

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
SEPTEMBER 13, 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: Joseph Healy, Ted Klepac, Richard Mashura, Karen Mitchell, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Matthew Unsworth and Chairman Paul Casaccio.

Absent: Sherri Lisa Galderisi and Larry Trulli.

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

**WELCOME RICHARD MASHURA TO THE BOARD**

Chairman Casaccio welcomed Mr. Mashura to the board. He will be taking the place of Susan Adelizzi-Schmidt.

**APPROVAL OF THE AUGUST 9, 2018 MEETING MINUTES**

A motion to approve the minutes was made by Ms. Petrozza, seconded by Mr. Unsworth, and approved. Abstain: Mashura and Unsworth.

**SWEAR IN PAUL DIETRICH AND SHELLEY LEA**

**APPLICATIONS**

1. **CHRISTOPHER ANTOLINI – BLOCK 599 LOT 50 – BA 15-18**

Applicant is requesting a use variance for expansion of a non-conforming use, preliminary and final site plan approval and variances for rear yard setback and distance between buildings to construct a detached garage at 29 Route US 9 South in Marmora.

Christopher Antolini, property owner and James Chadwick, Professional Engineer and Registered Architect, were sworn.

Mr. Chadwick testified that Marmora Hardware has been located on this property for many years. This is a small business on a small lot. The applicant proposes to add a 30' x 30' garage in the rear of this property as shown on the site plan by James E. Chadwick, dated 7/9/18 and revised 8/25/19 and the architectural plans by Shirk Pole Buildings containing pages A-1 through A-4 dated 4-20-18.

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Mr. Antolini testified that he and his wife Carol have owned the business for over 23 years. They employ four full time and two part time employees. He stated that storage is always a big issue since they have had to buy their products in bulk since January 1, 2018. Having to buy in bulk is crippling smaller stores like his that do not have the financial resources for the inventory or the space to put the product. To alleviate this problem, he needs to put up an ancillary building to house the products along with the forklift used to move the pallets of product.

Mr. Chadwick testified the applicant proposes to construct a pole barn type garage at the rear of the property. This will be an attractive building with a concrete slab floor. The proposed building sits far enough back from Route 9 that it will not be visible from the road. Vegetation and existing structures will help hide the new garage. There will be heavy duty shelving inside the garage for storage of the bulk items. He finds this is a necessary business in Marmora. Because the applicant has to buy products in bulk the building becomes necessary for the continued operation.

Mr. Chadwick testified the proposed location would have the least impact. Recently improvements have been made to the exterior of the building and the crushed stone parking area has been paved. There is a single-family dwelling on the property. Residential uses are permitted in the TCC zoning district if they are on the second floor. The standalone house is not permitted. Since the house is a non-conforming use a use variance is needed. A variance is needed for the distance between buildings to allow 8.4' between the proposed building and the existing house where 25' is required. The new structure would comply with the side yard setback. A variance is needed to allow a 15' rear yard setback where 25' is required. A white pine hedgerow will be planted as a buffer between the new structure and the two adjacent residential uses. He does not feel the setback variances would have an impact on either of the neighbors and could be granted without substantial detriment to the public good since the structure cannot be seen from Route 9 or each of the adjoining properties. He believes that granting the variances would not impair the intent and purpose of the zoning ordinance or zoning plan.

Mr. Antolini testified that deliveries are received once a week, on Wednesday. He stated that the easement for access to the back lot would continue.

Mr. Chadwick testified they have located the cesspool for the single-family residence. The driveway to the new garage would go over the pipe that runs from the house to the cesspool. The sewer line will be replaced with cast iron pipe, so it will not be crushed. Rain gutters would be provided on the front and back of the structure. In the event the residence required a new septic system that system would go in the vacant area on the southwest of the property. He testified that providing the garage on this property provides for more efficient use of the land as in special reason m.

Mr. Dietrich testified the applicant has satisfied concerns by reserving the area for a future septic and the drainage.

The meeting was closed to the public and returned to the board for findings of fact.

MR. SHAWL – Christopher Antolini is the owner of 29 S. Shore Road in Marmora, Block 599 Lot 50. The applicant proposes to build a 30' x 30' storage garage on the property. There is an existing hardware store and single-family dwelling on the lot. Testimony was given by James Chadwick, PE and Christopher Antolini who has owned and operated the store for 23

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years. The applicant has to purchase products in larger quantities. The best way for him to continue to operate on this site is to add a metal building for storage of product. The property is zoned TCC. The commercial hardware store is a permitted use, however the single-family home on the property is non-conforming. A residential use on this site would be permitted if it were on the second floor or attached to the commercial building. The proposed building would be in the rear of the property and would be hidden from site by a hedgerow. Variances are needed for a rear yard setback variance and distance between the new building and the residence. There are other buildings on the site that are less than the 25' required. Gutters would be added to the building and the rainwater would be directed into a French drain. There is space on the site that is reserved for future septic system improvements. Mr. Chadwick testified the variances can be granted without detriment to the public good and without impairing the intent and purpose of the land use ordinance and zoning plan. The store has been in this location many years and provides a store for community shopping. A truck makes deliveries to this site once a week. The parking on site would not change. Special reason m applies for granting the variances.

