

# **UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES FEBRUARY 11, 2021**

The regular meeting of the Upper Township Zoning Board of Adjustment was held as a virtual meeting. The meeting was called to order at 6:30 p.m.

## **SUNSHINE ANNOUNCEMENT**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

Present: James Burger, Sherrie Lisa Galderisi, Richard Mashura, Karen Mitchell, Mark Pancoast, Christopher Phifer, Andrew Shawl, Larry Trulli, Acting Chairman Matthew Unsworth.

Absent: Lynn Petrozza and Paul Casaccio.

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

## **APPROVAL OF THE JANUARY 14, 2021 MEETING MINUTES**

Minutes were approved.

## **APPLICATIONS**

### **STRATHMERE MOTEL INC – BLOCK 834 LOT 1 – BA 09-2020**

Continuation of an application for preliminary and final site plan approval, a use variance for the expansion of a non-conforming use in the RC zone, a D6 variance for the height of the proposed structure and possible bulk variances to construct a 15-unit hotel at 513 Commonwealth Avenue in Strathmere.

Vice Chairman Unsworth opened the meeting to the public within 200 ft.

Betty Coombs, 6 E Sumner Ave, was sworn. Mrs. Coombs read from a transcript indicating that she and her husband Jim live next door to the proposed motel. They are the closest residence to the motel. They have owned their home since 2008. A visual was provided showing the proximity of their home to the proposed patio area and septic. They oppose the application. They feel the construction of this motel will destroy the fragile land underneath that is not seen. She is offended by the term sacrifice being used by the applicant's professionals. Her concerns include safety, parking, congestion, and runoff due to more parking and sprinkler system for the landscaping. She stated the proposed septic runs the entire length of their property and approximately 5' from their property line. She is also concerned about the height of the septic wall, the smell of the

septic every time it is pumped, noise from the guests, air circulation and loss of sun. She feels the motel will be a detriment to the quality of life.

Janice Oliver, 1 E Sumner Avenue, was sworn. She testified she lives across the street from the motels parking lot and this is her year-round residence. She finds that granting the variances would have many negative environmental impacts. She feels the proposed building which is much higher than the townships newly amended ordinance will impact air flow and sunlight. She has concerns about signage, increased water runoff, additional vehicle traffic and parking. She asked the board to deny this application.

Lenora Hagan, 1 W Sumner Avenue, was sworn. She is opposed to the application and agrees with the concerns of her neighbors. Her concerns include safety, distractive drivers, rescue vehicles and views. She believes the owner should be made to keep the quaintness and charm of the structure like the Deauville and Twisties have done.

Heidi Deger, 1 W Sherman Avenue, was sworn. Her property is across from the motel. She agrees with the concerns addressed by her neighbors. She asked the board to enforce the ordinances.

Bill Deger, 1 W Sherman Avenue, was sworn. His property is across from the motel. He feels the change will destroy Strathmere. He compared the proposed hotel with the Reeds at Shelter Haven in Stone Harbor. He feels if approved Strathmere will be less safe and overcrowded. He purchased his property in 2019. He stated that if the motel is permitted their ocean view will be replaced with shadows, beeping horns, slamming doors, parking problems, light pollution, noise and garbage and septic odors. He objects.

David Ferguson, 10 E Tecumseh Ave, was sworn. He owns property within 200' of the proposed motel. His parents began coming to Strathmere in 1930. His parents and brother also own properties in Strathmere. Since purchasing his property in the 1960's Strathmere has exploded in population and density. He stated the motel is a nonconforming use in the RC zone. He has never seen a nonconforming use allowed to double or triples the use. He feels the property should be brought into compliance with the zoning ordinance and Master Plan. He feels granting the variances is considered spot zoning. He stated there have been no special reasons given for granting the variances. He asked the board to deny the application.

