

**VIRTUAL MEETING OF THE  
UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
JUNE 11, 2020**

A virtual meeting of the Upper Township Zoning Board of Adjustment was conducted exclusively by electronic means. The meeting began at 7:30 p.m.

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Present: Sherrie Galderisi, Joseph Healy, Richard Mashura, Karen Mitchell, Andrew Shawl, Larry Trulli, Paul Casaccio.

Absent: Ted Klepac, Lynn Petrozza, Christopher Phifer, Matthew Unsworth.

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

**APPROVAL OF THE MAY 14, 2020 MEETING MINUTES**

A motion was made by Mrs. Galderisi and seconded by Mr. Mashura, to approve the minutes. Abstain: Trulli.

**INVOICES**

A motion to pay the bills was made by Mr. Trulli, seconded by Mr. Shawl, and approved.

**RESOLUTIONS**

1. LISA PETTIT – BLOCK 453 LOT 10.08 – BA 06-2020

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

2. JOSEPH & MELINDA DEL DUCA – BLOCK 845 LOT 8 – BA 04-2020

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

**SWEAR IN PAUL DIETRICH AND SHELLEY LEA**

**APPLICATIONS**

1. MHC ECHO FARMS LLC – BLOCK 558 LOTS 17 & 46 – BA 22-2019

Application is for preliminary and final site plan approval, D variance for expansion of a non-conforming use, D variance for maximum gross density, existing non-conforming tract size, minimum buffer area, minimum open space/recreation area, minimum campsite area, width and depth and modification of a prior approval requiring the applicant to purchase lot 45 from the Township, to create 6 additional campsites at 7.83 campsites per acre at 3066 Route US 9 South in Seaville.

Due to a conflict Mr. Casaccio did not participate in this application. Mr. Shawl acted as Chair during this application.

Keith Davis, Esquire, represented the applicant. He stated this is not a traditional D variance since the use is already existing. The land is not vacant. An existing non-conforming use exists on this property and the applicant wants to expand it by adding 6 campsites. The application includes amending the preliminary and final site plan approval and C variances for pre-existing conditions. There are 239 campsites existing. John Halbruner and Paul Dietrich met on site to confirm the number of existing sites. They have noticed a second time since there were some discrepancies in the number of sites. The applicant is requesting two D variances. He would like to reserve the right to have a 7<sup>th</sup> board member listen to the tape since 5 affirmative votes are required and only 6 board members present.

John E. Halbruner of Hyland Group in Ocean City, NJ, was sworn. Mr. Halbruner is a professional engineer and prepared the plan last revised May 28, 2020. He testified there are currently 239 sites in this campground that extends from Route 9 to Corson Tavern Road. The applicant proposes to create 6 additional sites. The campground consists of 31.3 acres. He discussed Exhibit A-1, an overall plan of the site, A-2 the 3 photos of comparable sites and A-3 an enlarged site plan on page C102. He referred to the proposed sites as infill sites since they are located in the center of the campground. A conditional use variance is needed since the pre-existing non-conforming density is increasing slightly. Five of the sites will have full hookup and one will have water and electric and no sewer.

Mr. Halbruner reviewed the required bulk variances shown on Sheet C102, Enlarged Site Plan. This sheet contains 4 schedules showing the variances needed for each of the lots and sanitary and sewer notes. Several lots require variances for campsite area, campsite width and depth and the distance between campers. The ordinance requires 15' between campers and the Construction Code requires 10'. Two of the sheds shown on the plan will be removed or relocated to conform with the ordinance. He testified the sites are consistent and compatible with the existing sites.

Mr. Halbruner testified the applicant requires 2 D variances to expand the non-conforming use and for maximum density. Currently the maximum density is 7.64 campsites per acre and the applicant proposes a maximum density of 7.83 campsites per

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acre. He feels the 2 ½ increase in density is de minimis since the new sites are fully compatible and consistent with the existing campsites and since the infrastructure and amenities are already there. He testified there is no negative impact since the campground is existing and the increase is de minimis. He testified there is no substantial impact on the neighborhood or the zoning plan or zoning ordinance. He feels the requested C variances are also de minimis and this is an appropriate location for recreational uses. He believes the application advances the purposes of zoning since there is no increase in traffic, noise or glare. There are no waivers requested. The application meets the provisions in the site plan ordinance.

