

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

JUNE 13, 2019

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, Richard Mashura, Karen Mitchell, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Larry Trulli, Chairman Paul Casaccio.

Absent: Sherrie Lisa Galderisi, Ted Klepac, Matthew Unsworth.

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

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

APPROVAL OF THE MAY 13, 2019 MEETING MINUTES

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

RESOLUTIONS

THE BARTON FAMILY TRUST – BLOCK 723 LOT 61 – BA 05-19

A motion to adopt the resolution was made by Mr. Shawl and seconded by Ms. Petrozza. In favor: Mashura, Petrozza, Phifer, Shawl, Trulli, Casaccio. Abstain: Healy, Mitchell.

FRANK & MONICA DIRENZO – BLOCK 559 LOT 21.06 (C00001) – BA 01-19

A motion to adopt the resolution was made by Mr. Shawl and seconded by Ms. Petrozza. In favor: Mashura, Petrozza, Phifer, Shawl, Trulli, Casaccio. Abstain: Healy, Mitchell.

TABLED APPLICATIONS

1. **KAROLANN KEMENOSH – BLOCK 723 LOT 56 – BA 18-18**

This applicant has requested to table the application since there are only 5 members of the board that can vote on this application. The application is tabled until July 11, 2019 at 7:30 p.m. There will be no further notice required.

APPLICATIONS

1. LAURA KASPER – BLOCK 12 LOT 25 – BA 07-19

Application is for a one-year extension of variances granted in regard to the Flood Damage Protection Ordinance to allow an existing basement to remain as part of an addition to a single-family dwelling at 359 Marshallville Road in Marshallville.

Jon Batastini, Esquire, represented the applicant. He stated this is a variance from Chapter 18, Flood Damage Control. The applicant has not had the opportunity to complete the project and is seeking a one-year extension to complete the project. The applicant is allowed 3 one-year extensions. This is the applicants first extension request. The original approval expired on May 17, 2019.

Mr. Dietrich testified the extension is warranted due to the historic nature of the application.

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

MR SHAWL – Laura Kasper is the owner of 359 Marshallville Road also known as Lot 25 in Block 12. The applicant has received variances for substantial renovations as shown in Resolution BA 02-17. Ms. Kasper has received a variance from the Upper Township Flood Damage Control ordinance that requires basements to be filled in. She is entitled to three extensions if needed. She is asking for her first extension to complete the construction. Mr. Batastini has stated the renovations are ongoing. There was no public comment.

MS. PETROZZA – She agrees.

MR. PHIFER – Nothing further.

MR. MASHURA – Nothing to add.

MR. TRULLI – The new addition will meet all the flood hazard requirements.

MS. MITCHELL – Nothing to add.

MR. CASACCIO – Nothing to add.

A motion to grant the application was made by Mr. Healy and seconded by Mr. Mashura. In favor: Healy, Mashura, Petrozza, Phifer, Shawl, Trulli, Casaccio.

2. DANIEL EICHHORN – BLOCK 558 LOT 24.02 – BA 06-19

Applicant is requesting a use variance to allow the construction of a garage without a principal structure and a height variance at 3040 Route US 9 South in Seaville.

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Andrew D. Catanese, Esquire, represented the applicant. This is a vacant lot in the TC zoning district. The lot is oversized. The applicant would like to build a garage on this site without a principal structure. A height variance is proposed to allow the structure to be 24' high where 20' is permitted.

Daniel Eichhorn, 139 Country Club Drive, Moorestown, NJ, was sworn. Mr. Eichhorn purchased the property in May 2017. This is a wooded vacant lot. He has cleaned some of the brush and sticker bushes off the property and planted grass. The board was provided with three photos showing the property that were marked A-1, A-2 and A-3. The photos were taken June 11, 2019 by Mr. Eichhorn and accurately depict how the property looks today. He stated that he cleaned up the property and is now maintaining it.

Mr. Eichhorn testified he will use the garage for personal storage. He is looking to relocate and make his house in Sea Isle City his main residence. The house has no storage, so he would like to construct a garage on this lot to store his personal items. He does not intend to use the garage for commercial storage.

Mark J. Gibson, Professional Land Surveyor, was sworn. He testified the property is 4.9 acres with frontage of 174 feet and total depth of 840 feet. The property is primarily wooded. The applicant proposes to construct a 36' x 48' garage. The garage would be located 153 ft. from Route 9. The garage would be 53' foot from the church property and 67' from lot 24.01. He discussed the permitted uses in the TC zone which include wholesale distribution centers and warehousing. The proposed use is similar except that it would not be used for commercial. The landscape buffers are shown on the survey he prepared and range from 20 to 30 feet. He stated the structure maybe seen in the winter but barely visible in the summer. The drainage was prepared using best management practices so there will be no drainage problems associated with this structure.