Darryl Cilli, 5 E Sherman Avenue, was sworn. He lives behind the motel. He owns three properties in Strathmere and spends the summer in Strathmere with his family. He agrees with his neighbor's comments. He stated the former motel is in disrepair and he would like to see two residential homes built there. His concerns are that the variances could be granted strictly for profit, the scale of the building is too large, and the lighting is overkill. Granting a use variance would create a large parking problem. He stated the proposed units are larger than any hotel in the area and the rooms are more like condos and would generate a lot of cars. He is concerned about the septic and that the building is not in keeping with the aesthetic character of Strathmere. He believes granting this

application will set a precedent. He asked the board to uphold the zoning codes and deny the application.

Patricia Erickson, 6 E Tecumseh Avenue, was sworn. She is concerned about septic, garbage, and the environment. She believes the proposed motel is not appropriate for a small town. Her parents built their home in 1960. She is opposed to the application.

Rex Schutte, 18 E Sumner Avenue, was sworn. He agrees with the comments given. He objects to the application.

Dru Schutte, 18 E Sumner Avenue, was sworn. She stated that Strathmere does not compare with Atlantic City, Brigantine or Tuckahoe. She feels this would be an eyesore among the dunes. She fears the building would block airflow. Her concerns include litter, noise, water, septic, parking, and lighting that will illuminate their house.

Paul Kiessling, 16 E Tecumseh Avenue, was sworn. He has lived here 21 years. He testified the applicant ignores that motels are not permitted in Strathmere. His concerns are increased noise, light, septic, outdoor shower facilities and obstruction of views. He feels this would be a detriment to the public good. He reviewed the testimony regarding septic's.

Margret Kiessling, 16 E Tecumseh Avenue, was sworn. She agrees with the public testimony that has been given. She hopes the board upholds the ordinance that was recently passed.

Robert Castner, 9 Sherman Avenue, was sworn. He testified that his grandfather bought this property in 1948. He read a poem into the record that his grandfather had written about Strathmere in 1983. He strongly opposes the application because of noise, garbage and that people will be able to look down into his outside shower. The construction of this hotel would destroy their way of life.

Stella Castner, 9 Sherman Avenue, was sworn. She agrees with the public testimony that has been given. She testified there will be different strangers every week.

Jill Haslam, 21 E Sherman Avenue, was sworn. She is one of the owners of this property. Her family has owned this property since 1953. She is opposed to the application and agrees with the comments given. She is concerned about garbage, septic, parking overflow, transients, increase in noise, privacy, and safety.

Jane Moffett, 21 E Sherman Avenue, was sworn. She is opposed to the application. She has been coming to Strathmere since 1953. She agrees with the public testimony given. She asked that the board honor the zoning ordinance.

Donna Martello, 14 E Sumner Avenue, was sworn. She testified that she would live in the shadow of the hotel. She asked the board to uphold the zoning ordinance. She feels the proposed motel is out of character.

Mark Bateman, 14 E Tecumseh Avenue, was sworn. He has owned this property for 23 years and has been a year-round resident since 2015. He is opposed to the application for the construction of a new hotel. He believes the size and use are out of scale. He is concerned about the large size of the suites, parking and septic. He testified that the township and a paid planner worked for over two years to create a plan that would respect the unique nature of this barrier island. The township planner indicated the master plan could be the guide for architects and designers to develop building plans consistent with the master plan. Since the motel existed when the plan was approved even though it was not operating as a motel for 2 years there is no question it was a conscious decision to exclude hotels from being built and operated in Strathmere. During the two years there was no opposition to the plan. He requests the application be denied.

Donna Martello, 14 E Sumner Avenue, was sworn. She concurs with the testimony given. She owns a cottage less than 800 sf slightly larger than the proposed units. She testified that she would live in the shadow of the hotel. She asked the board to uphold the zoning ordinance. She feels the proposed motel is out of character of her block. She stated the sunsets, nice skies and quality of life could be extinct.

Richard Bond, 507 S Bayview Drive, was sworn. He lives within 200 feet of the structure. He is opposed to the application. He agrees with the public comment given. He is concerned about limited parking that will impact congestion and safety. The larger units mean more people. He stated that Mayor Palombo and Committeeman Corson have seen how daunting it is to get an emergency vehicle down a packed street. He is concerned about safety and discussed a photo showing a fire truck trying to get through a street with vehicles parked on both sides. The township hired a parking consultant since they understand the dangers. He stated the consultant hired to create the new zoning ordinances is the same one that prepared the report for this application.

