

.UPPER TOWNSHIP ZONING BOARD OF ADJUSTMENT
 REGULAR MEETING MINUTES
 SEPTEMBER 4, 2025

The regular 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	Present
Donald Rinear, Alt #3	Present

Member	Attendance
Andrew Shawl	Present
Travis Tomlin, Alt #1	Absent
Matthew Unsworth	Present
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 in.

Approval of the August 7, 2025 Meeting Minutes

A motion to approve the minutes was made by Mr. Phifer and seconded by Mr. Shawl.

In favor: Mashura, Phifer, Shawl

Abstain: Rinear, Unsworth, Young, Casaccio

APPLICATIONS

HSC Seaville, LLC a.k.a. Tractor Supply

Block 561 Lots 3, 4.02 & 9

Applicant requests an extension of time to file a subdivision plat with the Cape May County Clerk for the property at 13 NJ Route 50, Seaville, New Jersey

Michael Baker, with Hoagland Law Firm at 40 Patterson Street, New Brunswick, representing the applicant HSC Seaville, LLC., also known as Tractor Supply, explained the reason for the application is to request an extension of time to file subdivision plat. The request is due to delays in receiving outside agency approvals.

- NJDOT access permit:
 - Application filed May 2024
 - Review letter received March 2025
 - Response submitted June 2025
 - Permit pending
- CAFRA permit:
 - Applied November 2024
 - DEP requested 30-day extension in July 2025
 - Approval granted August 13, 2025 (beyond statutory 190-day filing period)

The applicant is requesting a 10-month extension with two additional one-month extensions, if necessary. The applicant is also requesting that the resolution be adopted and signed the same evening due to an imminent closing and contractual obligations.

Mr. Shawl asked whether any of the approvals caused changes to the plan.

Mr. Baker – There are no changes.

There were no comments by the board engineer or board attorney.

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. Unsworth – The applicant HSC Seaville, a.k.a. Tractor Supply, comes before the board regarding their property at 13 NJ Route 50 in the Seaville section of town, also known as block 561 lots 3, 4.02 and 9 on the tax map. The applicant is requesting an extension of 10 months plus two one-month extensions if necessary. They are also asking to adopt the resolution this evening, if approved. The applicant diligently pursued required outside agency approvals. The delays were outside the applicant’s control. There are no changes to previously approved plans. He is in favor of the application.

Mr. Mashura – Concurs

Mr. Rainear – Nothing to add

Mr. Phifer – Nothing to add

Mr. Shawl – There was no public comment.

Mr. Young – Concurs

Mr. Casaccio – Nothing to add

A motion to approve the application was made by:
Seconded by:
In favor: Mashura, Phifer, Rainear, Shawl, Unsworth, Young, Casaccio

Mr. Unsworth
Mr. Shawl

A motion to approve the resolution was made by:
Seconded by:
In favor: Mashura, Phifer, Rainear, Shawl, Unsworth, Young, Casaccio

Mr. Unsworth
Mr. Shawl

Buick, Wade and Maraika
Block 857 Lot 2 – BA 11-2025

Applicant is seeking variance relief for a front yard setback of 6’7” where 15’ is required to construct a front porch at 209 N. Commonwealth Avenue, Strathmere, New Jersey.

Zoning Variance Plan: Gibson Associates, P.A.
Variances:

5/22/25

- Front Yard Setback of 6’7” where 15’ is required

Exhibits:

- A1 Over-View showing neighbors porches
- A2 Aerial photo (to get neighbor setbacks)
- A3 Subject property
- A4 Recently built home across the street

Anthony Monzo, Esq., from Monzo, Cantanese & DeLollis, representing the applicants, Wade and Maraika Buick, explained the application as requesting a front yard variance to construct a front porch at 209 N Commonwealth Avenue, Strathmere also known on the tax map as block 857 lot 2. The property is located in the RR District.

Louis Scheidt, P.E., P.P., Gibson Associates at 522 Sea Isle Boulevard, was sworn. Mr. Scheidt presented the request for a front yard setback variance to permit the addition of an 8-foot covered front porch. The entry to the home is on the side and want to add the porch for improved aesthetics. The existing home setback is 14.7' where 15' is required and proposes a setback of 6.7'. Mr. Scheidt submitted exhibits A1-A4 showing neighborhood porches, aerial photos, subject property and a recently built home across the street.

