

# **UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT**

## **MEETING MINUTES**

### **APRIL 1, 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 Galderisi, Richard Mashura, Mark Pancoast, Christopher Phifer, Andrew Shawl, Larry Trulli, Paul Casaccio.

Absent: Karen Mitchell, 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**

#### **APPLICATIONS**

##### **1. MICHAEL & LORI CAPITO – BLOCK 694 LOTS 1 & 2 – BA 04-2021**

Applicants are requesting variances for front yard setback and the number of onsite parking spaces to construct an addition to an existing single-family dwelling at 29 E Maple Shade Lane in Beesleys Point.

Michael Capito, 29 E Maple Shade Lane, Beesleys Point, NJ and Christopher Shustock, Registered Architect, were sworn.

Mr. Shustock testified the applicants have owned the property since 2002. They are the 3<sup>rd</sup> owners in the family to own the property. They have 3 school age children in a three-bedroom bungalow. They are proposing to add two bedrooms for a total of 2,100 sq. ft. The house would comply with the setback and coverage requirements. They are maintaining the maximum amount of light, air and open space. The house will conform with the neighborhood. The addition is functional as well as aesthetically pleasing.

Mr. Shustock testified the addition will have traditional details to match the original house constructed in 1952. This is a corner lot and front yard setback variances are being requested on Maple Shade Lane and the dirt road. There is an existing one car garage that is used for parking. He stated that since 1952 the residents have parked on the street

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and in the garage. The applicant is asking to continue the street parking. He agreed to file a deed of consolidation.

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

MR. SHAWL – Michael and Lori Capito are the owners of property located at 29 E Maple Shade Lane in Beesleys Point also known as Block 694 Lots 1 & 2. The applicants are proposing a significant addition to their home to accommodate their growing family. This is a non-conforming corner lot with two front yards. Christopher Shustock, Architect, provided testimony that the addition was designed to conform with the character of the existing home and the neighborhood. The existing and proposed use is residential. The lot size and septic location dictate the location of the addition. The design provides for light, air and open space. He finds that granting the variances would not have a detriment on the public good or substantially impair the intent of the ordinance or zoning plan. There was no public comment.

MR. BURGER – Nothing to add.

MRS. GALDERISI – She finds this will be a benefit to the family and not a detriment.

MR. MASHURA – Nothing to add.

MR PANCOAST – Nothing to add.

MR. PHIFER – He concurs with Mr. Shawl.

MR. TRULLI – He concurs with Mr. Shawl.

MR. CASACCIO – The applicant will file a deed of consolidation.

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

2. KEVIN SHERIDAN – BLOCK 756 LOT 3 – BA 06-2021

Applicant is requesting setback and coverage variances to construct an addition to a single-family dwelling at 2808 S Bayview Drive in Strathmere.

Kevin Sheridan, 22 Strawbridge Avenue, Westmont, NJ, and James Chadwick, Professional Engineer and Registered Architect, were sworn.

Mr. Chadwick testified the applicant has owned this property for several years. They appeared before this board in 2011 and were granted variances for an addition to the structure. The applicant proposes to increase the size of their living space. There are no bedrooms being added. They plan to expand the second floor so it's the same as the first floor. The property is in the Conservation zone. Most of the lots on this road are zoned Resort Residential. He discussed the roadway which is not improved. The front yard setback is only 9 ft from the Bayview right of way line and the Conservation zone requires a 200 ft setback. He discussed how the roof will be reconstructed over the entire residence. There is no increase in building coverage or impervious coverage. They will

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be 10' below the maximum building height. The proposed design provides light, air and open space. A rear yard setback is requested to allow 49' from the new roof above the second-floor deck to the property line and 11' to the bulkhead. The existing side yard setback on the south side is 10.42' where 50' is required and 9.75' on the north side. He stated that if the property were in the RR zone the front yard setback would be the only variance needed. This creates a hardship for the applicant. The requested variances are to secure the property from fire and flood. They are meeting the purposes of zoning by creating the second floor above the existing first floor and not expanding the footprint of the building. The house conforms to the neighborhood. This is a reasonable size structure on an undersized lot. He finds the lot is grossly undersized due to the zoning. He feels the application meets the positive criteria. He finds that relief can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zoning plan and zoning ordinance.

Mr. Dietrich advised that the planning board is considering changing the zoning of the three lots from Conservation to Resort Residential.

