

.UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
JANUARY 9, 2025

The reorganization 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
Paul Casaccio, Chairman	Present
Sherrie Galderisi	Absent
Tom Jackson Alt #2	Absent
Richard Mashura	Present
Lynn Petrozza	Present
Christopher Phifer	Absent
Donald Rainear, Alt #3	Present

Member	Attendance
Andrew Shawl	Present
Travis Tomlin, Alt #1	Present
Matthew Unsworth	Absent
Hobie Young, Alt #4	Present

Also, in attendance were Jeffrey Barnes, Board Solicitor, Joseph Iudica, Substitute Board Engineer and Liz Oaks, Board Secretary and Zoning Officer.

**REORGANIZATION**

The board secretary asked for nominations for Chairperson. A motion was made by Ms. Petrozza and seconded by Mr. Mashura to nominate Paul Casaccio as Chair. Hearing no further nominations, the nominations were closed.

In favor: Mashura, Petrozza, Rainear, Shawl, Tomlin, Young

**PAUL CASACCIO ELECTED CHAIRMAN FOR 2025**

Mr. Casaccio asked for nominations for Vice Chairperson. A motion was made by Mr. Mashura and seconded by Ms. Petrozza to nominate Matthew Unsworth as Vice Chair. Hearing no further nominations, the nominations were closed.

In favor: Mashura, Petrozza, Rainear, Shawl, Tomlin, Young, Casaccio

**MATTHEW UNSWORTH ELECTED VICE CHAIRMAN FOR 2025**

Mr. Casaccio asked for nominations for Board Solicitor. A motion was made by Mr. Shawl and seconded by Ms. Petrozza to nominate Jeffrey Barnes, Esquire, as Board Solicitor. Hearing no further nominations, the nominations were closed.

In favor: Mashura, Petrozza, Rainear, Shawl, Tomlin, Young, Casaccio

**JEFFREY BARNES OF BARNES LAW GROUP ELECTED BOARD SOLICITOR 2025**

Mr. Casaccio asked for nominations for Board Engineer. A motion was made by Mr. Shawl and seconded by Ms. Petrozza to nominate Kates Schneider as substitute Board Engineer. Hearing no further nominations, the nominations were closed.

In favor: Mashura, Petrozza, Rainear, Shawl, Tomlin, Young

Abstain: Casaccio

**KATES SCHNEIDER ELECTED BOARD ENGINEER FOR 2025**

Mr. Casaccio asked for nominations for Board Secretary. A motion was made by Ms. Petrozza and seconded by Mr. Shawl to nominate Liz Oaks as Board Secretary. Hearing no further nominations, the nominations were closed.

In favor: Mashura, Petrozza, Rainear, Shawl, Tomlin, Young, Casaccio

**LIZ OAKS ELECTED BOARD SECRETARY FOR 2025**

Mr. Casaccio asked for nominations for the official board newspaper. A motion was made by Mr. Shawl and seconded by Ms. Petrozza to utilize the Ocean City Sentinel as the primary official newspaper and The Press of Atlantic City as the secondary official board newspaper.

In favor: Mashura, Petrozza, Rainear, Shawl, Tomlin, Young, Casaccio

**THE OCEAN CITY SENTINEL AND PRESS OF ATLANTIC CITY ELECTED  
OFFICIAL NEWSPAPERS FOR 2025**

Joseph Iudica and Liz Oaks were sworn.

**2025 MEETING MINUTES**

The 2025 meeting dates were discussed and approved in December 2024. Dates can be viewed on the Upper Township website.

**OATH OF OFFICE FOR BOARD MEMBERS**

All members in attendance take the official oath of office.

**APPROVAL OF THE DECEMBER 5, 2024 MEETING MINUTES**

A motion to approve the minutes was made by Ms. Petrozza and seconded by Mr. Tomlin.

