

**.UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
FEBRUARY 6, 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	Absent
Sherrie Galderisi	Present
Tom Jackson Alt #2	Present
Richard Mashura	Absent
Lynn Petrozza	Present
Christopher Phifer	Absent
Donald Rainear, Alt #3	Present

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

Also, in attendance were Richard King, Substitute Board Solicitor, Greg Schneider, Board Engineer and Liz Oaks, Board Secretary and Zoning Officer.

Greg Schneider and Liz Oaks were sworn.

OATH OF OFFICE FOR BOARD MEMBERS

Remaining members that were not present at the January meeting, take the official oath of office.

APPROVAL OF THE JANUARY 9, 2025 MEETING MINUTES

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

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

Abstain: Galderisi, Jackson, Unsworth

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.

Attorney:	Steven A. Morris, Esq. Morris Law Firm, LLC.
Engineer:	Matthew Hender, Professional Planner, Engineering Design Associates.
Site Plan:	Engineering Design Associates 11/19/24
Stormwater Mgmt:	Engineering Design Associates 11/19/24

Variances:

- | | |
|-------------------------------|-----------------------------------------------------|
| • D1 Variance | Accessory Structure Larger Than Principal |
| • D6 Variance | Accessory Structure Exceeds 10% of Permitted Height |
| • Max Lot Coverage, Principal | 30% Permitted, 47.5% Proposed |
| • Max Lot Coverage, Accessory | 5% Permitted, 8.25% Proposed |
| • Accessory Building Height | 20' Permitted, 25' Proposed |

Exhibits:

- A1 Building Plan
- A2 Site Plan
- A3 Pole Barn
- A4 Aerial Photo

Matthew Hender, Licensed Professional Planner, 5 Cambridge Drive, was sworn as an expert.

Mr. Morris – Explained the applicant proposes to expand his existing power washing company. The property was purchased in the fall of 2024 with the purpose of expansion. The property is located on the east side of Route 9 and is adjacent to Queen Anne Court also known as block 567 lot 55.01 and is in the CM2 zone. It is a large property with an existing structure near Route 9. The structure is not currently being used but most recently was an office building or some comparable office use. The applicant proposes to keep the existing structure and to construct a 5,000 square foot pole barn with a mezzanine office area. The idea is that it would be a warehouse designed for the use of the company's trucks. Most of the use would be for the storage of the vehicles and to service them whenever necessary. They are aware that it is located next to residential homes. They have included design elements that will mesh the commercial and residential together.

Mr. Hender - There are three existing non-conformities at the site. The front yard setback required is 50'. Existing is 38.8' along Queen Anne and 45.1' along Route 9. The lot is 1.39 acres and irregularly shaped, measuring over 400' along Queen Anne and over 70' along Route 9. The existing structure will be renovated but will not enlarge. The proposed design will improve the aesthetics. There are currently three driveways that they propose to clean up and reduce to two. One will be in the front and the other in the rear, improving traffic flow. Both will be accessible by Queen Anne Court. No development is proposed near the front of the property. The proposed structure is a 5,000 square foot pole barn. The designs of the existing and proposed will compliment each other and try to soften the impact given the surrounding residential area. With both buildings the proposed lot coverage is 47.5% where 30% is required. The accessory structure is 8.25% where 5% is required. The two buildings together are less than the 20% allowed for a principal structure. The lot coverage exceeds the permitted by 17.5%, and is due to the parking proposed of 42 spaces when 21 are required to accommodate parking of vans and trucks. They are proposing a 4' high privacy fence along Queen Anne Court. A landscape buffer is proposed with a variety of vegetation.

We need a D variance because the proposed pole barn is larger than the principal building at the front, requiring a D1 variance. If the applicant were to demolish the existing building and construct a new one, we wouldn't need a variance for that. They must maintain the complementary use. The office dispatch area will be in the front and the storage and maintenance facility will be in the proposed pole barn in the rear. We are requesting a D6 variance for height. The proposed height of the pole barn is 25 feet, while the maximum height allowed for an accessory building is 20 feet. So, we're exceeding the height by 5 feet. However, the building's architectural style, trims, and materials will help it fit the character of the neighborhood. Additionally, many single-family homes in the area are at least 25 feet tall, so the extra height will not be an issue. The higher ceiling is beneficial, especially for warehouse use, which is permitted in this zone. It provides more space for storage of equipment, parts, and so on. The plans also include a 1,000 square foot mezzanine office, which will mainly serve as a storage area for files. A new septic system will be installed between the two buildings.

