

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
ANNUAL SPECIAL MEETING MINUTES
JANUARY 25, 2022**

The special meeting of the Upper Township Zoning Board of Adjustment was held at the Township Hall 2100 Tuckahoe Road, Petersburg, New Jersey. The meeting was called to order at 6:30 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: James Burger, Karen Mitchell, Lynn Petrozza, Andrew Shawl, Larry Trulli, Richard Mashura

Absent: Paul Casaccio, Christopher Phifer, Matthew Unsworth, Sherrie Lisa Galderisi, Thomas Jackson

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

Mr. Dietrich and Ms. Oaks were sworn.

APPLICATIONS

JERSEY SHORE CAMPGROUND, LLC – BLOCK 548 LOTS 15 AND 20 – BA28-2021

Applicant is requesting a Preliminary & Final Site Plan Approval and use variance for an expansion to the existing non-conforming campground to construct a pool, pavilion, and miniature golf course. And to construct future campers on a permanent foundation at 76 & 84 Tyler Road in Ocean View.

Jersey Shore Campground, LLC. previously Frontier Campground. This property has 196 existing seasonal sites. The new proprietor, Mr. Gary Ott, intends to bring in significant capitol investment. He intends to improve existing ongoing conditions and create a business Upper Township can be proud of for many years to come. This will be Mr. Ott is here with his wife and son, this is their fourth campground. He started in Florida and currently owns two in Hershey and one in Gettysburg. Each of these have been successful ventures.

There are two aspects to the “D” Variances they are requesting, The first relates to a series of amenities and upgrades. They would like to add; a pool, a covered pavilion, an 18-hole mini golf course and renovated campground building to include retail sales, craft room, arcade and offices. This is a dramatic improvement and view this as a D2

Variance. The zone this is located does not allow campgrounds. The campground has been there many years and they consider this an expansion to a non-conforming use. The second "D" variance they are requesting is to take existing campsites that have RV models on them and change them to a stick-built transient site of no more than 14 days. They are prepared to provide as a condition a "Declaration of Convenience and Restriction" that runs in the favor of the Township in order to guarantee they are utilized in this capacity. Mr. Ott will conduct inspections and have reports available as proof. The Township will benefit from the stick-built cabin, through taxation of a structure when they cannot tax a recreation vehicle. He also believes the transient guest will provide more revenue to the Township as compared to a seasonal guest. This location will still be used in a recreational capacity as it has been. Currently there is a delay in getting park model trailers. The stick-built cabin will allow Mr. Ott to begin improvements quicker. They will be winterized and confirm vacancy each winter. If these proposed variances are granted, they will be asking for preliminary and final site approval.

Mr. Gary Ott of Glenmoore, PA was sworn.

Mr. Vincent Orlando, Engineer, EDA of 5 Cambridge Avenue, Ocean View was sworn and accepted as an expert.

Mr. Ott is owner of Jersey Shore Campground, LLC. He has been operating campgrounds for 20 years starting in Florida and continuing in Pennsylvania. The idea being closer to home and with smaller campgrounds. He presents before photos of the current site and proposed design. Including new store and office, a pool and 18 hole mini-golf course. He shows a proposed site. These ideas have been going on for approximately 2 years. He shows examples of stick-built cabins they propose instead of park models. There are some sites that are along the river that will need to be raised. The idea of the stick-built cabins developed due to need because of a delay in the supply chain. He wants his customers to be able to enjoy a natural atmosphere. He claims the cabins he proposes will be similar in size as a park model but of better quality. His concept of cabins where they can build themselves and create a better product in line with the proposed amenities.

Mr. Titeler – This explains the D2 variance, expansion of a non-conforming, pre-existing use.

