

.UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 1, 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	Absent
Tom Jackson Alt #2	Present
Richard Mashura	Present
Lynn Petrozza	Present
Christopher Phifer	Absent
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 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 APRIL 3, 2025 MEETING MINUTES

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

APPLICATIONS

Worthington, Samuel James - Block 857 Lot 8.01 – BA 05-2025

Applicant is seeking to appeal a decision made by the zoning officer or variance relief to construct a swim spa on the roof of a single-family dwelling that is currently being built at 30 E Seacliff Avenue in Strathmere, New Jersey. *Tabled to the June 5, 2025 meeting. No further notice will be required.*

Red Oak Shores Campground - Block 453 Lots 259.59, 260, 261, and 262 BA 02-2025

Applicant is seeking preliminary and final site plan approval with 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.

Attorney: Dottie McCrosson
Engineer: John Halbruner
Site Plan: The Hyland Group 5/8/24
ALTA/NSPS Land Title Survey Millman National Land Services 2/14/23

Variations:

- Use – Expansion of nonconforming use.
- Minimum rear yard setback / ENC

Ms. McCrosson. Representing Red Oak Shores Campground, gave a brief explanation of the application. The property is located at 60 Corson Tavern Road in Seaville. The applicant purchased the property in March of 2023. The applicant is requesting a use variance for the expansion of a non-conforming use. The property is in three zones; the conservation zone, the central residential and the moderate density residential, none have campgrounds as a permitted use. The bulk condition is a non-conforming rear yard setback. No changes are proposed in that. They are also seeking preliminary and final site plan approval to construct improvements to the existing campground. The following improvements are as follows:

- A new maintenance shed
- A new trash enclosure
- A new golf cart enclosure
- A dog park enclosure
- Enlarge an existing basketball court
- Renovate bathhouse
- Fencing

All these items are within the existing site, there is no expansion.

John Halbruner, The Hyland Group Engineer, was sworn as an expert.

Mr. Halbruner – The property is a 155-acre seasonal campground with campsites, an office, clubhouse and bathhouse. There will be no change in the number of campsites. The D2 variance is for the intensification of a non-conforming use. They propose to construct a new shed that will be much further from the property line. They propose to create a trash enclosure a new golf cart enclosure and a new fenced dog park. The expansion of an existing basketball court to 50'x47' in the same vicinity. The bathhouse renovations will include a handicapped accessible sidewalk and parking pad. And a 6' fence around the perimeter of the developed area. There is no change in total building coverage or impervious coverage to the site. The proposed improvements are permitted accessory uses in the R zone. The applicant aims to attract more seasonal campers, vs. transient, which may help reduce neighborhood disturbances. The proposed trash enclosure and golf cart area will provide desired visual screening. The proposed will provide light, air, and open space due to using only 2% of the permitted 10% coverage. The height is below the requirement. He believes the proposed are all positive and there is no detriment to the public good, or the intent and purpose of the zone plan or zoning ordinance.

The meeting was open to the public

Barbara Leary, 18 Indian Walk, was sworn. Ms. Leary stated she is happy to see the upgrades but questioned the fencing and what would happen to existing fencing that property owners already had up. She is also concerned about debris at the dead end by her house.

Mr. Halbruner explained that the fencing would run along residential borders where no fence currently exists but may omit areas already fenced. He expressed that this was not something to be done immediately, if at all. He explained the debris was not on the campground property.

Nathalie Neiss, 759 Route 50, was sworn. Ms. Neiss questioned the zone the campground was in, the size of the parcel and whether it was seasonal or year-round.

Mr. Shawl explained that this is not a permitted use. It is an existing non-conforming use and is required to come to the board for any changes. The parcel is 55 acres and is only permitted for seasonal use.

Mr. Barnes inquired about the details of the fencing.

Mr. Halbruner stated the fence is only a possibility at this time.

Mr. Barnes – Requesting a fence but they may not be putting up is vague. We want to be clearer about the intention.

