

UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
 REGULAR MEETING MINUTES
 JUNE 5, 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	Present
Tom Jackson Alt #2	Present
Richard Mashura	Absent
Lynn Petrozza	Absent
Christopher Phifer	Present
Donald Rainear, Alt #3	Absent

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

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 MAY 1, 2025 MEETING MINUTES

A motion to approve the minutes was made by Mr. Unsworth and seconded by Ms. Galderisi.

In favor: Galderisi, Jackson, Shawl

Abstain: Phifer, Unsworth, Casaccio

TABLED APPLICATIONS

Fredericks, Michael – Block 824 Lot 4 – BA 09-2025

Applicant is appealing the zoning officer’s approval on the zoning permit dated October 18, 2024 to allow a house raise with addition at 114 Putnam Avenue in Strathmere, New Jersey.

Tabled to the July meeting. Will be noticing.

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.

Attorney: Avery Teitler, Esquire
 Site Plan and Elevations: Paul Kiss, OSK Design Partners, PA 11/21/22 revised 5/3/23
 Survey: Cape Land Surveying, LLC 8/28/23 revised 11/15/23
 Exhibits:

- A-1 Email correspondence with Paul Dietrich
- A-2 Email correspondence with Elizabeth Oaks
- A-3 Spa specifications

Avery Teitler, Esquire, representing the applicant, Samuel James Worthington. The subject property is 30 East Seacliff Drive, Strathmere also known on the tax map as block 857 lot 8.01. The applicant is requesting an interpretation that the rooftop spa is not a “pool” under the ordinance. If that is denied they will pursue a variance to allow the spa. In 2021-

2022, the applicant submitted plans that included the rooftop spa. The zoning and building permits were issued. The spa is 93 square feet, which is under the 100 square foot pool threshold, but is 42-inches deep, which is over the 18-inch depth rule. The spa is built into the roof structure, not visible to neighbors, and part of the dwelling. Not an accessory structure. The design relied on feedback from the prior engineer, Paul Dietrich. Construction was completed with structural supports specifically for the spa. No stop work order was issued; the installation continued.

Paul Kiss, Architect, 475 White Horse Pike, Collingswood was sworn as an expert. Mr. Kiss is a private architect and licensed planner. Mr. Kiss testified that the spa was included in the submitted and approved plans. He confirmed that all permits were obtained, inspections passed, and the spa is part of the main structure. The spa is more like a hot tub that is meant for sitting, not swimming and less visible and less noisy than if it were placed on a deck. He testified that he believes the spa does not violate the spirit of the ordinance aimed at limiting lot coverage and preserving septic/water safety. This is a double lot with an open lot next to it. It maintains light, air and open space. He believes there is no substantial detriment to the public good or the intent and purpose of the zone plan and zoning ordinance.

Liz Oaks, previously sworn explained the issue was “flagged” after being contacted by the contractor during final stages when they questioned if there was anything else necessary for the spa in an email with a subject line “Worthington Pool”. She consulted with the township attorney about the gray areas in the ordinance.

The meeting was open to the public.

Colleen Jones, 2 N Bayview Drive, was sworn. Ms. Jones explained that she was the president of the Strathmere Improvement Association. She is not opposed to the spa itself. The concern lies in the process: the applicant asked for a postponement, then installed the spa before the ruling. She believes the concern is that this sets a precedent for disregarding procedure.

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

Mr. Barnes read the definition of a pool according to the township ordinance.

SWIMMING POOL, PRIVATE RESIDENTIAL

Shall mean private residential swimming pools and include artificially constructed pools, whether located above or below the ground, having a depth of more than 18 inches and/or a water surface of 100 square feet or more; designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests and which is located on a lot as an accessory use to a detached dwelling, and shall include all buildings, structures, equipment and appurtenances thereto.

There was a brief discussion between the board members touching on the following:

- The definition being vague and possibly outdated considering the 18-inch depth rule is not reflective of modern spas.
- The spa is structurally integrated into the house, not an accessory.
- The intended use (soaking, not swimming) aligns more with a hot tub/spa than a swimming pool.
- Prior zoning approval and communication support the applicant’s good faith reliance on township guidance.

Mr. Shawl – The applicant, Samuel James Worthington comes before the board regarding his property at 30 East Seaclyff Drive in Strathmere, also known as block 857 lot 8.01 on the tax map. The applicant submitted zoning and construction permits. It was the contractor contacting the zoning office that brought attention to the zoning officer the existence of a pool or hot tub/spa. The definition of a pool is 100 square feet and/or 18 inches depth. There was testimony that it was not an accessory use because it was within the principal structure. The water surface area is under the 100 square feet. It is located on the roof. We heard testimony that there would be no detriment to the public good and no detriment to the intent and purpose of the zone plan and zoning ordinance. There was public comment that was not opposed to the spa itself but the process of installing before getting a determination from the board. He believes the unit would be a spa.

Mr. Phifer concurs with his colleague that it is not a pool.

Mr. Jackson – Concurs.

Mr. Unsworth – Concurs.

Ms. Galderisi – The ordinance is not clear. She believes it to be a spa.

Mr. Casaccio – Concurs and has nothing to add.

A motion was made by Mr. Unsworth, seconded by Ms. Galderisi to approve the applicant’s request for an interpretation that the rooftop spa is not a swimming pool as defined by ordinance.

In favor: Galderisi, Jackson, Phifer, Shawl, Unsworth, Casaccio

Donlan, Gwen - Block 643 Lot 22.01 Qualifier CA – BA 07-2025

Applicant is seeking a use variance for the expansion of a non-conforming use to convert an existing attached garage to living space consisting of an additional bedroom and bathroom and to construct a detached garage at 210A Church Road in Marmora, New Jersey.