To approve the D1 variance, we must demonstrate that special reasons are being met under the Municipal Land Use Law. The special reasons that apply:

- (c.) Providing adequate air, light, and open space.
- (g.) Offering sufficient space for various uses, including commercial, in appropriate locations.
- (i.) Promoting a desirable visual environment through creative development techniques and good civic design.

The architectural character and landscaping support these objectives, ensuring that the building fits well into the neighborhood and doesn't create a negative impact. The nature of the requested variances is not so significant that they will harm the zoning plan or the neighborhood. The buildings will be equipped with alarms, and we've proposed pole-

mounted and building-mounted lights. All lights will be downward-facing and dark sky-compliant to reduce light glare in the neighborhood. To minimize any potential negative impacts, the design incorporates features such as lighting and a silent alarm system to prevent disturbances to nearby residential areas. Regarding irrigation in landscaping areas the applicant has volunteered to include it as part of their plan. He believes the proposed design will not be a substantial detriment to the intent and purpose of the zone plan and zoning ordinance or the public good.

Derek Misterman, applicant, 38 Pebble Beach, Egg Harbor Township, was sworn.

Mr. Misterman - There will be approximately 30 vehicles. Some will be taken home by employees. The hours of operations should start around 8:00am with trucks returning between 4:00pm and 6:00pm. With occasional weekend operations during the summer months. There will be limited traffic activity between those hours. Most of the business is done by phone or email, therefore there are no customer visits. A few office employees would be on site and may leave for lunch.

Mr. Hender - The proposed accessory building is expected to have minimal impact on the area. It is like the surrounding properties and does not affect a high-end residential area. Across the street from the property is a self-storage facility, and further down Route 9 are commercial properties. To the north, there is a mix of residential and commercial uses, including an auto body shop and some professional offices.

Traffic is a concern, but other permitted uses in this zone could potentially create more consistent traffic throughout the day. For example, retail uses, which are allowed in this zone, would generate more traffic compared to the proposed business. The applicant's business, however, would have a peak of traffic in the morning, with little activity by mid-morning to early afternoon, and a slow return of traffic in the afternoon. Other uses could result in higher, more constant traffic.

The applicant addressed the engineer's report, and it seems that all concerns were addressed. A new requirement states that a business plan must be filed with the deed for maintenance purposes, which ensures that the town is aware of any necessary maintenance for stormwater management.

Regarding irrigation in landscaping areas, it is no longer a requirement for commercial sites, but the applicant has volunteered to include irrigation as part of their plan.

The meeting was open to the public.

Scott Boyer, 232 Marshallville Road, was sworn – Mr. Boyer is in favor of the project, noting that the property has had various businesses in the past, including a jewelry store and a fireplace shop. He believes the applicant's proposed use is appropriate for the property and supports businesses that contribute to the township's tax revenue.

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, Derek Misterman, has come before the board regarding his property at 1235 Route 9 South in the Palermo section of the township, also known as block 567 and lot 55.01 on the tax map. The applicant is seeking preliminary and final site plan approval with 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. They proposed a new septic system, fencing and landscaping.

The proposed development site is adjacent to single-family homes. Across the street, there is a self-storage facility, and further up the road, additional commercial and office buildings

Testimony was presented regarding the project's aesthetic elements. Changes were made to the design to align with existing development in the area, incorporating similar architectural details. Under current zoning regulations, the primary structure is allowed to cover up to 20% of the lot, while accessory structures are limited to 5%. The proposed accessory structure would cover 8.25%, and with the existing office building, the combined coverage remains below 20%.

The project includes 42 parking spaces, which is sufficient for the proposed business use. The applicant's business operations involve using vans to transport equipment, with parking for employees. A fence and landscape buffer are planned to mitigate any visual impact. The proposed development aligns with zoning regulations and would contribute to a desirable visual environment through landscaping, fencing, and architectural enhancements.

