

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES JULY 8, 2021

The regular meeting of the Upper Township Zoning Board of Adjustment 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, and Joanne Herron, substitute Board Secretary.

APPROVAL OF MINUTES – June 10, 2021 Meeting Minutes.

Motion by Andrew Shawl, second by Richard Mashura, to approve the June 10, 2021 meeting minutes as submitted. During roll call vote, Mr. Burger, Mr. Phifer, Mr. Shawl, Mr. Trulli and Mr. Casaccio voted in the affirmative. Ms. Galderisi, Mr. Mashura and Mr. Pancoast abstained.

Engineer Paul Dietrich was sworn in.

APPLICATIONS

1. ROBERT RATOSKEY – BLOCK 735, LOT 3 – BA 02-2021

Applicant is requesting variances for lot area, lot frontage, lot width, and front and side yard setbacks to construct an addition to a single-family dwelling, and a variance from ordinance 18-5.2 A(2) Flood Plain Elevation, to not have to raise the dwelling to the current flood plain elevation at 103 Harbor Road in Beesley's Point.

Robert Ratoskey, 1201 Hollowell Street, Conshohocken, PA 19428, and John Batastini, Attorney for the Applicant, were sworn in.

In response to questions from Mr. Batastini, Mr. Ratoskey testified that the subject property, 103 Harbor Road, Block 735, Lot 3, is located in the R2 zone, and is deficient for the required minimum lot area, minimum lot width, and minimum lot frontage. The existing improvement, a two story house with an attached garage, is deficient for the minimum front and side yard setbacks, and is 3 inches below the 11 ft base flood elevation requirement. The proposed improvements include a 3rd floor addition, a room above the attached garage, and back decks for each floor. Mr. Ratoskey stated that the plans for the back decks have been revised. The back decks will be reduced by 2 feet to

conform with the side yard setbacks, and will be angled on the one side to avoid an interruption of the neighbor's line of site. Mr. Ratoskey submitted a modified plan for the decks, which was marked into the record as A-1.

Mr. Ratoskey stated that he is seeking relief under the C1 criteria. The property is significantly nonconforming in width and there is an existing house on the property. It would be a significant hardship to try to conform with front and side yard setbacks. He stated that with the exception of the decks, which have been revised to conform with the side yard setbacks, all other improvements will be made vertically on the existing footprint and will be in compliance with all current building codes, except for base flood elevation. Mr. Ratoskey stated that the house does currently sit three inches below the base flood elevation requirements, however the house did not sustain any flooding during hurricane Sandy, and raising the house 3 inches would constitute a hardship. He stated that the mechanicals for the house will all be relocated to above base flood elevation, and the electrical subpanel is already in compliance. Mr. Ratoskey stated that the planned renovations will provide greater curb appeal, will update the structure within the existing building codes, and complies with the Master Plan for a residential property in a residential zone.

The meeting was then opened to the public.

Dawn Doherty, 101 Harbor Rd, Beesley's Point, was sworn in. Mrs. Doherty stated that Mr. Ratoskey kindly spoke with her and her husband regarding the back decks, and then revised the plans so that it would not negatively impact their view. She inquired if all three back decks will have the same angle, and it was stated that all three decks will have the same footprint.

There were no other speakers, and the meeting returned to the board for finding of fact.

Mr. Shawl – Robert Ratoskey is the owner of property located at 103 Harbor Road in Beesley's Point, also known as Block 735, Lot 3. The applicant purchased the lot with existing nonconformities. The lot is an irregular sized lot, and is deficient in the required lot area, lot frontage, and lot width for the R2 zone. The property has an existing two story house which is nonconforming with front and side yard setbacks. The house was built in the 1960's and needs to be updated and rehabbed. The house is three inches below the Township's required base flood elevation of 11 ft. The applicant testified that the house did not sustain any flooding during Hurricane Sandy. The applicant has agreed to move all mechanicals out of the basement. The applicant is requesting C variances for flood height and the existing nonconforming setbacks. The project will include a third story addition, a room above the existing garage, and back decks. The house with the proposed third floor will be in compliance with the maximum 35 ft height restriction for R2 zone. Plans for the decks have been revised to meet the required 10 ft setback, and have been angled to preserve the neighbor's view. The neighbors were in attendance and provided testimony in support of the project.

Mr. Burger – Nothing to add.

Mrs. Galderisi – Nothing to add.

Mr. Mashura – Nothing to add.

Mr. Pancoast – Nothing to add.

Mr. Phifer – stated that he believes the application can be granted without any impairment

to the intent and purpose of the municipal zoning plan and ordinance.

Mr. Trulli – stated that it is nice when neighbor's come in and everyone works together.

Mr. Casaccio – Nothing to add.

A motion was made by Ms. Galderisi, second by Mr. Mashura, to grant the application as presented with the revised plans to the decks, the stipulation that all the mechanicals will be removed from the basement area and will be placed above flood elevation, and the standard conditions. During roll call vote, all Board members present voted in the affirmative.

2. GEORGE RILEY – BLOCK 479, LOT 101 – BA 08-2021

Applicant is requesting a front yard setback variance and maximum building coverage variance to allow for an addition in the front and rear of the existing single-family dwelling at 15 Harding Avenue, Beesley's Point.

George Riley, 106 Delmar Avenue, Cresskill, NJ 07626, was sworn in.

