

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

JUNE 14, 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 7:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Sherri Lisa Galderisi, Joseph Healy, Ted Klepac, Karen Mitchell, Lynn Petrozza, Christopher Phifer, Susan Adelizzi-Schmidt, Andrew Shawl, Larry Trulli and Chairman Paul Casaccio.

Absent: Matthew Unsworth.

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

APPROVAL OF THE MAY 10, 2018 MEETING MINUTES

A motion to approve the minutes was made by Ms. Adelizzi-Schmidt, seconded by Ms. Galderisi, and approved. Abstain: Petrozza and Trulli.

INVOICES

A motion to approve the invoices was made by Ms. Adelizzi-Schmidt, seconded by Ms. Petrozza, and approved.

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

TABLED APPLICATIONS

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

A letter from Thomas Hillegass, Esquire, dated June 14, 2018, was received requesting to table the application until the next meeting on July 12, 2018. The applicant will provide new notice prior to the meeting.

APPLICATIONS

1. CURTIS T CORSON III – BLOCK 559 LOT 34 – BA 12-18

Applicant is requesting a use variance for the expansion of a non-conforming use to construct an addition to an existing single-family dwelling in the TC zoning district at 3035 Route US 9 South in Seaville.

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Curtis T Corson III, 3065 Route US 9 South, Seaville, was sworn. Mr. Corson testified he purchased the property not realizing that it was in a commercial zone and would require a use variance to expand the footprint. He would like to keep the character of the old home but add onto the back. The existing garage in the rear of the property will be removed. A new septic and well will be installed. The area consists of mostly single-family dwellings, however there are a couple of commercial uses. He feels the proposed addition would not substantially impair the intent and purpose of the zoning plan or zoning ordinance and would not negatively affect the public.

Mr. Corson testified the lot is a little less than one acre and the house was built in the 1830's. The old house would be brought up to code as part of the renovations.

Mr. Dietrich testified that the house predates any zoning restrictions. Except for Cape May this section of Seaville has the largest concentration of historic homes in the County. He feels it is a benefit to the community to maintain the historic structure.

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

MR. SHAWL – Curtis T. Corson, III, is before the board for a property located at 3035 Route US 9 also known as block 559 lot 34. Mr. Corson is proposing to construct an addition in the rear of the house while maintaining its historic character. The existing house is non-conforming since the property is zoned TC which is a commercial zoning district. The detached garage on the property would be removed and the applicant will install a new well and septic. The area is comprised of mostly residential uses with some commercial. The home was built in the 1830's and predates zoning laws. The applicant proposes to maintain the historic nature of the house. The structure has always been used as a house therefore he feels there will be no detriment to the public. The lot is just under one acre. There was no public comment.

MS. PETROZZA – Concurs.

MS. MITCHELL – Concurs.

MR. PHIFER - Concurs.

MR. TRULLI – Concurs.

MRS. GALDERISI – Concurs.

MR. HEALY – Concurs.

CHAIR CASACCIO – The house will be updated to current standards for safety.

A motion to grant the application was made by Mrs. Galderisi and seconded by Ms. Petrozza. In favor: Galderisi, Healy, Mitchell, Petrozza, Phifer, Adelizzi-Schmidt, Shawl, Trulli, Casaccio.

ACTING CHAIRMAN

A motion to appoint Andrew Shawl as Board Chair during the next application was made by Ms. Adelizzi-Schmidt, seconded by Ms. Petrozza, and approved.

2. ROUTE 50 CAMPGROUND LLC T/A OCEAN ISLE CAMPGROUND – BLOCK 453.10 LOTS 361, 362, 363.03 & 378 – BA 09-18

Application is for preliminary and final site plan approval and a use variance for expansion of a non-conforming use to add 23 campsites to the existing campground at 64 Route 50 in Seaville.

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Paul Casaccio and Christopher Phifer stepped down during this application. Andrew Shawl acted as Chairman.

