

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES SEPTEMBER 10, 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: Richard Mashura, Karen Mitchell, Lynn Petrozza, Andrew Shawl, Larry Trulli, Matthew Unsworth, Paul Casaccio.

Absent: Sherrie Lisa Galderisi, Joseph Healy, Christopher Phifer.

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

APPROVAL OF THE AUGUST 13, 2020 MEETING MINUTES

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

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

TABLED APPLICATIONS

1. STRATHMERE MOTEL, INC

Chairman Casaccio announced the above application has been tabled. The applicant has agreed to waive the time in which the board has to act on the application. This application will be on the October 8, 2020 virtual meeting agenda. No further notice is required.

SPECIAL MEETING SCHEDULED

A special meeting will be held Wednesday, September 30, 2020 at 7 p.m. to review the pending applications.

APPLICATIONS

1. ARTHUR Z. AND TERI J. WEEKS – BLOCK 837 LOT 8 – BA 13-2020

Applicants are requesting a variance for the roof deck exposed rail, 18" permitted and 36" proposed and variances for pre-existing non-conforming lot area, lot depth, front yard setback, rear yard setback, side yard setback, and building coverage to construct an addition to an existing single family dwelling at 1 W. Tecumseh Road in Strathmere.

Arthur T. Ford, III, Esquire, represented the applicants. He stated the applicants wish to raise the existing 3 bedroom 1 bathroom home on the corner of Tecumseh Avenue and Commonwealth Avenue and add a second floor addition. He reviewed the Topography and Adjacent Properties Survey by DeVaul Survey LLC, dated September 10, 2020.

Eric Weeks, 308 W. Royal Avenue, Linwood, New Jersey and Christina Amey, Architect, were sworn.

Mr. Weeks testified his parents bought the property in 1955. His parents built the house at the same time the owners of lot 7 built theirs. They plan to upgrade the utilities and mechanicals. They had water in the house three times, in 1962, during Sandy and then again during Jonas. They would like to use the bottom floor for storage. They are selling their home in Linwood and plan to live here full time. They have been in the planning stages for 2 years. They plan to save as many trees on the lot as possible and plant more trees. They plan to preserve the existing character of the house. Robert Bruce is currently designing a new pressure dosing septic in the rear of the property.

Ms. Mitchell asked if the house directly across the street is higher than this property. Mr. Dietrich testified this house will be lower than the house across the street. Ms. Mitchell stated she hopes the applicant uses dark sky lighting since there is so much ambient light.

Ms. Amey testified the applicants are not sure what type of lighting they will use. There will be 3 on site parking spaces. The retaining wall in the back is about 2 ft. high. The lot is very low. This is a unique contemporary style house and the applicants want to keep the modern character. The new house will have a flat roof. They propose to use 20.7% of the roof as a deck. She reviewed the proposed setbacks including the north side of the house that will have a window bay that will be 5'.3" from the property line. This is an undersized lot. There will be a minimal reduction in building coverage. The proposed 36" roof deck exposed rail (18" is permitted) requires a variance due to the flat roof. The curb cut is currently undefined since there is no curbing.

Mr. Dietrich reviewed the revisions to the zoning ordinance such as garage floor elevation, FAR and drainage. The applicant requires a variance for an 18' curb cut where 12' is permitted.

Ms. Amey testified that special reason b applies. She feels the variances can be granted without substantial detriment to the zoning plan and zoning ordinance.

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

MR. SHAWL – Eric and Teri Weeks are the owners of 1 W. Tecumseh Avenue in Strathmere also known as Block 837 Lot 8. The applicants wish to bring the existing single family dwelling up to code. Testimony was given by Christina L. Amey, Architect. Plans prepared by Christina Amey Architect LLC, last revised 8-18-2020, are part of the application. The structure will be raised to secure it from fire and flood. The style of the house will be modern. The property is at the corner of Tecumseh Avenue and Commonwealth Avenue. The lot is 60' x 56' and has two front yards. The applicant acquired the property from his parents who started construction on the house in 1955. The lot is wooded which is unique for Strathmere. They plan to maintain as much of the trees as possible. The septic wall will be no higher than 4 ft. The retaining wall in the back will be no higher than 2 ft. The new house will be built in the same footprint as the existing house. The living area will remain the same, but the deck area will be reduced slightly. The proposed roof is flat and has a 36" high rail. Three parking spaces are being proposed. An 18' curb cut is proposed. This is the first application the board has heard using the newly adopted ordinance. There was no public comment. He finds the variances can be granted without detriment to the zoning plan or zoning ordinance. He finds the character of Strathmere will be maintained with this design.

