

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 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	Present
Donald Rainear, Alt #3	Absent

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

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

Greg Schneider and Liz Oaks were sworn.

APPROVAL OF THE FEBRUARY 6, 2025 MEETING MINUTES

A motion to approve the minutes was made by Ms. Petrozza and seconded by Ms. Galderisi
In favor: Galderisi, Jackson, Petrozza, Shawl, Tomlin, Young
Abstain: Phifer

Mr. Young stated that he did not believe the applicant should have been required to come before the board because there is no change of use. One restaurant to another.

Mr. Garlitos explained that under ordinance section 19-4.3, the board must ensure that the use will not negatively affect draining, traffic circulation, relationship to buildings, landscaping, lighting, parking, and other considerations.

APPLICATIONS

HOLT, RALPH AND DEANNA

BLOCK 652.01 LOT 19– BA 01-2025

Applicant is seeking site plan waiver to change existing business to a different restaurant at 121 Tuckahoe Road, Marmora, New Jersey

Ralph Holt, 651 Stagecoach Road, was sworn.

Gadiel Ferreira, 206 Route 9 South, was sworn.

Mr. Holt explained that he is seeking a site plan waiver to rent out his space to Los Machetes, a business already in town that is looking for a better location than what they currently have. He

had originally put down that they wanted to stay open until 10pm on the application, however, per Resolution BA 09-11 it has already been approved for the hours to be open between 6:30 a.m. and 11:00 p.m. There will be nothing changing. All equipment will remain as is. He will be responsible for building and property will be maintenance. He agrees to repairing the fence within 30 days without relying on parts that have fallen on the neighboring property to avoid trespass. There was a condition of the previous approval, a deed restriction be put in place for the second-floor apartment that is to be residential use only, that has not been completed. He agrees to complete this within 30 days.

Mr. Ferreira testified that they want to move from there current location because the building will be in better condition and the new site will be more accessible. The current location lacks visibility and is difficult to enter due to the curve. The business will operate the same at the new location as the current location. In the summer, May 1st to the end of September, they will be open 10:00 a.m. to 10:00 p.m. In the off-season, October to April, they will be open 10:00 a.m. to 7:00 p.m. Currently they are open lunch and dinner but may include breakfast. The business is mostly takeout in the winter and will be half takeout and half dine-in during the summer. There will be no catering services offered. Any events will be limited to current seating limitations, which are six tables inside and three outside, each with seating for four people. They expect to have three employees. They will put up a new sign.

Mr. Schneider – He visited the site prior to the meeting. The fence had not been repaired. He will inspect to confirm it is compliant once Mr. Holt has contacted Township Hall. The trees that were planted are slightly undersized, but he believes that due to the growth pattern of the Leyland Cypress it would be better to keep the existing trees rather than tear them up and replant new trees.

The meeting was open to the public.

Sally Jack, 44 Stagecoach Road, was sworn. Ms. Jack believes that the application should have been considered an expansion of a pre-existing, non-conforming use. She is concerned about the parking. There are two elongated spaces along Tuckahoe Road. If he has 26 spaces including the two elongated. Will they remain as elongated spaces or regular size spaces. She believes the lot should be striped because it would give them more spaces.

Mr. Holt – Ralph's Bagel and Deli is a name only. Something like a Wawa would be solely take-out. His business is a restaurant. There are tables inside to dine.

Mr. Garlitos – The definition of a restaurant is an establishment however designated at which food is sold for consumption on the premises.

Ms. Jack – She believes the code has different parking requirements for a deli/pizza or quick food establishment shall provide one space for 30 square feet of net floor area devoted to patrons. A restaurant shall provide one space for 50 square feet.

Ms. Galderisi – The parking was already approved in a previous resolution. The parking is staying the same.

Ms. Jack - In 2011 the applicant required a variance for the expansion of a non-conforming use to increase their hours of operation. She believes the proposed change is making the business bigger

Mr. Pfeiffer – There is no proposed change in size, hours or capacity. They are simply serving a different type of food. He pointed out that earlier Mr. Young argued that the applicant should not even need to come before the board at all.

Ms. Jack – They have tried to be a good neighbor. People say that they have tried to put the bagel shop out of business. They have only done what is within their rights to stand up for their home and property.

Keith Jack, 44 Stagecoach Road, was sworn. The applicant has been before the board multiple times. Each time there is a discussion about the fencing and trees. He doesn't believe they are Leyland Cypress and a development down the street put many in a month later. The proposed mean more traffic and more lights.

