

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES JANUARY 9, 2020

The annual reorganization 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, Karen Mitchell, Lynn Petrozza, Christopher Phifer, Andrew Shawl, Chairman Paul Casaccio.

Absent: Sherrie Lisa Galderisi, Ted Klepac, Richard Mashura, Larry Trulli, Matthew Unsworth.

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

REORGANIZATION

The board secretary asked for nominations for Chair. A motion was made by Ms. Petrozza and seconded by Mr. Shawl to nominate Paul Casaccio as Chair. Hearing no further nominations, the nominations were closed. In favor: Healy, Mitchell, Petrozza, Phifer, Shawl.

PAUL CASACCIO ELECTED CHAIRMAN FOR 2020

Chairman Casaccio asked for nominations for Vice Chair. A motion was made by Mr. Healy and seconded by Ms. Petrozza to nominate Matthew Unsworth as Vice Chair. Hearing no further nominations, the nominations were closed. In favor: Healy, Mitchell, Petrozza, Phifer, Shawl, Casaccio.

MATTHEW UNSWORTH ELECTED VICE CHAIRMAN FOR 2020

A motion was made by Ms. Petrozza and seconded by Mr. Healy to nominate Jeffrey Barnes as Board Solicitor. Hearing no further nominations, the nominations were closed. In favor: Healy, Mitchell, Petrozza, Phifer, Shawl, Casaccio.

JEFFREY BARNES OF BARNES LAW GROUP ELECTED BOARD SOLICITOR 2020

A motion was made by Ms. Mitchell and seconded by Mr. Shawl to nominate Paul Dietrich as Board Engineer. Hearing no further nominations, the nominations were closed. In favor: Healy, Mitchell, Petrozza, Phifer, Shawl, Casaccio.

PAUL DIETRICH ELECTED BOARD ENGINEER FOR 2020

A motion was made by Ms. Mitchell and seconded by Mr. Healy to nominate Shelley Lea as Board Secretary. Hearing no further nominations, the nominations were closed. In favor: Healy, Mitchell, Petrozza, Phifer, Shawl, Casaccio.

SHELLEY LEA ELECTED BOARD SECRETARY FOR 2020

A motion was made by Mr. Healy and seconded by Mr. Shawl to utilize The Press and the Sentinel Ledger as the official board newspaper. In favor: Healy, Mitchell, Petrozza, Phifer, Shawl, Casaccio.

THE PRESS AND SENTINEL LEDGER OFFICIAL NEWSPAPER FOR 2020

OFFICIAL OATH OF OFFICE

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

TABLED APPLICATIONS

Kristopher Facenda, Esquire, was present to table the following applications. The applications will be on the February 13, 2020 meeting agenda. He agreed to waive the tolling of time. No further notice is required.

CARLOS JAVIER GUTIERREZ – BLOCK 310 LOT 15 – BA 19-19

OCEAN CITY HUMANE SOCIETY – BLOCK 650 LOT 11.02 – BA 15-19

NEW APPLICATIONS

1. MOKEV LLC – BLOCK 758 LOT 12 – BA 20-19

Applicant is requesting variances for rear yard setback and building coverage to construct a deck on a single-family dwelling currently under construction at 115 Taylor Avenue in Strathmere.

John Masters, Esquire, represented the applicants. Kevin Sheridan, 23 Strawbridge Road, Westmont, New Jersey and James E. Chadwick, Professional Planner and Registered Architect, were sworn.

Mr. Masters stated the applicant is requesting a rear yard setback variance to allow 20.7' where 30' is required. A variance is also needed for building coverage to allow 30.7% where 27% is permitted.

Mr. Sheridan testified that he and his wife are the principals in MOKEV LLC. He is working as general contractor during construction of a new house on this property. They own other properties in Strathmere.

