

**UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
AUGUST 11, 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 6:35 p.m.

**SUNSHINE ANNOUNCEMENT**

**SALUTE TO THE FLAG**

**ROLL CALL**

Member	Attendance
Paul Casaccio, Chairman	Present
Matthew Unsworth	Absent
Karen Mitchell	Absent
Christopher Phifer	Present
Lynn Petrozza	Present
Andrew Shawl	Present
Richard Mashura	Absent

Member	Attendance
Sherrie Galderisi, Alt #1	Absent
Larry Trulli, Alt #2	Present
James Burger, Alt #3	Present
Tom Jackson, Alt #4	Absent

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

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

A motion to approve the minutes was made by Mr. Trulli and seconded by Mr. Shawl.

In favor: Shawl, Trulli, Burger, Casaccio

Abstained: Petrozza, Phifer

**APPLICATIONS**

**SHORE SHINE CAR WASH, LLC – BLOCK 600 LOT 48 – BA10-2022**

Applicant is seeking a use variance for expansion of a non-conforming use, variance for a rear yard setback and a variance for minimum lot size for auto sales to construct a sales office for used car sales an auto repair garage in rear of property and a display pad for used cars at 452 Route US 9 South in Marmora.

**This application was tabled to the September 8, 2022 meeting**

**FOGLIO FAMILY, LLC – BLOCK 600 LOT 40 – BA13-2022**

Applicant is requesting a variance for the expansion of a non-conforming use for not providing a residential use where mixed-use development is required. There are pre-existing signs, 1 permitted and 2 existing with a setback of 8.6’/17.0’ where 20’ is required. A variance for existing lot frontage and front yard setback to construct two 50’x100’ storage buildings and extend the existing stone drive to each of the new buildings at 342 Rt US 9 South in Marmora.

**This application was tabled to the September 8, 2022 meeting.**

**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 was tabled to the September 8, 2022 meeting.**

## **RESOLUTIONS**

### **ACOS ENERGY – BLOCK 558 LOT 14 – BA18-2022**

A motion to approve the resolution was made by Mr. Shawl seconded by Mr. Trulli.  
In Favor: Mr. Trulli, Mr. Burger, Mr. Shawl, Mr. Casaccio  
Abstain: Ms. Petrozza, Mr. Phifer

### **MSGBM LLC – BLOCK 587 LOT 16 – BA19-2022**

A motion to approve the resolution was made by Mr. Shawl seconded by Mr. Trulli.  
In Favor: Mr. Trulli, Mr. Burger, Mr. Shawl, Mr. Casaccio  
Abstain: Ms. Petrozza, Mr. Phifer

### **Resolution Authorizing Contract with Mark V. Shourds for Professional Services**

A motion to approve the resolution was made by Mr. Shawl seconded by Mr. Trulli.  
In Favor: Mr. Trulli, Mr. Burger, Mr. Shawl, Mr. Casaccio, Ms. Petrozza, Mr. Phifer

### **Resolution for the Contract with Mark V. Shourds for Professional Services**

A motion to approve the resolution was made by Mr. Shawl seconded by Mr. Trulli.  
In Favor: Mr. Trulli, Mr. Burger, Mr. Shawl, Mr. Casaccio, Ms. Petrozza, Mr. Phifer

### **Resolution Authorizing Amended Contract with King Barnes, LLC for Professional Services**

A motion to approve the resolution was made by Mr. Shawl seconded by Mr. Trulli.  
In Favor: Mr. Trulli, Mr. Burger, Mr. Shawl, Mr. Casaccio, Ms. Petrozza, Mr. Phifer

## **BILLS**

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

### **LAUREN AND LOGAN BIRD – BLOCK 15 LOT 3 & 4 – BA20-2022**

Applicant is requesting variances for Front Yard setback of 42' where 50' is required, Total Side Yard setback of 69' where 70' is required, Side Yard setback of 22.6' where 35' is required and Building Coverage of 3.8% where 3% is required, Impervious Coverage of 8% where 5% is required and Accessory Building Coverage of 2.6% where 1.5% is required for a addition to an existing residential structure and construction of a swimming pool at 283 Marshallville Road, Marshallville.

Lauren Bird, 283 Marshallville Road, Marshallville was sworn.

Ms. Bird testified that they want to build and addition because they have a large family consisting of six children. They have outgrown their home. They need more bedroom space, living space and kitchen space. All in the hopes of making it more practical for their family. They require setback and coverage relief. The porch they want to construct is similar to others in the area. The lot is long and narrow. There are no problems with drainage.

Mr. Dietrich – As part of the Plan Endorsement process in 2007, both the AR and TR Zone were changed. Due to these zones being in a more rural area the DEP wanted the Township to severely decrease the traditional lot coverage. Typically, prior to the zone change, a two-acre lot would

have had a 5% building coverage and 15% impervious coverage. Under the old zoning it would have probably conformed.

Ms. Bird – Believes the plan they have come up with fits in with the character of the neighborhood. The setbacks allow for light, air, and open space sufficient for this area. She believes the variances can be granted without substantial detriment to the public good and without substantial detriment or impairment to the intent and purposes of the zoning plan and zoning ordinance.

The meeting was open 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, Lauren and Logan Bird, have come before the Upper Township Zoning Board concerning their property at 283 Marshallville Road also known as block 15 lots 3 & 4. We heard testimony from the applicant, Lauren Bird, that the new addition, the proposed pool and proposed out building would add curb appeal to their property and the design is keeping within the character of the neighborhood. She also provided testimony the design allowed for adequate light, air, and open space for the neighborhood. Which is the special reason. She indicated that she felt the variance relief can be granted without substantial detriment to the public good and without substantial detriment or impairment to the intent and purposes of the zoning plan and zoning ordinance. There was no comment from the public. The applicant represented themselves. He believes that the variances can be granted.

There was a brief discussion about the lots being consolidated. Ms. Bird stated that they purchased the property this way but would comply.

Mr. Phifer – Nothing to add.

Ms. Petrozza – Concurs and is in favor of the application.

Mr. Burger – Is in favor of the application.

Mr. Trulli – Concurs seeing no objection from the public.

A motion to approve the application with the conditional deed of consolidation was made by Ms. Petrozza, seconded by Mr. Shawl.

In Favor: Mr. Trulli, Mr. Burger, Mr. Shawl, Mr. Casaccio, Ms. Petrozza, Mr. Phifer

### **ADJOURNMENT**

A motion to adjourn the meeting was made by: Ms. Petrozza, seconded by Mr. Trulli.  
All in favor. The meeting ended at 6:54 pm.

Submitted by,  
Liz Oaks