Mr. Riley testified that he is the owner of 15 Harding Avenue, Beesley's Point. He stated that his front steps are in disrepair, and in the course of replacing the steps would like to add a front porch. He is requesting a front yard setback variance in order to build a front porch. He is also requesting a maximum building coverage variance for the possible replacement of the existing back deck for an enclosed screened porch.

The meeting was then opened to the public. There were no speakers, and the meeting returned to the board for finding of fact.

Mr. Shawl – George Riley is the owner of property located at 15 Harding Avenue in Beesley's Point, also known as Block 479, Lot 101. The applicant would like to add a front porch and a possible screened in back porch and requires a variance to the front yard setback and maximum building coverage. There was no public comment. There is no negative criteria. The proposed improvements are consistent with the existing residential use of the property, and will not have a negative impact to the intent and purpose of the municipal zoning plan and ordinance.

Mr. Burger – Nothing to add.

Mrs. Galderisi – Nothing to add.

Mr. Mashura – Nothing to add.

Mr. Pancoast – Nothing to add.

Mr. Phiifer – Nothing to add.

Mr. Trulli – Nothing to add.

Mr. Casaccio – Nothing to add.

A motion was made by Ms. Galderisi, second by Andrew Shawl, to grant the application as presented with the standard conditions. During roll call vote, all Board members present voted in the affirmative.

3. DANIEL EICHHORN – BLOCK 588, LOT 24.02 – BA 13-2021 – This matter was tabled to the August 12, 2021 meeting.

4. **GLENN SHEELER – BLOCK 638, LOT 5 – BA 14-2021** – This matter was tabled to the August 12, 2020 meeting.

5. **BRIAN AND CAROL MCILHENNY – BLOCK 844, LOT 2 – BA 16-2021**

Applicants are requesting a variance for maximum building coverage, 27% permitted, 28% proposed, for a deck at 108 S Commonwealth Avenue in Strathmere.

Brian McIlhenny, 119 Colonial Avenue, Morristown, NJ 08057, was sworn in.

Mr. McIlhenny testified that he is the owner of 108 S. Commonwealth Avenue, Strathmere. He stated that the property has been in his family since the 1950s. The original house was destroyed during the 1962 storm. During hurricane Sandy, they sustained damage to their electrical system and lost a shed. They have gone through the planning and permitting process to raise the house to comply with base flood elevation. The house is still under construction, and through the process they realized a new stairwell system will be needed to gain access to the house on the one side. They had originally planned on relocating the back door to meet the new stairs, however, moving the door will have a negative impact to their recently renovated kitchen. They are requesting to add a stairwell system to their existing decks, which will add 64 sq ft to their building coverage. They are also requesting to unstack their previously approved AC condenser units which will add an additional 9 sq ft to their building coverage. The Engineer stated that the square footage is less material than the actual increased building coverage percentage, which is requested at 28%.

The meeting was then opened to the public. There were no speakers, and the meeting returned to the board for finding of fact.

Mr. Shawl – Brian and Carol McIlhenny are the owners of property located at 108 S Commonwealth Avenue in Strathmere, also known as Block 844, Lot 2. The applicants are raising their existing house to comply with flood elevation requirements, and through the process will need to add a stairwell system to the existing decks. The applicants are also requesting to unstack their AC condenser units. The applicant is requesting a variance of the maximum building coverage from 27% to 28%. The use is a residential use in a residential zone. The proposed improvements will have no negative impact on the zoning plan and ordinance, and no detriment to the public good.

Mr. Burger – Nothing to add.

Mrs. Galderisi – She concurs with Mr. Shawl.

Mr. Mashura – Nothing to add.

Mr. Pancoast – He agrees with Mr. Shawl.

Mr. Phifer – Nothing to add.

Mr. Trulli – He concurs with Mr. Shawl.

Mr. Casaccio – Nothing to add.

A motion was made by Ms. Galderisi, second by Richard Mashura, to grant the application as presented with the standard conditions. During roll call vote, all Board members present voted in the affirmative.

PUBLIC PORTION

There was no public comment.

RESOLUTIONS

6. STRATHMERE MOTEL, INC. – BLOCK 834, LOT 1 – BA 09-2020

A motion to adopt Resolution BA 09-2020 was made by Mr. Trulli, seconded by Ms. Galderisi, and approved.

7. JAMES B ARSENAULT JR. – BLOCK 453, LOT 240.19 – BA 09-2021

A motion to adopt Resolution BA 09-2021 was made by Mr. Shawl, seconded by Mr. Trulli, and approved.

8. MARSHALL KOHLER – BLOCK 10, LOT 157 – BA 10-2021

A motion to adopt Resolution BA 10-2021 was made by Mr. Phifer, seconded by Mr. Trulli, and approved.

9. NORMAN & JAMIE FRANCKLE – BLOCK 841, LOT 1 – BA 11-2021

A motion to adopt Resolution BA 11-2021 was made by Mr. Shawl, seconded by Mr. Trulli, and approved.

10. CHRISTA O'DONNELL – BLOCK 558, LOT 42 – BA 12-2021

A motion to adopt Resolution BA 12-2021 was made by Mr. Shawl, seconded by Mr. Trulli, and approved.

BILLS

Motion by Mr. Phifer, second by Mr. Trulli, to approve the bills, with all Board members present voting in the affirmative.

ADJOURNMENT

Motion by Ms. Galderisi, second by Mr. Trulli, to adjourn the meeting, with all Board members present voting in the affirmative.

Submitted by,

Joanne R. Herron