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Mr. Chadwick testified he prepared the “Variance Plan for Rear Deck Addition to Existing Single Family Dwelling”, last revised 12-19-19. The NJDEP required that the septic be in the front yard. This pushes the house toward the middle of the lot forcing the deck to encroach into the rear yard setback. A front deck can’t be built since a deck cannot be over a septic system. He believes the request for a 3.7% deviation in building coverage is de minimis. He discussed a plan he prepared titled “Zoning Board Exhibit Showing Buildings and Structures in the Vicinity” that was marked as Exhibit A-1. The plan shows a property like the applicants with the septic in the front and a similar rear deck. What they are proposing is the same as the scheme of the lot to the east. All the buildings have unobstructed views to the north. The average of the 4 closest lots equal 30% and they are asking for 30.7%. The deck would not block the view of any of the homes on the road. The proposed deck would add value to the property. The first and second floor deck would create an outdoor space for the owners to take advantage of the nature and sunlight. He feels that decks in Strathmere are appropriate and customary. The UT Planning Board has been working on an ordinance for Strathmere that would make open decks in the RR zone exempt from building coverage. This ordinance would also allow a rear deck to encroach into the setback 10 feet. He sees no detriment to the public good in granting the variances. The decks would be accessed from doors that have been framed on the rear wall of the building. The decks would be constructed above BFE.

Mr. Chadwick testified the project promotes a desirable visual environment through creative development techniques and good civic design and arrangement since this is a beautiful home. The decks do not need to be included on the CAFRA permit since there are no walls or a roof.

Mr. Dietrich confirmed there are proposed zoning ordinance changes currently being reviewed by the Planning Board. He feels a condition of approval should be that the decks remain open.

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

MR. SHAWL - MOKEV LLC is the owner of 115 Taylor Avenue in Strathmere, New Jersey also known as Block 7548 Lot 12. A single-family home is partially constructed on the property. The septic system is located in the front yard. The applicant has acted as general contractor and has supervised the construction and permitting process. The rear deck was not included in the previous application due to zoning ordinance amendments currently being reviewed by the planning board. James Chadwick has prepared the plans for the applicant. The applicant is asking for a 20.7’ rear yard setback where 30’ is required and a variance for building coverage to allow 30.7% where 27% is allowed. The NJDEP required that the septic be located in the front yard placing the dwelling closer to the rear property line. This has created a hardship since the applicant can’t meet the required rear yard setback. The deck would not block any views. The deck and lot size are consistent with others in the neighborhood. The impervious

coverage is less than permitted. Mr. Chadwick finds the decks could be added without detriment to the public good or zoning plan. The decks would remain open. He agrees the variance can be granted without detriment to the public.

MS. PETROZZA – She concurs.

MR. PHIFER – Nothing to add.

MR. HEALY – Nothing to add.

MS. MITCHELL – Nothing to add.

MR. CASACCIO – He concurs with Mr. Shawl. There was no public comment.

A motion was made by Ms. Petrozza and seconded by Ms. Mitchell to grant the application with the condition the decks would remain open. In favor: Healy, Mitchell, Petrozza, Phifer, Shawl, Casaccio.

2. CHRISTOPHER JACKSON – BLOCK 734 LOT 1 – BA 21-19

Applicant is requesting a use variance for expansion of a non-conforming use to construct an addition to a single-family dwelling and to add a swimming pool and hot tub in the MTCD zone and variance for accessory coverage at 26 Vernon Road in Marmora.

Christopher and Delores Jackson, 1 Mariners Cove, Seaville, New Jersey were sworn.

Mrs. Jackson testified they would like to construct a two-story addition. The accessory coverage proposed is 7.86% where 5% is allowed. They have replaced the windows in the house. The addition would be sided. They hope to have enough money to side the entire house but if not, they plan to paint it. The house is currently a bilevel with 4 bedrooms and 2 baths. The living area is small for 3 adults and 2 children. They plan to sell the property they currently live in. The upstairs addition would be an 18' x 18' bonus room. The downstairs addition would be living space for the applicants with a utility room and bathroom. There are 4 existing bedrooms and there will be 4 after the addition is complete. There are 2 existing bathrooms and there will be 2 after the addition. They plan to add an exit to the rear yard from the second floor for fire safety. Mrs. Jackson testified the addition with the new exterior stairs leading to the second floor would not be an apartment. She agreed to a condition that this could not be used as a separate unit.

