

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
OCTOBER 5, 2023

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**

Member	Attendance
James Burger, Alt #1	Present
Paul Casaccio, Chairman	Present
Sherrie Galderisi	Present
Tom Jackson Alt #2	Present
Richard Mashura	Present
Lynn Petrozza	Absent
Christopher Phifer	Present

Member	Attendance
Donald Rainear Alt #3	Absent
Andrew Shawl	Present
Matthew Unsworth	Present
Hobie Young, Alt #4	Absent

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

Paul Kates and Liz Oaks were sworn.

**APPROVAL OF THE SEPTEMBER 7, 2023 MEETING MINUTES**

A motion to approve the minutes was made by Ms. Galderisi and seconded by Mr. Shawl.  
In Favor: Burger, Galderisi, Jackson, Mashura, Shawl, Casaccio  
Abstain: Phifer, Unsworth

**TABLED APPLICATIONS**

**115 ROUTE 50 ASSOCIATES, LLC – BLOCK 549 LOT 3 – BA 12-2023**

Applicant is seeking a use variance and preliminary and final site plan approval with variances for impervious coverage of 58.8% where 50% is required, tree preservation of 9.3% where 15% is required, accessory structure in a front yard, a sign of 80 sq ft where 32 sq ft is permitted and a 5 ft setback of a sign where 20 ft is required for an outdoor storage facility at 115 Route 50, Seaville, New Jersey.

This application has been tabled to the November 2, 2023 meeting.

**NEW APPLICATIONS**

**DiMARCANTONIO, ED AND BETH – BLOCK 829 LOT 12 – BA 15-2023**

Applicant is seeking variance relief for side yard setback, aggregate side yard setback and rear yard setback to construct an addition to an existing single-family dwelling at 17 Putnam Avenue, Strathmere, New Jersey.

Avery Teitler, attorney for the applicant, described the property location as a single-family dwelling located at 17 Putnam Avenue in the Strathmere section of Upper Township. It is a 4,000 square foot lot in the RR or Resort Residential zoning district and known on the tax map as block 829 lot 12. The applicant is requesting variances for side yard setback, aggregate side yard setback and rear yard setback to construct a second-floor addition over an existing deck on the east side of the structure. The testimony and evidence will indicate that all these variances are a result of pre-existing non-conforming conditions. None of these existing non-conforming conditions will be significantly exacerbated as a result of granting this application. Testimony and evidence will indicate the requested variances can be granted under the C2 standard and that several purposes of zoning will be met as a result of this project. The positive aspects of granting this application will outweigh any negative aspects. Testimony and evidence will indicate there is no substantial detriment to the public good and will not substantially impair the intent or purpose of the zoning plan and zoning ordinance.

James Chadwick, PE and RA, 1348 Asbury Avenue, Ocean City, was sworn as an expert.

Mr. Chadwick – The property is a 40' x 100' lot located at the eastern end of Putnam Avenue. Included with the application is a black and white aerial. This rendition is of poor quality and introduces Exhibit A1 which is a color copy. He described the photo showing that the property is on the eastern end of Putnam with all the structures in the vicinity are behind it, to the west. Except for one house which is a block away.

They are seeking variances for side yard setback, aggregate side yard setback and rear yard setback. Each of these are existing, non-conforming conditions. There is a portion of the building the bumps out to the southeast. On the ocean side of the building there is a first-floor portion of the residence and a second-floor deck. They propose to extend the walls of the first floor, vertically, eliminating the deck and creating a small den. These conditions are existing and noted on the plans. They are pre-existing, non-conforming and will not be changing. The building and impervious coverage are existing and will not change. The design they have come up with takes the neighbors into consideration. There was an option to build on the front but that would block the neighbor's view. This option would not require variances but are opting to be neighborly by not obstructing views. The number of bedrooms will remain the same at four. The bathroom count will not change. The increase in living space is 190 square feet. The building height is 22.5 feet. They are compliant in total stories. The Floor Area Ratio is just under 50% where the ordinance allows 54%. He believes the variances can be granted under the C2 standards. The view will not be obstructed by this design benefitting not only residents on Putnam but Commonwealth also. They are providing appropriate population density. The request is relatively minor considering these were existing non-conforming conditions. He does not believe there is a substantial detriment to the public good given the location they have chosen. If they had chosen the alternate location that would not have required a variance, there would have been. He believes if someone had chosen to rebuild in this location, they would likely develop to the maximum allowable which would be more detrimental. He doesn't believe there is any substantial impairment to the intent and purpose of the zoning plan or zoning ordinance. He believes the negative criteria has been met.