Marylynn Bond, 507 S Bayview Drive, was sworn. She started coming to Strathmere in the 1960's and met her husband in Strathmere in 1980. Her sister, aunt and mother live in Strathmere. She asked the board to protect Strathmere from out of scale development.

John Parker, 22 E Sherman Avenue, was sworn. He lives in a two-story cottage that would be dwarfed by the proposed structure. He agrees with his neighbors that have spoken in opposition tonight. For 16 years he has enjoyed his summers here living so close to the small old motel. He testified the 700 sq ft units could triple transient traffic, parking, sewage, trash, and noise in Strathmere. The motel would damage the Environmental health and peace and quit. He testified this flies in the face of the spirit and intent of the new zoning ordinance and master plan. He feels this is not appropriate and does not conform with the spirit or intent of the zoning ordinance and master plan. He asked the board to deny the application.

Marsha Parker, 22 E Sherman Avenue, was sworn. She agrees with the testimony given by her husband and others regarding the dangers of this scaled hotel. She asked the board to uphold the Upper Township master plan.

There was a 10-minute break at this time.

Craig Rife, 22 E Sherman Avenue, was sworn. He agrees the proposed structure is unusual and oversized. He feels that granting the variance would destroy the charm and tranquility of Strathmere. He stated the applicant would benefit from the profit with no benefit to the community.

Tom Rossi, 605 Commonwealth Avenue, was sworn. He opposes the project since it will have a negative impact on the town. He is fine with the motel the way it exists. He was a member of the subcommittee that was formed since the sizes of the houses in Strathmere were growing. The changes made to the ordinance were minor. He referenced section 20-4.5 in the ordinance which states the purposes in the RC zoning district. The RC zone was amended to allow single family homes. The applicant knew he purchased a nonconforming use. The problem is the massive size and impact the proposed hotel would have on Strathmere. He stated the rules do not work since the project does not work. This is a postage stamp size property that should be appropriately treated. He feels that 15 units is inappropriate and asked the board to deny the application.

Mr. Shawl discussed construction in Strathmere. He asked about the seasonal mobile home park located on Commonwealth Avenue on a similar size property. Mr. Rossi stated the trailer park is one block south of his property and it is an unusual compliment to the town. He hopes it stays there forever. The trailer park is different since it has an open space that can be used for parking. The sites have one parking space and there is additional parking along Commonwealth Avenue. He is concerned the owner of the trailer park might ask to replace it with a hotel. He stated the campers are not transients and a camper does not compare to a 40 ft high building.

Al Clark, 5 E Randolph Avenue, was sworn. He is a year-round resident and lives within 200' of the motel. He lives adjacent to the campground and testified there is a huge difference between the campground and what is being proposed. His family has an 80-year association with Strathmere. He stated that Strathmere was going to be protected by an ordinance created in May 2020. He requests the board uphold the ordinance and deny this nonconforming structure. He opposes the application and agrees with his neighbors.

Kelly Dwight, 100 W Sherman Avenue, was sworn. She opposes the application.

Marla Brown, 10 E Randolph Avenue, was sworn. She moved to Strathmere in 2020. The design and height of the hotel do not fit in with the landscape. She is concerned about traffic and parking. She opposes the application and supports her neighbors.

Paul Riley, 6 W Sumner Avenue, was sworn. This property has been in their family since 1944. They cherish the small-town feel. He agrees with the comments by his neighbors and is opposes the application.

Brandy Riley, 6 W Sumner Avenue, was sworn. She objects to the application and agrees with the public comments.

James McNulty, 201 W Tecumseh Avenue, was sworn. He is opposed to the application and agrees with comments from his neighbors. He has general safety concerns that involve parking, bicycles, and emergency vehicles.

Kathleen McNulty, 201 W Tecumseh Avenue, was sworn. She concurs with the comments made so far.

