

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

JUNE 10, 2021

The regular meeting of the Upper Township Zoning Board of Adjustment was held at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 6:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: James Burger, Lynn Petrozza, Richard Mashura, Mark Pancoast, Christopher Phifer, Andrew Shawl, Larry Trulli, Matthew Unsworth, Paul Casaccio.

Absent: Sherrie Lisa Galderisi, Karen Mitchell.

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

APPROVAL OF THE MAY 13, 2021 MEETING MINUTES

A motion to approve the minutes was made by Mr. Phifer, seconded by Mr. Trulli, and approved. Abstain: Casaccio.

Mr. Mashura and Ms. Petrozza left the meeting at this time.

APPLICATIONS

1. **GEORGE RILEY – BLOCK 479 LOT 101 – BA 08-2021**

Applicant is requesting variances for front yard setback and maximum building coverage to construct an addition to a single-family dwelling at 15 Harding Avenue in Beesleys Point.

This application was not heard since the notices have not been sent out or published in the Press. This matter will be placed on the July 8, 2021 agenda.

2. **JAMES B. ARSENAULT JR. – BLOCK 453 LOT 240.19 – BA 09-2021**

Applicant is requesting a use variance to permit an in-law suite on the second floor of a detached garage and a variance to allow the height of the structure to be 29.5' where 20' is permitted at 22 Meghan Lane in Seaville.

William McLees, Architect, was sworn.

Mr. Arsenault testified that in May of 2017 the zoning board granted almost the exact same application. He discussed the previous conditions of approval. Since that time the single-family home on the lot has been constructed and the approval that was granted for the garage apartment expired. A use variance is needed for the second residence on the site. He is proposing a 36' x 35' detached garage with three bays and an apartment above for his mother to occupy. The proposed apartment is 1,500 sq. ft. and consists of one bedroom and one bathroom. The previously approved garage consisted of 2 bays. The proposed apartment is 36' x 35' and 6' x 5' larger than what was approved in 2017. The application included a use variance for the height of the structure; however, Mr. McLees will amend the plans to reduce the height so that only a bulk variance is needed for the height. He agrees to continue the deed restriction and COAH condition the same as required in BA 07-2017. He stated the septic system design that was approved was for the house and apartment.

Mr. McLees testified using the plans he prepared, dated 3-4-2021. He stated the proposed garage is a slightly larger footprint and is now a 3-car garage. By changing the roof lines, they are able to reduce the height of the garage to 22 feet, so a use variance is no longer needed. The garage will be aesthetically pleasing and will fit in with the neighborhood. The applicant is willing to deed restrict the proposed apartment. There is sufficient parking on site for the house and the apartment. He will revise the plan to show the reduction in height.

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

MR. UNSWORTH – James Arsenault Jr. is the owner of 22 Meghan Lane. He is requesting a use variance for an in-law suite above the detached garage. A bulk variance is needed to allow the garage to be 22' where 20' is permitted. Mr. Arsenault received a similar approval in 2017. There were delays in getting his approvals and the time expired on the variances. He is now asking for a slightly larger garage for additional living space and a third parking bay. In 2017 he produced special reasons for granting the use variance. Mr. McLees is revising the plan to bring the detached garage more into compliance with the zoning ordinance. The height of the proposed structure is now 22' where the plan shows 26.8'. The applicant has agreed to a condition that only family members will live in the apartment above the garage. If the apartment was not being used by family members it would then convert to a COAH property. He finds the same proofs from 2017 apply. The septic system has been installed and is designed to accommodate the house and apartment. He sees no detriment to the public good.

MR. TRULLI – Nothing to add.

MR. PANCOAST – Nothing to add.

MR. SHAWL – There was no public comment. The applicant represented himself. The design achieves a desirable visual effect for the neighborhood. The applicant is proposing a one bedroom, one-bathroom apartment over the garage.

MR. PHIFER – The application as presented will not create a substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan or zoning ordinance.

MR CASACCIO – He concurs.

A motion was made by Mr. Unsworth and seconded by Mr. Shawl to grant a use variance to allow an apartment over the detached garage and a variance to allow the height of the structure to be 22' from grade. In favor: Burger, Pancoast, Phifer, Shawl, Trulli, Unsworth, Casaccio.