The lot is oversized at 7,234 sq. ft., where 4,000 sq. ft. is required. The lot is shallow at 90' where 100' is required. The FAR and building coverage are significantly below permitted maximums. The FAR is .17 where .54 is permitted and coverage is 17.7% where 27% is permitted. The right-of-way along Commonwealth Avenue is unusually wide at 70', so the distance from curb to porch would still be 21.7'. The porch is consistent with neighborhood character; nearly all homes in vicinity have porches. Building coverage, FAR and building heights are utilized to make sure the scale of the residential structures maintain the charm of Strathmere. This application is 100% in alignment with that statement. They are not trying to become one of the "box" homes; they are adding the porch for aesthetic purposes without overbuilding. Mr. Scheidt cites the following purposes of zoning he believes they are meeting with this project.

- (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.

He believes porches make good neighbors and with most of the surrounding homes being seasonal the people want to enjoy the outdoors. He believes having porches promotes general welfare by creating a neighborhood.

- (c.) To provide adequate light, air and open space.

Porches are not included in the FAR per the township ordinance which he believes suggests that porches are encouraged. This property FAR is well below the allowable and further supports the 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.

He believes the porch follows this.

- (i.) To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

This house currently appears as the side that is facing the street. The porch will improve the aesthetics.

- (m.) To encourage coordination of the various public and private procedure and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

They are trying to efficiently use this land. Even though they are nearly two lots they want to keep the smaller traditional Jersey Shore home. Adding a porch extends the use of the home.

He does not see any detriment to the public good. With no substantial impairment to the intent of the zone plan or zoning ordinance. He believes what they have proposed follows the intent of the statement about maintaining smaller structures. He believes this can fall under the C1 criteria as is a classic unique shaped lot. It is wide but very shallow. Plus, the 70' right of way of the county road.

Mr. Young questioned the neighboring properties.

Mr. Scheidt – The proposed is consistent with the other properties down the street.

Mr. Shawl questioned if there would be a change in parking.

Mr. Scheidt – There is no change in parking.

Mr. Unsworth – This is a large lot. Is it possible to subdivide, which would create an encroachment.

Mr. Scheidt – There would not be two compliant lots. They would need to come back to the board with variances.

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. Unsworth – The applicants, Buick, Wade and Maraika, come before the board regarding their property at 209 N. Commonwealth Avenue also known as block 857 lot 2 on the tax map. The applicants are seeking a variance for a front yard setback of 6.7' where 15' is required to construct a porch. The current setback is 14.7' and the proposed porch is 8'. The lot is uniquely configured (wide but shallow) with an oversized right of way. The home is substantially under bulk standards; FAR and coverage are well below the maximums. The porch addition enhances appearance and is consistent with neighborhood patterns. No substantial detriment to the public good. No impairment of the zone plan or zoning ordinance. He has no concerns about the project given the potential of a larger home being proposed. If anything larger is planned, they would need to come back to the board. There was no public comment.

Mr. Mashura – He concurs with Mr. Unsworth; however, he doesn't believe the proof of hardship has been met. He thinks there are other options without needing a variance for a front yard setback. He is not in favor of the application.

Mr. Shawl – We heard testimony about light, air and open space. There is no detriment to the public good and no detriment to the zone plan or zoning ordinance. He concurs with his colleagues with the ability to have a different plan, however, is aware of the positive of the addition of a porch.

Mr. Rainear – Is in agreement with Mr. Mashura about the hardship. He believes the porch would be out of place. He is not in favor of the application.

Mr. Phifer – Nothing to add. He is in favor of the application.

Mr. Young – He does agree with Mr. Mashura and Mr. Rainear. He is more likely to be in favor if it is not enclosed and they agree to only screening it in.

Mr. Casaccio – It is not enclosed. We can make it a condition that the porch is not to be enclosed.

A motion to approve the application with the condition that the porch remain open,
was made by: Mr. Unsworth
Seconded by: Mr. Shawl
In favor: Phifer, Shawl, Unsworth, Young, Casaccio
Opposed: Mashura, Rainear

Le Motors

Block 559 Lot 48

Applicant is seeking preliminary and final site plan approval with a use variance to renovate the existing commercial building without a residential component at 33 US Route 9 South, Marmora, New Jersey.

