

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

MARCH 24, 2021

A special 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 Galderisi, Richard Mashura, Karen Mitchell, Mark Pancoast, Christopher Phifer, Andrew Shawl, Larry Trulli, Paul Casaccio.

Absent: Lynn Petrozza, Matthew Unsworth.

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

SWEAR IN PAUL DIETRICH AND SHELLEY LEA

APPLICATIONS

1. CURTIS T. CORSON III AND CHELSEA CORSON – BLOCK 559 LOT 34 – BA 03-2021

Applicants are requesting a use variance for expansion of a non-conforming use to construct a pole barn in the TC zone and a height variance to exceed the 20' height limit at 3035 Route US 9 South in Seaville, New Jersey.

Curtis Corson and Chelsea Corson, 3035 Route US 9 South, Seaville, NJ, were sworn. He testified they want to put up a pole barn for working on tractors and parking his truck. This lot is almost one acre. He also owns the adjacent property which he farms. The house was built in the 1830's. There was a small garage on the property which they demolished while renovating the house. He is not sure how old the garage was. The proposed garage would be 21.5' tall where 20' is permitted. There are other pole barns in the area.

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

MR. SHAWL – The applicants are the owners of 3035 Route US 9 South in Seaville, New Jersey. They are asking to construct a pole barn on their property. The property is in the commercial zone, but it is used residentially. The commercial zone was

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established after the use on the property; therefore, the house preexists zoning. This is a farmhouse that was built in the 1930's that has been remodeled. An accessory structure was torn down to accommodate a modern septic on the property. The adjacent lot is also owned by the family and used for farming. The applicants propose to use the barn for farm vehicle maintenance and parking personal vehicles. There are other lots in the area that are similar in use and age. There is enough room on the lot to accommodate the pole barn. The character of the neighborhood will be positively affected by adding a new structure. The zoning plan would not be harmed by allowing the expansion of the preexisting use. There will be no detriment to the public good by allowing the extra 1 ½ ft. in height. There was no public comment. The applicants represented themselves.

MR. BURGER – Nothing to add.

MRS. GALDERISI – Nothing to add.

MR. MASHURA – Nothing to add.

MR. PHIFER – He concurs with Mr. Shawl.

MR. TRULLI – He agrees with Mr. Shawl.

MR. CASACCIO – He concurs.

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

2. STEPHEN AND CINDY GRIFFITH – BLOCK 16 LOT 5 – BA 05-2021

Applicants are requesting a front yard setback variance, 50' required, 35.62' proposed, to construct a screen room addition at 292 Marshallville Road in Marshallville, New Jersey.

Stephen Griffith, 292 Marshallville Road, Marshallville, NJ, was sworn. He testified that he is proposing to construct a 12' x 16' screen porch on the west side of the existing house. The lot is 35,000 sq. ft. This is a corner lot with frontage on Second Avenue and Marshallville Road. The addition would be inset from the front of the existing house. The minimum setback in the Center Residential zone is 50'. The existing setback on Second Avenue is 68' and the setback on Marshallville Road is 33.17'. The addition would not be as close to the road as the existing house. There is no visual impact. The only neighbor that could see the addition is the property owner across the street, however there is so much vegetation that it is not likely. The porch will only be screened and not enclosed. The addition is so they can enjoy the outdoors while keeping the bugs out. The proposed setback is 35.62' on Marshallville Road. There is no impact on traffic or site lines. The addition will blend in with the character of the neighborhood.

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

MR. SHAWL – Stephen Griffith is the owner of 292 Marshallville Road in the Tuckahoe section of Upper Township. He is requesting a front yard setback variance for a screen porch addition. The existing house is 33' from Marshallville Road and the addition is

further away at 35.62'. The purpose of the screen porch is to enhance the character and the usability of the house and outdoor space. The property is located near the Tuckahoe River. The proposed screen porch is 12' x 16'. The addition would be difficult to see from the surrounding homes because of the existing vegetation. There was no public comment. The applicant represented himself. He sees no detriment to the public good or the zone plan. This is a residential use in a residential zone.

MR. BURGER – Nothing to add.

MRS. GALDERISI – Nothing to add.

MR. MASHURA – Nothing to add.

MS. MITCHELL – Nothing to add.

MR. PANCOAST – Nothing to add.

MR. PHIFER – He concurs with Mr. Shawl.

MR. TRULLI – Nothing to add.

MR. CASACCIO – The addition will be comparable to the house and the surrounding area.

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

PUBLIC PORTION

RESOLUTIONS

1. CRAIG AND CAROL SCHULTHEIS – BLOCK 756 LOT 2 BA 20-2020

A motion to adopt the resolution was made by Mr. Shawl, seconded by Mr. Phifer, and approved.

2. AMY RIHL – BLOCK 868 LOT 1 – BA 01-2021

A motion to adopt the resolution was made by Mr. Shawl, seconded by Mr. Phifer, and approved.

INVOICES

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

DISCUSSION

Solicitor Barnes explained that Ralph and Deanna Holt recently filed an action against the Upper Township Zoning Board in the Civil Court indicating that the board has denied them the ability to expand their enterprise, causing them loss of wages over a 15-year period, stress, aggravation and anxiety on the family. As a result, they are seeking

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compensation of \$1,500,000.00. He is waiting to see if JIF will be helping with the defense. This matter will be discussed in closed session next month if needed.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Shawl, seconded by Ms. Mitchell, and approved. The meeting was adjourned at 7:04 p.m.

Submitted by,

Shelley Lea