

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

APRIL 12, 2018

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 7:00 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Joseph Healy, Ted Klepac, Karen Mitchell, Christopher Phifer, Andrew Shawl, Larry Trulli, Matthew Unsworth, Paul Casaccio.

Absent: Sherri Galderisi, Lynn Petrozza, Susan Adelizzi-Schmidt.

Also in attendance were Jeffrey P. Barnes, Board Solicitor; Paul Dietrich, Board Engineer; Shelley Lea, Board Secretary and Zoning Officer.

APPROVAL OF THE MARCH 8, 2018 MEETING MINUTES

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

MICHAEL PEACOCK – ALTERNATE SOLICITOR

A motion to appoint Michael Peacock as Alternate Board Solicitor for the first two applications was made by Mr. Unsworth, seconded by Ms. Mitchell, and approved.

A motion to authorize Chairman Casaccio to sign the resolution appointing Mr. Peacock was made by Mr. Klepac, seconded by Mr. Healy, and approved.

SWEAR IN SHELLEY LEA AND PAUL DIETRICH

TABLED APPLICATIONS

1. **STEPHEN MALONEY – BLOCK 834 LOT 1 – BA 07-18**

This application has been tabled until the May 10, 2018 meeting. The applicants have agreed to waive the tolling of time. There will be no further notice required.

2. **SEAVILLE VILLAGE CONDOMINIUM – BLOCK 559 LOT 21.06 – BA 08-18**

This application will not be heard at this meeting.

APPLICATIONS

1. **JIG NJ LP – BLOCK 836 LOT 5.01 – BA 11-18**

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Application is for a one-year extension of variances granted to construct two duplexes at 413 S. Bayview Drive in Strathmere.

Julius N. Konschak, Esquire, represented the applicant. He stated this is an application for extension of variances granted in June 2016 as shown in Resolution BA 05-16. This was a complicated application since it involved seven individual structures built in the 1920's and 1930's. These structures did not have approved septic systems and the applicant was waiting for his approval from the State of New Jersey for a treatment works permit. A one-year extension is needed due to the time it took to obtain the approvals.

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

MR. UNSWORTH – JIG NJ LP, is the owner of Block 836 Lots 1, 2 & 5.01 located at 413 South Bayview Drive in Strathmere. They are requesting a one-year extension of variances granted in June 2016 as shown in Resolution BA 05-2016. There have not been any changes to the zoning ordinance since approved. The one year extension would be valid from June 9, 2018 until June 9, 2019. He finds the variance can be granted without any detriment.

MR. HEALY – Nothing to add.

MS. MITCHELL – Nothing to add.

MR. KLEPAC – Julius Konschak represented the applicant.

MR. PHIFER – He concurs.

MR. TRULLI – Nothing to add.

CHAIRMAN CASACCIO – The applicants are in the process of having their approvals finalized.

A motion to grant the application was made by Mr. Klepac and seconded by Mr. Unsworth. In favor: Healy, Klepac, Phifer, Trulli, Unsworth, Casaccio. Abstain: Mitchell.

2. JLC PRIVATE INVESTMENTS LLC – BLOCK 851 LOT 5 – BA 10-18

Applicants are requesting a variance for maximum building coverage 29.7% proposed where 27% is permitted at 6 Williams Avenue in Strathmere.

Ms. Mitchell stepped down during discussion and voting on this application and Mr. Shawl joined the board.

Julius Konschak, Esquire, represented the applicants. He stated this is a single-family dwelling. Photos of the structures were submitted as part of the application. The structure was built in accordance with the submitted plan, however there was an error on the plan. The As Built Survey shows the building coverage is 29.7% due to the second floor walkway on the rear of the building leading to the roof top deck.

Carmen J. Larosa, Registered Architect and Planner, was sworn. He testified that he prepared the plans and had calculated the building coverage would be 26.9%. He stated that in reading the definition of lot coverage in the ordinance he interpreted that the cantilever deck was not included in the coverage requirements since it is not supported by columns. He stated that the zoning office referred him to a code stating that anything above 18" is included in the building coverage. He feels this walkway enhances the rear of the structure and does not affect light, air and open space. He believes the purposes of zoning are advanced as shown in c, b and i. He sees no

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detriment in granting the variance since the walkway cannot be seen from the road, does not block anyone's view and provides access to the roof deck. He finds the benefits of granting the variance outweigh any detriment and the house conforms with other homes in the neighborhood.