Attorney: Avery Teitler
Site Plan: Thomas/Bechtold Architecture and Engineering 7/9/25
Survey: Paul Koelling and Associates, LLC 5/28/25

Variances:

- Use Variance – To renovate existing commercial building without a residential component.
- Architectural Design Standards – All buildings shall be designed to convey a small-scale town or village character which the proposed pavilion does not meet.

Avery Teitler, attorney for the applicant, LE Motors, comes before the board seeking a use variance to renovate an existing commercial structure at 33 Route 9 also known as block 559 lot 48 on the tax map. The lot is an extremely undersized lot and the current structure is vacant. They propose to create a mezzanine on the second floor. The first floor will store cars of the applicant. They propose to upgrade the exterior and add permeable pavers. The applicant is seeking preliminary and final site plan approval with a use variance due to not including a residential component. The site will serve the general welfare because the site is particularly suited for the proposed use. The testimony will show that the use is an extremely low intensity use that will fit in this location. The surrounding consists of mostly commercial uses without residential components.

Andrew Bechtold, R.A. and P.P., 599 Shore Road, Somers Point was sworn as an expert.

Mr. Bechtold – The existing building has been vacant for some time. They propose to renovate the building for the business of curated cars. The office will be mostly consulting with a majority of online business. There will be no sales and not open to the public. They are at the zoning board for the use variance of not having a mixed-use. The lot is very small. There are only three legal parking spaces on the property because the ones along Route 9 are not technically on the property. There will be 8 parking spots inside and 4 outside. The majority of the area is commercial with very little residential. Other commercial uses would require parking that would likely end up on the street. The positive criteria includes that it is still commercial. A residential component would congest the parking. They are not removing the structure but improving it. The setbacks are compliant except for the front yard setback of 15' where 0' is required. They are under the maximum coverages. He believes the positive criteria has been met. It is the best solution for the lot. He also believes the negative criteria has been met. There would be no detriment to the public good and no detriment to the zone plan or zoning ordinance. He explained the use of permeable pavers to meet impervious coverage. They will be adding planters and replacing an existing cedar fence with a vinyl fence. He believes the end result will have the "Downtown/Village" feel.

Mr. Young asked about signage.

Mr. Bechtold – There is no signage planned.

Mr. Unsworth – Asked for a description of the pavers.

Mr. Bechtold – They will be brick.

Mr. Unsworth – Is concerned about the pavers becoming a display area.

Mr. Bechtold – That is not the intention.

Mr. Unsworth – Is there any concern with the parking.

Mr. Schneider – It would be best if there was no parking in the front. It is actually in the right of way, even though it has been there for many years.

Mr. Bechtold – There will be a need for some type of hardscape to allow the cars to enter the building. There will be a garage on the left side of the building. They will need a curb cut and they can use the paved area of “K” turns.

Mr. Unsworth confirmed that the parking would be in the rear. Will those 4 spots be adequate.

Mr. Bechtold – They will be making use of the interior of the building and there will not be customers off the street. The proposed will be adequate for the proposed.

Mr. Mashura – What is the anticipated number of people that will be on-site daily.

Mr. Teitler explained that 1 or 2 at the most. On the rare occasion, there may be a handful more. But that would be very rare.

Mr. Mashura asked about the bathrooms.

Mr. Bechtold – There will be only two bathrooms. The septic will be adequate.

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. Unsworth – The applicant, LE Motors, come before the board regarding the property at 33 US Route 9, also known as block 559 lot 48 on the tax map. The applicant is seeking preliminary and final site plan approval with a use variance to renovate the existing structure. The use variance is required because the proposed will not include a residential component in a mixed-use zone. There will be no change to the size of the structure. The business is to house exotic cars for the purpose of selling and collecting. There will be a mezzanine for an office on the second floor overlooking the showroom area. The applicant has proposed using permeable pavers. It will positively impact the drainage, and it will enhance the appearance of the property. The parking out front that is shown on the plans, will be removed. There will still be a curb cut to access the garage. There was testimony that the parking would be adequate due to minimal traffic. There will be no display area. There is no concern about the site triangle with the parking being removed from the front. The plans presented will enhance the appearance. The lot is unique due to being undersized. What is proposed with the parking and no change to the

building size, he believes the application is reasonable. There is no detriment to the public good. The fact that they don't meet the residential component, the structure does not lend itself to that use given the size of the property. There was no public comment. He is in favor of the application with the change to the parking on Route 9.