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

MR. SHAWL – Kevin Sheridan is the owner of 2808 S Bayview Drive in Strathmere also known as Block 756 Lot 3. The applicant is proposing a second-floor addition and roof modifications to an existing dwelling. Several variances are needed. The property is in the Conservation zone. The property is adjacent to the RR zoning district. If the property were zoned RR only one variance would be required. Paul Dietrich testified the planning board is looking to rezone this lot and two others on Bayview Drive. This design was chosen to maintain the character of the neighborhood. The height of the building is below what is permitted. He agrees with Mr. Chadwick that the variances can be granted without detriment to the zoning plan or public welfare. There is no change to the building coverage. The design and location provide sufficient light, air and open space. There is no concern about emergency vehicle access on this road. The size of the lot and its closeness to Whale Creek creates a hardship. There was no public comment.

MR. BUGER – Nothing to add.

MRS. GALDERISI – She concurs with Mr. Shawl.

MR. MASHURA – Nothing to add.

MR. PANCOAST – He agrees with Mr. Shawls findings.

MR. PHIFER – The planning board is considering changing the zoning on the south side of Bayview Drive to RR.

MR. TRULLIE – Nothing to add.

MR. CASACCIO – The testimony by Mr. Chadwick is incorporated as fact.

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

3. BRIAN AND JOANN DAY – BLOCK 575 LOT 31 – BA 07-2021

Applicants are requesting a variance to allow the height of an accessory structure to be 25' where 20' is permitted at 1021 Route US 9 South in Marmora.

Brian Day, 1021 Route US 9 South, Marmora, NJ and Matthew Hender, Professional Planner, were sworn.

Mr. Hender testified the property is approximately 5.4 acres. This is a long narrow property. The applicants were before the board in 2020 for a use variance to allow two homes on the property while they built their house and demolished a dilapidated rental house that existed on the property. Their new house sits back about 800' from Route 9. The lot is heavily wooded. The applicants received a construction permit in May of 2020 to build a 36' x 38' pole barn with a 12' lean to. The pole barn complies with all the required setbacks and coverage requirements. The height of the pole barn is 25' where the maximum height cannot exceed 20'. The height is due to the size of the building and the 12/6 roof pitch. To comply with the height requirement the roof would have to be much flatter and not as appealing architecturally. The garage cannot be seen from Route 9. Many mature trees remain on this property. The garage would not affect any neighbors on the south side since there is a lake on the adjacent property and then the county park. The applicant has planted a row of evergreen trees along the north property line to provide an additional buffer. He believes relief can be granted without substantial detriment to the zoning plan or zoning ordinance and would not negatively impair the neighborhood.

Ms. Lea explained there was an error on the zoning permit and the applicants used the roof height and not the roof pitch.

The meeting was open to the public. Hearing no response, the meeting 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 applicants are requesting a height variance for a pole barn that is 25' tall where 20' is permitted. Matthew Hender, Professional Planner with EDA testified the pole barn is located far from Route 9 and 94' from the applicants house, 107' from the north side property line and 30' from the south property line. The pole barn meets all the zoning requirements except for height. This is a large lot that is long and narrow. The applicants were before the board in 2020 to allow two homes on one lot during construction. The older home was demolished when the new home was done. The height makes the building more aesthetically appealing. There was testimony that the building cannot be seen from Route 9 or from the south side of the property. There is sufficient light, air and open space. The barn does not cast a shadow on adjacent lots. The applicant installed an evergreen buffer along the north property line. He finds that granting the variance would not have a

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negative effect on the public good and would not substantially impair the intent of the zoning plan or zoning ordinance. There was no public testimony.

MR. BURGER – Nothing to add.

MRS. GALDERISI – Nothing to add.

MR. MASHURA – He finds that additional trees were planted along the rear of Sea Sound Avenue to increase the buffer.

MR. PANCOAST – Nothing to add.

MR. PHIFER – Nothing to add.

MR. TRULLI – Nothing to add.

MR. CASACCIO – The applicants have demolished the old house near the road. The barn is located far from Route 9 and in a wooded area 107' from the closest house.

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

**PUBLIC PORTION**

**RESOLUTIONS**

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

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

2. CURTIS AND CHELSEA CORSON – BLOCK 559 LOT 34 – BA 03-21

A motion to adopt the resolution was made by Mr. Pancoast, seconded by Mr. Trulli, and approved.

3. 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.

**ADJOURNMENT**

Submitted by,

Shelley Lea