

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 9, 2022**

The meeting of the Upper Township Zoning Board of Adjustment was held at Township Hall at 2100 Tuckahoe Road, Petersburg. The meeting was called to order at 6:37 p.m.

SUNSHINE ANNOUNCEMENT
SALUTE TO THE FLAG
ROLL CALL

Member	Attendance
Paul Casaccio, Chairman	Absent
Richard Mashura	Present
Karen Mitchel	Absent
Lynn Petrozza	Absent
Christopher Phifer	Absent
Andrew Shawl	Absent at roll present for applications
Matthew Unsworth	Present

Member	Attendance
Sherrie Lisa Galderisi, Alt #1	Absent
Larry Trulli, Alt #2	Present
James Burger, Alt #3	Present
Tom Jackson, Alt #4	Present

Also, in attendance were Jeffrey Barnes, Board Solicitor, Mark Shourds, Substitute Engineer and Liz Oaks, Board Secretary and Zoning Officer.

Mark Shourds and Liz Oaks were sworn.

APPROVAL OF THE MAY 12, 2022 MEETING MINUTES

A motion to approve the minutes was made by Mr. Trulli and seconded by Mr. Jackson..

In favor: Burger, Trulli, Unsworth, Jackson

Opposed: None

Abstained: Mashura

RESOLUTIONS

TOM MELCHIONNI – BLOCK 687 LOT 18 – BA12-2022

A motion was made by: Mr. Mashura

Seconded by: Mr. Trulli

To approve the resolution as presented.

In favor: Burger, Trulli, Unsworth, Jackson

Opposed: None

Abstained: Mashura

KOBE CORP. TUCKAHOE INN – BLOCK 682 LOTS 1 & 2 – BA15-2022

A motion was made by: Mr. Mashura

Seconded by: Mr. Trulli

To approve the resolution as presented.

In favor: Burger, Trulli, Unsworth, Jackson

Opposed: None

Abstained: Mashura

TABLED APPLICATIONS

OCEAN ISLE CAMPING RESORT – BLOCK 453.10 LOTS 360, 361, 363.03 – BA09-2022

Applicant is seeking a site plan waiver, and a use variance for expansion of a non-conforming use, side yard setback variance of 3' where 100' is required and a buffer setback variance of 3' where 35' is required to construct a pavilion at 64 Route 50 in Ocean View.

THIS APPLICATION IS TABLED TO JULY 14, 2022.

Andrew Shawl – Arrived and is marked as present to hear the applications.

APPLICATIONS

JARROD PIERCE – BLOCK 12 LOT 2 – BA14-2022

Applicant is requesting a variance for a side yard setback of 18.63'/53.63' where 35'/70' is required, maximum building coverage of 9.25% where 3% is required and maximum impervious coverage of 10.4% where 5% is required to construct a single-family dwelling at 573 Rt 49 in Tuckahoe.

Jeff Steelman, Professional Contractor, 3 Jonathan Drive, Petersburg was sworn.

Mr. Steelman explains this is an inherited property that has a foundation that is essentially not existent. The home was built before some of the codes were in place. The lot is pre-existing undersized. They want to tear down the existing and rebuild a two-story, 1600 sq ft single-family dwelling that requires variances but is more compliant than the existing. The existing well will be used but they will be getting a new septic system.

Mr. Unsworth questioned if there was an attempt to acquire any additional land to increase the size of the lot.

Mr. Steelman explained that there were no opportunities available.

BURGER – No comment

JACKSON – No comment

MASHURA – Thinks what is proposed is an improvement and has no questions

SHAWL – He confirms the proposed structure will be in character with the existing neighborhood.

Mr. Barnes – Questioned the safety of the existing structure, whether it is in a flood zone and is it an efficient use of the land. Will it be a substantial detriment to the neighborhood and will it be beneficial to the neighborhood?

Mr. Steelman – The existing conditions are unsafe; it is not in a flood zone. It is currently unusable, therefore not an efficient use of the land. There will be no substantial detriment to the neighborhood, rather it will be beneficial to the neighborhood. Replacing a currently rotting structure with a new home that is similar in character and size will greatly improve the neighborhood. The benefits outweigh any detriments.

Mr. Shourds – Has no comments.

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The meeting was opened to the public. Hearing no one and seeing no one the meeting was returned to the board for findings of fact.

