

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
 REGULAR MEETING MINUTES
 JUNE 8, 2023

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
James Burger, Alt #1	Present
Paul Casaccio, Chairman	Present
Sherrie Galderisi	Absent
Tom Jackson Alt #2	Present
Richard Mashura	Present
Lynn Petrozza	Absent
Christopher Phifer	Present

Member	Attendance
Donald Rainear Alt #3	Present
Andrew Shawl	Absent
Matthew Unsworth	Present
Hobie Young, 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 MAY 11, 2023 MEETING MINUTES

A motion to approve the minutes was made by Mr. Unsworth and seconded by Mr. Burger.
 In Favor: Burger, Phifer, Rainear, Unsworth, Young
 Abstain: Jackson, Mashura, Casaccio

Paul Dietrich, Township Engineer and Liz Oaks, Board Secretary were sworn.

TABLED APPLICATIONS

HUNTER, W. GARRY – BLOCK 495 LOT 1.01 – BA 10-2023

Applicant is seeking bulk variances for a front yard setback, side yard setback, height of an accessory structure, impervious coverage, building coverage and a use variance to permit a second dwelling where only single-family dwellings are permitted to construct a detached garage with a second floor two-bedroom apartment at 321 Oceanwoods Avenue, Marmora, New Jersey.
Tabled to the August 10, 2023 meeting.

115 ROUTE 50 ASSOCIATES, LLC – BLOCK 549 LOTS 3 – BA 12-2023

Applicant is seeking a use variance and preliminary and final site plan approval with variances for impervious coverage of 58.8% where 50%, tree preservation of 9.3% where 15% is required, accessory structure in a front yard, a sign of 80 sq ft where 32 sq ft is permitted and a 5 ft setback of a sign where 20 ft is required for an outdoor storage facility at 115 Route 50, Seaville, New Jersey.

Tabled to the July 13, 2023 meeting.

NEW APPLICATIONS

STRATHMERE MOTEL, INC – BLOCK 834 LOT 1 – BA 09-2023

Applicant is seeking preliminary and final site plan approval with a use variance to permit more than one principal structure to construct three single-family dwellings at 513 Commonwealth Avenue, Strathmere, New Jersey.

David Stefankiewicz, Esquire with the law firm of Stefankiewicz and Belasco. Representing the applicant, Strathmere Motel, Inc., they own the property at 513 Commonwealth Avenue block 834 lot 1 located in the resort commercial zone. Presently the applicant operates a 16-unit motel on the existing site. The motel is a pre-existing, non-conformity. There was a prior application to convert 16 units into 15 different sized units. The application was denied but the applicant listened to some of the public comments and has come back with a new plan. Presently the motel doesn't fit in with the character of the neighborhood. Some of the complaints were about parking in the summer. The hotel, as it exists, is not ADA compliant. It may or may not comply with setbacks as they exist today. What the applicant proposes to do is demolish the motel and replace it with 3 single-family dwellings. The application does require a D-1 variance. The ordinance permits one principal use on a parcel, where they propose 3. The proposed structures will comply with all bulk requirements. The project provides ample off-street parking, alleviating the prior parking issues. It will be in character with the surrounding neighborhood better than the motel. He has brought Steve Maloney, the principal of the applicant corporation and will be called upon if necessary. Also, William McLees the architect of the project and Engineer, Robert Bruce.

Steve Maloney was sworn.

William McLees and Robert Bruce were sworn as experts.

Mr. McLees has been a licensed architect in New Jersey for 25 years. He has been before this board many times and has been recognized as an expert in his field. He was part of the original design previously submitted as well as the current design. He is familiar with the design, the property, and the community. The new design takes into consideration the public comments regarding mass, coverage, and intensity of use. The existing structure needs repair. It is not ADA compliant as a motel use. It is not a permitted use in the zone. It is not compliant with flood requirements. The septic system is not built to floodplain requirements. The architecture is not currently in character with the neighborhood. The prior application had a problem with parking in the peak season. Parking is always a challenge in Strathmere. The traffic was also a challenge with the prior application. The proposed application is making use of the entire site which is 80' x 200' or 60,000 square feet, from Sumner to Sherman. They propose a new septic system that is fully compliant with today's codes. It is near completion of the review with the county. They propose three single-family dwellings. One will front Sumner; one will front Sherman and the third will front Commonwealth. They are compliant with all bulk requirements. They will have a coastal architectural design. There will be 16' between structures. The height will be under 35' from base flood. The plans show three, 3-bedroom units with 2 car parking garage with the ability to park an additional two per unit creating a total of 12 off-street parking spaces. They have narrowed the curb cuts to increase street parking. The design is in character with the neighborhood. They are smaller than the adjacent property. The FAR will be under 40%. They will appear as 3 separate lots, not one large lot.