Julius N. Konschak, Esquire, represented the applicant. He stated that the property is in the R2 zoning district and has existed for 40 or more years. There are currently 218 sites. They are proposing to add 23 new sites and relocate 2 sites. He referenced the conditional use section in the Land Use Ordinance. The applicant is trying to purchase lot 378 from the township. He stated the applicant proposes to locate a new access on lot 378 to be used by trash trucks and the mosquito commission. This would be an emergency access road and would be gated.

Vincent Orlando, Professional Engineer with EDA, was sworn. Mr. Orlando testified access to the campground is from Route 50. There are 218 sites as shown on the site plan by EDA, dated 2/26/18 and revised 4/12/18. Twenty-five sites would be created on a 2-acre area in the center of the campground. This includes 23 proposed new campsites and 2 existing sites that are being relocated to this area. Each site is approximately 2,250 sq. ft. A loop road will be made off the existing asphalt drive to access these sites. The new sites are in compliance with the buffer requirements.

Mr. Orlando testified there is a 16-ft. wide emergency access proposed off Peach Orchard Road. A gate will be added that will be locked. The trash/recycling trucks will access the trash enclosures using this drive. In the summer trash is picked up twice a week between 9 am and 3 pm. During the off-season trash is picked up once per week and once a month during the winter. He reviewed the conditional uses for campgrounds and stated the proposed application would make the campground more conforming.

Mr. Orlando testified there is a pre-existing single-family house on Peach Orchard Road that is owned by the campground. They are requesting a variance to allow the house to remain. The house will be rented as it has in the past and will not be utilized as part of the campground.

Mr. Orlando testified that special reasons c, g and m would be advanced by granting this application. He feels this is an appropriate location since the campground already exists. He believes that light, air and open space will be maintained. He added that b and n would also apply since the campground brings people to the area and allows businesses to prosper. He testified that the proposed campsites have no negative impact on the road systems or the environment and promotes the general welfare of the community. In regard to negative criteria he finds there is no substantial detriment to the zoning plan or zoning ordinance and no substantial detriment to the neighborhood. He stated these are seasonal sites only and no transient sites. The campground roadways were designed to provide adequate access to emergency vehicles. Sites 1 and 191 are older sites that will be taken out of use and made part of the open space. The campground is open April 1st until October 31st.

Mr. Dietrich requested the storm water management calculations be revised to meet the checklist items and two additional storms. He noted the new sites would be larger than the existing sites in the campground.

The meeting was open to the public.

Travis Tomlin, 34 Peach Orchard Road, Seaville, was sworn. He purchased lot 379 in April. He testified that people come in and out of the campground using the roadway and throw trash on his

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property because the fence is broken and the gate is bent. He stated that the new trash enclosure is 100 ft. from his property line. He does not want to have to smell or see the dumpsters after they are moved.

Mr. Orlando indicated the applicant could plant evergreen trees along the road to supplement the existing vegetation. Mr. Dietrich explained the area described by Mr. Orlando may be part of the electric company easement. For this reason, he feels nothing should be planted that would grow taller than 5 ft. high. He suggested installing a solid fence along the rear property line.

Mr. Tomlin feels a vinyl fence would be better since a chain link fence can be climbed easily. He believes the trash enclosure should be located near the existing road next to the rental house.

Mr. Orlando testified the trash is currently located near the front of the site and the dumpsters are not enclosed. The new location would allow more room for pickup and it would be a fenced enclosure so that it looks nicer and would be more accessible for the campers. The dumpsters are currently only 25 ft. off the property line and the new enclosure would be more than 100 ft. from the property line.

Mr. Dietrich testified that the applicant did not mention to township committee the relocation of the trash enclosure. The Mosquito Commission and Atlantic City Electric currently drive across Mr. Tomlin's property since there is an existing gate to access the easement. He stated that the neighbors would see an increase in traffic with the new trash location.