Mr. Shawl – Mr. Jarrod Pierce of 573 Route 49, Tuckahoe also known as block 12 lot 2. The property currently has a dilapidated home that is unsafe. The applicant is looking for variance relief for a side yard setback and building coverage. We heard testimony that the property was inherited and was neglected. The proposed single-family dwelling will be a style in character of the neighborhood. The applicant tried placing the home in such a way that it would limit the variances and would improve the existing conditions. The applicant was unable to obtain adjacent property to comply with lot size. This existing structure is uninhabitable. A single-family dwelling is the best use of the property. The benefits outweigh the detriments. There was no public comment. He believes the variances can be granted without detriment to the public, zone plan or zoning ordinance.

Burger – Nothing to add.

Jackson – Nothing to add.

Mashura – Added the applicant stated they would be getting a new septic system.

Trulli – Doesn't see anything outrageous with the application and has nothing to add.

Unsworth – Sees no problems and is in favor of the application.

A motion to approve the application with the condition that Mr. Dietrich's review letter, dated May 10, 2022, will be part of the application was made by Mr. Mashura and seconded by Mr. Trulli.

In favor: Burger, Jackson, Mashura, Trulli, Shawl, Unsworth

Opposed: None

Abstained: None

BURNS, BILL – BLOCK 414.01 LOT 38 – BA16-2022

Applicant is requesting a variance to construct an accessory structure in the front yard and variance for front yard setback of 26.30 ft where 200' is required and distance of other buildings of 8' where 15 ft is required at 23 S. Sunset Dr in Petersburg.

Bill Burns 23 S Sunset Drive and Joe Maffei, Engineer, 5 Cambridge Drive were sworn.

Mr. Maffei – The applicant wants to construct a 24'x 24' detached garage. The applicant has two front yards which limits his options. There is no location to put the structure that it would not be in the front yard. There are existing non-conforming conditions; lot area, lot depth, front yard setback, rear yard setback, building coverage, impervious lot coverage. The variances they are seeking are for impervious lot coverage of 24.62% where 10% is required. A front yard setback for an accessory structure and the distance between structures. Given the property, this is the only place where they can place the structure. There will be a driveway for access.

There was a discussion of the 8' distance between buildings.

Mr. Shourds explained that the reason is fire safety. He does not believe the two corners being discussed would be a concern. The applicant could construct a breezeway between the two and be completely compliant. He concluded that in this application there is not an issue.

The meeting was opened to the public.

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Ms. Nathalie Neiss, 759 Route 50 was sworn.

Ms. Neiss questioned if this was for residential use and, if so, were there intentions to change in the future.

Mr. Maffei replied that this was for residential with no plans to change. There will be no plumbing, just heat and electric.

Hearing no one and seeing no one else, the public portion of the meeting was closed and returned to the board for findings of fact.

Mr. Shawl – The applicant, Bill Burns, has come before the Upper Township Zoning Board for the property located at 23 S Sunset Drive, also known as block 414.01 lot 38. He is seeking a variance to construct a detached garage on his property, 8' from the existing dwelling. The applicant will be adding a curb cut on Sunrise for access. The property has two front yards. We heard testimony from the applicants engineer that the proposed structure will be in character with the neighborhood. They are seeking a variance for a front yard setback of 26.3 feet where 200 feet is required and the distance of 8 feet between structures where 15 feet is required. The applicant has ample coverage and lot depth. This is for residential use. We heard comment from the public. The lot has two frontages. He believes the variances can be granted without detriment to the public health or the zoning plan.

MASHURA – No comment.

JACKSON – No comment.

BURGER – There is a drainage that separates the properties. If there had been any concerns with impervious coverage this would take care of it.

TRULLI – He concurs with Mr. Shawl and is in favor of the application.

UNSWORTH – He concurs with Mr. Shawl and adds there was discussion with the Board Engineer and the applicant's engineer concerning the distance of 8 feet between the two structures. It does not appear to create a fire safety issue. This is a uniquely shaped lot in a neighborhood that the zoning has changed through the years and many existing homes are most likely non-conforming to the current setbacks and coverages. He is in favor of this application and concurs with his colleagues.

A motion to approve the application was made by Mr. Burger seconded by Mr. Trulli, with the following conditions:

Mr. Dietrich's review letter, dated June 1, 2022, will be part of the application.

There will be no plumbing.