In favor: Mashura, Petrozza, Shawl, Young

Abstain: Rainear, Tomlin, Casaccio

**TABLED APPLICATIONS**

**MISTERMAN, DEREK - BLOCK 567 LOT 55.01 - BA 21-2024**

Applicant is seeking preliminary and final site plan approval with a D1 variance as the proposed accessory building is larger than the principal building, a D6 variance as the height of the proposed accessory building exceeds 10% of the permitted height of 20' where 25' is proposed, C variance relief for lot coverage of 47.5% where 30% is permitted, building coverage of 8.25% where 5% is permitted To construct a 5,000 square foot pole barn building with a 1,000 square foot mezzanine office at 1235 Route 9 South, in Palermo, New Jersey.

*This application is tabled to the February 6, 2025 meeting. There will be no further notice.*

**APPLICATIONS**

**HANSON, WILLIAM – BLOCK 330 LOTS 35-40 – BA 20-2024**

Applicant is seeking variance relief to construct a six-foot fence where the maximum height is four-foot at 136 Pennsylvania Avenue, Tuckahoe, NJ.

Survey, DeVaul Survey 03/15/22

Variance Plan, DeBlasio & Associates 11/19/24

William Hanson, 136 Pennsylvania Avenue, Tuckahoe, was sworn.

Mark DiBlasio, Licensed engineer and planner in the State of New Jersey, 813 Harlequin Drive, Galloway, was sworn.

Mr. Hanson – The dwelling was built in the 1940's before any ordinances. The lot is very narrow and measures 100'X150' with a very small house. He wants the fencing for privacy and safety for his family. The property is near Tuckahoe Ice Cream and there is a fair amount of traffic in the summer. He understands the intent of the ordinance and the reason behind it. The way the house is situated on the property in a way that does not provide a rear yard. The proposed fence will be in line with the existing and made of high-quality material. He has spoken with the neighbors, and no one has any objections.

Mr. DeBlasio – He believes the variances can be justified by the C1 and C2 criteria. The lot is uniquely shaped and does not allow for a traditional back yard. There is a house and a garage on the lot that were legally constructed at the time but are poorly placed for full use of the lot. The lot is also narrow and on a corner. The property has two front yards creating a hardship. Under the flexible or C2 criteria, Mr. Hanson has children, which leads to toys in the yard that would be better for the neighborhood if they were hidden, keeping with the aesthetics of the neighborhood. He believes the fence, while 2 feet higher, will not impede on light, air, or open space. The proposed fence will not impede on the sidewalk. It will be solid vinyl with a lattice top. He believes these reasons justify granting the variance.

Mr. Hanson agrees to a deed of consolidation. There will be no interference with the site triangle.

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

Mr. Shawl – The applicant Mr. Hanson comes before the board regarding his property at 136 Pennsylvania Avenue in the Tuckahoe section also known as block 330 lots 35-40. The applicant is seeking variance relief to construct a six' fence where the maximum height is four'. The applicant proposes to fence his yard between the garage and the two-story frame dwelling. The house and garage were built in the 1940's before the zoning requirements such as this. It is a unique lot where the backyard is very small but the space between the garage and the house is large. The applicant has a family, and the improvements will allow the family to live in the house and utilize outside space without concern for safety from traffic. There is a business nearby in a commercial zone that does increase traffic during the summer. The applicant has said there will be no interference with site lines. The installation of the fence will not interfere with light, air, or open space. There was no public comment. We heard testimony from the applicants professional that the reasons for the C2 variance and that he could be granted without detriment to the intent and purpose to the zone plan or zoning ordinance. He agrees the variance can be granted without detriment.

Ms. Petrozza – Concurs with Mr. Shawl. She is in favor with the application.

Mr. Tomlin – Concurs.

Mr. Young – We heard testimony that there would be no interference with the site triangle.

Mr. Mashura – Nothing to add.

Mr. Rainear – Nothing to add.

Mr. Casaccio – The applicant agreed to a deed of consolidation.