Ms. McCrosson – A condition could be added to the resolution.

Mr. Halbruner consulted with the applicant. They expect approximately 5,000 feet of fencing and will be expensive.

Ms. McCrosson – The applicant agrees to comply within the two-year time frame that all approvals are subject to.

The public portion was closed, and the meeting returned to the board for findings of fact.

Ms. Petrozza – The applicant, Red Oak Shores, come before the board regarding their property located at 60 Corson Tavern Road also known as block 453 lots 259.59, 260, 261 and 262 on the tax map. The applicant is not expanding sites or the use. They propose improvements including a maintenance shed, golf cart storage, trash enclosure, renovating the bathhouse and enlarging the basketball court. The proposed improvements do not constitute a true intensification of use, as the campground remains the same size and function. There are improvements including visual appearance, safety, screening, accessibility, and amenity upgrades.

Mr. Jackson – Nothing to add.

Mr. Tomlin – Nothing to add.

Mr. Young – Concurs with his colleagues.

Mr. Mashura – The proposed improvements will revitalize the campground.

Mr. Shawl – Concurs. The application supports several purposes under the Municipal Land Use Law including promoting public welfare, light and air and open space.

Mr. Schneider – There were comments on his report that will need to be complied with.

Mr. Barnes – The motion will include the following conditions:

- Compliance with the engineer’s report.
- The fence installation must be completed within two years.
- All other conditions must be completed in accordance with the site plan.

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

Whippoorwill Campground - Block 616 Lots 4 & 6 BA 03-2025

Applicant is seeking preliminary and final site plan approval with 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.

Attorney:	Dottie McCrosson	
Engineer:	John Halbruner	
Site Plan	The Hyland Group	6/25/24
ALTA/NSPS Land Title Survey	Millman National Land Services	5/14/24

Variances:

- Use – Expansion of nonconforming use.
- Various setbacks / ENC

Ms. McCrosson. Representing Whippoorwill Campground, gave a brief explanation of the application. The property is located at 810 Route 9 South in Marmora. The applicant purchased the property in March of 2023. The applicant is requesting a use variance for the expansion of a non-conforming use. The property is situated in the R-Residential Zone which does not have campgrounds as a permitted use. The bulk conditions are various existing non-conforming setbacks.

No changes are proposed in that. They are seeking preliminary and final site plan approval to construct improvements to the existing campground. The following improvements are as follows:

- Demolition of an existing recreational/arcade building.
- Construction of a new maintenance shed, partially within the footprint of the demolished building.
- Installation of a new trash enclosure, replacing several freestanding dumpsters visible from Route 9

John Halbruner, previously sworn.

Mr. Halbruner – This application is like the last with fewer proposed improvements. The prior owner had made improvements without board approval in 2021. This application seeks to remedy compliance issues and legally implement a reduced scope of improvements compared to the prior unauthorized work. They seek to demolish an existing building that is used for recreation. Construct a new 12'x20' maintenance shed, partially within the footprint of the demolished building. This will house a well system and communications infrastructure. They propose a new trash enclosure that will house several freestanding dumpsters that are currently in an open field and visible from Route 9. The enclosure will include a concrete pad and gravel access for trash vehicles. There is no increase in the number of sites or patrons. The proposed improvements do not intensify the use but seek to upgrade accessory features.

Mr. Halbruner believes the improvements serve multiple purposes of the Municipal Land Use Law, specifically citing:

- (a) Promoting the public health, safety, and general welfare through site upgrades and building size reduction.
- (c) Providing adequate open space; proposed building coverage is 6%, well below the 10% maximum and building height is below the 35' limit.
- (i) Creating a more visually desirable and organized environment via screened trash enclosures.
- (j) Promoting the conservation of natural resources and improvements in site layout.

All proposed sheds and fences are permitted accessory uses in the zone. There is no substantial detriment to the public good, zoning plan or zoning ordinance. The proposed is all beneficial.