3. MARSHALL KOHLER – BLOCK 10 LOT 157 – BA 10-2021

Applicant is requesting a height variance to allow a pole barn to be 23' where 20' is the maximum building height, at 10 Steelmantown Road in Steelmantown.

Marshall Kohler, 10 Steelmantown Road, Steelmantown, New Jersey, was sworn. He is proposing to construct a 40' x 50' pole barn on this property. The reason for the 23' height is to install 14' tall garage doors for his camper, tractor and antique cars that he collects with his grandfather. The garage will also be used to store his kid's bikes, etc. The garage will not be utilized commercially. The closest neighbor is across the street and the pole barn will barely be visible from their property. The location of the barn will not affect the well or septic. There will not be anything on top of the barn such as a weathervane or cupula. The lots were previously consolidated into one lot.

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

MR. SHAWL – Marshall Kohler, owner of 10 Steelmantown Road, Block 10 Lot 157, desires to construct a pole barn on his property to store various farm equipment, collectible vehicles and an RV. The nearest neighbor will not be able to see the new structure. This is a 4 acres lot that is heavily wooded. The barn appears to fit in with the architectural style and nearby uses in the neighborhood. The applicant represented himself. There was no public comment. The applicant is requesting a height variance to allow the barn to be 23' where 20' is permitted. The proposed height is to allow for a higher ceiling and taller garage doors. There are other existing accessory structures on the lot. He finds there are similar barns in the area and the proposed barn will not affect the character of the area. The zone plan and public good will not be negatively affected.

MR. TRULLI – Nothing to add.

MR. PANCOAST – Nothing to add.

MR. BURGER – Nothing to add.

MR UNSWORTH – He concurs with Mr. Shawl. The applicant is aware the barn cannot be used for any commercial uses. Mr. Kohler is aware they must produce an As Built Survey when the structure is completed. A deed of consolidation has already been filed. There is no impact to the well or septic.

MR. PHIFER – He concurs.

MR. CASACCIO – He concurs.

A motion was made by Mr. Burger and seconded by Mr. Unsworth to grant the height variance with the standard conditions and that the barn will not be used commercially. In favor: Burger, Pancoast, Phifer, Shawl, Trulli, Unsworth, Casaccio.

4. NORMAN & JAMIE FRANCKLE – BLOCK 841 LOT 1 – BA 11-21

Applicants are requesting variances for front yard setback, side yard setback and minimum gross floor area to construct a second floor on an existing single-family dwelling at 412 S Bayview Drive in Strathmere.

Christopher Baylinson, Esquire, represented the applicants. This is an undersized lot improved with a small single-family home that has already been raised above BFE. The applicant proposes to add a second floor while maintaining the footprint of the first floor except for a bump out in the front of the house that provides for a new entrance area. The variances are because of the vertical extension of the existing non-conformity. He reviewed the requested variances. He stated the proposed elevator creates a new variance.

Ruth M. Barreiro, Architect, was sworn. She prepared the plans for this small, modest home. The property is 3,750 sq. ft. and is in the RR zone. The proposed addition adds living space and front and rear decks. The improvements include a new roof and siding. The height of the structure and parking comply with the ordinance. The proposed addition promotes the general welfare since the house will conform with the neighborhood. The proposed improvements will have no substantial detriment to the neighborhood or the zoning plan or zoning ordinance. They propose a small narrow elevator so that it conforms more with the ordinance and continues to provide somewhat of a side yard setback. She discussed fire proofing and safety. The driveway width is not changing.

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

MR. UNSWORTH – Norman and Jamie Frankle are requesting variances to add a second floor onto an existing single-family dwelling. They are not going outside the existing footprint of the home but require variances since the existing setbacks are not compliant. Everything is in the existing setbacks except the elevator shaft and entrance that is necessary since the applicants are getting older. The driveway apron is pre-existing therefore it is not an issue. One side of the property is an easement that is an extension of Sumner Avenue and provides additional parking. There is parking under the house. The structure will be improved with new siding and new decking and will be more in keeping with the neighborhood. The design will meet the current building codes including wind and flood. There was no public comment.