MS. MITCHELL – She concurs.

MS. PETROZZA – She concurs. She feels the variances can be granted using special reasons c and i.

MR. UNSWORTH – He concurs.

MR. TRULLI – He concurs.

MR. MASHURA – He has nothing to add.

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

2. BRIAN AND JOANN DAY – BLOCK 575 LOT 31 – BA 12-2020

Applicants are requesting a use variance to allow an existing house to remain on the property during construction of a new house at 1021 Route US 9 South in Marmora.

Brian Day, 430 South Shore Road, Marmora, was sworn. He is asking for a variance to keep the existing house on the lot until his modular house is done. Both houses will not be occupied at the same time. The existing house is a rental and the tenant has lived there 22 years. He agrees that 90 days will be sufficient time demolish the existing house after receiving a temporary certificate of occupancy.

There was discussion concerning a complaint made recently to the zoning office. The complaint included the cars for sale on the property, a shed and portable structures in the front yard and the grading. Mr. Day explained the sheds were moved to the front yard to make room for the new septic. He agreed to remove the sheds. The height of the pole barn structure currently under construction was also discussed. If the height shown on

the As Built Survey exceeds the permitted height for accessory garage the applicant will have to return to the board for a variance.

The meeting was open to the public.

Dixie Sattazahn, 26 Seasound Avenue, Marmora, was sworn. She has concerns about the elevation of the new house since the applicants land is being built up higher than hers. She is afraid of flooding. Mr. Dietrich explained that he inspected the property along with the zoning officer and he found there is an established vegetated buffer between the property lines and the elevation there is at natural grade. He does not believe the elevation will be an issue but he will do another inspection before a TCO is issued to confirm the grade is satisfactory. She is opposed to granting the application.

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

MR. SHAWL – Brian and Joann Day are the owners of 1021 Route US 9 South in Marmora also known as Block 575 Lot 31. The applicant purchased the lot with an existing dwelling on it. The applicants propose to build their home on this property about 600 ft. behind the existing dwelling. A tenant has occupied the existing house for 22 years. The tenant will be vacating the existing house and this house will be demolished within 90 days from the issuance of a TCO for the new modular home. The accessory structures will also be taken down. The applicant has testified that he has done clearing and has planted 6 ft. high leland cypress along the property line. The existing violations on the property will be abated. A neighbor expressed concerns with runoff on her property. The new dwelling will be built within 6 to 8 weeks. The lot is 5.424 acres and approximately 1,422 ft. deep. The new house does not interfere with the light, air and open space. He finds there will be no detriment to the public good and no detriment to the zoning plan or ordinance. The applicant represented himself.

MS. MITCHELL – She concurs. She commended the applicant for adding additional trees that were not required.

MS. PETROZZA – She concurs.

MR. UNSWORTH – He concurs.

MR. TRULLI – He is in favor of the application.

MR. MASHURA – He has nothing to add.

A motion to grant the application with the standard conditions and that the accessory structures and the existing dwelling will be removed from the property within 90 days of receiving a temporary certificate of occupancy, was made by Mr. Unsworth and seconded by Mr. Shawl. In favor: Mashura, Mitchell, Petrozza, Shawl, Trulli, Unsworth and Casaccio.

RESOLUTIONS

1. JASON AND STACEY LERA – BLOCK 453 LOT 248.06 – BA 11-2020

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

2. NOEL MCCREESH – BLOCK 723 LOT 61.11 – BA 10-2020

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

INVOICES

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

ADJOURNMENT

The meeting was adjourned at 8:57 p.m.

Submitted by,

Shelley Lea
Secretary