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, Whippoorwill Campground come before the board regarding their property located at 810 Route 9 South in the Marmora section of town also known as block 616 lots 4 & 6 on the tax map. The applicant is proposing improvements without expanding the use, that aim at making the site better. The previous owner had many issues that the current owner is cleaning up. They plan to remove a recreation building and replace with a smaller shed and enclose dumpsters. She agrees with the special reasons given; a, c, i and j. She is in favor of the application.

Mr. Jackson – Nothing to add.

Mr. Tomlin – Nothing to add.

Mr. Young – Nothing to add.

Mr. Mashura – Nothing to add.

Mr. Shawl – There was no public comment. He agrees with the special reasons.

A motion to approve the application was made by:

The motion was seconded by

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

Mr. Mashura

Ms. Petrozza

Plantation Enterprises Inc - Block 558 Lots 19 & 44— BA 06-2025

Applicant is seeking preliminary and final approval for a major subdivision with a use variance to create three residential lots and two commercial lots where two commercial lots exist at 3052 Route 9 South and 53-57 Corson Tavern Road in Seaville, New Jersey.

Attorney:	Brian Huen	
Engineer:	Joseph Maffei	
Site Plan:	Engineering Design Associates	1/15/25
Survey:	Cape Land Surveying	3/26/25

Variations:

- Use Variance for a storage facility and residential in a commercial zone.

Waivers:

- Soil Erosion and Sediment Control Plan
- Road and paving cross-sections and profiles
- Lot grading plan showing all proposed areas of fill which shall not exceed 25 inches.

Brian Huen, Esquire, representing Plantation Enterprises, LLC. The applicant is seeking major subdivision approval and D(1) and D(2) Use variances along with waivers from checklist requirements for the property located at 3052 Route 9 South and 53 & 57 Corson Tavern Road.

Joseph Maffei, Engineer, Engineering Design Associates, 5 Cambridge Drive, was sworn as an expert.

Mr. Maffei – The applicant proposes to subdivide two existing lots, block 558 lots 19 and 44, into four lots. One lot will continue as a commercial self-storage facility with future expansion proposed and three new single-family residential lots along Corson Tavern Road. The proposed residential lots exceed one acre each, with no variances required for lot area, setbacks, buffers or coverage. The only variance is a lot depth deficiency for one residential lot, which measures 190 feet where 200 feet is required. The site lies within the TC-Town Center Zone, which permits residential and commercial uses subject to specific development and affordable housing standards. The self-storage use is an existing non-conforming commercial use, and applicant requests a D(2) Use Variance for its expansion. They are not seeking site plan approval currently, what is presented is conceptual and final site plan approval will be sought in a separate application. That application would address stormwater management. The applicant anticipates the use of basins on the commercial lot with no basins required for the residential lots. The proposed single-family residential is not expressly permitted in the TC Zone, requiring a D(1) Use Variance. The new residential lots will take access from Corson Tavern Road, there will be no new streets being created. There are no new public utilities. A county right-of-way easement is noted on Corson Tavern Road for future widening. The applicant is requesting multiple checklist waivers due to the minor nature of proposed improvements and the absence of interior streets or utility infrastructure.

Mr. Schneider – He confirms the project qualifies as a major subdivision solely on the lot count and supports the request for waivers given the projects context.

Mr. Maffei – The residential lots are consistent with the character of the neighborhood. The residential subdivision removes commercial encroachment from Corson Tavern Road. It promotes orderly growth and aligns with the purposes of zoning, citing the following.

- (g) Efficient land use in appropriate locations.
- (c) Adequate light, air and open space.

Mr. Maffei – The proposed does not pose a detriment to the public good. It does not impair the zone plan or zoning ordinances. The proposed commercial use of self-storage is less impactful than other permitted uses in the zone.

Mr. Mashura questioned the affordable housing requirements.

Mr. Maffei – There are no affordable housing units proposed.

