

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
APRIL 14, 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**

Present: Richard Mashura, Christopher Phifer, Andrew Shawl, Larry Trulli, Thomas Jackson. Paul Casaccio

Absent: James Burger, Sherrie Lisa Galderisi, Karen Mitchell, Lynn Petrozza, Matthew Unsworth

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

**APPROVAL OF THE MARCH 10, 2022 MEETING MINUTES**

A motion to approve the minutes was made by Mr. Mashura and seconded by Mr. Shawl. In favor: Mashura, Shawl, Trulli, Jackson. Abstain: Phifer, Casaccio

Paul Dietrich, Township Engineer was sworn. Liz Oaks, Zoning Officer was sworn.

**APPLICATIONS**

**ROBERT HIDDEMEN – BLOCK 558 LOT 52.10 – BA06-2022**

Applicant is requesting a variance for accessory building coverage of 6.18%, where 4% is required, and accessory building height of 24', where 20' is required, to construct a detached garage at 9 Huntington Lane in Seaville.

Robert Hiddemen of 9 Huntington Lane was sworn.

Mr. Hiddemen testified that he wants to construct a pole barn and is exceeding the allowed 4% coverage. He is requesting a variance for coverage and a variance for height of 24' where 20' is allowed. He intends to store his RV and other items. There will be a small woodshop. There will be electric but no water. There will be no living space.

Mr. Dietrich brought up the size of an accessory structure in relation to the primary structure. He does not believe this particular application is necessarily an issue but to be considered in the future.

Mr. Barnes suggested a deed restriction on the property.

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

Mr. Shawl – The applicant, Mr. Hiddemen, has come before the Upper Township Zoning Board this evening in regard to his property at 9 Huntington Lane in Seaville also known as block 558 lot 52.10. The applicant is proposing to build an accessory structure on his property for the purpose of storing an RV and a small woodshop. The size of structure goes above the allowed 4% to 6.18%, therefore he is asking for a variance for coverage. Also, the building height allowed is 20' and he is requesting 24' needing a height variance. The size of the garage doors creates a need for the size and height. There will be no habitable space. The floor area of 3800 sq ft. There will be no detriment to the public good or the zoning plan. The building will be aesthetically pleasing and will fit into the character of the neighborhood. There will be electrical service. There was no public comment. The applicant represented himself. It has been agreed to a deed restriction on the property regarding no living space in the accessory structure.

Mr. Casaccio – One of the reasons why the percentage of coverage is going over is due to the pre-existing swimming pool and swimming pool area that's already calculated in the coverage.

A motion to approve the application with a deed restriction was made by Mr. Shawl and seconded by Mr. Trulli. In favor: Mashura, Phifer, Shawl, Trulli, Jackson, Casaccio

**WILLIAM AND MARY GARRITY – BLOCK 832 LOT 3 – BA07-2022**

Applicant is requesting a variance for side yard setbacks of 5' 8" and 4' 3" for a total of 9' 11", where 6' and 12' are required to convert the existing attic half story to a full story second floor at 104 W Sherman Avenue in Strathmere.

Mr. Ronald Galzunas, Attorney for the applicant, explains the applicant intends to elevate the roof creating an additional area on the 2<sup>nd</sup> floor. All of which would be contained in the existing footprint.

Pamela Fine, Fine Architecture at 179 County Road, Cape May Court House was sworn as an expert. Her experience began in 2001 and has been licensed since 2012 and started in firm in 2015. She has solely practiced in Cape May County.

William Garrity of 104 W Sherman Avenue was sworn.

Ms. Fine testifies to layout of existing structure showing elevations as well. This is a standard beach cottage The existing kitchen and living space will be opened up to contain a larger kitchen and small dining area. There will be an interior spiral staircase that is replacing a smaller dangerous one. The second floor will be a new dining area with living space and a bathroom. Their will be a back roof deck. The side yard set back is a pre-existing, non-conforming on the ocean side, of 5'8" where 6' is required. They intend to create the 2<sup>nd</sup> floor in line with

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the existing. The bay side setback is 4'3" where 6' is required. An aggregate of 9'11" where 12' is required. The plans were designed to keep in character with the neighborhood, not pushing the limit of FAR or height. The first floor is 967 square feet with no additional proposed. The 2<sup>nd</sup> floor 576 square feet with a total of 1,543 square feet. This is well under the allowed FAR.