MS. PETROZZA – There was no public comment. She concurs with Mr. Shawl.

MR. MASHURA – The location of the proposed garage would not have a negative effect on the neighbors.

MR. HEALY – Concurs.

MR. PHIFER – Concurs.

MR. UNSWORTH – Concurs.

MS. MITCHELL – Concurs.

CHAIRMAN CASACCIO – Concurs.

Mr. agrees that there will not be any public or displays within the new facility and will not be used as habitable space.

A motion was made by Ms. Mitchell and seconded by Mr. Unsworth to grant the application as proposed with the standard conditions. In favor: Healy, Mashura, Mitchell, Petrozza, Phifer, Shawl, Unsworth, Casaccio.

2. THOMAS TOWER/ADVANTAGE RENTAL INC – BLOCK 453 LOT 180.01 – BA 17-18

Application is for preliminary and final site plan approval and rear yard setback variance to construct an 8,800 sq. ft. storage building at Advantage Drive in Seaville.

Julius N. Korschak, Esquire, represented the applicant. This road was created by the applicant and consists of all commercial lots. These lots are still owned by the applicant. In 2004 a variance was granted to allow 100 percent outside storage and display of items associated with his business. A condition of the approval was that Mr. Tower would have to return to the board prior to constructing any buildings. The applicant proposes to construct a building to keep the equipment and things inside and out of the weather.

Mr. Korschak stated that setback variances are needed due to the unique shape of the lot. The lot is very shallow. The depth of the lot is 130' and is an existing non-conforming condition. The lot area is also a pre-existing condition since it is 34,944 sq. ft. where 40,000 sq. ft. is required. The required front yard setback is 50' and 30' is proposed. The required rear yard setback is 50' and 30' is proposed. The building would be difficult to see since it is behind the water conditioning business on Route 50.

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Stephen Filipone, PE, was sworn in. Mr. Filipone testified using the EDA plans, consisting of two pages, dated 7/2/18 and revised 8/27/18. He testified the lot is irregular and is only 130' deep. He described the surrounding area. The building meets the front yard setback, however the proposed 20' x 80' building overhang does not. The building complies with the coverage requirements. He testified the shape of the lot presents a C1 hardship since it would be difficult to create a conforming building on this lot. A use variance was granted in 2004 to allow storage and display without a building. He stated that constructing a building on this site is more conforming with the ordinance. There would not be a detriment to the public since the building would be hidden from site. This will be an attractive building that does not require well or septic. It is his opinion there is no negative impact to the zoning ordinance or master plan.

Mr. Filipone testified the five existing trees along Advantage Drive will remain. An underground stone trench will be provided for the increase in storm water. .

Mr. Dietrich testified this is a unique road since the applicant owns all the lots that are on it.

Mr. Korschak stated the overhang would also be used for storage and display. Customers may come to this site, but it would be rare.

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

MR. SHAWL – Advantage Rental Inc./Thomas Tower is the owner of 1 Advantage Drive, also known as block 453 lot 180.01. The property is zoned TC. The applicant is requesting a front and rear yard setback variance to construct an 8,800 sq. ft. storage structure on a lot that is currently used for outside storage. The storage building and overhang would be used to house some of the equipment and for display. The lot is long and narrow. The proposed building is 176' long and the proposed overhang is 80' long. The coverage requirements have been met. There was testimony the benefits outweigh the detriments since a better visual environment is being created and making the area more useable. He finds no detriment to the public good or zoning plan. Having a building on this lot is more conforming with ordinance. There was no public comment.

MS. PETROZZA – She is in favor of the application.

MR. MASHURA – Concurs.

MR. HEALY – Concurs.

MR. UNSWORTH – Concurs.

MR. PHIFER – Nothing to add.

MS. MITCHELL – Concurs.

CHAIRMAN CASACCIO – The proposed building would be used in conjunction with Advantage Rental. There would be little public access to the building. There is no well or septic proposed.

A motion was made by Ms. Petrozza and seconded by Mr. Unsworth, to approve the application with the standard conditions. In favor: Healy, Mashura, Mitchell, Petrozza, Phifer, Shawl, Unsworth, Casaccio.

**RESOLUTIONS**

1. KOBE CORP – BLOCK 682 LOTS 1 & 2 – BA 16-18

A motion to adopt the resolution was made by Mr. Unsworth, seconded by Ms. Mitchell, and approved. Abstain: Mashura.

2. FRED SCHMIDT – BLOLCK 832 LOT 2 – BA 13-18

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

**BILLS**

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

**2018 MEETING DATES – NOVEMBER 1, 2018**

The November meeting date was changed in the beginning of the year to November 1<sup>st</sup> at 7:30 p.m.

**ADJOURNMENT**

A motion was made by Mr. Shawl and seconded by Ms. Petrozza, to adjourn the meeting. The meeting was adjourned at 8:16 p.m.

Submitted by,

Shelley Lea  
Board Secretary