Attorney:	Robert Belasco, Esquire	
Site Plan:	AJS Design	3/17/25
Survey:	Cape Land Surveying, LLC	12/18/24

Gwen Donlan, 210A Church Road, was sworn.

John Fairheller Jr., Engineer, Gibson Associates, 435 Wesley Avenue, was sworn as an expert.

Robert Belasco, Esquire, the applicant, Gwen Donlan, has come before the board regarding her property at 210 Church Road. The property is in the R Zone and is irregularly shaped. They propose to convert the existing garage to living space and construct a 14’x 28’ detached garage for storage, to replace the lost garage space and declutter the yard. The parcel contains a developed duplex which is not permitted in the zone. A D2 Variance for the expansion of a non-conforming use is required. There will be no increase in bedrooms; they will be converting one bedroom to an office. The septic does not need to be upgraded.

Ms. Donlan – She owns both units. Her mother has lived with her but struggles with the stairs. The renovation allows her to get around more safely. She confirms she will maintain a three-bedroom configuration. The proposed conversion will not have a separate entrance. She agrees to amend the Master Deed to reflect the three-bedroom restriction.

Mr. Fairheller – The only variance required is a D(2) Use Variance, for the expansion of a non-conforming use. The lot is oversized and is fully compliant with all bulk standards. The proposed garage will conform with all zoning requirements. The existing structures footprint remains unchanged. There is no increase in density, no additional bedrooms, and the septic system is designed for three bedrooms. The proposal advances the purposes of zoning. Supporting the mother by allowing her aging in place and preserving the character of the neighborhood. The site is particularly suited for the proposed construction. There is no negative impact to neighbors, traffic, or surrounding properties. This supports the goals of the 2006 Master Plan, including appropriate housing and maintaining neighborhood scale.

Mr. Schneider had no significant concerns and confirmed the septic system is compliant.

The meeting was open to the public.

Chelsie Coffey, 200 Church Road, was sworn. Ms. Coffey testified she is in support of the application. She praised the applicant caring for her mother and stated she has no concern about impacts on the neighborhood.

Hearing and seeing no one else the public portion was closed, and the meeting returned to the board.

Mr. Shawl – The applicant, Gwen Donlan, comes before the board regarding their property at 210 Church Road also known as block 643 lot 22.01 with a qualifier of CA for unit A. The applicant would like to convert an existing garage to a bedroom and bathroom and construct a detached garage. The reason for the proposed changes is to accommodate her mom that struggles with accessing the 2nd floor bedroom. They have agreed to a deed restriction. We heard detailed testimony that the use remains consistent in character and density. The site is particularly suited for this type of improvement and there is no substantial detriment to the zone plan or public good. The lot is irregularly shaped. The proposed work does not require any bulk variances and promotes light, air and open spaces. We heard testimony from the public that is in favor of the application.

Mr. Phifer – Concurs.

Mr. Jackson – Concurs.

Mr. Unsworth – Concurs.

Ms. Galderisi – Concurs.

Mr. Casaccio – Added the applicant agreed to amending the master deed.

Mr. Barnes – The motion includes the following conditions:

- Total bedroom count shall remain at three.
- Applicant shall amend the Master Deed to reflect the approved bedroom count.
- All construction to remain consistent with submitted plans.

A motion to approve the application was made by:
The motion was seconded by
In favor: Galderisi, Jackson, Phifer, Shawl, Unsworth, Casaccio

Ms. Galderisi
Mr. Jackson

DISCUSSION

Updated annual report.

Mr. Casaccio – We have added some updates to the original report that was provided to include an updated definition of the pools, signage specific to feather signs and demolition requirements.

A motion to forward the updated report to the Planning Board was made by:
The motion was seconded by:
In favor: Galderisi, Jackson, Phifer, Shawl, Unsworth, Casaccio

Ms. Galderisi
Mr. Unsworth

RESOLUTIONS

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

A motion to approve the resolution was made by
The motion was seconded by
In favor: Jackson, Shawl
Abstain: Galderisi, Phifer, Unsworth, Casaccio

Mr. Unsworth
Mr. Shawl

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

A motion to approve the resolution was made by
The motion was seconded by
In favor: Jackson, Shawl
Abstain: Galderisi, Phifer, Unsworth, Casaccio

Mr. Unsworth
Mr. Shawl

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

A motion to approve the resolution was made by
The motion was seconded by
In favor: Jackson, Shawl
Abstain: Galderisi, Phifer, Unsworth, Casaccio

Mr. Unsworth
Mr. Jackson

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

A motion to approve the resolution was made by
The motion was seconded by
In favor: Jackson, Shawl
Abstain: Galderisi, Phifer, Unsworth, Casaccio

Mr. Unsworth
Mr. Shawl

Updated Annual Report to the Planning Board – PB SP 05-2025

A motion to approve the resolution was made by
The motion was seconded by
In favor: Galderisi, Jackson, Phifer, Shawl, Unsworth, Casaccio

Mr. Unsworth
Ms. Galderisi

BILLS

A motion to pay the bills as presented was made by:
The motion was seconded by:
All in favor. With Mr. Casaccio abstaining from the Kates Schneider invoices.

Mr. Unsworth
Ms. Galderisi

PUBLIC PORTION

The meeting was open to the public.

Seeing no one and hearing no one, this portion was closed.

ADJOURNMENT

A motion to adjourn the meeting was made by:
The motion was seconded by:
All in favor. The meeting ended at 7:40 pm.

Mr. Phifer
Mr. Jackson

Submitted by,
Liz Oaks, Board Secretary