Regarding potential impacts, testimony indicated that there would be no significant disruption to the surrounding area. The business operates primarily from 8:00 AM to 5:30 PM, with minimal customer visits. A small office and bathroom are included in the accessory building, and no one will reside on the property. The applicant also confirmed that there will be no loud backup alarms on the business vehicles, reducing noise concerns for nearby residents.

We heard testimony that the site could accommodate the proposed business with less traffic impact than other permitted uses, such as retail. Stormwater management systems are in place to handle runoff, and landscape buffers will be irrigated. Special reasons c., g., and i. were provided as supporting the application. There was testimony that there would be no negative impact on the neighborhood and no substantial detriment to the zoning plan and zoning ordinance.

We heard from one member of the public that was in favor of the application.

Ms. Petrozza – Concurs with Mr. Shawl. The proposed hours would be 8:00am to 5:30-6:00pm Monday through Friday and early Saturday that would generally be between the hours of 8:00am-3:00pm.

Mr. Jackson – Concurs. The aesthetics are an improvement.

Mr. Young – Concurs with his colleagues. They will include irrigation.

Mr. Rainear – Nothing to add.

Mr. Tomlin – Concurs.

Ms. Galderisi – In favor of the application.

Mr. Unsworth – Concurs. The property has two front yards. What is proposed is near residential and what is presented shows they intend to be a good neighbor. He is in favor.

A motion to approve the application was made by:

Ms. Petrozza

The motion was seconded by

Mr. Jackson

In favor: Galderisi, Jackson, Petrozza, Rainear, Shawl, Tomlin, Unsworth

TRUMBULL/BERKS – BLOCK 838 LOT 12 BA 24-2024

Applicant is seeking variance relief for side yard setback of 5' where 6' is required, rear yard setback of 27'4" where 30' is required and building coverage of 29.25% where 27% is permitted to raise an existing single-family dwelling and construct a second-floor addition at 40 E Vincent Avenue, Strathmere, New Jersey.

Attorney: Jon Batastini, Garrett Batastini

Engineer: James E. Chadwick

Variance Plan: James E. Chadwick 12/12/24

Architectural Plans: James E. Chadwick 12/12/24

Variances:

- Side Yard Setback 6' Permitted, 5' Proposed
- Rear Yard Setback 30' Permitted, 27.2' Proposed
- Building Coverage 27% Permitted, 29.25% Proposed

Mr. Batastini, representing the applicants, Paul Trumbull and Lorraine Berks, along with James Chadwick.

James Chadwick, Professional Engineer, 13 Killdeer Hill Road, was sworn as an expert.

Mr. Chadwick - The property is located on Vincent Road in Strathmere. It's a 40 by 100-foot lot with a small one-story single-family home. The house is elevated about 5 feet above grade and is older, built as a kit house in 1950—about 75 years ago. The home has three tiny bedrooms and a small kitchen. It lacks modern amenities, such as heat, cooling, or insulation, making it functionally obsolete. The house, as it is, is too small for their growing family, so they need to expand to accommodate everyone. The plan is to raise the house, remove the roof, and build a second floor. This will allow us to create a garage space beneath the house while maintaining the three-bedroom configuration, in line with the new septic system. The expansion will also improve the front yard setback and make the house more suitable for the owners' needs.

The property is located in the RR Zone. The existing house has a five-foot side yard setback on the easterly side. We propose to raise the side wall straight up, which aligns with the existing wall and doesn't push it closer to the property line. This will ensure structural stability and improve the design. We also request a rear yard setback variance. The septic field is located at the back of the property, and we propose to add a staircase from the second floor to the top of the septic system. This would result in a 27-foot 2-inch rear yard setback, which is a slight reduction from the required 30-foot setback. Currently, the building coverage is 31.5%. By removing the large deck in the front and replacing it with a smaller addition, we will reduce the building coverage to 29.25%. The reduction in building coverage will help provide more open space.

The building is currently 75 years old and outdated. By raising the structure, we will provide parking underneath and improve the overall building's energy efficiency. The new construction will include insulation, making the building more energy efficient. Additionally, we will add fire protection to the eastern side of the building using gypsum wallboard and upgrade the plumbing, heating, and electrical systems for better safety.