Mr. Ott – Explains the park models that have been traditionally used, and approved for campgrounds, come in on wheels which require that addition of steps. The proposed cabins are a more visually desirable and more soundly built. He believes the park models are an inferior product, both inside and out. He could acquire these at approximately \$45,000. He will invest more in the stick built. The idea of these structures would be to allow for the client that does not own a camper can still enjoy the camping experience. He intends to rent strictly to transients, there will be no seasonal

sites. A management company will be conducting inspections to ensure that no sites are not in compliance. They expect to rent Saturday to Saturday, with a check out time that allows them to prepare the units for the incoming guest. He expects to rent the units at approximately \$2,000 per week. The benefits to the township for a transient base versus a seasonal renter include eating at local restaurants and frequenting local shops. The stick-built structure will be inspected according to building code. The structures will be taxable versus a park model. He proposes 30 stick-built structures of his existing 196 sites. There is a possibility that they may use some sites for seasonal. The stick-built cabins will be located mostly around the proposed amenities.

Mr. Titeler testifies they are asking to change the character of the campground by asking to construct stick-built cabins. Therefore, they are asking for the D Use Variance. We believe the improvements with the amenities are consistent with the recreational use of the property.

Mr. Dietrich explains that there is an existing playground that is not mentioned in the site plan that is not up to code that would need to be addressed.

Mr. Orlando – Testifies that many of the local campgrounds focus on the park model. They add sundecks and patios. Camping isn't what it used to be. Now they have become more second homes. Mr. Ott intends to run it more as a true camping facility. Mr. Ott intends to take 30-40 sites and rent them to transients, whether they are stick-built cabins or park models. The remaining sites will be pull in sites. Adding the amenities for the transient camper. He believes the D1 Variance is easy enough. The D2 Variance is an either-or situation. If Mr. Ott isn't permitted to construct the stick-built cabin, he will follow through with park models.

Mr. Dietrich explains that some of the construction that happens at these locations received construction permits but not zoning permits. Any future changes would require a zoning permit first.

Mr. Orlando testifies this is an older facility that needs the improvements. It is a good opportunity for the town to have this facility get some much-needed upgrades. He describes the amenity upgrades including the pool, 18-hole mini golf, splash pad and corn hole areas. The expansion of use does not expand the campground but enhanced recreational facilities, enhanced appeal. With respect to the D1 Variance, either bring it in or build it. There are clear advantages to the stick-built cabins. The construction of the units will include a building permit, electrical permit. All will be up to code. The units will be taxable. The D2 criteria for use is very simple. The units themselves will be approved by local officials. There is an aesthetic enhancement. This is an appropriate use for a campground. The proposed will enhance the recreation use. A true camping experience at a camping resort. There is no detriment to the public. There is no detriment to the

zoning ordinance or zoning plan, it is a campground now and will continue to be a campground.

Mr. Titeler reminds the board that the applicant has prepared a “Declaration of Conveyance and Restriction”.

Mr. Orlando adds that the proposed models are exactly what you would get. There will be no additional decks, roofs over and decks, sheds, or any other appendages. There are no intentions to change the landscape or buffers. The applicant has no intentions of ever adding porches.

Mr. Dietrich explains that the current code allows for an additional Florida room, deck, addition or shed equal to 400 sq ft.

Mr. Ott testifies that he would not ask for that in the future. He agrees to make that as a condition. The proposed unit he is interested in, is 448 sq ft. And that is all he intends to use. The two units function the same regarding wastewater management.

Mr. Dietrich explains that there would be no different affect to the stormwater management.

Mr. Orlando - The setback for the campers is 200' from the road. The location of the existing store does dictate the location of the amenities. They will be within the 200' setback, however, a buffer is maintained.

Mr. Dietrich states that the 200' is for the conservation zone, campgrounds have a 100' setback.

Mr. Orlando – The plan shows how there is currently no hierarchy of parking. There is no clear parking for arrivals. First, they intend to widen the driveway. The plan includes a location to stack two campers at a time for check in, keeping them off the road, and allow flow of traffic. There is no designated parking around the club house. They have included 5 spots on the opposite side of the entryway to the office and an addition 8 spaces along side of the office for guests that may utilize golf carts. There will be handicap parking spaces that currently don't exist. There will be a gate along the entrance, about 25' from the road. The proposed stick-built cabins will fall under campground guidelines, requiring the same setbacks and will require both a zoning permit and construction permit. They anticipate 1-1.5 vehicles per site.

Mr. Shawl – Questions to future possibility of these units turning into a condo type of unit.

