

**UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
JUNE 12, 2025**

The regular meeting of the Upper Township Planning Board was held at Township Hall at 2100 Tuckahoe Road, Petersburg. The meeting was called to order at 7:00 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Member	Attendance
Mayor Curtis Class I	Present
Matthew Davidson, Class IV	Absent
Brooke Fisher, Alt	Absent
Joseph Harney, Class IV	Present
Rich Kaczmarski, Class II	Present
Ted Kingston, Class IV Vice Chair	Present

Member	Attendance
Chris McGuire, Class IV	Absent
Colby Meloy Alt	Absent
Samuel Palombo, Class III	Present
Gary Riordan, Class IV	Present
Sean Whelan, Chair	Present

Also, in attendance were Jeffrey Barnes, Board Solicitor Liz Oaks, Board Secretary and Paul Kates, Board Engineer.

APPROVAL OF THE MAY 8, 2025 MEETING MINUTES

A motion to approve the minutes was made by:
 Seconded by:
 In favor: Harney, Kaczmarski, Kingston, Palombo, Riordan, Corson

Mr. Riordan
 Mr. Harney

Chair, Sean Whelan, was not present at roll call. Joined the meeting at this point.

NEW BUSINESS

D.R. Horton - Block 647 Lot 8 aka 8.02, 8.03, 8.04, 8.05, 8.06 & 8.07 – PB 02-2025

Applicant is seeking an amended site plan for previously approved major subdivision addressing lots that abut Tuckahoe Road at 3-13 Henry Road, Marmora, New Jersey.

Attorney:	Ron Gelzunas	
Variance Plan:	K2 Consulting Engineers	4/8/25
Exhibit A-1:	Revised Variance Plan	4/8/25
Variances:		
• 20-5.1d.	Location of an Accessory Structure	
• 20-5.3a.	Fence Height	

Ron Gelzunas, Esquire, representing D.R. Horton seeking an amended site plan approval previously approved major subdivision at Church and Old Tuckahoe Road in Marmora. The original approval was for a 13-lot major subdivision approved in August of 2022. There are 12 lots for single-family dwellings. There were no variances involved. The property was purchased by the present applicant in January 2024 and is now known as Coastal Cove located on Henry Road. The lots that are on Henry Road and abut Old Tuckahoe Road create lots that have two front yards. Per township ordinance no accessory structures are permitted in a front yard. The proposal they seek will eliminate that restriction. The lots affected are 8.02, 8.03, 8.04, 8.05, 8.06, and 8.07.

John Kornick, K2 Engineering, was sworn. Mr. Kornick testified to the current conditions. The subdivision did not require variances. There are six lots that back up to Tuckahoe Road, a county road. There is no access proposed. The amended site plan requests the allowance of accessory structures and fencing typically permitted in a rear yard. Referencing exhibit, Variance Plan A-1. They propose a maximum height for fencing along Tuckahoe Road be at 6’ with a 30’ setback from the property line. And accessory structures shall have a 50’ setback from the rear property line. He suggested the following special reasons 40:55D-2 apply to this application.

- (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.
- (c.) To provide adequate light, air and open space.
- (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.
- (i.) To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

He argued C2 variance relief, the benefits outweigh any detriments. He also argued that the application is supported by C1 criteria due to the hardship of double frontage lots.

Mayor Corson stated that any approvals for curb cut openings would be approved by the County, not the municipality.

Mr. Kates. Suggested a deed restriction to maintain the landscape buffer, which will prevent driveway access.

Mr. Gelzunas – The applicant agreed to a deed restriction that would require the existing vegetation along Tuckahoe Road be preserved and allowed to revegetate naturally. No driveways or accessory structures will be permitted in this area.

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

Mr. Harney – The applicant, D.R. Horton, come before the board regarding the Coastal Cove subdivision block 647 lots 8.02, 8.03, 8.04, 8.05, 8.06 and 8.07. They are seeking an amended site plan to include variance relief to allow accessory structures in the front yard and fencing height be allowed at six feet. The accessory structure would have a setback of 50' and fencing will have a 30' setback from the property line along Tuckahoe Road. They have agreed to a deed restriction that would prevent driveway entrances along Tuckahoe Road. He believes the variances can be based on the C1 criteria.

Mr. Riordan – There was expert testimony that the amended site plan can be granted with no detriment to the public good. There was no comment from the public.

Mr. Kingston – This only applies to the properties that abut Tuckahoe Road.

Mr. Palombo – Nothing to add.

Mayor Corson – The maximum height of the fencing being allowed is 6', matching other residential bulk requirements.

Mr. Kaczmariski – Nothing to add.

Mr. Barnes – The motion is to approve the amended site plan with a deed restriction that the existing natural buffer be preserved and allowed to revegetate naturally. There will be no driveway access along Tuckahoe Road.

A motion to approve the application was made by: Mr. Harney
Seconded by: Mr. Riordan
In favor: Harney, Kaczmariski, Kingston, Palombo, Riordan, Corson, Whelan

Redeemer Health Food Pantry - Block 560 Lot 1.01 – PB 01-2025

Applicant is seeking a site plan waiver to run a food pantry at 2087 Route 9 South, Seaville, New Jersey.