In terms of aesthetics, the building will be a significant improvement over its current state, enhancing the visual environment of the area. This renovation also has a positive environmental impact by recycling the existing structure and reducing the need for raw materials.

We believe the variance can be granted without substantial detriment. We're improving the front yard setback, adding parking, reducing building coverage, and creating a safer, more visually appealing structure. They will be adding new stormwater control. There's no detriment to what we're proposing.

The meeting was open to the public.

Scott Boyer, 232 Marshallville Road, previously sworn. Mr. Boyer is in favor of the project. He thinks this is a great idea. Raising the building for flood and parking purposes while maintaining the same footprint is a good solution. Raising the building and adding a second floor is a good improvement for the township.

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 applicants, Paul Trumbull and Lorraine Berks, have come before the board regarding their property at 40 E. Vincent Avenue also known on the tax map as block 838 lot 2, in the Strathmere section of town. They are seeking variance relief for side yard setback of 5' where 6' is required, rear yard setback of 27'2" where 30' is required and building coverage of 29.25% where 27% is permitted to raise an existing single-family dwelling and construct a second-floor addition.

The existing side yard setbacks will remain. Currently, there is a non-conformity on one of the sides where 6 feet is required, but only 5 feet exists. This is one of the variances we are requesting. Additionally, the rear yard setback involves a flight of stairs coming down from the second-floor deck. The applicant is requesting a variance to allow the stairs to extend 27 feet 2 inches, where 30 feet is required.

The applicant is also requesting a variance for building coverage, asking for 29.25% coverage where only 27% is allowed.

The design of the house will allow for two off-street parking spaces. It will also include a 12-foot curb opening for a new concrete driveway that meets all our standards. Stormwater control will be added, with drainage diverted from the roof. The front deck will be removed, and the house will be slightly enlarged. The current front yard setback is 9 feet 5 inches, and the proposed setback will be 15 feet, which complies with the ordinance.

The design proposal improves the site by reducing some of the required variances while maintaining the existing structure. The renovation will add a second story, provide two parking spaces, and improve stormwater management. The dwelling will remain a three-bedroom home.

The application provides special reasons for granting the requested variances. The new design increases safety from fire and flood risks. It also includes energy-efficient improvements and will make the house more consistent with the other homes in the neighborhood, promoting a more desirable visual environment. The architectural treatments and design of the renovation will fit well with the character of the existing neighborhood.

He agrees with the testimony provided. The project seems beneficial, and granting the variances will not harm the public good. Public comment supported the use of the site for this purpose.

There were no additional comments from the board members.

A motion to approve the application was made by: Mr. Jackson
The motion was seconded by Ms. Galderisi
In favor: Galderisi, Jackson, Petrozza, Rainear, Shawl, Tomlin, Unsworth

RESOLUTIONS

Mr. Young stepped out of the meeting for a short time.

Hanson, William – Block 330 Lots 35-40 – BA 20-2024

A motion to approve the resolution was made by Mr. Shawl
The motion was seconded by Ms. Petrozza
In favor: Petrozza, Rainear, Shawl, Tomlin
Abstain: Galderisi, Jackson, Unsworth, Young

Grecco, Jason – Block 600 Lots 45 & 46 – BA 19-2024

A motion to approve the resolution was made by Mr. Shawl
The motion was seconded by Ms. Petrozza
In favor: Petrozza, Rainear, Shawl, Tomlin
Abstain: Galderisi, Jackson, Unsworth, Young

Professional Agreement with King-Barnes Law Group

A motion to approve the resolution was made by

Mr. Shawl

The motion was seconded by

Mr. Jackson

In favor: Galderisi, Jackson, Petrozza, Raineer, Shawl, Tomlin, Unsworth

Abstain: Young

BILLS

A motion to pay the bills as presented was made by:

Ms. Galderisi

The motion was seconded by:

Ms. Petrozza

All present in favor.

Mr. Unsworth stepped down for the remainder of the meeting.

Mr. Shawl stepped in to run the rest of the meeting.

Mr. Young returned to the meeting.

