

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

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 began at 7:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Sherrie Galderisi, Joseph Healy, Richard Mashura, Christopher Phifer, Andrew Shawl, Larry Trulli, Matthew Unsworth, Paul Casaccio.

Absent: Ted Klepac, Karen Mitchell, Lynn Petrozza.

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

APPROVAL OF THE JUNE 11, 2020 MEETING MINUTES

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

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

APPLICATIONS

1. THOMAS TOWER – BLOCK 453 LOTS 180.03, 180.04, 180.05 – BA 08-20

Applicant is requesting preliminary and final site plan approval, a use variance to allow equipment display and storage without a principal structure, variances for lot coverage, landscape buffer, tree preservation and barbed wire fence at Advantage Drive in Seaville.

Julius N. Korschak, Esquire, represented the applicant. These lots were part of a 9 lot subdivision approved in the 1990's. Mr. Tower owns all of the lots on Advantage Drive. The applicant wants to develop the lots and use them for outside storage. A use variance is needed since there will not be a principal structure. He briefly described the variances needed.

Vincent Orlando, Professional Engineer and Thomas Tower, 121 Harbor Road, Beesleys Point, were sworn.

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Mr. Orlando testified there is an individual site plan for each of the 3 lots. Each lot will be surrounded by a 6 ft. high fence with barbwire which is consistent with the other lots on the road. Each lot will have its own stormwater management area. The landscape buffer will consist of a double row of cedar trees. No lighting or signs are proposed. Each lot will have its own set of double gates. The property is in the TC zone. They are requesting variances for lot coverage, tree preservation and landscape buffer. A buffer between the lots is not proposed. A buffer is proposed near the retention basin. He feels that special reasons for granting the D variance is g and m. He stated the negative criteria is met since there is no impact on any residential uses since the area is mostly commercial. He stated the applicant was approached by the gas company to store pipe on the property. Mr. Tower has a lot of equipment that he has to store.

Mr. Dietrich addressed the landscaping. Mr. Orlando testified the planting would be complete within 6 months.

The meeting was open to the public.

Christopher Shustock, 8 Susan Avenue, Seaville, was sworn. He has lived here for 14 years. He has no problem with the proposed use of the lots but he is concerned that the trees have been taken down and there are trucks on the property everyday beginning at 5:30 morning. He stated this is a public right of way and was not created to be a loading zone. He runs down Advantage Drive and his kids ride their bikes there. He feels that loading and unloading trucks on this road is a safety concern and does not belong there. He feels the trucks should be loaded on site. He stated there is no onsite parking associated with the 3 lots. He is concerned about the noise from the trucks idling on Advantage Drive since it is affecting his fresh air. There are subsurface water issues he is concerned about. Mr. Orlando explained the proposed drainage and asked how he access Advantage Drive to run. It was determined that he is crossing over private property owned by Mr. Tower while running. He asked about time constraints. Mr. Dietrich explained the township uses the State noise ordinance. He asked that Mr. Tower keep the trucks on the opposite end of the street in the early morning hours. Mr. Konschak volunteered to give him Mr. Tower's cell number. He will call Mr. Tower if he has any problems. There were more questions regarding the drainage and Mr. Dietrich stated the drainage was designed to handle the entire street. Because of the addition impervious coverage he required the applicant to create additional swales. Mr. Tower testified that most of the loading is done off the road. Mr. Dietrich suggested a condition of approval should be there is no fabricating on the lots.

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

MR. UNSWORTH – Thomas Tower is asking for variance relief for three lots on Advantage Drive in Seaville. He is requesting a use variance to utilize the lot for storage without a principal structure. They are asking for lot coverage relief, outdoor storage relief and barbwire fence. The applicant has been before this board previously to allow

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the same type use on three other lots on the street closer to Route 50. The applicant owns all the lots fronting on Advantage Drive. There is a drainage basin at the end of the street that serves as a buffer. A buffer is being added to one of the lots near the drainage where it backs up to residential lots. The proposed fence will match the other fencing on the street. Additional drainage is being added to accommodate the additional lot coverage. Mr. Shustock is concerned about the activity and noise being generated by the operations going on right now by the gas pipe company. The owner has agreed to a condition that fabrication and construction will not occur on these lots and they will be used for storage and display and associated operations. The applicant has also agreed to plant the landscaping by December 31, 2020. This proposed uses are consistent with the existing uses taking place on the street. He concurs that special reasons g and n apply.

MR. SHAWL – He concurs. Testimony was given that there would be no impact on the zone plan or zoning ordinance. There are other commercial uses in the area mostly owned by the applicant. The stormwater management facilities on the street are being upgraded because of the additional impervious coverage. There are no signs or lighting proposed.