Attorney: Avery Teitler
Application Materials: Applicant
Site Plan: Various 3/2/02

Mr. Teitler, Attorney for the applicant, Holy Redeemer Food Pantry, explained the application. There will be no physical changes to the site. The proposed will have no impact to drainage, traffic circulation, landscaping, buffering, lighting, or parking. There are no variances requested, no CAFRA or New Jersey wetlands are being triggered. There are no variances or waivers required. This operation qualifies for a site plan waiver under the township ordinance. The operation will be open 3 days a week from 9:00am to noon. There will be approximately 1 employee and 4-5 volunteers. There will be no sales. All of the food is donated. There will be deliveries twice a month to the rear of the building that has existing doors. There is one bathroom on site only to be used by employees and volunteers.

Veronica Schuck, was sworn. Ms. Schuck testified that she was a resident of the township until recently moving to Middle Township and is very familiar with the township and its residents. She is a registered nurse and has worked for Holy Redeemer for 32 years. She did home care that was mostly in Upper Township and Ocean City. The pantry will be prepackaged groceries. They primarily have canned goods, some frozen meats and proteins, starches, and basic pantry staples. People will enter and register. They will then be escorted as they make their choices. The average time each person is in the pantry would be about ten minutes. The items are delivered on pallets that take about 15 minutes to unload. The pallets will generally be returned the same day. If there is any temporary pallet storage, it will be addressed to ensure visual appeal and cleanliness. There are existing dumpsters and recycling containers that will be used, the primary waste is cardboard. There is no cooking on site. No returns are permitted. What they supply to the community is provided once a month and is supplemental to their income. There are many older residents that take advantage of the program as well as young families. They follow the Food Bank of New Jersey regulations and follow their policies. The store front is located near H&R Block and Labcorp, on the left side of the shopping center. Interior changes include shelving, and a small area designated with a desk. There is no construction planned. The facility is regularly inspected by the Cape May County Health Department, Community Food Bank of New Jersey and the USDA for certain food programs. Freezers and refrigerators are equipped with thermometers for monitoring to ensure food safety. There will be no food left outside. There will be no donation box.

Mr. Kates – If a handicap ramp is necessary, they would require a review.

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

Mr. Riordan – The applicant, Holy Redeemer Food Pantry, come before the board requesting a site plan waiver for a storefront located in the Cedar Square Shopping Center at 2087 US Route 9 in Seaville also known as block 560 lot 1.01. We heard testimony from Veronica Schuck to the operations of the pantry. He believes it will be a nice addition to the community.

Mr. Harney – There was testimony that there would be no impact on parking. They will operate 3 days a week 3 hours a day. There will be state inspections. They will operate under New Jersey Food Pantry regulations. There will be volunteers to assist with the gathering of groceries. Deliveries will be in the rear. We heard from the township engineer about the possibility of a handicap ramp.

Mr. Kingston – Nothing to add.

Mr. Palombo – Nothing to add.

Mr. Kaczmarek – Nothing to add.

Mayor Corson – Added that the applicant agreed to make an effort to reduce the number of pallets on site, if any.

Mr. Whelan – The applicant will not be taking any money. This is for supplemental help to families.

Mr. Barnes – The motion is to approve a site plan waiver to run and operate a food pantry per section 19-4.3 of the township ordinance, based upon the proofs presented.

A motion to approve the application was made by: Mr. Riordan
Seconded by: Mr. Kingston
In favor: Harney, Kaczmarek, Kingston, Palombo, Riordan, Corson, Whelan

DISCUSSION

Amended Zoning Recommendation to the Township Committee.

Pools/Spas

Zoning Board suggested:

1. *Pool Definition*
 - a. *Water surface area greater than 100 square feet, and*
 - b. *Depth of greater than 43 inches,*
2. *Spas/Hot Tubs/Swim Spas*
 - a. *Water surface area 100 square feet and under, and*
 - b. *Depth of 43 inches and under.*

None of the above require zoning approval if located within footprint of the principal structure.

*Strathmere will still not allow pools (by definition). *unless within footprint of principal structure.*

There was a great amount of discussion regarding the items, the board was fine with the parameters of the spa/pool size. There was greater concern about allowing pools within the footprint of a structure in Strathmere. The concern is that residents could exploit this by raising homes and putting pools underneath or attaching lean-tos to manipulate the definition of a principal structure. There was a slight discussion about possibly that if a pool were permitted within the structure that it should be counted in the Floor Area Ratio. It was discussed that any proposed pool should require zoning board approval due to septic and flooding concerns.

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.

No action was taken

Signage

Zoning Board suggestions:

1. *Flags, Feather / Banner*
 - a. *Permitted with the following conditions:*
 - i. *Maximum of two flags.*
 - ii. *May only be out during the hours in which the business is open. They must be removed each night.*
 - iii. *Must be a minimum of 8 feet in from the curb/edge of pavement or behind any existing sidewalk.*

There was discussion about the use of feather signs throughout the township and possible changes and the zoning board suggestions. Violations had been sent out to many of the local businesses for the use of feather flags after there had been complaints. There are some locations in particular that are a concern about visibility. There was a discussion about how the signs are listed and defined in the ordinance and how it could be improved.

