

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT SPECIAL MEETING MINUTES SEPTEMBER 30, 2020

A special 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 7:00 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Sherrie Lisa Galderisi, Richard Mashura, Mark Pancoast, Karen Mitchell, Lynn Petrozza, Andrew Shawl, Larry Trulli, Matthew Unsworth, Paul Casaccio.

Absent: 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 SEPTEMBER 10, 2020 MEETING MINUTES

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

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

APPLICATIONS

1. 71 ROUTE 50, LLC – BLOCK 561 LOT 36 – BA 17-2020

Applicant is requesting 3 one-year extensions of approvals granted to construct a pole barn at 71 Route 50 in Seaville.

Brian Heun, Esquire, represented the applicant. On March 10, 2016, the applicant received a use variance to allow two principal structures on an undersized lot and site plan waiver to construct a 1,200 sq ft storage building. The structure would be used to store tools, equipment, materials and motor vehicles that are used for a secondary business owned by Paul Rixon, principal of the LLC. The property is in the TC zone. The new structure would meet all the setback requirements as shown in Resolution BA 27-15.

He explained that 3 one-year extensions are requested. The extensions would be valid until March 2021. Mr. Rixon is ready to proceed with construction of the new building. There have been no changes to the zoning or the approved plan.

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

MR. UNSWORTH – The applicant was before the zoning board on February 11, 2016 to request a use variance and site plan waiver to construct a storage building. There have been no changes to the ordinance or the plan. He finds the extensions can be granted for the same reasons the variances were granted previously.

MR. SHAWL – He concurs.

MS. PETROZZA – She concurs.

MR. MASHURA – He concurs.

MRS. GALDERISI – She concurs.

MR. TRULLI – He concurs.

MR. PANCOAST – Nothing to add.

A motion to grant the extensions was made by Mrs. Galderisi and seconded by Ms. Petrozza. In favor: Galderisi, Mashura, Petrozza, Shawl, Trulli, Unsworth, Casaccio.

2. MCKELVEY PROPERTY SOLUTIONS LLC – BLOCK 568 LOT 14.01 – BA 14-2020

Applicant is requesting a variance for maximum building coverage, 8% permitted, 9% proposed, to construct a single-family dwelling at 1257 Stagecoach Road in Seaville.

Craig Knaup, Esquire, represented the applicant. He explained the applicant proposes to construct a 2,200 sq ft one story, single family dwelling on the lot. The house would conform to the standards in the R2 zone except they are proposing 9% building coverage where 8% is permitted.

James E. Chadwick, Architect, and Dennis McKelvey, 30 Church Road, Marmora, were sworn.

Mr. Chadwick testified the property is currently vacant and was part of a two-lot minor subdivision. The lot has been cleared of all vegetation. The applicant found out about a revegetation requirement while in the process of purchasing the property. The applicant has submitted a revegetation plan for this lot that satisfies the township engineer and the zoning officer. The applicant wants to construct a one-story residence with 3 bedrooms and 2 1/2 baths. The proposed dwelling is slightly over the allowable building coverage as it relates to the principal structure. The applicants would like an attached garage and not a detached garage which increases the footprint of the principal structure. The habitable floor area is just less than 2,200 sq ft. The 390 sq ft covered patio at the rear of the structure creates the overage in principal building coverage. If the applicant were to construct a two-story house it could be 6,400 sq ft. He testified the covered patio will provide protection from the UV rays.

Mr. Chadwick testified the ordinance allows 4% of accessory structure. A total of 12% building coverage is permitted between the house and accessory structure. The increase in building coverage is not seen by the public. The public would only see an attractive single-story residence. He feels the structure will fit nicely with the neighborhood. The proposed revegetation buffer is shown on the plan that he prepared, dated 7-20-2020. He finds the proposed vegetation and single-family dwelling and a 1% increase in building coverage creates an aesthetic improvement to the neighborhood and a desirable environment. In his opinion the proposed structure will not substantially impair the intent and purpose of the zoning ordinance and will not be a substantial detriment to the public good. The dwelling meets the setback, height, and impervious standards. Modifying the roof over the patio to meet the building coverage would create an ugly building since this will be a very symmetrical balanced building. He believe this is the best aesthetic alternative.

Mr. Dietrich confirmed the proposed vegetation is adequate although he recommends this be a condition if approved.

Mr. Chadwick agreed to reduce the accessory coverage to 3% permitted as a condition of approval. The well and septic permits are in place.

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

MR. UNSWORTH – McKelvey Property Solutions LLC is the owner of 1257 Stagecoach Road. They are requesting a variance for building coverage, 8% permitted, 9% proposed, to construct a 3,599 sq ft single family dwelling. Mr. Chadwick has testified the proposed structure is one story and could have more habitable space if it were a two-story structure. The overage is created by a covered patio in the rear which is open space. The applicant has agreed to limit the accessory coverage to 3% where 4% is allowed. The applicant has well and septic approvals in place. A revegetation plan has been approved by the board engineer and will be made a condition of any approval. He finds the structure is attractive and will enhance the neighborhood.

MRS. GALDERISI – Nothing to add.

MR. MASHURA – Nothing to add.

MS. PETROZZA – There was no public comment. She finds the requested variance will not impair the intent and purpose of the zoning plan or zoning ordinance and there is no detriment to the public good.

MR. SHAWL – The architect testified the window in the gable end over the door is an attic window. This will be a one-story home. He finds there is no detriment to the public good or the zoning plan.

MR. PANCOAST – Nothing to add.

MR. TRULLI – Nothing to add.

MR. CASACCIO – Nothing to add.