Mr. Garrity testified that he purchased the property in 1998 but has been a resident of Strathmere since 1973 when his parents bought a house, his sister has a house, his two cousins have a house. They need the space as the family grows. Currently they have no where to sit together and eat. He is happy with the house but just needs a little bit more space. The space would not be converted into bedrooms.

Mr. Dietrich questioned location of HVAC, concerned with outside condensers. If they change or enlarge the platform, they may need to be moved to the rear of the house.

Mr. Garrity testified that they are existing and should not change. The home is above base flood.

The meeting is open to the public, hearing no one and seeing no one the meeting returned to the board for findings of fact.

Mr. Shawl - The applicant, Mr. Garrity, has come before the Upper Township Zoning Board this evening in regard to his property at 104 W Sherman Avenue in Strathmere also known as block 832 lot 3. It is in the RR Resort Residential Zone. It is an existing home that was raised after Sandy. The applicant is proposing to keep the existing footprint and convert the attic to usable 2<sup>nd</sup> floor space. The 2<sup>nd</sup> floor will align with the existing house. The testimony we heard from the architect and the owner that there will be no substantial detriment to the zone plan or public good from approving this variance that is requested. The FAR is still under the allowed percentage. There was no public comment. The character of the addition will use architectural elements that will fit in with the character of the neighborhood. The family has been in Strathmere a long time. We also heard about the HVAC units there is no change to the height or size of the units or platform that would cause them to stick out more into the side yard setback.

Mr. Jackson – It is commendable that applicant is using the existing home rather than tear down and build a larger home.

Mr. Trulli – Nothing to add.

Mr. Mashura – It is obvious there is a hardship with a 30' lot. They did an good job with the design by not expanding the building. They are still under in coverage and FAR for an aesthetically pleasing, attractive, not imposing and still meets the base flood.

Mr. Phifer – Nothing to add.

Mr. Casaccio – All work is contained to the 2<sup>nd</sup> floor without changing the existing footprint so there isn't much expansion going on.

A motion to approve the application as presented was made by Mr. Shawl and seconded by Mr. Trulli. In favor: Mashura, Phifer, Shawl, Trulli, Jackson, Casaccio

**RICHARD KACZMARSKI – BLOCK 549 LOT 94 – BA08-2022**

Applicant is requesting a variance for lot coverage of 29.6% where 22% is allowed for an addition to a single-family dwelling, an inground pool and gazebo at 49 Evergreen Drive in Seaville.

Mr. Richard Kaczmariski of 49 Evergreen Drive in Seaville was sworn.

Mr. Kaczmariski testified that he is requesting a variance to exceed his allowed coverage of 22% to 29.6%. His intentions are to construct a first-floor addition to an existing home and an inground pool with a gazebo. His wife and himself would like a first-floor bedroom. And with covid want to include a pool for family activity. The pool and gazebo will be 10' from the home and will include a shallow end that is more of a sun shelf. The addition will match the house and be aesthetically pleasing.

Mr. Dietrich explains that this is an undersized lot and therefore requires that the primary and accessory structures are totaled together.

The meeting was open 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, Mr. Kaczmariski, has come before the Upper Township Zoning Board this evening for his property at 49 Evergreen Drive located in Seaville also known as block 549 lot 49. The applicant is proposing to put a one-story addition to his two-story house to accommodate more living space on the first floor. He is also proposing a pool and a gazebo. These additions bring his coverage to 29.6% where 22% is allowed. There is a photo of the existing house and drawings of the proposed addition. It is using architectural details that are aesthetically pleasing and keeping in character of the neighborhood. Many other houses in the neighborhood have pools. The development is taking place in the side and rear of the house. This is an undersized lot. There was no public comment. The applicant is representing himself. There is no detriment to the zone plan public good by allowing this variance.