APPLICATIONS CONT'D

OAK RIDGE CAMPGROUND – BLOCK 600 LOT 62– BA 22-2024

Applicant is seeking preliminary and final site plan approval with a use variance for the expansion of a non-conforming use to construct a 30' X 40' pole barn at 516 Route 9 South, Marmora, New Jersey.

Attorney:	Kris Facenda, Law Offices of Kris Facenda, LLC	
Site Plan:	Engineering Design Associates	11/18/24
Building Plans:	Apex Structures	09/11/24
Survey:	Gibson Associates	05/21/19

Variances:

- D Variance for the expansion of a non-conforming use.

Kris Facenda – Representing the applicant, Oak Ridge Condominium Association. Here with him is Matt Hender, who previously testified, and Marge Tinsley, the president of the condominium association. The applicant owns Block 600, Block 22, located at 516 Route 9. The property is 35 acres and is currently zoned as Center Residential. It is currently used as the Oak Ridge Condominium mobile home park.

We are here tonight seeking approval for a preliminary and final minor site plan with a technical variance for the expansion of the existing use. Specifically, we want to add a 30 by 40 pole barn. The overall use of the property won't change, but the addition of the new structure requires a variance. This is because the campground use is technically not permitted, and the addition is seen as an extension or expansion of that use. Mr. Hender will provide further testimony and establish that the request meets both the positive and negative criteria for granting relief.

Matthew Hender, previously sworn as an expert with Engineering Design Associates, 5 Cambridge.

Mr. Hender – He is familiar with the plans and application materials submitted. He is also familiar with the site. The campground has been in place for over 30 years, located on Route 9. We are proposing to construct a 1,200 square foot pole barn to replace two existing buildings: a 64 square foot shed and a 198 square foot garage. These older structures will be demolished, and the pole barn will be constructed for storage and maintenance equipment, including pool equipment. The property has a stone parking lot, a swimming pool, a one-story clubhouse, and play equipment. The proposed pole barn will be located towards the back of the property, and it will meet the required setbacks from the side property line.

The pole barn will be used for the storage of lawn mowers, hedgers, weed whackers, chairs, tables, and seasonal equipment. It will also have electric and water service to wash down the equipment. There will be no living space.

The site is well-suited for a campground. The 35-acre property has ample space for the campground, which has existed for over 30 years without causing harm to the surrounding neighborhood.

The purposes of zoning that are advanced are as follows:

- (a.) To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.
 - By removing 2 older structures that are not code compliant and replacing with one that is code compliant.
- (c.) To provide adequate light, air and open space.
 - The proposed building will not create any new variance requirements. The pole barn will be under the maximum height permitted and will comply with all bulk requirements.
- (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 to meet the needs of all New Jersey citizens.
 - The location of the pole barn is well-suited because it is in an area considered the hub of activity.

In his opinion, the expansion of the non-conforming use will not impair the intent of the zoning plan or the public good.

He has reviewed the professional review letters and has no issues and finds them acceptable as drafted.

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.

Ms. Petrozza – The applicant, Oak Ridge Campground comes to the board regarding their property located at 516 Route 9 South in Marmora, also known as block 600 lot 62 on the tax map. They are seeking preliminary and final site plan approval with a use variance for the expansion of a non-conforming use to construct a 30' X 40' pole barn.

The pole barn will replace an old shed and garage and will be used for storage and maintenance equipment. The addition requires a variance due to the expansion of the non-conforming campground use. The proposal meets the positive criteria as it improves safety, provides appropriate space, and does not require additional variances for lot coverage or building height. The negative criteria are also met, as the expansion will not impair the zoning ordinance or public good.

Mr. Shawl – There was no public comment and believes the variance can be granted.

There were no additional comments from any other board members.

A motion to approve the application was made by:

Ms. Galderisi

The motion was seconded by

Mr. Young

In favor: Galderisi, Jackson, Petrozza, Rainear, Tomlin, Young, Shawl

ADJOURNMENT

A motion to adjourn the meeting was made by:

Ms. Galderisi

The motion was seconded by:

Mr. Jackson

All in favor. The meeting ended at 8:11 pm.

Submitted by,
Liz Oaks