

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

MAY 10, 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, Karen Mitchell, Christopher Phifer, Susan Adelizzi-Schmidt, Andrew Shawl, Matthew Unsworth and Chairman Paul Casaccio.

Absent: Joseph Healy, Ted Klepac, Lynn Petrozza, Larry Trulli.

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

APPROVAL OF THE APRIL 12, 2018 MEETING MINUTES

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

TABLED APPLICATIONS

1. SEAVILLE VILLAGE CONDOMINIUM – BLOCK 559 LOT 21.06 – BA 08-18
2. ROUTE 50 CAMPGROUND T/A OCEAN ISLE CAMPGROUND – BLOCK 453.10 LOTS 360, 361, 362, 363.03 & 378 – BA 09-18

The above applications will be heard on June 14, 2018 at 7:30 p.m.

APPLICATIONS

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

Applicant is requesting a use variance to convert an existing non-conforming motel into a multifamily dwelling and a variance to allow 3 units under the minimum required 650 sq. ft. at 513 Commonwealth Avenue in Strathmere.

Laura D'Allesandro, Esquire, represented the applicant. She stated the property is in the RC zoning district and that the applicant is requesting a use variance to change the use of the property from a motel to a multifamily residential use. She does not believe that a variance is needed to allow the residential units to be less than 650 sq. ft. The applicant proposes to rent 9 units as seasonal or long-term rental units to family and friends. There are no changes proposed to the exterior of the existing motel.

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Stephen Maloney, 513 Commonwealth Avenue, Strathmere, was sworn. Mr. Maloney is the owner of the property. He testified the primary reason for the proposed change is to reclassify his mortgage from commercial to residential and to allow him time to work on what type of development would be appropriate for the property. He proposes to rent the units to family members and a couple of friends. There are currently 15 motel rooms and an owner's quarters. He believes reducing the number of units to only 9 would have less of an impact and less parking spaces would be needed. He believes the property is particularly suitable for the proposed use since it is surrounded by other residential uses. He stated that the motel is not insulated and there is no heat.

Mr. Maloney reviewed the floor plan submitted as part of the application. He stated that units 2, 3 and 12 could be consolidated to conform with the ordinance requirements regarding area. Mr. Dietrich stated that interior changes would need to be done to achieve this. There was discussion concerning section 20-4.5 of the land use ordinance, schedule B, note 12 that requires dwelling units to be a minimum of 650 square feet. Solicitor Barnes stated the applicant does not require a use variance for expansion of a non-conforming use, however a D1 use variance is needed. Mr. Maloney testified the area is comprised of residential uses and no commercial. He feels the proposed long term seasonal rentals are similar to what exists in the area. There was discussion involving the units being made into condos and having separate owners.

Mr. Maloney testified there are several other multifamily dwellings in the area that are rented but does not know the exact number. He does not believe there would be a detriment to the public safety or the intent of the ordinance by granting the variance. He testified there is a stipulation in the lease indicating there will be no subletting. Mr. Maloney then testified there is no actual lease only a verbal agreement. His family and friends would be contributing to the utilities and such so there is no formal or written agreement. The structure would not be changed but the sign and door numbers have been removed.

Ms. D'Allesandro stated the applicant has agreed to make the interior changes so that each unit would be 500 sq. ft. as requested by Mr. Dietrich. She finds that special reasons b and c apply for granting the variance.

Mr. Dietrich stated that less parking would be needed if approved, however the number of spaces would remain deficient. He also stated there would be a slight increase in septic flow which may require upgrades to the septic system.

Edward Tettemer, 26 E Sherman Avenue, was sworn. He believes the variance should be denied and the applicant should put the motel on the market. He is concerned about maintenance and upkeep on the motel. He feels the few remaining commercial establishments in Strathmere are crucial. The Strathmere Motel offers those who don't have summer homes at the beach a place to enjoy the shore.

Christopher Kohles, 17 E Sumner Avenue, was sworn. He is opposed to the application.

Linda Bateman, 14 E Tecumseh Avenue, was sworn. She is concerned that friends and family of the applicant will not spend as much time at the commercial establishments in Strathmere as the transients that stay at the motel do during their stays.

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Donna Martello, 14 E Sumner Avenue, was sworn. She is concerned about the septic. She is opposed to the application and wants the property to remain a motel.

Janice Connell, 1808 Commonwealth Avenue, was sworn. She has not heard any testimony supporting how the proposed change would benefit the community. She does not feel the variance should be granted.

Ted Kingston, 5 E Willard Avenue, was sworn. He stated there has been no testimony regarding a hardship. He asked if any offers have been made to purchase the motel. He is opposed to granting the application.

There was a short recess.

Ms. D'Allesandro announced that her client has decided to withdraw the application. He does not want to upgrade the septic and make changes to the interior of the structure at this time and would like the structure to be used as a motel for his family and friends to utilize.

Chairman Casaccio informed the public that if the applicant wants to return to the board he will have to renotece.

RESOLUTIONS

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

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Mr. Shawl, and approved. Abstain: Galderisi, Schmidt, Casaccio.

2. CHRISTOPHER & DELORES JACKSON – BLOCK 734 LOT 1 – BA 04-18

A motion to adopt the resolution was made by Mr. Shawl, seconded by Ms. Mitchell, and approved. Abstain: Galderisi, Adelizzi-Schmidt.

Mr. Dietrich testified that he has reviewed plan revisions submitted by the applicants engineer and finds the plan reflects the conditions and stipulations the board requested.

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

A motion to adopt the resolution was made by Mr. Shawl, seconded by Mr. Unsworth, and approved. Abstain: Adelizzi-Schmidt, Galderisi, Mitchell, Casaccio???

4. JIG NJ LP – BLOCK 836 LOTS 1 & 5.01 – BA 11-18

A motion to adopt the resolution was made by Mr. Shawl, seconded by Mr. Unsworth, and approved. Abstain: Adelizzi- Schmidt, Galderisi, Mitchell, Casaccio.

BILLS

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

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MANDATORY TRAINING – STORM WATER MANAGEMENT

A presentation is scheduled for 6:30 p.m. on Thursday, June 14, 2018 at the Township Hall.

ADJOURNMENT

A motion was made by Mr. Unsworth, seconded by Ms. Adelizzi-Schmidt, to adjourn the meeting. The meeting was adjourned at 9:40 p.m.