The meeting was open to the public.

Tara Gardner, 43 Peach Orchard Road, was sworn. Ms. Gardner is the owner of Luna Sol and Bowls at 108 Route 50 in the Greenfield shopping center.

Nicole Laine, Eldora, was sworn. Ms. Laine is the co-owner of Luna Sol and Bowls.

Ms. Gardner – We have had feather flags for 5 ½ years. They have one that says “Acai” and one that says “Yoga”, they are 11’ tall. There is no sidewalk, just a bed of stones and a parking lot. They put the flags out during the day and pull them back in at night. They received violations and when they called and spoke with the zoning officer, they were told they had to be taken down. They have taken them down, but they have seen a drastic drop in foot traffic. She has spoken to many about this situation from the business association to committee members.

Mayor Corson – There was a complaint from someone which initiated the violations. Regardless of what these signs are being called, flags or banners, they cannot be in the site triangle. It is a safety issue.

Ms. Gardner testified that her sign is in line with the existing sign.

Mr. Kates – We can work with them to find out exactly where the right of way is. He suggested Ms. Gardner email him to set up a meeting.

Blanche Adams, 330 Woodbine Road, Steelmantown, was sworn. Ms. Adams is with the township business association. The small business is the backbone of the town. These flags are essential to their success. When she drives through town, she appreciates seeing the signs which represent a thriving business rather than empty stores. She hopes the planning board and committee are able to resolve this by allowing the signs in a safe manner.

Hearing no one else and seeing no one else the public portion was closed.

No action was taken.

Demolition Notice Requirements.

Zoning Board Recommendations.

* *Demolition should be separate from pilings, which should stay the same.*

1. *Notice abutting properties only.*
2. *Provide copy of letter.*
3. *Required for structures over 200 square feet.*
4. *Requirement is based on location:*
 - a. *Required in Zones.*
 - i. *AHGR, RR, RC, RP, R, R2, TR, TV, WTC*
 - b. *Required Zones (Pinelands)*
 - i. *CMP, F3, F10, F25, PV, RD, RPPV, TC, TCC*
 - c. *Not required*
 - i. *AR, CM2, CM4, MH, MTCD, C*

*This item was not discussed at the meeting. It will be tabled to a future meeting.

PUBLIC PORTION

Dodie Reagan, 21 W Winthrop, was sworn. Ms. Reagan is very upset about the Deauville Inn.

- Her first concern is about her request to have 2 parking spaces removed from County Route 619 heading north at the intersection of N Commonwealth Boulevard and County Route 619. She has requested this before. It is a concern about site lines and safety. There is a blinking light and a curve. It is difficult to see, and it is very obstructed.
- The resolution for the parking plan for the Deauville Inn is her next concern. She states boats were being counted as parking and now they offer full dining on boats. She provided photos showing the advertising. This is against municipal land use law to count boats both as parking and dining. It would be two uses.

Mr. Barnes explained that these complaints should be presented to the zoning officer.

- She provided a list of violations for the zoning officer to enforce. But does not believe a resident should be required to police the Deauville.

Mr. Barnes – the township does rely on outside people to notify the township if they believe there is a violation, similar to the flags that were just discussed. The planning board does not enforce the resolution, it is the zoning officer or, in this case, the code enforcement officer.

Ms. Reagan asked if she could continue with her few complaints because the zoning officer and code enforcement were present. The following are the results of OPRA requests submitted to the township.

- There were picnic tables stored in the parking lot, taking up spaces. Violating their site plan. No permits were issued.
- They did not receive a permit for a portable bathroom trailer to use Memorial Day weekend.
- They have installed a 1,000-gallon propane tank that is in violation of their site plan. She believes this should trigger a need to go back to the board for approval.
- They continue to pump their septic prior to 8:00am. Photos were provided. She will also email some videos.
- She provided a record of decibel readings that she recorded. It is difficult to schedule the county to get a reading for them.

These are all violations of their approved plan.

Mayor Corson suggested contacting the new administrator, James Van Zlike.

Victoria Green, 2 Winthrop, was sworn. Ms. Green agreed with everything Ms. Reagan stated. The Deauville harms the quality of life. She believes it to be a business that is known to be out of control.

Hearing no one else and seeing no one else, the public portion was closed.

RESOLUTIONS

Lewis, Robert and Lorraine Block 866 Lot 7 – SD 01-2025

A motion to approve the resolution was made by:

Mayor Corson

Seconded by:

Mr. Harney

In favor: Harney, Kaczmarek, Kingston, Palombo, Riordan, Corson, Whelan

BILLS

A motion to approve the bills was made by Mr. Harney and seconded by Mr. Kingston, with all board members present voting in the affirmative.

ADJOURNMENT

A motion was made by Mayor Corson and seconded by Mr. Riordan to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 8:47 p.m.

Submitted by,
Liz Oaks