Mr. Schneider – At the time of year there was limited supply. The trees are slightly smaller, but the Leyland Cypress grow fairly quickly. Mr. Holt provided places he called, and we checked to see that many were closed. He believes what was done on site is acceptable given the time of year.

Wayne Jack, 115 Tuckahoe Road, was sworn. Mr. Jack stated the fence is not fixed. He thinks the 4x4 post needs to be replaced. You can see it leaning over at a 45-degree angle. It is more than a few slats that are missing, but a whole six-foot section. The trees were 30 feet when they came down. There is no buffer. He believes there will be more lights and traffic with the new tenants.

Ms. Jack, previously sworn, stated that Mr. Holt has not run his sprinkler systems in the past 10 years.

Nathalie Neiss, 759 Route 50, was sworn. She supports the application. She has followed this situation, and she believes he should be able to use his property for his business. She gets a sense of tension and would like them to get along. You can't stop progress. She welcomes a Mexican restaurant with a good location, and she believes the residents of Upper Township welcome it.

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.

Ms. Petrozza – The applicants, Ralph and Deanna Holt, come before the board regarding their property known on the tax map as block 652.01 lot 19. The applicant is seeking a site plan waiver to change from the existing business use to a different restaurant at 121 Tuckahoe Road

in Marmora. We've heard testimony from the applicant and the new tenant that everything will stay the same. There are six tables inside and three tables outside all with seating for four. The parking will stay the same. The property and building maintenance will be handled by the property owner, Mr. Holt. The tenant said the summer hours will be from May 1st through September 30, 10:00 a.m. to 10:00 p.m. The off-season hours will be from 10:00 a.m. and 7:00 p.m. At this time, they do not intend on serving breakfast, but a previous resolution has approved 6:30 a.m. to 11:00 p.m. The tenant has the ability to use those hours in the future. There will be three employees. All the cases and equipment will remain. Events will be limited to the amount of people for the seating. For example, a baby shower or a christening. The signs will be getting replaced. Everything will be similar. There are 26 parking spaces. We heard testimony within 200 feet about parking and keeping the two elongated spots along Tuckahoe Road. It was confirmed that a condition of the prior approval to have a deed restriction filed has not been done but Mr. Holt has agreed to resolve that in 30 days. We heard testimony within 200 feet about the fencing that needs to be repaired. The board engineer will inspect and will work with the zoning office to see that it is taken care of. The new business is moving from a location on Route 9 because the bagel shop has better access, and the building is in better condition. The new business does not appear to create a change in traffic flow. The off-season is usually about 50% takeout with more dining in season. She doesn't believe the change will be a detriment to the public good.

Mr. Phifer – Concurs with Ms. Petrozza.

Mr. Young – The applicant is meeting all the criteria for a site plan waiver. This has been an area of contention, even volatile at times. He hopes this issue will change. He added to Mr. Schneider's testimony that it can be difficult to find trees at certain times of the year. He supports granting the site plan waiver.

Mr. Jackson – Nothing to add.

Ms. Galderisi – Nothing to add.

Mr. Tomlin – Nothing to add.

Mr. Shawl – The applicant represented himself.

Mr. Garlitos – The following are conditions of approval.

- Repairing of the fence.
- Deed restriction for the second-floor apartment.
- All conditions from prior approvals remain in effect.

A motion to approve the application was made by:

The motion was seconded by

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

Mr. Young

Ms. Petrozza

RESOLUTIONS

Professional Agreement with Kates Schneider Engineering

A motion to approve the resolution was made by Ms. Galderisi

The motion was seconded by Ms. Petrozza

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

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

A motion to approve the resolution was made by Ms. Galderisi

The motion was seconded by Ms. Petrozza

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

Abstain: Phifer

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

A motion to approve the resolution was made by Mr. Phifer

The motion was seconded by Mr. Tomlin

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

Abstain: Phifer

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

A motion to approve the resolution was made by Mr. Jackson

The motion was seconded by Ms. Petrozza

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

Abstain: Phifer

BILLS

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

The motion was seconded by: Ms. Galderisi

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

ADJOURNMENT

A motion to adjourn the meeting was made by: Ms. Galderisi

The motion was seconded by: Ms. Petrozza

All in favor. The meeting ended at 7:27 pm.

Submitted by,

Liz Oaks