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

MR. UNSWORTH - JLC Private Investment, LLC is the owner of 6 Williams Avenue in Strathmere. They are requesting a variance for building coverage where an error was made in the interpretation of the ordinance. The permitted coverage is 27% and they are requesting 29.7% coverage. The area in question is the raised deck which accesses that the roof deck. Carmen Larosa, Architect, has testified that the deck is aesthetically pleasing and that removing it would impact the appearance of the structure. The deck also provides safety through access and does not interfere with light, air and open space and fits in with the character of the neighborhood. There was no public comment.

MR. HEALY – He concurs.

MR. SHAWL – He concurs.

MR. PHIFER – He concurs and believes the variance can be granted without substantial detriment to the public good or zoning plan.

MR. TRULLI – He concurs.

MR. KLEPAC – He concurs.

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

Jeffrey Barnes and Karen Mitchell joined the board at this time and Michael Peacock and Ted Klepac left the board.

3. DAVID & BARBARA PALMER – BLOCK 549 LOT 51.01 – BA 06-18

Applicants are requesting a variance for impervious coverage to construct a detached garage at 1342 Stagecoach Road in Seaville.

James Milita, II, Esquire, represented the applicant. He testified the applicants are proposing to construct a 30' x 34' pole barn in the front of their property. The pole barn would be surrounded by trees and shrubbery and would meet the setback requirements for a corner lot. Minimal tree removal is necessary. The access to the garage would be off the existing driveway and the proposed garage would match the house. The garage would be for residential storage and would not be used for commercial.

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

MR. UNSWORTH – David and Barbara Palmer are the owners of 1342 Stagecoach Road in Seaville. They are requesting a variance for impervious coverage to construct a detached pole barn. The existing impervious coverage is 21% and the proposed impervious coverage is 24% where 20% is permitted. The pole barn would meet the setback requirements. There has been

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testimony that minimal tree removal would be necessary. There would be some landscaping provided around the pole barn. The access to the garage would be off the existing driveway and the proposed garage would match the house. The garage would be for residential storage and would not be used for commercial. He sees no detriment to the public good and finds the garage would be a good addition to the neighborhood. There was no public comment.

MR. HEALY – He concurs.

MR. SHAWL – There was testimony the garage would not be used for living space. He finds the variance can be granted without detriment to the zoning plan or public good.

MR. PHIFER – Nothing to add.

MS. MITCHELL – Nothing to add.

MR. TRULLI – Nothing to add.

MR. CASACCIO – The pole barn will have the same cottage look as the photo supplied with the application.

A motion to grant the application with the standard conditions and that the garage would be used strictly for residential storage and not commercial was made by Mr. Unsworth and seconded by Mr. Healy. In favor: Healy, Klepac, Mitchell, Phifer, Shawl, Trulli, Unsworth and Casaccio.

4. CHRISTOPHER & DELORES JACKSON – BLOCK 734 LOT 1 – BA04-18

Application is for preliminary and final site plan approval and a use variance to allow the pre-existing non-conforming single-family dwelling to remain and to construct a 1,500 sq. ft. garage for the storage and parking of the owners work vehicles at 26 Vernon Road in Marmora.

Kristopher Facenda, Esquire, represented the applicant. He stated that the property is in the “TCC” zoning district. The applicant proposes to store six work vehicles on site along with a food truck and trailer. The applicant proposes to use the property for his limousine/taxi business and to store his food truck which is another business.

Joseph Maffei, Professional Planner and Engineer, was sworn. He prepared the plan dated 1/3/18 and revised 1/23/18. Christopher Jackson, 1 Mariners Cove, Seaville, were sworn.

Mr. Maffei testified the property is unique since it has three front yards. The applicant proposes to construct a pole barn to help clean up the yard and add a stone parking area. The existing shed will be relocated to the middle of the property to make room for the new garage and trees will be planted. The location of the septic and well will not have an impact. The neighborhood is a mix of commercial and residential uses. He feels the proposed use is the most beneficial.

Mr. Maffei testified the applicant proposes to construct a 30’ x 50’ garage with three bays. Three vehicles will be inside the garage and three outside. This will give the property owner the ability to maintain the vehicles and clean them. He stated that a use variance is needed for expansion of a non-conforming use due to the single-family dwelling and a use variance for two principal structures. He feels this is an appropriate location for this type of business due to the proximity

of the parkway. He stated that some of the vehicles go home with the drivers. It is his opinion that the light, air and open space will be preserved and that cleaning up the property will be a benefit. The proposed development will not substantially impair the intent and purpose of the zoning ordinance since the uses are permitted in this zone. He feels there will be no impact on

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the public good since the property will be cleaned up. The lot depth and front yard setback of the house are non-conforming; however, the new garage would meet the setback requirements.

