

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES SEPTEMBER 12, 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: Richard Mashura, Karen Mitchell, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Larry Trulli, Matthew Unsworth, Chairman Paul Casaccio.

Absent: Sherrie Lisa Galderisi, Joseph Healy, Ted Klepac.

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 AUGUST 8, 2019 MEETING MINUTES

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

APPLICATIONS

1. BAYVIEW DRIVE LLC – BLOCK 826 LOTS 1 AND 1.01 – BA 11-19

Applicant is requesting a front yard setback variance to raise and renovate the existing single-family dwelling at 712 S Bayview Drive in Strathmere.

Christina Amey, Architect, 761 Asbury Avenue, Ocean City and Brian Riordan, 1 E Vincent Avenue, Strathmere, were sworn.

Julius N. Korschak, Esquire, represented the applicants by Brian and Amy Riordan. He stated this is an existing dwelling on the corner of Commonwealth Avenue and Bayview Drive. The building will be raised to meet the flood requirements. Currently there are 5 non-conformities. This is a corner lot with two front yards. Either of the front yards comply with the 15' setback requirement. As a result of the renovations the front yard setback on Bayview will be brought into compliance. The front yard setback on Putnam Avenue will be made more conforming. The side yard setback will be brought into compliance. The nonconforming building coverage and impervious coverage will be

brought into compliance. The proposed rear yard setback and height will comply. Four parking spaces will be provided where two are required. This part of Putnam Avenue is unimproved. He feels the benefits of granting the variance outweigh any detriment. Attached to each application was a copy of the NJDEP permit for the bulkhead and approval from the County Health Department for the improvements to the septic system.

Ms. Amey testified the existing structure has five nonconformities that would be reduced to only one nonconformity on Putnam Avenue. They have designed a plan that eliminates the front yard setback on Bayview Avenue, the side yard setback on the north side and the nonconforming building and impervious coverages. The building is in a Coastal A Zone that requires breakaway walls on the bottom floor. The existing first floor could not be used since it is masonry and does not comply. The second floor is wood frame and they will salvage two walls on the Putnam side. The new structure is compliant with the flood regulations and would create more light, air and open space on the Bayview Drive side and on the north side of the building. The building would comply with all building codes. The proposed setback on Bayview Drive is almost 21' where 15' is required. The structure would be 2 stories above the garage. She stated the desirable visual environment will be increased. She believes the benefits of granting the variance outweigh any detriments. She finds the variance can be granted without detriment to the public good and would not impair the intent and purpose of the zoning plan.

Mr. Dietrich stated the application must be amended since the front yard setback on the Putnam Avenue side is 7'2" because of the bay window and not 8'10" shown on the plan. He stated that Putnam Avenue cannot be vacated since it is needed for public access.

The meeting was open to the public.

Herb Hollinger, 113 Putnam Avenue, was sworn. He is in favor of the application since this is an older house and needs a face lift and the house will conform to most of the new zoning ordinances. He likes that the house will be lived in full time and not a rental. He feels the Riordan family is a great asset to the community.

George Welker, 702 S. Bayview Drive, was sworn. He couldn't be happier to have Brian and Amy as their neighbors. He likes the architectural plans. He is in favor of the application.

Robert Coffey, 800 Bayview Drive, was sworn. He is happy to see the applicant moving in next door to one of his properties in Strathmere. He finds the entire street will benefit if approved. He is in favor of the application.

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

MR. UNSWORTH - The applicant, Bayview Drive LLC, is requesting a front yard setback variance. They are amending the application to request a 7'2" setback where

8'10" is noted on the plan and 15' is required. This is a corner lot with two front yards which limits development on the lot. The proposed renovations change the footprint of the structure and eliminate four of five nonconformities. They have received approval for the dock shown on the plan and their septic. The new construction meets the current FEMA regulations. The first floor will be constructed to meet the breakaway wall requirements. The applicant took into consideration the proposed zoning changes the planning board is working on. Three neighbors have spoken in favor of the application. He finds the renovations will improve the neighborhood. He sees no detriment to the public good.

MR. SHAWL – The proposed use is the same as the existing use. The architect has testified that light, air and open space will be increased on the Bayview side of the property as a result of the new construction. He agrees there will be no detriment to the zone plan or the public.

MS. PETROZZA – She concurs. She finds that special reasons b and c apply.

MR. PHIFER – Nothing further.

MR. MASHURA – He believes this is an awesome project and finds it is obvious there are no detriments associated with granting this application.

MR. TRULLI – He concurs.

MS. MITCHELL – She concurs with the findings and appreciates all the positive testimony that was given. She finds it is admirable that the Riordan's and Christina Amey were willing to go from five nonconformities to only one.

MR. CASACCIO – He agrees. A deed of consolidation is not needed due to the riparian rights. There is no need to vacate Putnam Avenue. The applicant agrees to amend the front yard setback to include the bay window.

A motion was made by Mr. Unsworth and seconded by Mr. Trulli, to grant the application with the condition the front yard setback on Putnam Avenue will be amended on the plan. In favor: Mashura, Petrozza, Phifer, Shawl, Trulli, Unsworth, Casaccio.

RESOLUTIONS

1. KAROLANNE KEMENOSH – BLOCK 723 LOT 56 – BA 18-18

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

2. SEAVILLE VILLAGE CONDOMINIUM – BLOCK 559 LOT 21.06 BA 08-15

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

3. OAK RIDGE RESORT CONDOMINIUM ASSOC. – BLOCK 600 LOT 62 – BA 10-19

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

INVOICES

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Shawl and seconded by Ms. Petrozza. The meeting was adjourned at 8:00 p.m.

Submitted by,

Shelley Lea