Mr. Gibson testified that only 40,000 sq. ft. is needed in the TC zoning district and the applicant's lot is 4.87 acres. There are many more intensive uses that are permitted in this zone. He stated that a principal structure could be built that was 45 ft. in height. The applicant is asking for a variance to allow the proposed accessory structure to be 24 ft. tall where the ordinance allows 20'. He finds the proposed structure is consistent with the neighborhood since it is surrounded by residential properties. There is a museum on the north side and a church on the south side. He believes the site is adequately buffered and that the board can grant the variance for several special reasons including a, c and i. The applicant proposes to store his personal items in an attractive garage. He stated the application promotes light, air and open space since the applicant proposes to construct a 1,728 sq. ft. structure on a lot that is slightly under 5 acres. The application promotes a desirable visual environment because of the landscape buffer. He believes there will be no detriment to the zone plan or zoning ordinance. He stated the building coverage permitted for an accessory use is 5% and the applicant proposes 0.18%. A 60,000 sq. ft. principal building could fit on this lot.

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Mr. Catanese stated the proposed garage is one story with a loft. He agreed to a condition there would not be any habitable space in the garage and the garage would not be used commercially. There are no agricultural uses proposed. The doors are 12 ft. high to store a boat and a trailer. There would be electric but no water or sewer. There will be an outside light by the door and an overhead light by the garage door.

Mr. Dietrich testified the proposed cupola is conforming. There was discussion about the property converting into a commercial use in the future and what would be involved.

The meeting was open to the public.

Linda Leonard, 51 Corson Tavern Road, Seaville, was sworn. She has concerns since this property borders residential lots on Corson Tavern Road. She asked about the access road.

Wayne Dull, 3038 Route 9, Seaville, was sworn. He testified that the applicant made an ugly property beautiful. He stated the road referred to by Mrs. Leonard has always been there it was just overgrown. He is the only neighbor that will be able to see the garage. He is in favor of the application.

Pastor Andy, 3044 Route US 9 South, Seaville, was sworn. He has some concerns about noise during church.

Nathalie Neiss, 759 Route 50, Petersburg, was sworn. She asked if the property could be subdivided. Mr. Dietrich testified that although there is enough acreage there is not enough lot frontage, so it would be up to the planning board whether they were in favor of granting a variance. If a road were created they maybe able to subdivide the property into 3 or 4 lots. He does not believe that subdividing and installing a road is the highest and best use of the property.

Hearing no further comment the meeting was closed to the public and returned to the board for findings of fact.

MR. SHAWL – Daniel Eichhorn is the owner of 3040 Route US 9 South in Seaville, also known as Block 558 Lot 24.02. The property is in the TC zone. The applicant is requesting a use variance to permit a storage garage as a permanent accessory structure without a principal structure and a variance for the height of the structure to be 24' where 20' is permitted. The applicant is requesting a site plan waiver to permit the construction of a garage for his personal storage. Testimony was given that the garage would not affect the parking, lighting or drainage on site and other considerations of site plan approval. The proposed 48' x 36' building would have electric. The property is almost 5 acres. The applicant has a residence in Sea Isle City and has no storage space. The applicant has testified there are no residential or agricultural uses proposed. The applicant addressed drainage. The lot is currently vacant. The owner has done some clearing and has planted grass since purchasing the property in 2017. Three photos of the

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property was submitted. The TC zoning is primarily a commercial zone. The existing vegetated buffers will obscure the structure from view. A rendering of the building was included in the application. It is a barn style building with a cupola on top that is consistent with other structures in the neighborhood. Special reasons a, c and I apply to this application. Only a small portion of the allowable coverage is being utilized. There will not be any negative impact to the zoning plan or public good. There are no plans for utilities other than electric. There will not be a bathroom or a well. Only residential type light fixtures will be on the building. Members of the public had concerns about vegetation, commercial uses, noise and ATV's. Testimony was given regarding the permitted commercial uses on this lot. The doors on the structure would be large enough to accommodate a boat and trailer. He finds the variances could be granted for the reasons given.

MS. PETROZZA – She concurs.

MR. PHIFFER – He finds this is a unique application since the applicant could be using the property for something more profitable that would create a more intense use on the land. The present use does not prohibit a more intense use in the future, which may or may not be in the best interest of the neighbors, however certainly would be permitted. He agrees with the special reasons stated.

MR. MASHURA – Nothing further.

MR. TRULLI – He concurs with Mr. Phifer.

MR. HEALY – He concurs with Mr. Shawl.

MS. MITCHELL – She concurs with Mr. Shawl.

MR. CASACCIO – He concurs. Any future changes to the property would require an application to the planning board or zoning board.

A motion was made by Mr. Mashura and seconded by Mr. Healy, to grant the application as proposed with the condition the structure will not be used commercially, there will be no habitable space inside the structure, and the property will not be used for agriculture. In favor: Healy, Mashura, Petrozza, Phifer, Shawl, Trulli, Casaccio.

INVOICES

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

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Submitted by,

Shelley Lea