A motion to approve the application with the condition of a deed of consolidation was made by:

Mr. Shawl

The motion was seconded by Ms. Petrozza  
In favor: Mashura, Petrozza, Rainear, Shawl, Tomlin, Young, Casaccio

GRECCO, JASON – BLOCK 600 LOTS 45 & 46 – BA 19-2024

Applicant is seeking site plan approval with a use variance to construct a 4,900 square foot office/retail building, a 10,080 square foot greenhouse, an outside storage area, a parking lot and stormwater basins to be utilized as part of a proposed retail garden center at 442/444 Route US 9 South in Marmora, NJ.

Attorney:	Avery Teitler	
Stormwater Management Report:	Engineering Design Associates	10/28/24
Site Plan:	Engineering Design Associates	10/29/24
Architectural Plans:	Vosburgh Architects	09/05/24
Survey:	Cape Land Surveying	06/13/24
Variances:		

- Use Variance
- Front Yard Setback, existing one-story dwelling 125' where 0' is required
- Front Yard Setback, existing two-story dwelling 37.4' where 0' is required
- Proposed Office/Retail Building 424' where 0' is required
- Proposed Greenhouse 563' where 0' is required
- Proposed Warehouse 560' where 0' is required
- Tree Preservation 6.54% where 15% is required

Mr. Teitler – He is here on behalf of the applicant Jason Grecco. The applicant is the owner of 442/444 Route 9 South in Marmora also known on the tax map as block 600 lots 45 & 46. The property contains vacant land and two existing residential dwellings. The applicant is seeking approval to construct a new 4,900 square foot office/retail building as well as a 10,080 square foot greenhouse on the property. The improvements include an outside storage area, a parking lot and stormwater basin. They are seeking preliminary and final site plan approval. A D1 variance is required because the plans do not contain an attached residential component as required by ordinance. The positive criteria is that the site is specifically suited for the proposed project. The negative criteria is that there will be no substantial detriment to the public good and no impairment to the intent and purpose to the zone plan and zoning ordinance. The proposed use is a permitted use in the zone. The surrounding neighborhood contains similar commercial uses without a residential component.

Matthew Hender, Licensed Engineer, Engineering Design Associates, 5 Cambridge Drive was sworn as an expert.

Mr. Hender – The property is located on Route 9 between Pine Hill Trailer Park to the Caliber Collision. It is approximately 3.9 acres with two existing single-family dwellings. The proposed application is for a 4,900 square foot office/retail building and a 10,080 square foot greenhouse. The existing dwellings are to remain. One will be to satisfy the low to moderate housing requirement and the other will be used to fulfill the housing component. A D1 variance is required because the MTC zone requires the housing component to be part of the commercial building. The provided housing will be separate using the existing dwellings. The front yard setback requirement is 0' where one of the existing dwellings is at 37.4' and the other is 125' and the proposed commercial is 424'. They are seeking the variance for the retail because it is the best location. They require a variance for tree preservation of 6% where 15% is required. Most of which is around the perimeter of the property. They are proposing additional landscaping. While

they are not retaining 15% of existing, they are coming close with the proposed landscaping added. The surrounding area has a variety of uses such as Caliber Collision, multiple trailer parks, campgrounds and commercial business. The residential in the area is limited. This is unique because of the existing dwellings. The proposed is a better zoning option than the mixed-use building. Using existing dwellings rather than demolishing and rebuilding. To meet the residential requirement of 5 units that the ordinance requires is impractical based on the lack of infrastructure on the property. They can meet the sewage requirements with the two existing dwellings and the commercial. Anything more would be impractical. This property is particularly suited for what is proposed. The garden center is a permitted use and one that we don't have in Marmora. It will enhance the commercial district. There is no negative impact to the zone plan and zoning ordinance. He believes the positive criteria has been met and the use variance can be granted. This is a better zoning alternative than a mixed-use building. It meets the spirit and intent of the zone. He believes the following special reasons are applicable.

- (g.) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

The bulk standards are below the requirements with the exception of tree preservation and front yard setbacks. There are other uses that would be more impactful on the site. He believes there will be no substantial detriment to the intent and purpose of the zone plan and zoning ordinance. He believes there will be no substantial detriment to the public good.