Mr. Dietrich testified the proposed sites will not be able to meet the distance required to construct an enclosed deck or Florida room. He confirmed there are 239 existing sites.

Eric Gordon, 411 Eastern Blvd., Bayville, NJ, was sworn. He is the District Manager and oversees 6 RV Parks for the applicant. He agrees with the comments by Mr. Dietrich and understands that a variance would be needed to construct decks and additions on the new sites.

Mr. Davis stated the need for a variance to construct these additions does not limit the owners to apply for a variance in the future.

Ms. Mitchell asked if there is a trend in the size of trailers people are buying at this time. She feels the size of trailers has increased so the size of the sites should increase.

Mr. Gordon testified the trailers are the same every year. He stated the roads are narrow and the campground is heavily wooded. There are no large trailers because of the accessibility. There are 200 seasonal sites. Several have decks and screen rooms. The owners obtain permits and maintain the required distances.

Mr. Halbruner testified 4 of the new sites are a result of splitting existing larger sites. Two of the new sites are proposed where older infrastructure was demolished. He stated the original plans were based on an old survey. After walking the park with Mr. Dietrich, the plan was updated to comply with the 2015 approved site plan.

Mr. Davis stated that although campgrounds are no longer allowed under the ordinance, they are lawfully existing and grandfathered. The issue with the sheds will be cleaned up. The variances are de minimis. The new sites are within the established density and will not alter the function of the campground. The new sites are easily accommodated since they are within the interior of the site. He stated the purpose of zoning to promote recreation is being expanded. The public good and zoning plan are not being negatively impacted. There are no design waivers requested. Mr. Halbruner met with Mr. Dietrich on site and the plans were revised to comply with the 2015 approvals.

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

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MR. SHAWL – The applicants are MHC Echo Farms LLC, located at 3066 Route US 9 South, known as Block 558 Lots 17 & 46. This is an existing campground that has operated for many years. The application is for preliminary and final site plan approval, two D variances and bulk variances to add 6 sites. John Halbruner, PE, prepared the plans. Mr. Dietrich confirmed there are 239 existing sites. The applicant reviewed exhibits that were submitted as part of the application. This is a 31.27-acre property between Route 9 and Corson Tavern Road. Five sites will have water, sewer and electric and the 6<sup>th</sup> site will not have sewer. Two of the sites were created where a building once existed, and four sites were created by dividing existing larger sites. The sites are not all a rectangular shape. The new sites are consistent with the existing sites. The 10' between campers as required in the Construction Code is achieved but not all campsites can achieve the ordinance requirement of 15'. The sheds will be relocated or removed from the property. Testimony was given that the 2 ½ increase in density per acre is de minimis. The new sites are all infield sites and can be accommodated by existing facilities. There is no detriment to the public good. There is no increase in traffic, noise or service. The new sites will blend in with the existing development. There are no new roads or amenities proposed. He finds that special reasons exist. The expansion can be accomplished without compromising light, air and open space. There are not any design waivers needed. The site plan requirements have been met. The applicants have made a significant investment. The front of the property has been cleaned up. The additional sites will make this more financially viable. There will not be any Florida room additions or decks on the new sites without board approval. He agrees the burden of proof has been satisfied and there is no detriment to the public good.

MR. TRULLI – He has some reservations about setting a precedent in the future.

MS. MITCHELL – Nothing to add.

MRS. GALDERISI – Nothing to add.

MR. MASHURA – Nothing to add.

MR. HEALY – Nothing to add.

A motion was made by Mr. Healy and seconded by Mr. Mashura to grant the application for an additional 6 sites with the condition the sheds will be removed or relocated to conform with the ordinance, the zoning chart on the plan will be attached to the resolution and that no Florida rooms or decks will be added to the 6 new sites without receiving board approval.

Galderisi – Yes. The applicant has provided the burden of proof needed to grant the application. Relocating the sheds will be a benefit.

Healy – Yes.

Mashura – Yes. He sees no negative impact in granting the variances.

Mitchell – No. She feels this is not good for the public and that granting the variances would set a precedent. She feels that trailers are getting larger and the sites should be made larger too.

Trulli – Yes. He supports the businesses in the township.

Shawl – Yes. Special reasons for granting the variances have been provided. He believes there is no detriment to the public or the zone plan and zoning ordinance.

APPLICATION APPROVED

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**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Trulli and approved. The meeting was adjourned at 8:58 p.m.

Submitted by,

Shelley Lea  
Secretary