

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING MINUTES NOVEMBER 4, 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, Richard Mashura, Mark Pancoast, Lynn Petrozza, Andrew Shawl, Larry Trulli, Paul Casaccio

Absent: Sherrie Lisa Galderisi, Karen Mitchell, Christopher Phifer Matthew Unsworth

Also, in attendance were Catherine Boggia, Substitute Board Solicitor, Paul Dietrich, Board Engineer, Liz Oaks, Board Secretary and Zoning Officer.

APPROVAL OF THE OCTOBER 14, 2021 MEETING MINUTES

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

Paul Dietrich and Liz Oaks were sworn.

APPLICATIONS

1. DAVID GETZ – BLOCK 723 LOT 1 – BA 23-2021

Applicant is requesting variance for building coverage for an inground pool and pool house. And the addition of a bathroom in the pool house at 127 Allendale Road in Marmora.

Mr. David Getz and Theresa Getz of 127 Allendale Road were sworn

Mr. Getz testified that he ordered his fiberglass pool prior to getting his approval. His contractor from Smart Pools didn't think there would be any problem and he had thought the 22% coverage that is allowed on an undersized lot would only use structures and not the pool itself. Mr. Getz explained they want to install a 16x16 pool house that will help lessen any traffic in the house. He has already done two additions and hadn't expected this to be any problems. Mrs. Getz testifies that they had spoken to three different contractors and none of them had suggested this could propose any problems.

MR. SHAWL – Confirms the proposed 7’ setback is acceptable. Where 5’ is required. The concrete shown on the plans is included in the impervious coverage.

MS. PETROZZA – Questioned if anything could be eliminated to comply with the 2% overage.

MR. DIETRICH – Explained that he would not be able to have the pool house and would have to make the pool smaller.

MR. BURGER – Asked Mr. Dietrich about the distance between the block wall and the edge of the pool; nothing is marked on the plans.

MR. DIETRICH – Explained the distance would be measured from the structure not the block wall.

There was a discussion about the plumbing for the pool house.

MR. TRULLI – Had nothing to add.

MR. MASHURA – The building coverage is there to maintain density, air, light, and space. This is a pool that will be in ground and won’t be affecting this.

MR. PANCOAST – Inquired about the neighboring properties. Mr. Getz explains that it once was a horse farm and is now proposed for the Atlantic City Electric project to be used for helicopter landing and take-off.

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

MR. SHAWL – The applicant, David Getz at 127 Allendale Road, Marmora also known as block 723 lot 1, has come before the Upper Township Zoning Board to request a variance for building coverage. The applicant has an existing single-family dwelling, they wish to add a pool and pool house. The allowable building coverage is 22%. The applicant provided testimony that the proposed developments would not cast shade onto neighboring properties and the improvements are located the appropriate distance from existing dwelling. So, there’s enough light, air and open space for this proposed development. It’s a single-family house and a pool is a nice amenity for such a dwelling.. The pool house will make it even more usable. The lot is a well sized lot for this neighborhood, and he thinks the variance can be granted. It doesn’t impact the zone plan or the public health.

MS. PETROZZA – She agreed with Mr. Shawl and adds that there was no testimony within 200 feet or outside 200 feet.

MR. BURGER – He agreed.

MR. TRULLI - He concurred.

MR. MASHURA – He concurred.

MR. PANCOAST. He agreed with his colleagues.

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

2. JEFFREY & CATHERINE MULLANEY – BLOCK 661 LOT 80.10 – BA24-2021

Applicants are requesting a front yard setback variance to construct a detached garage at 300 Route 9 N in the Marmora section of Upper Township.

Jeffrey Mullaney of 300 Route North, Beesley's Point, and William Brown of 110 Schoolhouse Lane, Tuckahoe were sworn.

Mr. Brown explained that the property is located on a corner. This now has essentially two front yards. He has proposed a location that will allow access from Lenape Lane, which is safer and avoids both well and septic. The proposed garage is compliant in height. The garage preserves trees and the character of the neighborhood. The homeowner is retired and needs to get rid of his other house, requiring the garage for storage. He will also be using it for his car and some equipment. The house has no basement or attic. There is an existing curb cut that will allow access to the garage.

Mr. Dietrich stated that he has enough frontage to allow for an additional driveway.

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

Mr. Shawl – The applicants, Jeffrey and Catherine Mullaney are coming before the Upper Township Zoning Board for their property at 300 Route 9 North in Marmora, which is a corner lot on Lenape Lane, also known as block 661 lot 80.10 on the tax map. The applicant has an existing one and a half story frame dwelling with a septic system and a well on the property. He is proposing to build a detached garage on the property with an existing driveway opening off Lenape Lane. The applicant is moving to the area full time and needs additional storage for the house. There is no usable attic. The location would be 25.5 feet off Lenape Lane. Because there are two front yard setbacks the applicant requires a front yard setback variance to locate the garage there. The style of the garage will be keeping in the character of the neighborhood and adding more utility to the existing residential use. The proposed garage is far enough away from the existing dwelling for this location. He does not believe there would be any harm to the zone plan or the zoning rules to grant the variance. The existing well and septic are located such that placement of a detached garage is difficult. The applicant is choosing to come off Lenape Lane rather than Route 9, which is a better location for the garage. He believes the variance can be granted because of those conditions.

MS. PETROZZA - She agreed and there was no public comment.

MR. BURGER – He agreed.

MR. TRULLI – He concurs with Mr. Shawl.

MR. MASHURA – He concurs.

MR. PANCOAST – He concurs.

MR. CASSACCIO – He concurs.

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

TERRENCE MILLER BLOCK 548 LOTS 3.01 AND 3.02 - BA25-2021

Applicant is requesting a variance for the construction of an accessory structure greater in area than the principal structure. Relief is also requested for front yard and side yard setbacks of accessory structures at 8 Tyler Road and 149 Route 50 in Greenfield.

Application has been tabled until the December 9, 2021 meeting at 6:30pm, at their request. The applicant has agreed to the waiving of the tolling of the time and there will be no additional announcements.

RESOLUTIONS

ANTHONY & NICOLE DEFEO – BLOCK 453 LOT 240.05 – BA 18-2021

A motion to adopt the resolution was made by Mr. Shawl, seconded by Ms. Petrozza. and approved. Abstain: Mashura

PATRICK & ELIZABETH MAHON – BLOCK 839 LOT 3 - BA 15-2021

A motion to adopt the resolution was made by Mr. Shawl, seconded by Mr. Trulli. and approved. Abstain: Mr. Mashura

ROBERT HANSON – BLOCK 837 LOT 7 – BA 17-2021

A motion to adopt the resolution was made by Mr. Shawl, seconded by Ms. Petrozza. and approved. Abstain: Mr. Mashura

PUBLIC PORTION

BILLS

A motion to approve the bills was made by Ms. Petrozza, seconded by Mr. Shawl and approved.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Pancoast, seconded by Mr. Trulli, and approved. The meeting was adjourned at 7:03 p.m.

Submitted by,

Liz Oaks