. Dietrich with a copy of the proposed development optimization reports. In favor: Galderisi, Healy, Klepac, Mitchell, Petrozza, Trulli, Shawl.

### **RESOLUTIONS**

1. GEORGE AND SANDRA DRESS – BLOCK 310 LOT 3 – BA 15-17

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

2. JEFFREY AND LORI JOHNSON – BLOCK 642 LOT 32 – BA 16-17

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

3. KURTIS KALLER – BLOCK 840 LOT 10 – BA 13-17

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

### **BILLS**

A motion to pay the bills was made by Ms. Galderisi, seconded by Ms. Petrozza, and approved.

### **ANNOUNCEMENTS**

Chairman Casaccio announced that Solicitor Marcolongo has been elected as Cape May County Surrogate and will no longer be able to serve as Board Solicitor. He thanked Mr. Marcolongo for his time and service on the board. Mr. Marcolongo was appointed Board Solicitor in March 2003.

### **EXECUTIVE SESSION**

A motion to go into closed session to discuss contract negotiations made by Mr. Shawl, seconded by Mr. Trulli, and approved.

The board returned to open session.

A motion was made by Ms. Petrozza and seconded by Mr. Healy to appoint Jeffrey Barnes, Esquire, as the new zoning board solicitor. In favor: Galderisi, Healy, Klepac, Mitchell, Petrozza, Shawl, Trulli, Casaccio.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Marcolongo, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 9:35 p.m.

Submitted by,

Shelley Lea