Mr. Shawl – The survey provided shows the setbacks measured from the bulkhead and asks for testimony on this.

Mr. Chadwick – There is a provision in the ordinance that they want 15' from the bulkhead to the structure. There are limited areas where the bulkhead would be along the ocean and believes the

intent of the ordinance to be directed more to the back bay area. Either way it is measured, it is an existing condition that requires a variance.

Mr. Unsworth asked either Mr. Barnes or Mr. Kates to confirm the 15' from bulkhead to structure ordinance. He also confirmed the lack of increase in bedrooms means the septic is not affected.

Mr. Kates – Confirmed this to be accurate.

Mr. Mashura – By choosing this design and asking for a variance you are allowing for future development.

Mr. Chadwick – While that is an accurate statement, he explained that was not the goal.

Ms. Galderisi – Expressed concern about the den changing to a bedroom without any approvals.

Mr. Barnes – A condition could be added that the property be required to not exceed four bedrooms by a deed restriction. The resolution would be attached to the deed. There could also be a condition that if there were further development that would obstruct the view, they would need to come back before the board.

Mr. Unsworth – There is no need for the future development condition because they would need to regardless.

Mr. Kates – Any concerns he had were addressed. The restriction of a 5<sup>th</sup> bedroom prevents the need for septic concerns and any parking concerns.

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

Mr. Unsworth – The applicant, Ed and Beth DeMarcantonio, come before the board regarding 17 Putnam Avenue also known as block 829 lot 12. They seek variance relief for side yard setback, aggregate side yard setback and rear yard setback. All of which are pre-existing non-conforming conditions. They are looking to add one den, roughly 16' x 10' above an existing space below so they are not adding to the footprint of the structure. They are adding some living space increasing the FAR from 44.9% to 49.7%. They are still below the 54% allowed. All other bulk requirements are being met. There are no neighbors to the east of the property, it is a beachfront location. They are choosing to do the addition on that side so that it does not impede on the light, air, and open space for their neighbors. They had an option to do the addition to part of the front of the house without a variance that was further discussed. There was a statement that had they chosen that route it would have had a greater impact on the neighbors. There was a discussion about the 15' setback from the bulkhead would prohibit any further addition to the house and would have to come back to the board for any additional changes. The applicant has agreed to a condition of a 4-bedroom max. The septic is not impacted by the addition. There was no comment from the public. He is in favor of the application.

Mr. Mashura – Nothing to add.

Ms. Galderisi – Nothing to add.

Mr. Jackson – Nothing to add.

Mr. Burger – Nothing to add.

Mr. Phifer – The height of the addition is 22.5 feet. He believes there will be no detriment to the public good and is in favor of the application.

Mr. Shawl – We heard testimony regarding the irregular shape of the bulkhead on the lot and the side yard setbacks are measured from the bulkhead. Also, there are two pre-existing non-conforming conditions they are asking approval for. Building coverage and impervious coverage are not changing. He appreciates the applicant coming in under the allowed FAR and believes this is a good design that preserves the character of the neighborhood. He sees no detriment to the zone plan and zoning ordinance or to the public health. He is in favor of the application.

Mr. Casaccio – There will be a 4-bedroom deed restriction.

A motion to approve the application with a deed restriction stating 4-bedroom maximum, was made by Mr. Phifer, seconded by Mr. Unsworth.

In favor: Burger, Galderisi, Jackson, Mashura, Phifer, Shawl, Unsworth, Casaccio

### **RESOLUTION**

#### **WOLFE, JUDITH – BLOCK 757 LOT 3 – BA 14-2023**

A motion to approve the resolution was made by Mr. Shawl, seconded by Mr. Unsworth.

In Favor: Burger, Galderisi, Jackson, Mashura, Shawl, Casaccio

Abstain: Phifer, Unsworth

#### **SCHAFFER, GARY AND DEBBIE – Block 601 Lot 14.15 – BA 18-2023**

A motion to approve the resolution was made by Mr. Shawl, seconded by Mr. Mashura.

In Favor: Burger, Galderisi, Jackson, Mashura, Shawl, Casaccio

Abstain: Phifer, Unsworth

### **BILLS**

A motion to pay the bills as presented was made by: Ms. Galderisi and seconded by Mr. Shawl.  
All in attendance voted in favor.

### **ADJOURNMENT**

A motion to adjourn the meeting was made by: Ms. Galderisi, seconded by Mr. Unsworth.  
All in favor. The meeting ended at 7:00 pm.

Submitted by,  
Liz Oaks