Mr. Barnes stated residential housing in the TC Zone would be permitted with the use of density transfer. Non-residential projects would generate a 2% fee and residential projects would generate a 1.5% fee. If the development of these lots is approved, they would require a 6% affordable housing impact fee.

Mr. Huen – The applicant agrees to comply with the required 6% fee.

Mr. Young questioned about sidewalks.

Mr. Schneider – It is per ordinance for a major sub-division; however, this is not typical, and the applicant is asking for waivers.

The meeting was open to the public.

Linda Leonard, 51 Corson Tavern Road, was sworn. Ms. Leonard is unclear about the physical layout of the project and questioned the existing dirt road that is on the property.

Mr. Maffei – The dirt road is being eliminated.

Crista O'Donnell, 49 Corson Tavern Road, was sworn. Ms. O'Donnell questioned the impact on well water supply with the addition of three new homes. Is there any affordable housing planned and the aesthetic impact due to visible commercial.

Mr. Maffei – There will be no impact, the new homes will have private wells. These are not for affordable housing; they will be market-rate single-family dwellings. However, the applicant is required to contribute to the Township's affordable housing trust fund in accordance with state law. There will be buffers between residential and commercial area and will be detailed during future site plan approval for the commercial lot.

Barbara Leary, previously sworn. Ms. Leary understands the residential portion will contribute to the affordable housing aspect but can the commercial portion, be used as mixed-use to contribute to the affordable housing.

Mr. Maffei – He does not know if the applicant was interested in that

Nathalie Neiss, 759 Route 50, was sworn. Ms. Neiss questioned lot size. She asked where there would be actual affordable housing units. She thinks development in the TC zone should follow the permitted use.

Mr. Maffei – The commercial lot is approximately 7 acres, and the residential portion is approximately 3 acres. There is no proposed affordable housing. The applicant has agreed to pay the 6% affordable housing impact fee.

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 applicant, Plantation Enterprises, LLC come before the board regarding their property at 3052 US Route 9 and 53/57 Corson Tavern Road also known as block 558 lots 19 & 44 on the tax map. The applicant is seeking two use variances and approval for a major subdivision. The D1 variance is to permit three single-family residential lots in a commercial zone. The D2 variance is to allow the expansion of an existing self-storage facility, a pre-existing, non-conforming use. Three residential lots are proposed, each over one acre with 125' of lot frontage. All lots meet setbacks and lot frontage. The development of residential on Corson Tavern Road makes more sense than the commercial that it is zoned. The storage facility will be less invasive than other permitted uses. She believes the variances can be granted without detriment to the public good.

Mr. Jackson – Is satisfied with the presentation.

Mr. Tomlin – Has nothing to add and is in favor of the application.

Mr. Young – These residential lots will blend into the existing neighborhood and reduce cut-through traffic.

Mr. Mashura – Confirmed they are not rezoning but permitting use by variance.

Mr. Shawl – Applicant requested checklist waivers due to the project’s minimal infrastructure impact. There are no interior roads proposed, all lots front an existing road. He agrees with the special reasons, and he doesn’t see any detriment. He believes there will be not detriment to the zone plan or public good. The applicant has agreed to contribute to the township’s Fair Share Housing obligation.

Mr. Schneider added that one lot did require a variance for lot depth.

A motion to approve the application with the condition that the applicant pay the 6% impact fee, and waivers was made by:

Mr. Jackson

The motion was seconded by

Mr. Young

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

Liberty 519 South Shore Road, LLC - Block 599 Lots 11 & 12 – BA 08-2025

Applicant is seeking a use variance for the expansion of a non-conforming use with variance relief for distance to other buildings of 3.5’ where 5’ is existing and 10’ is required, architectural standards required for the existing building and pre-existing non-conforming lot frontage and width to construct a 30’ X 80’ pavilion at 519 South Shore Road in Marmora, New Jersey.