Mrs. Jackson testified they want to install an above ground swimming pool in the back of the house. The proposed hot tub would be near the house. They plan to use a locking ladder rather than a fence. They will each have a personal vehicle on site.

Mrs. Jackson testified that when they received their previous approval for the pole barn the business had 6 vehicles on the road. Since then the business has been cut in half. Her mother lived with them at their home on Mariners Cove. She has recently passed away and their finances have also been cut in half. At this point they must sell the house and move. All the proceeds from the sale of the house will go into this project. She has estimates and they have had some of the work done. She testified the previous conditions of approval will be completed. The addition will not include a kitchen and will not be

used as an apartment. She asked about using stones in the driveway rather than paving that is shown on the previous site plan. Mr. Dietrich testified the drainage calculations have been amended so the applicants can use stone.

Chairman Casaccio stated the zoning officer has provided a list of conditions from the previous approval that have not been completed. He stated that a building permit will not be issued until the conditions of approval have been satisfied.

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

MR. SHAWL – Christopher and Delores Jackson are the owners of 26 Vernon Road in Marmora, New Jersey also know as Block 734 Lot 1. The property is zoned MTCD. The applicants are requesting a use variance for expansion of a non-conforming use to construct an addition to their house. The plans by EDA last revised 12-20-2019 show a two-story addition with an exterior stairway from the second floor. The addition will blend in with the style of the existing house and other homes in the neighborhood. The first floor of the new addition will consist of a den, mechanical closet and new bathroom. The second floor is one large room with access to the outside. The existing home is 4 bedrooms and 2 baths. The number of bedrooms or bathrooms will not increase. The applicants received approval previously to construct a 30' x 50' pole barn that was constructed earlier this year. There is a list of conditions from that approval that have not been completed. The applicant has agreed to complete these items as a condition of this application. The proposed setbacks are conforming. The pole barn is used for the business operation on this property. There are both residential and commercial uses on this lot. He finds that light, air and open space will be provided on this property. The granting of the variance will not impact the neighborhood in an adverse way. The lot is unique and provides for both commercial and residential uses. One of the three frontages is on Vernon Road where the off ramp from the Garden State Parkway is located. There was no public comment. The applicant has agreed to satisfy the list of conditions from the previous approval. The conditions of previous approval must be complete before a construction permit can be granted for the addition. He finds the variance can be granted without further detriment to the public. The property is located at the gateway to the township and receives a lot of visibility, so it is very important to maintain the property in a squared away manner.

MS. PETROZZA – She concurs with Mr. Shawl's findings.

MR. PHIFER – Nothing to add.

MR. HEALY – Nothing to add.

MS. MITCHELL – Nothing to add.

MR. CASACCIO – A list dated January 9, 2019 has been compiled showing the conditions that are not in compliance with BA 04-20. No zoning permit or construction permit will be issued until the conditions of prior approval have been addressed.

A motion was made by Ms. Petrozza and seconded by Mr. Phifer to grant the application with the condition that all prior conditions of prior approval are satisfied prior to a zoning permit or construction permit being issued. In favor: Healy, Petrozza, Phifer, Shawl, Casaccio. Opposed: Mitchell.

END OF THE YEAR REPORT

A motion was made by Ms. Petrozza and seconded by Mr. Phifer to forward the report to the Planning Board.

INVOICES

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

RESOLUTIONS

1. AUTHORIZING CONTRACT WITH JEFFREY BARNES, ESQUIRE, FOR PROFESSIONAL SERVICES FOR 2020

A motion to adopt the resolution was made by Mr. Shawl, seconded by Mr. Phifer, and approved.

2. CHRISTOPHER GEIB - BLOCK 348 LOT 84.02 – BA 12-19

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

3. GARY AND DENISE RIORAN – BLOCK 860 LOT 1 - BA 17-19

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

4. FRANK AND LAUREN DEMARCO – BLOCK 707 LOT 5 – BA 18-19

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Healy, seconded by Ms. Petrozza, and approved. The meeting was adjourned at 8:59 p.m.

Submitted by,