

**UPPER TOWNSHIP PLANNING BOARD  
REGULAR MEETING MINUTES  
SEPTEMBER 11, 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	Present
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	Present
Colby Meloy Alt	Present
Samuel Palombo, Class III	Present
Gary Riordan, Class IV	Present
Sean Whelan, Chair	Absent

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

Mr. Kates was sworn in.

**APPROVAL OF THE AUGUST 14, 2025 MEETING MINUTES**

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

Mr. Riordan  
 Mr. McGuire

**NEW BUSINESS**

Azeez Farms, LLC - Block 12 Lot 15 – SD 02-2025

Applicant is seeking a two-lot minor subdivision at 439 Route 49, Tuckahoe, New Jersey.

Attorney: Keith Davis, NDG Law Firm  
 Plans: Louis Scheidt P.E, P.P., Gibson Associates  
 Variances: No new variances requested

Louis Scheidt, P.E, P.P., Gibson Associates, was sworn as a professional.  
 Kathleen Azeez, applicant, 439 Route 49, was sworn.

Mr. Davis, attorney for the applicant, explained the requested two-lot minor subdivision. The property is located at 439 Route 49 along the river. The property has an existing single-family dwelling with related improvements on the property. Mrs. Azeez and her husband have lived on this property for many years and before them, many generations of the Azeez family. They proposed to create one additional lot which will be suitable for the addition of one single-family home for the next generations. There are no plans at this time to construct a dwelling. This application is solely for the subdivision. There new lot conforms in all respects with no new variances requested. There is an existing nonconformity on the parent lot that will not be exacerbated by the subdivision.

Mr. Scheidt prepared the plans which consists of a home with a farm. The lot is approximately 100 acres and are looking to carve an additional lot out of it. The new lot will be far greater in size than required. The plans of record are subdivision/survey sheet 105, revised 7/15/25, regarding the wetlands. And sheet 4, revised 7/15/25, showing the proposed lot lines. The future new home would be located on the proposed lot 15.02, an area the DEP has already approved construction. They reviewed the wetlands prior to creating the subdivision. The wetlands delineation submitted

to NJDEP, buffers shown worst-case. The lot is oversized. Access to the new home will be from Route 49, utilizing an existing entrance and farm road. An easement agreement between the two lots will be created. There are no known existing deed restrictions or easements that would impact the subdivision. The subdivision complies with the township's minor subdivision submission requirements and map filing requirements. The driveway easement will transfer with the property. They want to utilize the existing driveway to avoid working with NJDOT and the current address is currently a very nice entrance. The intent is to connect the driveway to the existing farm road, which has been submitted to the NJDEP GP10 permit, they are awaiting final approval.

Mr. Kates – The testimony addressed his questions and is satisfied. He added that the applicant was required to obtain all outside agency approvals.

Mr. Barnes had no comments.

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.

Mr. Harney- The applicant, Azeez Farms, comes before the board regarding their property at 439 Route 49 in the Tuckahoe section of the township also known as block 12 lot 15 on the tax map. The applicant is seeking a minor subdivision to create two properties/ one approximately 94 acres and the other 12.03 acres. The plan is dated July 15, 2025. No variances are being requested. It is a buy rite subdivision. The land is farmland and will remain until the house is built. There are wetland buffer issues, and an application has been submitted to the DEP. The board engineer has reviewed the information and has no problems as long as the conditions are met.

Mr. Davidson – Nothing to add.

Mr. Riordan – The applicant was represented by Keith Davis, Esquire. The plan is to create one additional lot that will comply with all township land use code. Expert testimony by Louis Scheidt, P.E., stated the property consists of a single-family house and farm and that an easement agreement will be put in place. No comment by the public. A minor subdivision plan was provided by Gibson and Associates, dated 4/9/285, with wetlands update on July 15<sup>th</sup> of the same year.

Mr. McGuire – Added there are no deed restrictions on the property and currently no easements.

Mr. Meloy – Nothing to add.

Mr. Palombo – Nothing to add.

Mr. Kaczmarek – Nothing to add.

Mayor Corson – There are existing non-conformities, none of which are being exacerbated by the subdivision.

Mr. Davis – They did not for the existing non-conformity, conservatively. He doesn't believe they technically would require a variance but suggests that it should be memorialized.

Mr. Kingston – Nothing to add.

Mr. Barnes frames a motion. The motion is to approve a minor subdivision with the condition of an access easement will be submitted and approved by the board engineer. And a resolution memorializing the non-conformity that exists will be created.

A motion to approve the resolution with the conditions stated was made by:

Mr. Riordan

Seconded by:

Mr. Harney

In favor: Davidson, Harney, Kaczmarek, McGuire, Meloy, Palombo, Riordan, Corson, Kingston

## **DISCUSSION**

### **Consistency Review of Resolution No. 256-2025**

Review of Cape May County Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan, including the jurisdiction annex for Upper Township, as referred by the Township Committee.