MR. PHIFER – Nothing to add.

MR. SHAWL – The applicant was represented by council. The applicant presented information that will allow the board to grant the variance without detriment to the public good.

MR. BURGER -Nothing to add.

MR. PANCOAST - Nothing to add.

MR. TRULLI – Nothing to add.

MR. CASACCIO – He concurs.

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

5. CHRISTA O'DONNELL – BLOCK 558 LOT 42 – BA 12-21

Applicant is requesting a use variance for the expansion of a non-conforming use to construct an addition to a single-family dwelling in the TC zone at 49 Corson Tavern Road in Seaville.

Christa O'Donnell, 49 Corson Tavern Road, Seaville, New Jersey, was sworn. She purchased the property in April 2021. She would like to add a new entryway with a mudroom, a bathroom and living room. There are no bedrooms proposed. The addition connects to the current kitchen. She is in favor of a deed restriction that would restrict the addition from ever being used as a bedroom. The addition is ADA compliant. She feels this is the best location for the addition because of the septic system. She stated the fence shown on the survey has been demolished. The board suggested having a surveyor layout the addition since it will be so close to the property line. The new siding will match the house. There was discussion about possibly relocating the addition to provide a larger side yard setback or reducing the size of the addition. She testified the dwelling on the adjacent property is approximately 100 ft. from the property line.

Solicitor Barnes explained that 5 affirmative votes are needed since this is a D2 variance. The property is in the TC zoning district and does not include houses as a permitted use. Therefore, a use variance is needed to expand the house.

Ms. O'Donnell testified the addition promotes health and safety and provides light, air and open space, promotes the establishment of appropriate population densities and will conform with the neighborhood.

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

MR. SHAWL – Christa O'Donnell is the owner of 49 Corson Tavern Road in Seaville, New Jersey, also known as Block 558 Lot 48. The applicant is seeking to construct an addition on the south side of her existing home to provide space for an ADA compliant bathroom and living space. The applicant purchased the property in April with the

intention of renovating it. The applicant has since determined it would be better to construct an addition rather than making interior renovations. The addition is adjacent to the kitchen. A 6' side yard setback is proposed. The shed on the property will be demolished. The fence that encroached onto the neighbor's property has already been demolished. The new siding and windows will match what currently exists. The neighbors house on the south side is 100 ft. from the property line and will not be impacted. The applicant testified the design promotes the health, safety and welfare by providing ADA compliant facilities and will provide a desirable visual environment. The proposed addition can be constructed, and the variances can be granted without detriment to the zoning plan or the public good. There was no public comment. The applicant represented herself.

MR. BURGER – He stressed how important it is to get professional help with the addition to avoid any errors in the setbacks.

MR. PANCOAST – He concurs.

MR. TRULLI – Nothing to add.

MR. UNSWORTH – He concurs. He finds this will be an improvement to the structure. The lot is unique. The lot is undersized and has unusual angles. The existing home is on an unusual angle which limits the side yard setback. The well and septic locations are driving some of the issues with the location of the addition. The addition enhances the dwelling and would be an improvement to the neighborhood.

MR. PHIFER - Nothing to add.

MR. CASACCIO – The applicant agreed to a condition that the addition would not be used as a second dwelling.

A motion was made by Mr. Unsworth and seconded by Mr. Shawl to grant the application with the standard conditions and that a deed restriction must be filed restricting the use of the addition prior to a Certificate of Occupancy. In favor: Burger, Pancoast, Phifer, Shawl, Trulli, Unsworth, Casaccio.

RESOLUTIONS

1. AUTHORIZING A CONTRACT WITH JEFFREY BARNES, SOLICITOR FOR PROFESSIONAL SERVICES

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

The resolution for the Strathmere Motel, Inc. will be voted on at the July 8, 2021 meeting.

BILLS

A motion to approve the bills was made by Mr. Trulli, seconded by Mr. Unsworth, and approved.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Unsworth, seconded by Mr. Trulli, and approved. The meeting was adjourned at 7:30 p.m.

Submitted by,

Shelley Lea