

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
MAY 12, 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: James Burger, Christopher Phifer, Larry Trulli, Matthew Unsworth, Thomas Jackson, Paul Casaccio

Absent: Sherrie Lisa Galderisi, Richard Mashura, Karen Mitchell, Lynn Petrozza, Andrew Shawl

Also, in attendance were Jeffrey Barnes, Board Solicitor, Mark Shourds, Substitute Township Engineer and Liz Oaks, Board Secretary and Zoning Officer.

**APPROVAL OF THE APRIL 14, 2022 MEETING MINUTES**

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

**TABLED APPLICATIONS**

**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 IS TABLED TO JUNE 9, 2022.**

**RESOLUTIONS**

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

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

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

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

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

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

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

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

**APPLICATIONS**

**TOM MELCHIONNI – BLOCK 687 LOT 18 – BA12-2022**

Applicant is requesting a minor subdivision with variances for minimum lot frontage, minimum lot width, minimum side yard setbacks, accessory structure setback and a variance for one of the proposed lots that will not abut an improved roadway at 12 Beesley's Place in Beesley's Point.

David Stefankiewicz attorney with Stefankiewicz and Belasco, LLC. He represents the applicant, Mr. Melchionni who is seeking a minor subdivision with variances.

Joe Maffei of 5 Cambridge Drive was sworn as an expert.  
Tom Melchionni of 9 Beesley's Place was sworn.

Mr. Stefankiewicz explained the applicant and owner, of 12 Beesley's Place currently has a single-family dwelling and a detached structure on the property, both of which have historical value. He proposes to subdivide the property into two lots. One lot will have the existing single-family dwelling and the other lot will contain the detached structure which will be reconstructed into a single-family dwelling. One lot will be approximately 57,000 sf and the other lot will be approximately 61,000 sf. There are variances being requested. Lot width, side yard setback along with proposed lot 18.01 which will not abut a roadway and will not have lot frontage. An access easement is proposed for access.

Mr. Maffei – The following exhibits are submitted.

A1-An ariel map.

A1 #1-Existing house prior to partial demolition.

A1 #2-Currant view of existing house as of 5/12/22.

A1 #3-Existing garage as of 5/12/22, to be converted to single-family dwelling.

A1 #4-Existing garage as of 5/12/22, to be converted to a single-family dwelling and Mr. Melchionni's home to the right.

Mr. Maffei testified that the property is located at the end of Beesley's Place. He described the photos submitted as exhibits. The property is just over 3 acres and will be cut into two. The proposed lot 18.01, where the existing two-story house will be 1.32 acres. And the other lot will be 1.42 acres. Both of which are oversized. Proposed is a 50-foot-wide access easement that provides access from the street. Each proposed lot is requesting a lot width variance. In addition, proposed lot 18.01 requests a lot frontage variance due to not having any lot frontage. A side yard setback variance for the principal structure on proposed lot 18. The garage, a proposed single-family dwelling, on lot 18.01 requests a side yard setback. The shed by the pool also needs a variance. All other zoning requirements are met. The application complies with adequate light, air and open space. It promotes the establishment of appropriate population density and concentrations. Provides a desirable visual environment. It is repurposing and preserving a historic property. He believes only one side yard setback would affect Mr. Melchionni and is de minimis as it is only 1.3 feet. He does not consider it to be a detriment. The positives substantially outweigh any detriments. It does not affect the zone plan or zoning district in any way and does not negatively impact the public good.

Mr. Burger suggested clipping the corner of the easement for access.

Mr. Casaccio added a suggestion to Mr. Burger's comment of adding a radius.

Mr. Shourds stated he reviewed what Mr. Dietrich provided him and listened to the testimony. The biggest issue in a case like this, with a lack of frontage, would be safety. Can emergency vehicles have access. He believes the suggestions by the board regarding the easement should address this concern.

Mr. Stefankiewicz stated his client would be willing to address the easement as suggested.

The meeting was open to the public within 200 feet. Hearing no one and seeing no one, this portion was closed.

The meeting was open to the public outside 200 feet.

Nathalie Neiss of 779 Rt 50 was sworn.

Ms. Neiss questioned what zone this property was located in. Mr. Casaccio stated it was located in the R Zone.

Hearing and seeing no other public. This portion was closed and returned to the board for findings of fact.

Mr. Unsworth – The applicant, Tom Melchionni, of block 687 lot 18. He is proposing to subdivide an existing oversized lot that is 2.74 acres into two

individual lots, one approximately 61,000 square feet and the other 57,000 square feet. Proposed lot 18.01 does not have frontage and an easement has been proposed for access. A few variances are being requested. Lot width, lot frontage and side yard setback. The lots are exceeding, by almost 1.5 times, the lot size requirement for the zone. The applicant is renovating the existing historic home and saving the parts of the structure that can be saved. The renovation will improve the appearance of the structure and believes will also improve the appearance of the neighborhood. The lots themselves are larger than other lots in the neighborhood and are unique in their narrowness. Mr. Melchionni is one of the neighbors, located on the south side. There is still a large buffer between his home and the existing structure. There is an aerial photo showing significant vegetation serving as a buffer around the entire lot. There was discussion about access to the lot and the applicant has agreed to put a radius on the easement to facilitate larger vehicles, such as emergency vehicles. There was public comment on the application questioning the zone. He believes this is a good use of the property, it does not have a negative impact on the neighborhood or township. It improves the appearance of the structures that are there and will improve the neighborhood. He is in favor of the application as presented with the adjustment of the easement.