Mr. Ott – Agrees to put that in the declaration that this would not be done. It is not his intentions to condo the units.

Mr. Dietrich – The Township is not permitted to control the type of ownership.

Mr. Titeler understands that the proposal of the cabin is unique to the Township and believes the Board would appreciate the Declaration of Convenience Restriction rather than a condition or deed restriction. They want to be in front of the situation. It will be recorded with the Cape May County Clerk. It would encumber the property in perpetuity, for so long as the cabin use remains. It requires a maximum of 14 days and includes inspections to confirm this.

Mr. Dietrich questions how many cabins are proposed.

Mr. Ott proposes to start with 30-40 but doesn't want to be limited because they could be extremely successful, for both he and the Township.

Mr. Titeler – Mr. Ott intends on providing a successful business that will improve on an existing campground. He and his family are developers that have been successful in this business. If the Board has any reasonable conditions, they are open and willing to listen.

Mr. Ott – The only thing that makes a campground successful is when a guest leaves, they refer others. The prices will vary from the cabins to pull in RV's. He does not intend to use the Tyler Road entrance.

Mr. Dietrich describes the upcoming road work on Route 50 in 2024 and suggests the Tyler Road entrance still be available for emergency use. He explains that it was discovered recently that at some campgrounds people were utilizing a roof-over that was changing the type of living space from an RV to a structure through a series of work. The concern then became people trying to live in campgrounds year-round. Upper Township has 8 traditional campgrounds and 3 individually owned campgrounds. The seasonal dates are April through October. Other municipalities have had issues and they rely on their local police departments to enforce.

Mr. Orlando – The issues are the same whether stick-built or RV. The Declaration of Convenience Restrictions is proposed to prevent this problem.

Mr. Barnes – Explains the discussion of the new campground ordinance that is currently being worked on.

Mr. Titeler – Clarifies that this application before the board is not to be based on an ordinance that may never be passed. The proposed declaration expresses their intention to self-police.

Mr. Dietrich states that there have been other campgrounds through the years to add amenities. This application is proposing more than the others. These amenities would exceed the norm.

Mr. Orlando – These cabins will be the same as what is currently in place but with more sustainability. They won't be coming in with decks and porches.

Mr. Dietrich – Discusses the site size and the wooded nature of this campground. This location has traditionally had less seasonal sites than transient sites.

There is a discussion about the proposed structure and design aspect, including color choices and finishes, of the cabins.

Mr. Titeler – Requests to sum up after hearing from the public and would like the option to request a seventh member or the board to hear the application.

The meeting is open to the public within 200 feet.

Tom Jones at 211 Rt 50 in Greenfield was sworn. Mr. Jones congratulates the Otts on their transaction. His concern is the adjacent lot, #15. He and his wife own the immediately adjoining lot, #14, they have been there 40+ years. He did not hear lot 15 being discussed this evening. He and his wife did review the plan. He believes he heard Mr. Ott claim there would be no clearing. Another concern is impervious coverage. From his understanding the cabins would be 20' X 20' with concrete underneath. With an unknown amount of these units. Currently, park models have wheels underneath. Septic and wastewater are his other concerns with the number of cabins and what the affect would be. He applauds the fact that they are going to upgrade the campground. The concerns mainly are the setbacks and buffers and how they affect his property. He does not understand the argument between cabins and RV's. He is under the impression that the existing RV's are registered vehicles on wheels and are supposed to be moved out at the end of the season. He is concerned about having permanent structures and the Federal or State Government bringing people from other places and these permanent structures would look appealing.

Hearing no one and seeing no one else within the 200', this portion is closed. The meeting is then opened to the public outside 200'.

George Foreman at 23 Frances Drive in Petersburg was sworn. Mr. Foreman is a resident of Upper Township and has had a trailer in the campground for 14 years. His daughter has a camper in the campground. He questions how these cabins will be taxed. He believes they would be considered homes. He believes this would no longer be a campground with the cabins. He isn't happy with the new transients being encouraged to come to "their town". No one knows who these transients are. The

current seasonal people have been here for many generations. He is unhappy with the new management and their future intentions.