Mr. Orlando suggested installing a 6-ft. high white vinyl fence along lot 379 from the property corner to the basketball court to provide about 150 ft. of privacy. The plan is to have six 10-yard dumpsters with lids. The applicant would give the electric company permission to use the new driveway so they would not have to go onto Mr. Tomlin's property.

The board asked for additional testimony regarding why the trash needs to be relocated and why this is the best area. Mr. Dietrich stated the discussion is the access location. This is being called an emergency access when it is really a service access. Mr. Orlando stated the proposed location for the dumpsters meets the setbacks. Although he feels it is a better alternative to have the road he could eliminate the proposed access and not have to install the fence or vegetation. He stated the access road is 175 ft. from Mr. Tomlin's home.

Mr. Tomlin asked for a fence the entire length of the rear property line to keep people off his property. Mr. Orlando agreed to meet with Mr. Tomlin on site and to fence the area as needed not to exceed 244 feet. If the applicant is not able to purchase the property and relocate the trash enclosure the vinyl fence will no longer be necessary. If the trash enclosure is not relocated the applicant will still work to maintain the existing fence and repair any holes.

The meeting was closed to the public. The board members gave their findings of fact.

MS. PETROZZA – The applicant is the owner of the campground located at 64 Route , block 453.10 lots 360, 361, 362, 363.03 & 378. The applicant plans to purchase lot 378 from the township. There are 218 existing sites. They propose to construct 23 new sites and relocate 2 existing sites in the center of campground. The size of the proposed sites is 2250 sq. ft. where 1500 sq. ft. is required. The buffers will comply with the ordinance. Three new septic systems will be installed. There is a single-family dwelling owned by the campground on lot 363.03.

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This structure will continue to be used as a house and will be rented on a yearly basis. The proposed sites would have water, electric and septic. The applicant proposes to construct an emergency access on lot 378. The access road would be also be used for trash trucks to enter the site in the summer twice a week between 9 am and 3 pm, one time a week during off season and once a month during the winter. The park is open April 1st until October 31st. She finds the expansion is suitable for the campground. Special reasons for granting the variance include b, c, g, m & n. Mr. Dietrich indicated there will be additional traffic with the proposal. The applicant agrees to install 6' high vinyl fencing along the rear property line of lot 379 not to exceed 244 feet. Trees or shrubs will be planted not exceeding 5 feet tall. The site is currently 20.23 acres and with the additional property would be 23.68 acres where 40 acres is required.

MS. MITCHELL – No additional comments.

MR. TRULLI – Concurs.

MS. ADELIZZI-SCHMIDT – she is glad to see that a compromise was reached between the applicant and the neighbor.

MR. HEALY – Nothing to add.

MR. SHAWL – He agrees with Mr. Orlando's testimony regarding light, air and open space, space for recreational activities and security from fire and flood. He also agrees there would not be a substantial detriment to the zoning plan. Most of the area is an existing campground which is a conditional use. There would not be a substantial detriment to the neighborhood. He finds the property is particularly well suited since it is surrounded on three sides by an existing campground.

A motion was made by Ms. Petrozza and seconded by Ms. Adelizzi-Schmidt, to grant the application with the conditions that in the event the trash enclosure is relocated as set forth on the plans the applicant and Mr. Tomlin will work together on new fencing not to exceed 244 feet, in the event the trash enclosure is not relocated the applicant will work with Mr. Tomlin regarding any fence repairs that need to be made to the existing fence; the applicant will plant evergreens or some type of vegetation not to exceed 5 feet in height in areas approved by Mr. Dietrich; the hours of trash pickup will be the same as in the testimony given by Mr. Orlando. In favor: Galderisi, Healy, Mitchell, Petrozza, Adelizzi-Schmidt, Trulli, Shawl.

ADJOURNMENT

A motion was made by Ms. Petrozza, seconded by Mr. Healy, to adjourn the meeting. The meeting was adjourned at 9:37 p.m.

Submitted by,

Shelley Lea
Board Secretary