MR. MASHURA – He concurs. The proposed use would be specifically for storage and not for fabrication.

MR. PHIFER – Nothing to add.

MR. TRULLI – Nothing to add.

MR. HEALY – He concurs. The lots are being used the same as the rest of the street.

MRS. GALDERISI – She concurs.

MR. CASACCIO – He concurs.

A motion was made by Mr. Unsworth and seconded by Mr. Healy to grant the application with the standard conditions and that no fabrication will be done on any of the lots and that the buffer will be planted by December 31, 2020. In favor: Galderisi, Healy, Mashura, Phifer, Shawl, Unsworth, Casaccio.

1. CLAYTON INDUSTRIES INC. AND CLAYTON RENTALS LLC – BLOCK 599 LOTS 26, 27, 28 – BA 07-2020

Application is for preliminary and final site plan approval and use variances for expansion and modification of an outside display area and multiple principal uses on the site, a side yard setback variance, maximum building coverage, impervious coverage; variances for the number of parking spaces and from providing a decorative fence around the buildings and waivers from providing landscaping around the proposed buildings, from providing architectural plans and providing contours based on USGS Datum, to construct a 36,144 SF warehouse/storage space, a 250 SF addition to the existing pump room and expansion and reconfiguration of the existing display area along Route 9 at 215 Route US 9 South in Marmora.

Mr. Casaccio stepped down during this application.

Julius N. Korschak, Esquire, represented the applicant. He stated that Plaza 9 was established as a commercial/industrial/office area at least 50 years ago. They have come before for approvals many times during those years. Plans by Schaeffer Nassar Scheidegg Consulting Engineers

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consisting of 10 pages have been submitted to the board. The first page of the plan shows buildings that have been approved in the past but have not yet been built. These uses do not fit in with the current zoning, but they have been there for 50 years. The property is now zoned MTCD. He stated that page 5 of the plan shows all the variances and waivers requested.

Andrew Schaeffer, 1425 Cantillon Boulevard, Mays Landing, was sworn. He testified the applicant is requesting the continuation of all the variances and prior approvals as well as approval for the proposed fabric structure. This structure is 3,024 SF and has no walls. They also seek approval for the paving around building S to allow vehicular traffic around it. He reviewed the required variances and waivers. He testified that what they are proposing does not generate the need for any new parking spaces. The use variance can be granted using special reasons b and c.

Mr. Dietrich testified the application is also for the buildings previously approved and not built yet. He discussed what was permitted in the zone when the previous approvals were granted.

Mr. Korschak stated there is no sewer and therefore they are not able to provide affordable housing. Mr. Schaeffer testified it is impossible to build affordable units without sewer.

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

MR. SHAWL – Clayton Industries is before the board for property located at Plaza 9, Lots 26,27, 28 in Block 599. The property is zoned MTCD. The purpose of this zone is to increase walkability. The applicant has been before this board numerous times since there is more than one use on the property. A use variance for expansion of a non-conforming use, parking variance and many bulk variances and waivers are needed. A site plan prepared by Schaeffer Nassar Scheidigg shows the previously approved buildings, however not all the buildings have been constructed. The applicant is requesting multiple uses on the site, expansion of a non-conforming use, more paving along the access road and self-storage area and a fabric structure for a use currently operating at this site. Mr. Schaeffer testified there is no detriment to the public good, zone plan or zoning ordinance. Testimony was given that special reasons b and c apply. No habitable space is proposed and therefore a residential component is not required. The property is located on a State Highway and has multiple access points. Established landscaping is already there. He finds the proposed development is consistent with the existing development pattern on site and will not substantially impair the intent and purpose of the zoning ordinance. Plaza 9 is developed with warehouse, retail, office, and storage uses. There was no public testimony. He finds the variances can be granted based on the testimony given and the prior approvals.

MR. TRULLI – He concurs.

MR. PHIFER – He concurs.

MR. MASHURA – He is in favor of the application given the history, the variety of commercial operations and commercial uses. This adds uniformity to the property.

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MRS. GALDERISI – Nothing to add.

MR. HEALY – He concurs.

MR. UNSWORTH – He concurs. He finds special reasons b and c are appropriate for granting the application.

A motion was made by Mrs. Galderisi and seconded by Mr. Healy to grant the application with the standard conditions. In favor: Galderisi, Healy, Mashura, Phifer, Shawl, Trulli, Unsworth.

Mr. Casaccio rejoined the board.

INVOICES

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

RESOLUTIONS

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

A motion to adopt the resolution was made by Mrs. Galderisi, seconded by Mr. Healy, and approved. Abstain: Phifer and Casaccio.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Healy, seconded by Mr. Unsworth, and approved. The meeting was adjourned at 8:42 p.m.

Submitted by,

Shelley Lea
Secretary