Ernest Jeffries of 92 Nearwood Lane in Levittown, PA was sworn. Mr. Jeffries lives in the city and was excited to see Frontier due to its surroundings. It is a great community. He is unhappy with the management. He is fine with the proposed upgrades but doesn't like the idea of transients.

Angela Jeffries of 92 Nearwood Ln, Levittown, PA was sworn. Ms. Jeffries is not happy with the new management. She does not like the idea of transients.

Paula Watson of 20 Elm Avenue, Westmont, NJ was sworn. Ms. Watson has been camping here since 1977. She has concerns about traffic. She does not believe the argument that transients will spend more than seasonal guests is a valid argument. She is not opposed to the upgrades, as she believes many others feel the same.

Alex Speicher of 1411 11th Avenue, Dorothy, NJ was sworn. He does not understand why anyone would want to destroy such a beautiful campground. He is not happy with management.

Alexis Jeffries of 92 Nearwood Lane, Levittown, PA was sworn. Ms. Jeffries is unhappy with the management. She is concerned with the carbon footprint the cabins with foundations will affect the campground. And the affects of transients to the area.

Charles Fitzsimmons of 27 Eventide Place in Levittown, PA was sworn. Mr. Fitzsimmons is not happy with the new management.

Steve Rivotti of 70 Dundee Court, Williamstown, NJ was sworn. Mr. Rivotti was originally happy that the campground had been sold. He had thought that the campground would get some needed updates. He is now unhappy with the actions taken by the new management.

Ron Binder of 540 S Orange Street, Media, PA was sworn. Mr. Binder testifies that he is a licensed professional engineer in New Jersey. Mr. Binder has concerns about the property being in wetlands. He thinks the cabins would be better with screened porches. He is concerned with the shrubbery between each site which gives a buffer between sites, and how this will change the character.

Paige Sturts of 1411 11th Avenue, Dorothy, NJ was sworn. Ms. Sturts wants to know if there will be any tent sites. The applicant stated that no there would not be. The sites will be for RV's.

Hearing and seeing no other public, the meeting was returned to the board.

Mr. Titeler would like to proceed this evening with the application for the amenities. They request a tolling of the time for portion regarding the cabins. They request to be adjourned to a future date with the hopes of having seven members, either the regular meeting in February or a special meeting to be determined.

Mr. Barnes confirms that the applicant is aware that they would need 5 votes in favor to be approved.

Mr. Titeler - In summation, the property is a pre-existing, non-conforming use. It is lawfully existing; they have a license to operate the campground with 196 existing camp sites. There were limited amenities including a playground that is not to code. The applicant intends dramatic upgrades this property with a pool, a renovated office building with amenities within, including an arcade. An 18-hole mini golf course, and outdoor pavilion. The hope is to set themselves apart from other campgrounds. They do not need to satisfy the special reasons due to the existing use. They have no intentions to increase the number of camp sites. These amenities will not negatively impact the neighboring properties. There will be no impact with traffic.

Mr. Barnes – There will be two motions, one for the D2 Variance on the expansion of use for the amenities. The D1 Variance for cabins is for a use variance and is to be tabled to the February meeting.

A motion was made by Mr. Trulli and seconded by Ms. Petrozza to table the D1 variance, for the stick-built cabins, to the February 10, 2022 meeting. In favor: Burger, Mashura, Mitchell, Petrozza, Shawl, Trulli

Ms. Petrozza – The applicant, Jersey Shore Campground, a.k.a. Gary Ott. The location is block 548 lots 15 & 20, known as 76 and 84 Tyler Road in the Petersburg section of Upper Township. The applicant has come before the board for a D2 Variance, for the expansion of a non-conforming use. The property is located in the Conservation Zone where campgrounds are not permitted. The applicant proposes to improve the existing playground. They propose to add a pool, an 18-hole mini golf course, a pavilion, a campground building that will have a retail store, offices, an arcade, and corn hole. The applicant testified to his past experiences with pictures on his owning and renovating other campgrounds, this is his 4th. There will be no special reasons. The amenities outweigh any detriment to the public good. They are going to expand the entryway to the community to allow for parking and increasing the width of the driveway into 3 lanes for the flow of traffic. The applicant and the professionals have substantially brought over the improvements. She believes the application can be granted without detriment to the public good and will not substantially impair the purpose of the zone plan and zoning ordinance.