Aaron Baum, 401 S Commonwealth Avenue, was sworn. He agrees with the testimony given by his neighbors. He is concerned about the environmental impacts that would be caused by this hotel, specifically septic odor and problems with failures and malfunctions. Other concerns are increased traffic and parking that would increase the danger to pedestrians' and children on their bikes and skateboards, light pollution, noise pollution, and odor. The hotel does not fit in the town especially with the newly approved zoning ordinances. He asked the board to deny the application.

Marykay Geib, 401 S Commonwealth Avenue, was sworn. She concurs with her neighbors. She does not feel the application should be approved during a pandemic.

Frank Seidel, 5 W Sumner Avenue, was sworn. He purchased his property in June of 2020. He is opposed to the application. The proposed hotel is out of character. He discussed the proposed septic system.

Ilze Seidel, 5 W Sumner Avenue, was sworn. She opposes the application and agrees with the testimony given by her husband and neighbors.

Patty Baeckstrom, 7 W Sumner Avenue, was sworn. She feels the proposed motel is out of scale with the character of Strathmere and will have a negative impact. She asked the board to uphold the zoning laws recently passed.

Chris Baeckstrom, 7 W Sumner Avenue, was sworn. He testified he purchased his property last year. He is against the motel application.

Robert Montgomery, 1 W Randolph Avenue, was sworn. His parents built this house 19 years ago. He is drawn to the low density in Strathmere. The proposed hotel is out of character with the rest of the town. He stated the trailers in the trailer park are low and they can still see the marsh. This is a giant monstrosity being plopped in the middle of town and will stick out like a soar thumb. He is opposed to the application.

Kimberly Montgomery, 1 W Randolph Avenue, was sworn. She is opposed to the application.

Ed Tettemer, 30 E Sherman Avenue, were sworn. He owns two properties in Strathmere, 26 E Sherman and 30 E Sherman Avenue. He has lived here for 20 years and is a year-round resident. He is within 200' of the subject property. He opposes the application before the board. He stated there are alternatives for the applicant that would comply with the zoning law. He asked the board to deny the application. He testified that the street can't handle the current water runoff.

Lynn Tettemer, 30 E Sherman Avenue, was sworn. She and her husband own 26 E Sherman and 30 E Sherman. She is opposed to the application. Their home used to be on the highest ground on this block which protected them during Sandy and Jonas. The sites around them have been built up to allow for construction and they are now getting water in their garage. The ground water is higher than it has ever been in Strathmere and that is why they need their systems pumped more often. She fears what a hotel with 15 units and an office will do if allowed to break the current building laws. She asked the board to vote no and send the message that this irresponsible development is not acceptable.

Linda Bateman, 14 E Tecumseh Road, was sworn. She is the President of the Strathmere Improvement Association. She stated that Ocean Beach Trailer Park has 95 trailers, and each trailer has two parking spaces. They are single story and have strict occupancy rules and there are only three houses nearby. Unlike the proposed transient hotel, the trailer park residence stays from May until October and become part of the community. The largest group of people volunteering to clean up the beach in the fall were from the trailer park. They are top sellers in any of the fundraising, they support the library and its programs, and one is an officer in the fishing club. The applicant's professionals have compared the area to the Marmora town center which she finds misleading. The RC district allows small retail and service establishments and not hotels, but the town center does allow for hotels. Ms. Morrissey was paid to work on developing the town center and to prepare for development at the BL England plant. Now the zoning board is expected to grant a use variance for a totally unsuitable location while the township and the Upper Township Business Association are working to recruit businesses and develop the two areas that are appropriately zoned for hotels, stores, and restaurants at the BL England site. Developers in the town centers must construct a sewage treatment plant to support the building. The proposed hotel septic is far from what would be required on the mainland. She is concerned about the trees and the wildlife. The SIA feels that replacing the existing trees with Japanese maples is unsuitable and cannot be sustained with the salt and the wind and will not hold soil the way the pines do. The SIA is committed to preserve the environment and quality of life. The striving eco system cannot be balanced with the out of scale development proposed. They work to uphold the revised zoning ordinances that reaffirm the RC zone which does not permit hotels but does permit single family homes. The 2006 master plan recognizes this was an issue. Mr. Maloney is out of

step with the vision and values of this community. She urged the board to keep out of scale development at bay to preserve the town.