There was discussion regarding setbacks and principal and accessory uses and structures on the property. It was determined that more than one principal use on the site was permitted but not more than one principal structure.

Mr. Maffei testified the food truck and trailer will be parked outside in a 10' x 30' space in the stone area. He described the proposed vegetation that will be planted to screen the garage and make the property more aesthetically pleasing. In regard to the use variance he feels the same purposes of zoning are advanced.

Mr. Jackson testified that calls come into the dispatcher 24 hours per day for the limo/taxi business. He explained that three drivers would pick up their limo/taxi and sit at random locations. They do not stay on site. One of the vehicles will be with him and another will be on site since his son lives in the house. He has five mini vans and is looking for a Lincoln Town Car. He testified that the POD would be removed from the site after the garage is built. He has removed the unregistered vehicles from the site except for the 1986 unlimited edition Cougar that he will keep in the garage and fix up. He will not have more than two unregistered vehicles on site at one time. He will not have more than six limo/taxis in his fleet.

Mr. Jackson testified the garage attached to the house is used for storage and not parking. He wants to park one vehicle in front of the attached garage. He agreed there would be no more than nine vehicles on site at one time. This includes 6 fleet vehicles, his son's personal vehicle and the tractor that will pull the pizza trailer and food trailer. There are only 5 fleet vehicles now, when the sixth vehicle is purchased the Cougar will be removed from the site. He testified the things currently being stored outside will be put into the new garage. They will paint the house and fix the brick along the bottom and install a walkway with stepping stones. There will not be any customers on the property and the food truck will not be open to the public while situated on the property. There will not be any retail on site.

Mr. Dietrich testified there are old cedars along Wistar Ave and Stanhope Road but the limbs have been cleared out along the bottoms. Shrubs may be needed in this area to block the view and act as a barrier. The revised plan must show the new location of the parking spaces,

The meeting was open to the public.

Susan Marsh, 21 Stanhope Road, Marmora, was sworn. She had questions about how the business would operate.

Nathalie Neiss, 759 Route 50, Petersburg, was sworn. She asked the size of the property, how many cars the ordinance would allow to be parked there and where the trash cans would be located. She is in favor of a retail use on site.

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

MR. SHAWL – Christopher and Delores Jackson are the owners of 26 Vernon Road in Marmora also known as Block 734 lot 1. The property has frontage on three roads. The principal use on site is residential. The property is in the Town Center Core zoning district. The existing lot depth

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and front yard setback to the house is non-conforming. The applicant proposes to construct a three-car garage with a landscape buffer around it and a stone parking area to store a total of nine vehicles. The applicant has agreed to additional plantings along the perimeter of the property. Joseph Maffei has testified in regard to the special reasons needed to grant the variance. He also indicated the property was well suited for this use. The design of the garage fits with the character of the neighborhood. Parking the vehicles inside the garage and cleaning up the property would help to create a more visual environment. The plan will be revised to show the vegetation and the new parking spaces. The property will not be used as retail. Vehicles will not be dispatched from this property.

MR. PHIFER – Mr. Jackson has testified that it would be rare that nine vehicles would be parked at this site at the same time since some of the employees take the limo/taxi home. MS.

MITCHELL – Nothing to add.

MR. TRULLI – Most of the business takes place off site.

MR. UNSWORTH – He concurs.

MR. HEALY – He finds the application can be approved since there will not be any detriment to the neighborhood. The facility will be cleaned up and look better than it does now.

MR. CASSACIO – No customers will come to the site. The applicant is searching for a new vehicle for his fleet.

A motion was made by Ms. Mitchell and seconded by Mr. Healy, to grant the application with the standard conditions and that a walkway will be added to the site, the house will be painted and shrubbery will be added under the trees, nine vehicles will be stored on site, three will be stored in the new garage and three will be in front of the garage, two will be in the stone parking area, and one in front of the house, there will be no retail activity on site and no customers will be on site, the chain link fence and gate will be removed, the POD will be removed and the equipment on the side of the house will be moved into the garage within 30 days after issuance of a CO, a revised plan will be submitted. In favor: Healy, Mitchell, Phifer, Shawl, Trulli, Unsworth and Casaccio.

BILLS

A motion to approve the bills was made by Ms. Mitchell, seconded by Mr. Unsworth, and approved.

RESOLUTIONS

1. GORDON LORENZO – BLOCK 451 LOT 2 – BA 05-18

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

ADJOURNMENT

A motion was made by Mr. Shawl, seconded by Mr. Unsworth, to adjourn the meeting. The meeting was adjourned at 9:24 p.m.