Mr. Mashura – He believes it is an enhancement to the property and is in favor of the application.

Mr. Shawl – We heard testimony that the proposed use is less intense than the mixed-use for this particular lot. The parking requirements are sufficient. There is no signage proposed at this time. They will be replacing the fence between the neighboring structure. He believes this is a good use for this location. He agrees aesthetically pleasing features will be an improvement. The stormwater management is a novel approach for this zone. He is in favor of the application.

Mr. Rainear – Nothing to add. He is in favor.

Mr. Phifer – He is not in favor of the application. He does not believe it is the look for the zone or long term.

Mr. Young – The lot is too small to do anything else, the use is appropriate. He thinks the improvement of the site triangle is good. He is in favor of the application.

Mr. Casaccio – He concurs with his colleagues.

Mr. Barnes – Confirmed the conditions of approval included the promise of no outside displays, no parking in the front and that, while there is no signage proposed, they agree to comply with the sign ordinance if they want signage in the future. The business will not be a car dealership and the lighting plan presented will remain. They must come back to the board for any changes.

A motion to approve the application was made by:
Seconded by:
In favor: Mashura, Rainear, Shawl, Unsworth, Young, Casaccio
Opposed: Phifer

Mr. Unsworth
Mr. Young

McMahon, Bill and Anita
Block 567 Lot 57.15

Applicant is seeking variance relief for maximum impervious coverage of 24.5% where 20% is required to demolish existing deck, paver patio, outdoor kitchen and spa and construct a new impervious paver patio, outdoor kitchen and deck at 13 Harry's Court, Seaville, New Jersey.

Attorney:	Andrew Catanese	
Variance Plan:	Engineering Design Associates	7/2/25
Impervious Coverage Plan:	Thomas and Amey, Inc.	3/19/25

Mr. Catanese, Monzo Catanese DeLollis, explained the applicant is seeking a variance for impervious coverage to reconstruct the area around their pool. The existing impervious coverage is 28.9%. They are proposing 24.5% where 20% is maximum. They are improving the existing but still need a variance.

Joseph Maffei, P.E., P.P., C.M.E, Engineering Design Associates, 5 Cambridge Ocean View, was sworn as an expert.

Mr. Maffei – The applicant comes before the board for their property at 13 Harry’s Court. They will be replacing the existing pavers with permeable pavers, following the 25% rule. The existing coverage is 28.9%, the proposed is 24.5%. The variance is for impervious coverage of 24.5% where 20% is required. This is a reduction of impervious coverage on an existing lot that is 40,000 square feet. He believes the C2 criteria is being met by creating open space and improving impervious coverage. They are bringing the property closer to compliance benefiting the general welfare of the public. He believes the variance can be granted without substantial detriment to the public good and no detriment to the intent and purpose zone plan and zoning ordinance. The only comments by the board engineer was some miscalculation of some figures which they revised and submitted new plans.

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. Unsworth – The applicant, Bill and Anita McMahon, come before the board regarding their property at 13 Harry’s Court in Ocean View. They are proposing to renovate an existing deck, patio and outdoor kitchen area in the rear yard. They are changing some of the components that will improve the impervious coverage while still not compliant. They seek no other relief. It will improve the appearance and the drainage in the yard. There was no public comment. He is in favor of the application as presented.

Mr. Mashura – Nothing to add.

Mr. Rainear – Nothing to add.

Mr. Shawl – Concurs with Mr. Unsworth.

Mr. Phifer – Nothing to add.

Mr. Young – Nothing to add.

Mr. Casaccio – Nothing to add.

A motion to approve the application was made by:
Seconded by:
In favor: Mashura, Phifer, Rainear, Shawl, Unsworth, Young, Casaccio

Mr. Shawl
Mr. Young

DISCUSSION

None

RESOLUTIONS

None

PUBLIC PORTION

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

BILLS

A motion to pay the bills as presented was made by:

The motion was seconded by:

In favor: Mashura, Phifer, Rainear, Shawl, Unsworth, Young, Casaccio

Mr. Casaccio abstained from the Kates Schneider billing.

Mr. Phifer

Ms. Mashura

ADJOURNMENT

A motion to adjourn the meeting was made by:

The motion was seconded by:

All in favor. The meeting adjourned at 6:52 pm.

Mr. Shawl

Mr. Phifer

Submitted by,

Elizabeth Oaks, Board Secretary