The meeting was open to those outside of 200 feet.

Keith Shaw, 29 E Sherman Avenue, was sworn. He is concerned this massive hotel will alter Strathmere forever and will create parking nightmares. Traffic and parking are already a problem on Sherman Avenue. Strathmere is unique and he supports whatever is needed to keep it this way.

Janice Connell, 1808 S Commonwealth Avenue, was sworn. She is the Vice President of the Strathmere Improvement Association. She served two years on the planning board subcommittee revising the zoning ordinance for the RR and RC zones. She is completely opposed to this application as it flies in the face of the Upper Township Master Plan's envision for Strathmere and will negatively impact the quality of life in ways that are irrefutable. The UT planning board charged the subcommittee to revise an ordinance for the RR and RC zones to support the townships well documented and fully endorsed goal of maintaining the existing residential character and the scaled established residential neighborhoods in Strathmere. The planning board used recently built huge homes that were out of scale as examples of what the township and Strathmere residents clearly did not want. The applicant is using these huge homes as justification for a nonpermitted huge hotel in a residential neighborhood. The revised building ordinance was purposefully changed to permit single family homes in the RC zone. The prohibition of hotels remained. The maximum building height was not lowered but the loopholes that allowed cupulas and other rooftop structures was amended. There are two habitable floors permitted in the RC zone and the hotel has proposed four floors. This ordinance was to promote growth and development that would be in the best interest of Strathmere and not for the purpose of maximizing the profit for any one individual or entity. The township has not provided the infrastructure to support a tourism industry. There is no police force or mercantile license or occupancy tax or municipal sewer. There are no businesses that would rely on the hotel clientele for survival. The hotel would be an instrument of destruction to the preservation of and respect for the natural habitat and the wildlife that depends on it for survival. For these reasons this prohibited use would not be well suited for this location. The applicant did not demonstrate that the variances could be granted without substantial harm to the public good. The applicant did not demonstrate the hotel would not substantially impair the intent and purpose of the master plan and zoning ordinance but proved the opposite. The current master plan and revised zoning ordinance are clear that Strathmere should remain residential to maintain the existing character and in scale with the surrounding properties and encroachment of noncompatible uses in established residential areas must be limited. For these reasons she feels the application should be denied.

Mr. Shawl stated that in Ms. Connell's testimony she stated prohibited use. He stated it is not prohibited but not a permitted use and requires a use variance. He stated there are areas in Strathmere where there are more than two habitable floors. There are various



locations with elevators on the roof, roof decks and access that have come to this board. He discussed the property where the fishing cottages were converted to duplexes. He stated the SIA opposed this application, but he feels it came out ok.

Ms. Connell clarified that the ordinance clearly states two habitable stories are permitted in the RC zone. In the RR zone they implemented an FAR to eliminate the 3 and 4 stories they were seeing. She is not prepared to discuss the cottages that were converted. The highest and best use mentioned by Mr. Shawl is not a zoning goal but a tax assessment goal.

Mr. King stated that Ms. Connell's testimony is that the proposal violates the recent revisions to the master plan, but he has not heard anyone testify exactly what was discussed during the subcommittee meetings about hotels. He stated hotels were not discussed at all during the revision but limiting the height of residential structures and permitting residential structures with limitations. The hotel is smaller than a residence that could be built on the lot. Ms. Connell testified there was little or no discussion about hotels in the RC zone since they are not permitted. She does not know why hotels are not permitted in the RC zone.

Mrs. Bateman testified the SIA did not oppose the cottages referred to by Mr. Shawl.

Mr. Unsworth stated there will be no further public comment given tonight. The next zoning board meeting is scheduled for March 11, 2011 at 6:30 p.m.

### **INVOICES**

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

### **ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Trulli, seconded by Mrs. Galderisi, and approved. The meeting was adjourned at 9:55 p.m.

Submitted by,

Shelley Lea