

**VIRTUAL MEETING OF THE
UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 14, 2020**

A virtual meeting of the Upper Township Zoning Board of Adjustment was conducted exclusively by electronic means. The meeting began at 7:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Sherrie Galderisi, Joseph Healy, Richard Mashura, Karen Mitchell, Lynn Petrozza, Andrew Shawl, Matthew Unsworth, Paul Casaccio.

Absent: Ted Klepac, Christopher Phifer and Larry Trulli.

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

APPROVAL OF THE APRIL 2, 2020 MEETING MINUTES

A motion was made by Mr. Unsworth and seconded by Mrs. Galderisi, to approve the minutes. Abstain: Petrozza and Casaccio.

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

TABLED APPLICATIONS

1. MHC ECHO FARMS LLC – BLOCK 558 LOTS 17 & 46 – BA 22-19

This application was tabled until the next meeting on June 11, 2020 at 7:30 p.m. The applicant agrees to waive the tolling of time.

NEW APPLICATIONS

1. LISA PETTIT – BLOCK 453 LOT 10.08 – BA 06-2020

Applicant is requesting a side yard setback variance for a detached garage at 3 Ella Layne in Petersburg.

Lisa Pettit, 3 Ella Layne, Petersburg, New Jersey, was sworn. She testified the pole barn company constructed the pole barn on an angle in the rear of the property. The Final Survey prepared by The Martinelli Group, dated 2-14-2020 shows the front of the garage complies with the setback, however the rear of the garage is 13.7' where 15' is required.

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She testified the location of the garage does not impact the neighbors. Her son owns the property next door. There is no negative impact to the septic or well.

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

MR. SHAWL – Lisa Pettit is the owner of 3 Ella Layne in Petersburg, NJ also known as Block 453 Lot 10.08. The survey prepared after the structure was built shows the rear corner of the barn is more than 1' to close to the property line. There is no detrimental effect to the neighbors. This is a large lot. The barn is in keeping with the neighborhood. The applicant represented herself. There was no public comment.

MR. UNSWORTH – He concurs. The applicant obtained permits for the pole barn. The As Built Survey determined that part of the structure is not in compliance with the setback. There is no negative effect on the neighbors.

MS. PETROZZA – She concurs.

MS. MITCHELL – She concurs.

MR. MASHURA – Nothing to add.

MR. HEALY – Nothing to add.

MR. CASACCIO – The pole barn does not affect the light, air or open space.

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

2. JOSEPH AND MELINDA DELDUCA – BLOCK 845 LOT 8 – BA 04-2020

Applicants are requesting a variance for building coverage to add a rear deck at 14 E. Whittier Avenue in Strathmere.

Damian Del Duca, Esquire, represented the applicant. The second-floor deck on the rear of the new house brings the building coverage to 29% where 27% is permitted. The deck exceeds the building coverage by 2% or 280 SF. Photos submitted as part of the application show the deck is open below and the deck is not covered. He discussed the ordinance revisions recently adopted by the planning board and currently being reviewed by the township committee. Since the approval of the ordinance was delayed the applicant has decided to file an application with the zoning board. The proposed ordinance would allow up to a 200 SF open deck without counting as building coverage.

Mr. Del Duca stated that construction on the house is complete. The house complies with the setbacks and height. He finds this is a classic C2 variance where the benefits of granting the variance outweigh any detriment. If the variance is not approved and the ordinance is not passed, the deck would be removed, and the size of the house could be increased 200 SF. He feels the deck is less intrusive than additional living space since the deck provides more open space. He feels this is a better planning alternative and that the benefits outweigh the detriments. He feels there is no detriment since the building meets

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the bulk standards is consistent with the master plan and has no adverse effect on the neighbors.

Mr. Del Duca stated the property owner is his brother and that he is representing him.

Joseph Del Duca 198 Travistock Lane, Haddonfield, NJ, was sworn. He testified that he is the owner of the subject property. He reviewed the old and proposed resolution when designing the house. He also owns a home on Bayview Avenue in Strathmere. He is anxious to obtain the CO before Memorial Day.

Shelley Lea, Zoning Officer, explained the deck was not shown on the plan the applicant submitted to obtain his zoning permit.

Mr. Dietrich reviewed the current zoning ordinance and the proposed changes.

The meeting was open to the public.

Lisa Carr, 33 E. Webster Avenue, was sworn. She has some concerns about the new structure. She does not like that the applicant built what he wanted and asked for a variance after.

Sydney Fox, Stockton, NJ, was sworn. She finds that constructing the deck is inappropriate and wrong.

Katherine Hayes, 22 Blue Top Road, Setauket, NY, shares ownership with 30 E Whittier Avenue in Strathmere. She feels a precedent is being set. She suggests tabling the application to see if the proposed ordinance passes.

Janice Connell, 1808 S. Commonwealth Avenue, Strathmere, was sworn. She concurs with the previous public comments. She was involved with the new ordinance that addresses overdevelopment. She feels this is setting a dangerous precedent.

Linda Bateman, 14 E Tecumseh Avenue in Strathmere, was sworn. She asked if the property would be used as a rental. She feels the application has the potential of noise and overcrowding. She feels the applicant has not presented any strong reasons for grating the variance.

Damian DelDuca, Esquire, stated that if the ordinance is adopted the variance will not be needed. He stated that additional living space could be added to the structure and that a larger home could have been built.

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

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MR. SHAWL – Joseph and Melinda DeDuca are the owners of 14 E Whittier Avenue also known as Block 845 Lot 8. They are requesting a C2 variance to allow a 280 SF deck on the second floor. The house and deck meet the setback requirements and bulk requirements except the building coverage. They are requesting 29% where 27% is permitted. The deck exceeds the coverage requirement by 280 SF. The applicant's attorney described how a portion of the deck could be removed and the house made larger. He agrees the rear deck would not be a detriment to the zoning plan or the neighbors. He finds the deck is consistent with the RR district and the character of the neighborhood. The proposed ordinance should be approved in the near future. The applicant wants the CO before Memorial Day weekend. He feels there is a benefit of an open deck. He finds that a deck without a roof is less intense. The design of the structure allows for light, air and open space. The burden of proof has been demonstrated.

MR. UNSWORTH – Five neighbors have expressed concerns with the deck. The timing of the ordinance revisions has led the applicant to the zoning board to request a variance.

MRS. GALDERISI – She finds it a benefit to keep the deck for open space.

MR. HARNEY – He concurs.

MR. MASHURA – He agrees. He finds that granting the variance advances the purpose of the zoning code.

MS. MITCHELL – She concurs.

MS. PETROZZA – She concurs.

MR. CASACCIO – He stated there is no telling if and when the new ordinance will be adopted.

A motion to grant the application was made by Mr. Mashura and seconded by Mrs. Galderisi. In favor: Casaccio, Healy, Mitchell, Galderisi, Unsworth, Shawl, Mashura, Petrozza.

INVOICES

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

ADJOURNMENT

A motion to adjourn the meeting was made by Ms. Mitchell, seconded by Mr. Unsworth, and approved. The meeting was adjourned at 9:07 p.m.

Submitted by,

Shelley Lea
Secretary