

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
APRIL 3, 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	Absent
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, Greg Schneider, Board Engineer and Liz Oaks, Board Secretary and Zoning Officer.

Greg Schneider and Liz Oaks were sworn.

**APPROVAL OF THE MARCH 6, 2025 MEETING MINUTES**

A motion to approve the minutes was made by:  
seconded by:  
In favor: Shawl, Tomlin, Young  
Abstain: Mashura, Rainear, Casaccio

Mr. Shawl  
Mr. Tomlin

**TABLED APPLICATIONS**

**Red Oak Shores Campground**

Block 453 Lots 259.59, 260, 261, and 262 BA 02-2025

Applicant is seeking variance relief for the expansion of a non-conforming use to remove an existing shed, construction of new maintenance shed, new potable water well, new trash enclosure, new fenced golf cart storage area, new dog park, enlargement of basketball court, new handicap parking pad and sidewalk at renovated bathhouse and new fencing at 60 Corson Tavern Road, Seaville, New Jersey.

*Tabled to May 1, 2025 with no further notice.*

**Whippoorwill Campground**

Block 616 Lots 4 & 6 BA 03-2025

Applicant is seeking variance relief for the expansion of a non-conforming use to remove a recreational building, construction of maintenance shed within part of recreational building footprint, new trash enclosure concrete pad with gravel area for vehicular access at 810 Route 9 South, Marmora, New Jersey.

*Tabled to May 1, 2025 with no further notice.*

## **APPLICATIONS**

Fullam, Nancy

Block 851 Lot 3– BA 04-2025

Applicant is seeking variance relief for an existing curb cut on a county road of 56' where 12' is required and building coverage of 28.2% where 27% is required to construct an elevator shaft with equipment closet at 9 N Commonwealth Avenue in Strathmere, New Jersey.

Attorney: Bob DeSanto  
Architect: James Chadwick  
Variance Plan: James Chadwick 1/18/25 revised 2/21/25

Variations:

- Curb cut opening of 56', where 12' is permitted.
- Building coverage of 28.2% where 27% is permitted.

Exhibits:

- A-1 Email correspondence from Paul Dietrich
- A-2 Google Aerial

Mr. DeSanto – The applicant, Nancy Fullam is seeking approval to construct an elevator shaft and equipment closet. They are asking for a variance for lot coverage and a pre-existing curb cut.

James Chadwick, Architect, 13 Kill Deer Hill Road, was sworn as an expert.  
Nancy Fullam, Applicant, 9 N. Commonwealth Avenue, was sworn.

Ms. Fullam – As the owner of the property, she engaged Mr. Chadwick to submit an application on her behalf. The ground floor of the home is a garage with entry and stairs. The first floor has two bedrooms, an office and sitting area. The top floor has the kitchen, dining room and master bedroom. She is requesting approval to construct an elevator shaft and equipment. She wants easier access to the upper floors especially when carrying things and given her age and health concerns. She is almost 71 years old with some medical issues that would make an elevator extremely important. It would also be beneficial to friends and family with mobility issues. The property is in a nice residential area with friendly neighbors. The proposed addition will help meet ADA-related needs. The elevator will be placed at the rear of the house. There will be no impact on side yard setbacks and the design will maintain openness.

Mr. Chadwick – The lot is 50'X 86' with a single-family residence that has an “upside-down layout”, the elevator is proposed for the rear right-hand corner. He had appeared before the board about three years ago with the previous applicant. Variations were granted for front yard setback and curb cut width. The original curb cut approval was 24' where the ordinance requires 12'. He wanted to clarify that there had been a misunderstanding that the curb cut had been done by the county when it was done by the builder. An email from Mr. Dietrich confirms this and is entered as exhibit A-1. The road was raised, and curbs constructed. Mr. Dietrich confirmed the curb and driveway were done per his instructions. They no longer are requesting a variance for the curb cut because it had been constructed at the direction of Mr. Dietrich.

Mr. Chadwick continued with the application. The elevator shaft is located at the rear right-hand corner of the property as viewed from the street. He referenced the variance plan, stating that the house on lot 2 is situated far to the rear of the lot, and that the proposed shaft does not block any views or breezes from that home. For adjacent lot 4, which sits closer to Commonwealth Avenue, any southern views are already obstructed by the main home structure. He believes that the addition does not impact views or airflow and

therefore presents no substantial detriment to the public good. The variance requested is for building coverage, which exceeds the permitted 27% by 1.2%, resulting in a proposed 28.2% coverage. He believes this to be de minimis.

The elevator is residential in scale and includes a mechanical room located at the rear of the shaft due to limitations in the ceiling height in the garage that eliminates that as a location for the mechanical placement due to floodplain requirements. There is no substantial detriment to the zone plan and zoning ordinance. There is no substantial detriment to the public good. It improves accessibility for the homeowner and potential visitors with mobility issues. In the event of a medical emergency, the elevator cab at 40"x54", would also allow for safe evacuation by emergency personnel.

Mr. Chadwick testified that the original concept was to house the elevator within the structure, however, after reviewing the floorplan it was determined that it would significantly compromise the layout. The exterior addition is the least disruptive and most effective solution. The shaft addition meets all setback requirements and will be flood compliant. The only relief sought is the building coverage.

Mr. Young questioned the curb cut variance.

Mr. Chadwick – While not at the field meeting, he believes the engineer determined that raising a curb between the adjacent parking space and southern garage would create a potential hazard including inappropriate parking that might obstruct views for both the applicant and the neighboring property owner.