Mr. Young would like clarification of whether units will be condos?

Mr. Stefankiewicz – They will be 3 condo units with an HOA. The units will be sold separately with Mr. Maloney likely keeping one of them.

Mr. Rainear – Asked for clarification of the parking and garage elevation and ownership.

Mr. McLees explained the garage is recessed and allows for additional parking. The garage floor elevation is listed at 7’.

Mr. Barnes – The ownership would most likely be a condo.

Mr. Phifer – The renderings show each of the units will have a different architectural style.

Mr. Dietrich confirmed this can be a condition of the approval.

Mr. McLees testified they intend to create three architecturally different designs.

Mr. Stefankiewicz agreed to accept that as a condition of the approval.

Mr. Rainear – Questioned the dormers and the cupola.

Mr. McLees – The cupola will be included if they are able to comply with the height requirements.

Mr. Dietrich – The top of the cupola must meet the height requirements.

Mr. McLees – This plan submitted tonight is better than the application before, it is better than what is there now. It’s a less intensive use. It is non-transient lodging. It is appropriate in terms of population density. It is consistent with the development around it. It complements the surrounding neighborhood. It promotes the health, safety, and welfare of, not just the occupants, but the surrounding occupants. There is improvement when you look at the impact from the design for flood mitigation versus none. There will be less flood waters that are building up along adjacent properties.

Mr. Rainear is concerned about third floor access to the cupola.

Mr. McLees – If they can include a rooftop deck the stairs will continue to the cupola. There will be no habitable space in the cupola.

Mr. Dietrich – If plans came in showing a third floor with habitable space it would be denied because they did not get a variance. They have not requested any variances.

Mr. Barnes – You would be granting a concept.

Robert Bruce, formerly sworn and recognized as an expert. Mr. Bruce has been a Licensed Engineer in the State of New Jersey since 1989.

Mr. Bruce testified that each unit has an advanced treatment unit which is a step above the standard septic system. They are piped to a pumping tank to a bed that is roughly 18’ by 96’. There is a permanent wall around the bed that is about 4’ high. The distance from the wall to the rear property line is about 8’. The project proposes to put a 6’ board on board fence along the rear

property line. The sizing and design has been submitted to the Cape May County Health Department. They have no technical concerns with the project. As a condition of their approval, they require a copy of the Homeowners Association, a copy of the Zoning Board approval, a copy of the Cape May County approval and a copy of the treatment works application to be presented to the DEP. They have not yet submitted to the DEP. The design complies with the design standards.

In his opinion, he believes he can site special reasons a, b, c, e, g, and i pursuant to N.J.S. 40:55D-2. He believes there would be no substantial detriment to the public good. And no substantial impairment to the intents and purposes of the municipal ordinance or the master plan. The positive benefits outweigh any detriments. They also include a stormwater management plan.

Mr. Dietrich – They are also complying with the new portion of the ordinance that the driveway aprons are all made of a permeable paving surface to help reduce stormwater impact.

Mr. Rainear asked if the units would have individual tanks.

Mr. Bruce – The tanks will require maintenance. They are advanced treatment units, and they have aeration devices in them and pumps.

Mr. Rainear questioned whether they have gone to Trenton for approval.

Mr. Dietrich – The applicant can't go to Trenton until they receive board approval. The committee needs to certify any treatment works approval that the project conforms to the municipal ordinances. Without the approval here they can't submit.

Mr. Rainear confirmed the septic approval will be coming from Trenton.

Mr. Bruce – The final approval is obtained through the TWA in Trenton.

Mr. Rainear questioned the special reason regarding density.

Mr. Bruce – The proposed project is less than the existing use of a motel. The houses are smaller than the lots that are adjacent.

The meeting was open to the public.