Cape May County has completed an updated Hazard Mitigation Plan outlining potential hazards such as flooding, hurricanes, and high winds. The plan identifies no major vulnerabilities or urgent needs within Upper Township. Most concerns have been previously addressed through existing ordinances or plans.

The Planning Board is asked to review the plan and provide comments or endorsement within the next month; there is no hard approval deadline.

Mr. Harney asked that this item be tabled until the October meeting to allow more time to review.

*Item tabled to the October 16, 2025 meeting.*

### **Referral from Township Committee**

Resolution directing the Planning Board to conduct a preliminary investigation to determine whether block 599, lots 37, 51, 52, 56, 59, 60, 61, 62 and 63 (Study Area) qualifies as an Area in Need of Redevelopment (Non-Condemnation) pursuant to N.J.S.A. 40A:12A-5.

The purpose of the redevelopment designation is to provide the Township with greater control over the type and scale of future development in the Town Center area. It may also open eligibility for grant funding and support infrastructure improvements, such as a possible Parkway ramp in Seaville. Designation would allow the Township and potential developers to negotiate flexible zoning standards related to density, use ratios, and design criteria, rather than being limited strictly to existing Town Center zoning requirements. The overall intent is to encourage a coordinated redevelopment approach for underutilized or obsolete properties that would benefit both the Township and local property owners. The Redevelopment Committee overseeing the study includes township planner, Ms. Morrissey, Tyler Casaccio, the municipal attorney, special redevelopment counsel, and James Malley. Mr. Kates, board engineer may assist in coordination with Ms. Morrissey as needed. The Planning Board approved a motion to proceed with the study. Ms. Morrissey will prepare a formal report evaluating whether the study area meets the statutory criteria for redevelopment. The October agenda is expected to include a consistency review and discussion of next steps.

The study area consists of approximately nine lots totaling between 30 and 40 acres. Ownership details are being verified, including one parcel identified as a condominium association. Once the study is complete, the Board will review the findings and determine whether to recommend redevelopment designation to the Township Committee. A public hearing will be scheduled with proper notice, though 200-foot property owner notifications are not required. The public will have the opportunity to provide comment prior to any action.

Board members emphasized that this is a non-condemnation redevelopment process—no properties will be taken by eminent domain. The purpose is to promote orderly growth and modernization while preserving property rights. Some members stressed a need for transparency regarding the process and outcomes to ensure residents and property owners understand that redevelopment provides flexibility, not forced change.

The Board acknowledged that designation as a redevelopment area would provide flexibility to negotiate otherwise fixed standards within the Town Center zone, including the existing 40% commercial and 60% residential ratio. Flexibility may make the area more attractive for investment while maintaining local oversight. Future considerations such as tax abatements or financial incentives may be reviewed later, based on proposed projects and supported by comparable data from other municipalities. The matter will remain on the Board's agenda for continued review and discussion once the planner's report is completed.

A motion was made to conduct a preliminary investigation by:

Mayor Corson

Seconded by:

Mr. McGuire

In favor: In favor: Davidson, Harney, Kaczmariski, McGuire, Meloy, Palombo, Riordan, Corson, Kingston

## **PUBLIC PORTION**

The meeting was open to the public.

Nathalie Neiss, 759 Route 50 Petersburg, questioned the following:

- How much property was involved.
- How many acres and how many owners?
- What is the time limit for the redevelopment?
- And what is the criteria?
- Will there be tax abatements?
- Will there be a 200' list noticed?

Mr. McGuire – Many of the acres are not listed on the map, they are mostly purely dimensions. Lot 51 is 14.59 acres. Owner information is not provided.

Mayor Corson – One of the properties is a condo owned by an LLC, with multiple involved.

Mr. Kates – Once there is a resolution, he doesn't believe there is a limit, to the best of his knowledge.

Mr. Barens – The criteria is per statute.

Mayor Corson – Tax abatement would not be part of the board's decisions or discussion.

Mr. Kates – There will not be a 200' mailing. It is a public meeting.

Ralph Cooper, Chairman for the Green Team with Upper Township, was sworn. Mr. Cooper asked why the flood mitigation was moved to the next meeting.

Mr. Harney – To allow the board to review further.

Seeing and hearing no one else. The public portion was closed and the meeting returned to the board.

## **RESOLUTIONS**

None

## **BILLS**

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

## **ADJOURNMENT**

A motion was made by Mr. McGuire and seconded by Mr. Kaczmarek to adjourn the meeting, with all Board members present voting in the affirmative. The meeting was adjourned at 8:02 p.m.

Submitted by,  
Elizabeth Oaks