Mr. Barnes read from the resolution, confirming it stated an intent to reduce the curb cut from 50 feet to 24 feet. He noted the wider curb might have otherwise created a parking space that could obstruct visibility, so the raised curb was installed for safety and aesthetics. The township engineer reportedly considered both aesthetics and safety when evaluating elevation, drainage, and curb positioning.

Mr. Young expressed concern about precedents and administrative actions that deviate from board resolutions.

Mr. Barnes emphasized that each application is reviewed individually, and that flexibility is often needed during active construction.

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

Mr. Shawl – The applicant, Nancy Fullam, comes before the board regarding her property at 9 N Commonwealth Avenue located in the Strathmere section of town, also known as block 851 lot 3 on the tax map. The dwelling is a three-story structure with parking on the ground level, bedrooms on the first level and living space on the second level with each floor accessible by stairs only. The applicant is seeking variance relief for building coverage of 28.2% where 27% is required to construct an elevator shaft. The elevator is necessary for easy access. The design is keeping with the character of the neighborhood. We heard testimony from the architect that the curb cut in front of the house, which was a requested variance for an existing non-conforming condition originally but is not needed because the curb cut had been done at the direction of the township engineer. There is a variance needed for building coverage of 28.2% where 27% is required. All other criteria is being met, including the FAR, which is always a concern. The design is compliant with the code. The non-conforming conditions are existing lot depth, the front yard setback because of the septic bed and location of other homes. This elevator meets setbacks. Testimony from the architect that the elevator is in the right rear of the property. The location minimizes any obstructed

views. There is no negative impact to the public good by locating the elevator outside the house. There is no substantial detriment to the zone plan or zone ordinance. The elevator will provide handicapped access to the structure and the existing floor plan does not allow the elevator to be in the home partially due to the flood requirements. The mechanicals will need to be raised, and the ceiling of the ground level is not high enough to raise the mechanicals to the required height. There was no public comment. He believes the variance is di minimis and can be granted with out detriment to the public good.

Mr. Young – The application is di minimis and meets all the setbacks. They are also able to clear up the issue with the curb cut. He is in favor of the application.

Mr. Tomlin – He concurs and is in favor of the application.

Mr. Rainear – He concurs.

Mr. Mashura – He concurs

Mr. Casaccio – He concurs and noted the home’s unique placement behind another structure, which limits side yard options. The elevator does not negatively impact the neighbor and improves accessibility and emergency safety.

A motion to approve the application was made by:  
The motion was seconded by  
In favor: Mashura, Rainear, Shawl, Tomlin, Young, Casaccio

Mr. Rainear  
Mr. Mashura

## **2024 ANNUAL REPORT**

Mr. Casaccio – The board is responsible to prepare an annual report which they will forward to the planning board with any suggestions. The report included a summary of the 24 applications reviewed during the 2024 calendar year and highlighted key issues that had been tracked per board request.

- 1- Septic wall heights.
  - a. The DEP regulates septic approvals, and it doesn’t make sense to require a fencing permit for something that is beyond control.
- 2- Pool Ordinance
  - a. A concern regarding large hot tubs, that while still called hot tubs, their increasing size and depth may qualify them as pools under current ordinance definitions. We also should consider roof top pools and commercial pools. A full review of the ordinance is recommended.
- 3- Definition of front yard and not allowing accessory structures.
  - a. It is suggested that if a lot that has more than one front yard be allowed to have an accessory structure in the side or rear of the principal structure if they are able to comply with the front yard setback of that zone.

Mr. Young added to the discussion the cost of COAH fees.

Mr. Casaccio acknowledged the high cost involved, noting that unfortunately, this is the reality in New Jersey.

There was a brief discussion about each topic resulting in an agreement to approve the report and forward it to the Planning Board.

A motion to approve the report and forward to the Planning Board was made by: Mr. Shawl  
The motion was seconded by Mr. Tomlin  
In favor: Mashura, Rainear, Shawl, Tomlin, Young, Casaccio

### **APPOINTMENT OF A PLANNER**

Mr. Casaccio explained the need for a planner specific to affordable housing reviews. It was explained that in the past they have used Tiffany CuvIELLO Morrissey.

Mr. Barnes explained that any applications that may have implications that it may involve affordable housing require a review to render an opinion.

A motion to appoint Tiffany CuvIELLO Morrissey as Zoning Board Planner for the 2025 calendar year was made by: Mr. Young  
The motion was seconded by Mr. Rainear  
In favor: Mashura, Rainear, Shawl, Tomlin, Young, Casaccio

### **RESOLUTIONS**

Holt, Ralph and Deanna Block 652.01 Lot 19– BA 01-2025  
A motion to approve the resolution was made by: Mr. Shawl  
The motion was seconded by Mr. Young  
In favor: Shawl, Tomlin, Young  
Abstain: Mashura, Rainear, Casaccio

### **PUBLIC PORTION**

The meeting was open to the public, hearing no one and seeing no one the public portion was closed.

### **BILLS**

A motion to pay the bills as presented was made by: Mr. Shawl  
The motion was seconded by: Mr. Young  
In favor: Mashura, Rainear, Shawl, Tomlin, Young  
In favor of paying bills as presented, but abstaining from Kates Schneider: Casaccio

### **ADJOURNMENT**

A motion to adjourn the meeting was made by: Mr. Rainear  
The motion was seconded by: Mr. Shawl  
All in favor. The meeting ended at 7:23 pm.

Submitted by,  
Liz Oaks