Referencing the review letter from Kates Schneider dated 12/2/24:

- Page 4, item 4. He believes the architecture is designed to convey a small-scale town or village character as stated in 20-4.7 i.
- Page 4, item 5. The sheds on site will be removed.
- Page 4 site plan parking calculations. They are providing 29 parking spaces where 25 spaces are required for the retail use and each residential dwelling will have 2 parking spaces. They will revise the plans to show the RSIS parking requirements.
- Site plan #2. They will apply for the DOT permit for the new driveway.
- Site plan #3. In the gravel area they will be storing nursery stock and landscaping supplies. This area will be accessible to customers only with an employee.
- Page 5 regarding utilities. If they are approved tonight, they will have to apply to the department of health for septic approval.
- Lighting – There will be timers on all the lights.
- Landscaping – Irrigation will be provided.
- Hours of operation – Approximately 7:00 am to 7:00 pm.
- Number of employees – Estimating starting at 6 employees, as the business progresses, there may be more.
- Deliveries – The deliveries will mostly occur in the morning.

Mr. Young – Asked about sidewalks.

Mr. Hender – None are proposed.

Mr. Casaccio – That would need to be confirmed with the state. He doesn't believe that is encouraged.

Mr. Young – It could be placed within the property line.

Mr. Casaccio – Then it wouldn't be in the right of way.

Mr. Hender – He agreed to check with the DOT.

Mr. Rainear – Questioned parking for greenhouse.

Mr. Hender – There is no requirement as an accessory structure.

Mr. Casaccio – Asked about phasing and lot consolidation.

Mr. Teitler – Explained that there was no phasing proposed and agreed to a lot consolidation.

Mr. Iudica – All of the comments have been addressed. He questioned the number of bedrooms in each of the dwellings.

Mr. Teitler – The front house has two-bedrooms, and the rear house has 4 bedrooms. The front house will be the COAH unit.

The meeting was open to the public.

Theodore Stashak, 423 Stagecoach Road, was sworn. Mr. Stashak has lived here for 37 years, and his wife has lived here her whole life. He has concerns about runoff of fertilizers and pesticides. The property is located between two residential sites, Pine Hill and Oak Ridge Campground. He is concerned about tractor noise and believes residential development would be better suited.

Nathalie Neiss, 739 Route 50, was sworn. Ms. Neiss expressed concerns about the affordable housing aspect.

Mr. Shawl explained that they were complying with the affordable housing element. They needed the variance because they were not having residential on top of a commercial building.

Mr. Casaccio – Explained that if city sewer were available, they would have more options. The affordable housing is based on a percentage.

Ms. Petrozza further explained that even if they were able to add more housing, they would still only need one unit for affordable housing.

Mr. Casaccio – The two-bedroom dwelling in the front will be the unit used as a rental for affordable housing.

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

Mr. Shawl – The applicant Jason Grecco has come before the board regarding his property at 442/444 US Route 9 in the Marmora section, also known on the tax map as block 600 lots 45 & 46. The applicant is seeking site plan approval with a use variance to construct a 4,900 square foot office/retail building, a 10,080 square foot greenhouse, an outside storage area, a parking lot and stormwater basins to be utilized as part of a proposed retail garden center. There are two existing dwellings, one of which will be used for affordable housing. They require a use variance because the two single-family dwellings will remain and will not be attached to the commercial development that is proposed. The location of the commercial building is not directly situated