A motion to grant the application with the condition the vegetated buffer is planted in a timely manner and the accessory coverage is reduced to 3% was made by Mrs. Galderisi and seconded by Mr. Trulli. In favor: Galderisi, Mashura, Petrozza, Shawl, Trulli, Unsworth, Casaccio.

3. HENRY AND GRACE STEENLAND – BLOCK 851 LOT 15 – BA 15-2020

Applicants are requesting variances for side yard setback, building coverage and impervious coverage to construct an elevator at 25 E. Willard Avenue in Strathmere.

Steven Fabietti, Esquire, represented the applicants. Henry “Pete” Steenland, 25 E. Willard Avenue, Strathmere, was sworn.

Mr. Fabietti stated the property is in the RR zone and requires a 6’ side yard setback. The applicant is proposing a 3’ setback. An 11-page architectural plan, by QMA Architects, dated 7-9-2020, was submitted along with the application.

Mr. Steenland testified he purchased the property in 1980 and constructed his home in 2001. He has considered adding an elevator for some time now to access the upstairs bedroom. He feels this is the best location for the elevator. The elevator will be 5’ to 6’ from the neighbor’s house. He spoke to the neighbor about this and they have no issue with the distance. The mechanical equipment will be in the garage and the new air conditioning units will be hung and will not be in the setback.

Mr. Fabietti stated the building coverage will increase slightly to 28.9% from 28.5%. The impervious coverage will be reduced to 53.86% where 53.91% exists.

Mr. Dietrich stated the variance for impervious coverage should be listed as a new variance since the survey that was submitted shows the impervious as 18.4% existing and 25.6% proposed. He also recommends down spouts as required in the new ordinance for stormwater runoff. Mr. Steenland testified there are down spouts, and he will make an appointment with Mr. Dietrich to have him look at the existing drainage.

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

MR. UNSWORTH – Mr. Steenland is the owner of 5 E. Willard Avenue. He is asking for a side yard setback variance to install an elevator which will reduce the setback to 3’. There is a slight increase in building coverage because of the elevator. The existing impervious coverage is being reduced slightly. The board engineer has indicated there is a paved driveway that was not included on the plan. The board engineer will inspect the gutters and how the driveway drains. This is the best location for the elevator since it provides access to all levels. The applicant has spoken to the neighbor about the proposed setback and they are in favor. There was no public comment. The existing stairs will be relocated to the opposite side of the house. The elevator and tower are

aesthetically pleasing and enhance the use and appearance of the home. There would be no negative impact on the neighborhood.

MRS. GALDERISI – She concurs.

MR. MASHURA – She concurs.

MS. PETROZZA – She concurs.

MR. SHAWL – The board has heard testimony from the owner that the size of the elevator is a standard size. The proposed elevator will provide additional safety to the owners by providing a means of egress while protecting the light, air, and open space. The exterior design of the elevator shaft promotes a desirable visual environment. The requested relief will not adversely affect the character of the neighbor or the purpose of zoning or the public health.

MR. TRULLI – Nothing to add.

MR. PANCOAST – Nothing to add.

A motion was made by Mr. Unsworth and seconded by Mrs. Galderisi to grant the application with the condition that applicant meet with the township engineer on site to inspect the drainage. In favor: Galderisi, Mashura, Petrozza, Shawl, Trulli, Unsworth, Casaccio.

4. SUZANNE HAAS – BLOCK 549 LOT 160 – BA 16-2020

Applicant is requesting variances for front yard setback and pre-existing lot area, to construct an addition to a single-family dwelling at 12 McDonald Drive in Seaville.

Suzanne Haas, 12 McDonald Drive, Seaville, was sworn. She is combining households and would like to add a master bedroom. Since she is currently working from home, she intends to convert one of the existing bedrooms into a home office.

David DeLosso, 109 Mechanic Street, Cape May Court House, and Louis J. DeLosso, Professional Planner with The Design Collaborative, were sworn.

Louis DeLosso testified the applicant is proposing a 289 sq ft addition to her single-family dwelling. The addition would be in the front of the house requiring a 29' 21/2" front yard setback. This is an undersized lot, and the front yard setback can be 38'7", which is even with the adjoining property. The structure complies with the other setback and coverage requirements. He stated the plans that he prepared, dated 8-20-2020 show a future accessory structure in the rear of the property. The coverage for this garage and the existing shed has been added in the coverage calculations as well as the driveway to the garage. The existing house is 1,850 sq ft which he feels is a modest home. He stated this is the best location for the addition because of the interior configuration and since the applicant prefers to have a first-floor master bedroom.

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

MR. SHAWL – Suzanne Haas is the owner of 12 McDonald Drive in Seaville, also known as Block 549 Lot 160. The existing lot size is non-conforming. The applicant proposes to construct a one-story addition on the front of her home that would require a front yard setback. The applicant is combining households and has a need for a master bedroom on the first floor. The applicant is working from home and will convert one bedroom into an office. This is the best location for the addition due to the lot width restrictions, location of the house and interior design. The plan also shows a future 864 sq ft detached one story garage. The coverage calculations including the existing shed and future garage are shown on the plan. The applicant's architect described the addition and calculations. There was no public comment. He finds the proposed layout of the house is consistent with the neighborhood and would be a positive impact on the character of the neighborhood.

MS. PETROZZA – She concurs.

MR. MASHURA – In addition to the bedroom addition there is also a new front porch.

MRS. GALDERISI – She concurs.

MR. TRULLI – He concurs.

MR. CASACCIO – The future garage must conform to the zoning requirements.

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

RESOLUTIONS

1. ERIC AND TERI WEEKS – BLOCK 837 LOT 8 – BA 13-2020

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

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

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

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Shawl, seconded by Mr. Unsworth, and approved. The meeting was adjourned at 8:02 p.m.

Submitted by,

Shelley Lea
Secretary