A motion to approve the application as presented was made by Mr. Mashura and seconded by Mr. Trulli. In favor: Mashura, Phifer, Shawl, Trulli, Jackson, Casaccio

**PAULA DEVER – BLOCK 567.01 LOT 7 – BA11-2022**

Applicant is seeking a variance for a front yard set-back to construct an in-ground pool at 8 Erica Lane in Seaville.

Robert Dever of 8 Erica Lane, Seaville was sworn.

Paula Dever of 8 Erica Lane, Seaville was sworn.

Mrs. Dever testified that 10 years ago they had gotten a variance to add a 6 ft privacy fence in their front yard. They live on a corner which creates two front yards. When they obtained the variance for the fence they had intentions of adding a pool but that had not been approved at that time. The well is in the other side of the rear yard and this leaves only one place to put the pool.

Mr. Dietrich suggests that if the applicant chooses to use pavers or concrete around the pool, they are conscience of allowable lot coverage. They are very close to exceeding their lot coverage.

The meeting was open 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, Mr. and Mrs. Dever, have come before the Upper Township Zoning Board this evening for his property at 8 Erica Lane located in Seaville also known as block 567.01 lot 7. The applicant is proposing to add an inground swimming pool to their backyard. The property has two front yards and is located on the corner of Erica Lane and Cedar Lane, located in the Seaville section of the Township. The existing well and septic limit where the pool can be. And the corner lot further restricts them. They had gotten a variance for the existing fence about 10 years ago. This is an inground pool and will not affect the aesthetic of the neighborhood. It will allow for exercising. There was no comment from the public. There was a discussion about coverage if they intend to use pavers or concrete. The only variance required is the front yard setback. He believes the variance can be granted without substantial detriment to the zone plan or public health.

Mr. Casaccio – The only thing to add is the house is facing Erica and the proposed location of the pool is comparable with the neighborhood.

A motion to approve the application as presented was made by Mr. Trulli and seconded by Mr. Phifer. In favor: Mashura, Phifer, Shawl, Trulli, Jackson, Casaccio.

**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 has been tabled to May 12, 2022.

**RESOLUTIONS**

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

A motion was made by Mr. Shawl and seconded by Mr. Jackson to approve the resolution as presented. In Favor: Mashura, Shawl, Trulli, Jackson. Abstain: Phifer, Casaccio

**MARK AND RENEE McKINNEY – BLOCK 600 LOT 62 – BA04-2022**

A motion was made by Mr. Shawl and seconded by Mr. Jackson to approve the resolution as presented. In Favor: Mashura, Shawl, Trulli, Jackson, Casaccio. Abstain: Phifer

**JAMES AND JENIFER WYRES – BLOCK 13 LOT 3.02 – BA02-2022**

A motion was made by Mr. Shawl and seconded by Mr. Mashura to approve the resolution to approve the amenities. In Favor: Mashura, Shawl, Trulli, Jackson, Casaccio. Abstain: Phifer

**LIBERTY 519 S SHORE RD, LLC – BLOCK 599 LOT 11 & 12 – BA03-2022**

A motion was made by Mr. Shawl and seconded by Mr. Jackson to approve the resolution to approve the amenities. In Favor: Mashura, Shawl, Trulli, Jackson..Abstain: Phifer, Casaccio

**MOKEY, LLC – BLOCK 794 LOT 1 – BA05-2022**

A motion was made by Mr. Shawl and seconded by Mr. Trulli to approve the resolution to approve the amenities. In Favor: Mashura, Shawl, Trulli, Jackson, Casaccio. Abstain: Phifer

**INVOICES**

A motion to pay the bills was made by Mr. Trulli and seconded by Mr. Jackson. All in favor.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Shawl and seconded by Mr. Mashura, all in favor. The meeting ended at 7:28 pm.

Submitted by,  
Liz Oaks