Ed Tettemer, 26 and 30 E. Sherman Avenue was sworn. This plan is better than the previous plan from 2021. However, he believes only one principal structure should be permitted. It substantially impairs the intent and purpose of the zone plan. He does not like the three units on one septic. He is concerned about the parking and vehicles that encroach on the sidewalk. He believes the FAR may be exceeded. He is concerned the cupola will be used as living space. He urges the township to confirm garage elevation. He doesn't believe this serves the best interest of the neighbors. It is a single lot and should have a single home. He does not support the application.

Mr. McLees – The lot size would allow for a 9,000 square foot home. This plan breaks down that mass and allows for light, air, and open space. The FAR is approximately 37%. They are only required to provide 2 off-street parking spots per unit but have created 4 per unit with a total of 12. He agrees to comply with the 7' garage elevation. Each structure will comply with bulk standards. There will be no living space in the cupola.

Linda Bateman, 14 E. Tecumseh, was sworn. Ms. Bateman stated the motel property is lush with vegetation and would like some growth kept. She is concerned that nothing was discussed about dark sky initiative through the lighting ordinance that is being worked on. She does support the application.

Mr. McLees – Agreed to comply with the dark sky lighting ordinance.

Mr. Dietrich – He will share a draft of the ordinance with the applicant.

Mr. McLees – The intent is to work with indigenous species and will try to salvage what they can.

Betty Coombs, 6 E. Sumner, was sworn. Ms. Coombs has concerns about ownership and HOA's. Who will handle the property. She is also concerned about rentals. And the fencing around the septic. She concurs with Mr. Tetterer.

Mr. Casaccio – The term condo is a form of ownership. All properties can be rented.

Mr. McLees – The fence is 6' and the wall is 4'.

Richard Schutte, 18 E. Sumner Road, was sworn. Mr. Schutte agrees with Mr. Tetterer's statements. Is concerned about parking and handicap accessible corners. He thinks the variance being granted would set a precedent that would allow others to do the same.

Elaine Holsomback, 29 E. Sumner, was sworn. Ms. Holsomback agrees with Mr. Tetterer's statements. She thinks the sketches are charming but is concerned about people adding on to them in the future.

Mr. Barnes – Any deviation from these plans would require them to come back before the board.

Mr. McLees explained that they are still working on the details of the plans. They will comply with all bulk requirements and agree to stay within the setbacks established in the plans. He agreed to the cupola not being larger than 36 square feet, the height being no higher than 35' and the third floor will not be habitable space.

Mr. Dietrich – They have shown setbacks from property lines and between structures. They have shown all the dimensional requirements as if this was a three-lot subdivision. The only thing they could add would be an uncovered roof top deck that cannot exceed 25% of the building envelope. It is unlikely that this could be done due to the cupola.

Mr. Unsworth – The FAR is 37% and 54% is allowed. He is concerned that if the design is not defined, the end results may be different than what is being approved.

There was a brief discussion about the FAR and the final design.

Mr. McLees – Needs to refine design with applicant. The nature of three buildings is self-limiting and they will not even be able to reach the allowable FAR of 54%. He agrees to stay within the same footprint. There will be three different designs with similar architectural features as submitted.

Janice Connelly, 1808 Commonwealth Ave, was sworn. Ms. Connelly believes single-family dwellings is a good response to the motel. She is concerned about the lighting and preserving the trees as much as possible is important.

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

Mr. Young has stepped down for the rest of the meeting.

Mr. Unsworth – The applicant, Strathmere Motel, Inc., block 834 lot 1, located at 513 Commonwealth Avenue in Strathmere located in the RC Commercial Zone. The applicant is seeking preliminary and final site plan approval with a use variance to permit more than one principal structure to construct three single-family dwellings on a single lot. They have agreed to several conditions, one that will be worked out with the board attorney regarding architectural design matching what has been submitted. He applicant has agreed to comply with the 7' garage elevation. They have agreed to work with the township engineer to take the dark sky lighting initiative into their plan. There was concern from the public about indigenous landscaping and growth on the lot. They have agreed to a FAR not to exceed 40%. There was concern and discussion that the structure being built would be similar to what is being proposed. There is a motel currently on the lot consisting of 15-16 units. The proposed is three single-family homes with three bedrooms in each. The benefits outweigh the detriment.

There will be visual improvement due to the aging condition of the existing structure. The design of three structures creates light, air and open space versus one larger structure. The new structures will meet all flood and elevation requirements and FEMA requirements. This does not impair the zoning plan as testified by both the architect and engineer. There will be proper stormwater management as required by the township ordinance. There will be improved environmental impact on the lot from flooding, stormwater management, and septic flow. The septic has been designed with all the current requirements. The new structures will meet all current building standards and requirements.