Mr. Burger – Nothing to add.

Mr. Jackson – Nothing to add.

Mr. Trulli – In favor of the application.

Mr. Phifer – Nothing to add.

Mr. Casaccio – The existing structure that was torn down had insect damage, causing the removal.

A motion to approve the application, with the adjustment of the easement, was made by Mr. Unsworth and seconded by Mr. Trulli. In favor: Burger, Phifer, Trulli, Unsworth, Jackson, Casaccio.

### **JARROD PIERCE – BLOCK 12 LOT 2 – BA14-2022**

Applicant is requesting a variance for a side yard setback of 18.63'/53.63' where 35'/70' is required, maximum building coverage of 9.25% where 3% is required and maximum impervious coverage of 10.4% where 5% is required to construct a single-family dwelling at 573 Rt 49 in Tuckahoe.

Mr. Pierce was not present. His wife, Andrea Dalinger, and contractor, Jeff Steelman were present. No legal representative was in attendance. This

application is not able to be heard at this time. This application will be tabled to the June 9, 2022 meeting. No additional notice will be needed.

**KOBE CORP. TUCKAHOE INN – BLOCK 682 LOTS 1 & 2 – BA15-2022**

Applicant is seeking a site plan waiver to remove an existing gazebo, outdoor bar, boat bar and replace with a 22'x13'6" outdoor covered bar and 2 picnic tables at the Tuckahoe Inn located at 1 Harbor Road in Beesley's Point.

Mark Friedman, Attorney for the applicant Kobe, LLC known as the Tuckahoe Inn located at 1 Harbor Road in Beesley's Point, Block 682 Lots 1 & 2 on the tax map. We are here tonight on a site plan application seeking final approval. Plans have been submitted. A report was issued by Mr. Dietrich. The application will be presented by Mr. Maffei. The application is to replace the two bars that are existing with one bar. The number of seats will remain the same. The location will be replacing an existing gazebo.

Tyson Merryman of 31 Clover Hill Circle, Egg Harbor Township was sworn.

Mr. Maffei, previously sworn, testified the applicant proposes to remove an existing gazebo and two bars, replacing with an open gazebo. They are in a Coastal A Zone and require a flood variance. The number of the seats will stay the same, so the parking remains the same.

Mr. Unsworth noted that in Mr. Dietrich's report there was a request for flood vents and confirmed that any mechanical or electrical would be above flood level.

Mr. Phifer – Confirmed the tear down of existing gazebo and the location of proposed. The size of the original was approximately eight to ten feet in diameter and the proposed is 22' X 13'. The two bars are becoming one.

Mr. Shourds – His only concern with an open structure such as this would be the wind shear, uplift and anchoring. He believes the building code office will be addressing that.

The meeting was open to the public within 200 feet. Hearing no one and seeing no one, this portion was closed.

The meeting was open to the public outside 200 feet.

Nathalie Neiss previously sworn.

Ms. Neiss stated that she is in favor of the application. She believes they are an asset to the community.

Hearing and seeing no other public. This portion was closed and returned to the board for findings of fact.

Mr. Unsworth – The applicant, Kobe, LLC of 1 Harbor Road, Beesley's Point known as The Tuckahoe Inn has come before the board for a site plan waiver. They have an existing bar that currently serves outdoor liquor sales. They are proposing one larger structure in the same location as existing gazebo bar. It will be the same number of seats so no parking will change. It will improve the appearance and flow of the area. The new structure will meet flood requirements regarding flood vents and the mechanicals will be above base flood. Public comment was made in support of applicant. Mr. Unsworth agrees and is in favor of the application as presented. He believes it is a good use of space and will improve the appearance.

Mr. Burger – He is in favor and believes everyone is on board with Mr. Dietrich's comments.

Mr. Jackson – Nothing to add.

Mr. Trulli – Being in compliance with the strapping, no additional seating, no stress on parking. He is in favor.

Mr. Phifer – He understands the need for improvement while sad to see the boat bar being removed, he is in favor of the application.

Mr. Casaccio – Concurs with Mr. Phifer's statement.

Mr. Barnes – Confirms with Mr. Maffei that this applicant has been before this board seeking relief.

Mr. Casaccio also confirms that this applicant has been before the Zoning Board numerous times.

A motion to approve the application, with the adjustment of the easement, was made by Mr. Phifer and seconded by Mr. Unsworth. In favor: Burger, Phifer, Trulli, Unsworth, Jackson, Casaccio.

### **INVOICES**

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

### **ADJOURNMENT**

A motion to adjourn the meeting was made by Mr. Phifer and seconded by Mr. Unsworth, all in favor. The meeting ended at 7:08 pm.

Submitted by,  
Liz Oaks