

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 10, 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 6:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Member	Attendance
Paul Casaccio, Chairman	Present
Matthew Unsworth	Absent
Sherrie Galderisi	Present
Christopher Phifer	Absent
Lynn Petrozza	Present
Andrew Shawl	Present
Richard Mashura	Present

Member	Attendance
Larry Trulli, Alt #1	Absent
James Burger, Alt #2	Present
Tom Jackson Alt #3	Absent
Donald Rainear, Alt #4	Present

Also, in attendance were Jeffrey Barnes, Board Solicitor, Paul Dietrich Township Engineer and Liz Oaks, Board Secretary and Zoning Officer.

APPROVAL OF THE OCTOBER 13 2022 MEETING MINUTES

A motion to approve the minutes was made by Ms. Petrozza and seconded by Mr. Shawl. In Favor: Petrozza, Mashura, Galderisi, Burger, Rainear, Shawl
Abstained: Casaccio

Paul Dietrich, Township Engineer and Liz Oaks, Zoning Officer were sworn.

RESOLUTIONS

SEAVILLE VILLAGE CONDOMINIUM– BLOCK 559 LOT 21.06 – BA23-2022

A motion to approve the resolution was made by: Ms. Petrozza, seconded by: Ms. Galderisi. In favor: Petrozza, Mashura, Galderisi, Burger, Shawl
Abstain: Casaccio, Rainear

RANDALL & KATHLEEN ZAKRESKI – BLOCK 791 LOT 17 – BA21-2022

A motion to approve the resolution was made by: Ms. Galderisi, seconded by: Ms. Petrozza. In favor: Petrozza, Mashura, Galderisi, Burger, Shawl
Abstain: Casaccio, Rainear

BILLS

A motion to pay the bills as presented was made by: Ms. Galderisi and seconded by Mr. Shawl. All in favor.

DISCUSSION

There was a brief discussion of the 2023 Meeting Dates.

Mr. Casaccio steps down due to conflict. Mr. Shawl will fill in as Chairperson for the remainder of the meeting.

APPLICATION

SCENIC RIVERVIEW LAND COMPANY, LLC – BLOCK 12 LOT 9 – BA 24-2022

Applicant is requesting a use variance for the expansion of a non-conforming use and site plan waiver to construct a 20' X 50' pavilion and 10' X 20' bathrooms at 465 Rt 49 in Tuckahoe.

Jon Batastini, Attorney for Scenic Riverview Land Company, LLC located at 465 Route 49 in the Tuckahoe section of Upper Township.

Joseph Maffei, Engineer with Engineer Design Associates, was sworn as an expert.

Mr. Maffei reviews the application, including photos and plans. The campground has been here for many years. It is along the Tuckahoe River and is in the Tuckahoe Riverfront Zoning District. It is a pre-existing non-conforming use and has been for some time. What they are seeking is adding a 25' by 50' Pavilion along with a bathroom with an overhang along the side of the building. This is for the convenience of existing campground and guests. This will not include showering facilities, only bathrooms. There will be no additional campsites, no additional parking. This is a D2 Variance for the expansion of a non-conforming use. It is an accessory structure. The site is about 40 acres. The one increase in the impervious coverage is .05%, giving you an idea how small the size of the project is compared to the size of the lot. It is an appropriate use; the campground has been in existence for a while. This is an accessory use for the campground so there is no increase in intensity. This is an improvement of the use. As far as the D2, this would fall under positive criteria for light, air and open space. The total impervious coverage is 5.35% on a 40-acre lot where 5% is allowed. Currently it is at 5.3% which is pre-existing. The campground is isolated, you cannot see the proposed structure from Route 49. There will not be any detriment to the neighbors. They are currently working on obtaining septic approval. One of the positive criteria being met is light, air and open space. Another D2 special purpose would be to encourage appropriate use of all lands in such a manner that will promote public health. The pavilion itself will give people the opportunity to get out of the sun and heat. The bathroom facilities will promote public health safety. There will be no substantial detriment to the public good. There will be no change in hours of operation. There is no substantial impact to the intent and purpose of the zone plan or ordinance. They are seeking a site plan waiver and he believes they comply with the required criteria. There is no other site work being

proposed other than the structure itself. There is no change in parking. There is no change in the circulation. There is no change in intensity in the amount of people using the campground. The proposed structure is standard for other campgrounds in the area and is keeping in character of the campground and existing amenities. The pavilion has an open roof and is rustic in appearance. The existing fence will remain for safety.

There were no additional questions or comments from the members of the board.

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

Mr. Shawl adds that there will be an as-built required after the structure is constructed. And a zoning schedule to be attached to the resolution.

Mr. Batastini – There are some pre-existing non-conforming conditions that they would like to clean up. They include a front yard setback, a side yard setback, a rear yard setback and a maximum building coverage. None of these will be exacerbated by the proposed structure.

Mr. Dietrich believes these items would have previously been approved in a past application.

Mr. Barnes – Some people will ask for a certificate of non-conformity, which can only be issued by the zoning officer within one year of change in zoning. After that, they would have to ask the board.

Mr. Dietrich – They did not receive a certificate of non-conformity. They received variance relief for those non-conformities.

Mr. Barnes – He will need a zoning schedule that includes all the existing non-conformities and whatever is being proposed. It will be attached to the resolution. The motion is for a Use Variance for the expansion of a non-conforming use and site plan waiver in order to build a 20' X 50' pavilion and a 10' X 20' bathhouse with a certificate of non-conformity.

Ms. Petrozza continues with findings of fact. The applicant, Scenic Riverview Land Company, LLC, come before the board for the expansion of a non-conforming use to add a 50' X 20' pavilion and 10' X 20' bathhouse located at 465 Route 49. It is an existing non-conforming use. This improvement is considered an accessory structure. There will be no additional changes in the campsites. No additional changes in the parking. This meets the positive criteria of open air and open space. The improvement is 5.35% impervious coverage where 5% is allowed. This is in a very isolated area, and you cannot see it from Route 49. This improvement will encourage and promote safety for public using the pool. There is no detriment to the area or neighbors. The structure is typical to other campgrounds in the area. There was no public comment. She feels this application can be granted without substantial detriment to the public good. And will not

substantially impair the intent or purpose of the zone plan or zoning ordinance. She is in favor of the application.

Ms. Galderisi – The expert from EDA went over and explained the improvement. She is in favor of the application

Mr. Burger – Nothing to add. He is in favor of the application.

Mr. Mashura – Nothing to add. He is in favor of the application.

Mr. Shawl – Agrees with Ms. Petrozza’s comments about light air and open space. And appropriate land for appropriate development of a campground. And the di minimis quantity of .05% for impervious coverage for this amount of land should be no problem.

A motion to approve the application was made by: Ms. Galderisi seconded by Ms. Petrozza. In favor: Petrozza, Mashura, Galderisi, Burger, Rainear, Shawl

ADJOURNMENT

A motion to adjourn the meeting was made by: Mr. Burger and seconded by Ms. Petrozza All in favor. The meeting ended at 6:55 pm.

Submitted by,

Liz Oaks