along Route 9 because the lot is irregularly shaped and the existing dwelling units will remain on site. There are pre-existing non-conformities for lot frontage, lot width and side yard setback. They are seeking site plan approval with existing structures. Part of the ordinance requires tree preservation that they will need a variance for, however, we heard testimony from the planner that the proposed landscaping will balance out closely to the requirement for tree preservation. One of the two housing units will be used to comply with the affordable housing requirements. We have a letter from the township planner, dated 1/9/25, that she did an analysis that the proposed meets the affordable housing requirements. We heard testimony from the applicants planner that this site was particularly suited for the proposed use because of the large area and the access to Route 9. Garden centers are a permitted use in the MTCD zone. Sufficient parking will be provided for the retail use and the residential use. We heard testimony that the greenhouses would be permanent and used all year. There is a large gravel area that will be used to store nursery stock, stone and mulch. The stormwater facilities meet the requirements of the township ordinance as well as the state. We heard testimony from the planner there would be no substantial harm to the public good. There is no substantial detriment to the zone plan or zoning ordinance. The hours of operation expect to be 7:00am to 7:00pm. The display for the retail and greenhouse will be located on site near the buildings, there will be nothing along Route 9 other than the proposed sign. Lighting will be sufficient for commercial use and not become an issue to the neighbors. There will be no phasing with construction. The residential units will be developed at the same time. The applicant agreed to a deed of consolidation for the two lots. We heard testimony from the public with concern about runoff and noise. However, the MTCD zone is a commercial area, and the operation hours are 7am-7pm. The site should be designed to keep the noise on the site. There was public comment about the affordable housing. The letter received from the planner indicated that the housing component met the requirements. The proposed development was designed in a way that it would not interfere with light, air, and open space. He agrees that this is appropriate development for this site in this zone and the variances can be granted as proposed.

Ms. Petrozza – She concurs with Mr. Shawl. She agrees with the special reasons. There is no detriment to the public good.

Mr. Tomlin – Concurs with Mr. Shawl and is also in favor of the application.

Mr. Young – Could there be an increase in buffer or the addition of a berm to contain the noise along the residential properties.

Mr. Hender – They could enhance the landscaping.

Mr. Mashura – The storage area will be accessible only with an employee escort.

Mr. Rainear – There will be a consolidation of lots.

Mr. Barnes – The applicant would agree to the following conditions.

- They will check with the DOT regarding a sidewalk.
- If the greenhouse is to change, they shall come back to the board.
- There shall be a deed restriction per the planners' report dated 1/9/25.
- There will be a deed of consolidation attached to the resolution.
- A zoning compliance chart shall be attached to the resolution.
- The applicant agrees to comply with the board engineer report.

- The applicant agrees to increase the landscaping along the rear of the property at the discretion of the board engineer.

A motion to approve the application with conditions was made by: Ms. Petrozza  
The motion was seconded by Mr. Mashura  
In favor: Mashura, Petrozza, Raineer, Shawl, Tomlin, Young, Casaccio

### **RESOLUTIONS**

TRYKOWSKI, TERESA – BLOCK 552 LOT 5 – BA 15-2024

A motion to approve the resolution was made by Mr. Shawl  
The motion was seconded by Ms. Petrozza  
In favor: Mashura, Petrozza, , Shawl, Young  
Abstain: Raineer, Tomlin, Casaccio

ZOLL, JOHN – BLOCK 758 LOT 13 – BA 16-2024

A motion to approve the resolution was made by Mr. Shawl  
The motion was seconded by Ms. Petrozza  
In favor: Mashura, Petrozza, , Shawl, Young  
Abstain: Raineer, Tomlin, Casaccio

YONKAUSKE, ANGELIQUE – BLOCK 506 LOTS 11 - 23, 30 AND 36 - 40 – BA 17-2024

A motion to approve the resolution was made by Mr. Shawl  
The motion was seconded by Ms. Petrozza  
In favor: Mashura, Petrozza, , Shawl, Young  
Abstain: Raineer, Tomlin, Casaccio

HAWKEYE, LLC – BLOCK 842 LOT 3 – BA 18-2024

A motion to approve the resolution was made by Mr. Young  
The motion was seconded by Mr. Mashura  
In favor: Mashura, Petrozza, , Shawl, Young  
Abstain: Raineer, Tomlin, Casaccio

### **BILLS**

A motion to pay the bills as presented was made by: Mr. Shawl  
The motion was seconded by: Ms. Petrozza  
All present in favor.  
Casaccio - abstained from all Kates Schneider billing.

### **PUBLIC PORTION**

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

### **ADJOURNMENT**

A motion to adjourn the meeting was made by: Mr. Shawl  
The motion was seconded by: Ms. Petrozza  
All in favor. The meeting ended at 7:42 pm.

Submitted by, Liz Oaks