In favor: Burger, Jackson, Mashura, Trulli, Shawl, Unsworth

Opposed: None

Abstained: None

DEL DUCA, MELINDA AND JOSEPH – BLOCK 825 LOT 9 – BA17-2022

Applicant is requesting a variance to allow reconstruction of single-family residence and aggregate side yard setback of 12 ft where 15 ft is required and building coverage of 30.9% where 27% is required at 812 S. Bayview Drive in Strathmere.

Arnold Boyle, Architect, 549 Rhode Island Avenue, Brick, NJ was sworn. Mr. Boyle is a licensed Architect in the states of New Jersey and Colorado since 2015. He has presented in front of many boards.

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Joseph DelDuca, Applicant, 21 E. Euclid Avenue, Haddonfield, NJ was sworn

Mr. DelDuca – We own a single-family home that his wife’s family built in approximately 1944. They want to tear down and rebuild. The existing home is non-conforming. The proposed structure will improve on some of these. The lot depth is 100’ but 5.9’ of that is in the bay. This is a pre-existing condition with no ability to change. The lot coverage required is 27% and they are requesting 30.9% where the current is 44% building coverage. The aggregate side yard setback required is 15’ and they are requesting 12’, currently have 6.8’ total. The structure itself is at 15’, the request is for the HVAC system. They could make that compliant by putting on the roof of the structure but that would pose problems and would prefer not to do so. There are other homes in the neighborhood with similar situations. They are requesting a driveway variance where one driveway of 12’ is required, they are requesting 2 10’ driveways. The current front yard setback is 9’ where 15’ is required and the proposed structure complies. The current rear yard setback is 20.6 where 30’ is required and the proposed structure will be compliant. The building will be moved further from the bay and further from the street this will increase the north/south views for the neighbors. Impervious coverage is currently at 57.6% where 45% is required which proposed is compliant. The FAR will be compliant. The request for the driveway is because changing from the existing two 10’ driveways to one 12’ does not create any additional parking due to a stop sign and the additional space needed for that. He understands the importance of parking, but he does not see how the change would help the parking situation.

There is a discussion about street parking requirements including the relationship to the stop sign.

Mr. DelDuca is agreeable to make a change to the parking upon the direction of the Township Engineer. It is understood that they will try to create two off-street parking spots and if one could be created on the street.

Mr. Shourds questions the intermittent sidewalks. He is concerned with the flood zone and that the plans are conforming.

Mr. DelDuca confirms he will be putting in sidewalks. The proposed structure will comply with the proper elevation, flood vents, breakaway walls, etc. The property will be brought further into conformance with FEMA standards. This also includes the septic.

The meeting was opened to the public. Hearing no one and seeing no one the meeting was returned to the board for findings of fact.

Mr. Shawl – The applicant of 812 S. Bayview Drive in the Strathmere section of the Township, also known as block 825 lot 9 has come before the Zoning Board of Adjustments to request variances to tear down an existing single-family dwelling to construct a new single-family dwelling that would be more conforming than the current one. They are requesting a variance for aggregate side yard setback of 12’ where 15’ is required due to the HVAC unit. And building coverage of 30.9% where 27% is required and is currently 44%. The variances being requested are less than the current non-conforming conditions. The applicant has agreed to work with Mr. Dietrich to determine the curb cuts and establish a minimum of two on-site parking spots. The applicant will provide a sidewalk the length of his property. The applicant agrees to comply with any flood zone requirements. The design is keeping in character with the existing neighborhood. The use of the property is conforming with the zone plan. He believes the variances can be granted without any detriment to the zone plan or public health.

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MASHURA – No comment.

JACKSON – No comment.

BURGER – Notes the review letter from Mr. Dietrich was a cut and paste from another application.

Mr. Barnes – He noted this and is suggesting that the review letter be amended and attached to the application. It would be best to confirm that the applicant and Mr. Dietrich can come to an agreement.

TRULLI – No additional comment.

UNSWORTH – Concurs with Mr. Shawl's finding and the conditions discussed.

A motion to approve the application was made by Mr. Trulli seconded by Mr. Mashura, with the following conditions:

Mr. Dietrich's amended technical review letter, will be part of the application.

The decision of curb cuts and parking is to be determined by the Township Engineer, Mr. Dietrich.

In favor: Burger, Jackson, Mashura, Trulli, Shawl, Unsworth

Opposed: None

Abstained: None

INVOICES

There were no invoices this month.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Trulli and seconded by Mr. Mashura, all in favor. The meeting ended at 7:55 pm.

Submitted by,

Liz Oaks