Attorney: Jon Batastini
Engineer: Joseph Maffei
Site Plan: Engineering Design Associates 3/25/25
Variances:

- Use variance for the expansion of a non-conforming use.
- Distance from other buildings
- Lot frontage, lot width, minimum front yard setback/ENC
- Architectural Design Standards

Mr. Batastini, Esquire, representing Liberty 519 South Shore Road, LLC. The applicant is seeking a D2 Use Variance for the expansion of a pre-existing, non-conforming use through the addition of a new open-sided pavilion on the south side of the existing building. The applicant came before the board previously for a similar pavilion on the north side of the building that is used for wrapping and handling pallet product. That application was approved, and they are seeking similar approval tonight.

Joseph Maffei, Engineer, Engineering Design Associates, was previously sworn.

Mr. Maffei – The applicant was before the board in 2022 for a similar proposal and was approved. They are seeking a new 80’ by 30’ pavilion on the south side of the building. It will be an open-sided metal structure. They will use the pavilion as covered storage space for outgoing product, providing shelter from the weather. It will not be used for deliveries, or production activities. Curtains will be installed on the south, east, and west sides of the pavilion to offer protection from wind and rain, as needed. The structure will not result in increased lot coverage because it is on existing concrete. It does not require grading and does not alter the existing site circulation. There will be no equipment, and all materials will be neatly stored and organized. There is no change of use. There will be no impact on traffic flow, buffering and there will be no change in lighting.

The meeting was opened 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.

Mr. Petrozza – The applicant, Liberty 519 South Shore Road, LLC come before the board regarding their property at 519 South Shore Road in Marmora also known as block 599 lots 11& 12. They are seeking a use variance for the expansion of a non-conforming use with variance relief for distance to other buildings of 3.5’ where 5’ is existing and 10’ is required, architectural standards required for the existing building and pre-existing non-conforming lot frontage and width to construct a 30’ X 80’ pavilion. They propose to put a pavilion on the south side of the building. They were previously approved for a similar pavilion on the north side. The pavilion will be used as a staging area and storage. There was no public comment.

Mr. Jackson – Nothing to add

Mr. Tomlin – Nothing to add.

Mr. Young – Nothing to add.

Mr. Mashura – Nothing to add.

Mr. Shawl – There is a variance request for distance between buildings. This is an existing use that predates the zoning. The lot is pre-existing non-conforming. There is no detriment to the intent and purpose of the zone plan or zoning ordinance with no substantial detriment to the public good.

Mr. Barnes adds a condition that there is ongoing compliance with previous approval.

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

Ms. Petrozza
Mr. Jackson

DISCUSSION

None

RESOLUTIONS

Fullam, Nancy - Block 851 Lot 3– BA 04-2025
A motion to approve the resolution was made by
The motion was seconded by
In favor: Jackson, Mashura, Petrozza, Tomlin, Young, Shawl

Ms. Petrozza
Mr. Jackson

Professional Services Contract With Tiffany Morrissey
A motion to approve the resolution was made by
The motion was seconded by
In favor: Jackson, Mashura, Petrozza, Tomlin, Young, Shawl

Ms. Petrozza
Mr. Jackson

End of the Year Report
A motion to approve the resolution was made by
The motion was seconded by
In favor: Jackson, Mashura, Petrozza, Tomlin, Young, Shawl

Mr. Jackson
Mr. Mashura

BILLS

A motion to pay the bills as presented was made by:
The motion was seconded by:
All present in favor.

Mr. Jackson
Ms. Petrozza

PUBLIC PORTION

The meeting was open to the public.

Nathalie Neiss, previously sworn. Ms. Neiss questioned the three residential parcels that were “re-zoned” from commercial to residential. She does not agree with taking residential out of the commercial.

Mr. Shawl explained that they were not re-zoned. They were granted variances.

ADJOURNMENT

A motion to adjourn the meeting was made by:
The motion was seconded by:
All in favor. The meeting ended at 8:37 pm.

Mr. Mashura
Ms. Petrozza

Submitted by,
Liz Oaks, Board Secretary