Mr. Burger – Nothing to add

Mr. Trulli – Nothing to add

Mr. Mashura – There was testimony that they plan to close off the Tyler Road entrance. And the comments from the public support the amenities.

Ms. Mitchell – She concurs.

Mr. Shawl – We heard a lot of comments from the public about the character of the neighborhood and the beauty of the site. We also heard testimony from the applicant that he plans to maintain the natural beauty of the site. That the changes in the front of the property are located so as to bring the amenities to the front and not disturb the existing buffers between the adjacent properties and that the amenities could be provided in a way that they weren't a detriment to the public health or to the zone plan as it is published. We also heard, while special reasons aren't allowed, we heard testimony from the planner that the amenities are located in a way that promotes the general welfare of the community, they are far enough off the road behind a vegetative buffer. They will be attractive but not a distraction and that the amenities present a desirable visual environment, and they are designed and located as such.

A motion was made by Mr. Mashura and seconded by Ms. Mitchell to approve the application regarding the D2 variance for the amenities. In Favor: Burger, Mashura, Mitchell, Petrozza, Shawl, Trulli

ANNETTE CALVARESE – BLOCK 453.10 LOT 356 QUAL 56 – BA29-2021

Applicant is requesting a Site Plan Waiver and use variance for an expansion to the existing non-conforming campground and a side yard setback for the addition of a sunroom. to an existing trailer at 56 Route 50, lot #56 in Ocean View.

Melissa McElroy was sworn. Ms. McElroy testified that they are here to add a sunroom to their camper. They need a variance for a side yard setback of 10' where 15' is required. They have approval from the campground. Their family has grown and need the space. They were not the original ones to apply for this, but their father, who passed away before he could see this through. They are the first person to do this the right way. Everyone else in the campground did work without going through the proper process. They will be following all building and fire codes for safety.

Mr. Dietrich explains that many of these cases had been going through the construction department but by-passing zoning. There have been ongoing discussions to make some changes to this zoning ordinance.

Mr. Barnes – The applicant is here for a site plan waiver and a D2 Variance for a side yard setback. With regards to the site plan waiver Mr. Barnes confirms with Ms. McElroy that their plans will not have any impact on the traffic circulation, landscaping, buffering, lighting or parking and is minimal construction. There will be no change in use or occupancy. This will be enough to meet the definition of site plan waiver.

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Mr. Shawl – The applicant is not changing the use, it is an expansion of an existing use, will not be increasing traffic or causing additional wastewater. There will be no manufacturing in the addition or anything that would be a detriment to the zone plan.

Mr. Shawl opens the meeting to the public. Hearing no one and seeing no one the meeting is returned to the board for findings of fact.

Ms. Petrozza – The applicant, Annette Calvarese at 56 Route 50 lot #56, in the Ocean Sands Resort. The applicant is here before the board because the current zoning code requires 15' between structures. The lot size is 30x55 does not leave room for a 3-season room. The proposed room will be 10' from the trailer on the neighboring site. The 3-season room will have no affect on the public good. It is conforming with other trailers and will be constructed with fire resistant on the wall that is 10' from the neighboring trailer. She believes they have met all the criteria and is in favor of the application. No public comment.

Mr. Burger – He concurs

Mr. Trulli – He concurs

Mr. Mashura – He concurs

Ms. Mitchell – He concurs

Mr. Shawl – Nothing to add

A motion was made by Ms. Petrozza and seconded by Mr. Mashura to approve the application as proposed. In Favor: Burger, Mashura, Mitchell, Petrozza, Shawl, Trulli

BILLS

A motion to pay the bills was made by Ms. Mitchell and seconded by Mr. Burger. All in favor.

ADJOURNMENT

A motion to adjourn the meeting was made by Ms. Petrozza, seconded by Mr. Mashura, and approved.

The meeting ended at 10:15 pm.

Submitted by,

Liz Oaks