They are proposing four parking spaces per unit where two is required, giving a total of twelve off-street parking spaces. Curb cuts will be 12', there will be no loss of on-street parking. He believes this is a better alternative than existing and better than the previous application. There was some public comment; some for the application and some against the application. There was some concern about landscaping, lighting, the impact on zoning and parking. He is in favor of this application. The benefits outweigh the detriments.

Mr. McLees suggested an on-site meeting regarding landscaping with the township engineer to decide what should be saved.

Mr. Dietrich believed the intent was to save whatever was salvageable. Whatever you can practically keep, you make an attempt to keep.

Mr. Burger – Appreciates the effort and is in favor of the application.

Mr. Jackson – Concurs with Mr. Burger.

Mr. Mashura – Believed there were about 115 public testimonies in the 2021 application and this application checks all the boxes. He is in favor of the application.

Mr. Rainear – His original concerns have been answered. He is mostly satisfied and is in favor of the application.

Mr. Phifer – The application complies with the bulk requirements. The septic will have three ATU's in which will be state of the art. Special reasons presented are c, e, g, and i. He is in favor of the application.

Mr. Casaccio – Concurs. There was public testimony inside and outside of 200' with various comments which the applicant addressed. He is in favor of the application.

Mr. Barnes stated the following conditions:

- Maximum building coverage is 23.78%.
- Electronic plans to be submitted when finalized to allow us to confirm consistency.
- Septic is conditional to many third-party agencies.

A motion to approve the application was made by Mr. Mashura, seconded by Mr. Jackson
In Favor: Burger, Jackson, Mashura, Phifer, Rainear, Unsworth, Casaccio

SCROCCA, JOSEPH – BLOCK 382 LOT 18 – BA 11-2023

Applicant is seeking a use variance for the expansion of non-conforming lot to construct a detached steel garage at 1550 Route 50, Tuckahoe, New Jersey

Joseph Scrocca, 1550 Route 50, was sworn.

Mr. Scrocca testified that he seeks a use variance to construct a detached steel garage on his property. His residential home is in a commercial zone. He has resided at this property for 35 years. Other properties have similar garages in the area. The proposed garage will use a concrete slab and will meet all bulk requirements.

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

Mr. Unsworth – The applicant, Joseph Scrocca, comes before the board regarding his property at 1550 Route 50 in Tuckahoe also known as block 382 lot 18. He seeks a use variance for the expansion of a non-conforming use to construct a detached garage on his residential property in a commercial zone. The structure will meet all bulk requirements. Many properties in the area have something similar. The structure is 26'x25'. It is a unique lot. He believes the application can be granted without substantial detriment to the public good and no substantial detriment to the intents and purpose of the zoning ordinance and zone plan. There was no public comment. He is in favor of the application as presented.

Mr. Burger – Concurs.

Mr. Jackson – Concurs

Mr. Mashura – Concurs.

Mr. Rainear – Concurs.

Mr. Phifer – Concurs.

Mr. Casaccio – Concurs.

Mr. Barnes – Adds special reasons e, g, and m apply.

A motion to approve the application was made by Mr. Phifer and seconded by Mr. Unsworth.
In Favor: Burger, Jackson, Mashura, Phifer, Rainear, Unsworth, Casaccio

RESOLUTIONS

Union Chapel by the Sea – Block 600 Lots 14.01, 14.02, 15 and 39.01 BA 07-2023

A motion to approve the resolution was made by Mr. Unsworth, seconded by Mr. Jackson

In Favor: Burger, Phifer, Rainear, Unsworth

Abstain: Jackson, Mashura, Casaccio

BILLS

A motion to pay the bills as presented was made by: Mr. Unsworth and seconded by Mr. Mashura. All in favor.

DISCUSSION

Board Engineer position.

Mr. Casaccio updated the board on the search for an engineer. He has had discussions with planning board chair, Christopher McGuire, and they have thrown some names around and hope to have the same engineer for both boards if possible. He asks if any members would like to add any names to consider, to let him know. Any input from the board members is encouraged.

ADJOURNMENT

A motion to adjourn the meeting was made by: Mr. Unsworth, seconded by Mr. Mashura.
All in favor. The meeting ended at 8:45 pm.

Submitted by,
Liz Oaks