

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

Member	Attendance
Andrew Shawl	Absent
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 Elizabeth Oaks, Zoning Officer.

Approval of the November 13, 2025 Meeting Minutes

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

In favor: Mashura, Rainear, Casaccio

Abstain: Galderisi, Phifer, Unsworth

TABLED APPLICATIONS

Anderson Realty-Florida, L.P.

Block 559 Lots 39-42 – BA 17-2025

Applicant is seeking a use variance to develop 49 single-family dwellings at 3003-3011 Route US 9. Seaville, New Jersey.

Tabled to an unspecified date. The applicant will re-notice.

APPLICATIONS

Nicole and Steve Scheffler

Block 722 Lots 4 & 5

Applicant is seeking variance relief for a side yard setback of 8.8’ where 10’ is required and a front yard setback of 46.8’ where 50’ is required at 36 Seaview Avenue, Beesley’s Point, New Jersey.

Variance Plan	McAfee Architects	2.5.25
Survey	Cape Land Surveying	10.4.17
Variance	Side Yard Setback	8.8’ proposed, where 10’ is required
	Front Yard Setback	46.8’ proposed, where 50’ is required

Steve Scheffler, 36 Seaview Avenue, was sworn.

Nicole Scheffler, 36 Seaview Avenue, was sworn,

Mr. Scheffler explained they want to put an addition on their home. In order to do so, they are requesting a side yard setback of 8.8’ where 10’ is required. They are also seeking variance relief for a front yard setback of 46.8’ where 50’ is required for a single car garage. They want to increase their family and the existing home has only has 2-bedrooms. They

dwellings are not permitted in the zone. The proposed garage will not encroach on any setbacks or important conditions. The garage will provide additional storage and indoor parking. It is a limited expansion of existing non-conforming use. The project will not impact quality or character of the neighborhood and will improve housing stock in the township. He cites the following special reasons 40:55D-2-

- c. To provide adequate light, air and open space.
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.

He believes the application does not pose any substantial detriment to the public good. It will not substantially impair the intent or purpose on the zone plan or zoning ordinance. A consent agreement has been provided.

Arthur Chew, Engineer, 130 W. Seaview Avenue, Linwood, was sworn in.

Mr. Chew - The applicant proposes to construct a garage in the area where a vehicle is currently parked. The property contains several pre-existing nonconformities, including insufficient lot width, lot depth, and lot area, as well as a front yard setback that is closer than required; additionally, the existing two-family dwelling is a pre-existing nonconforming use in a single-family zone. The proposed garage will measure 16' by 20' and be approximately 15 feet in height. The only variance requested is for the limited expansion of a pre-existing nonconforming use, which may be evaluated under the C(2) standard, recognizing that limited expansions of nonconforming uses allow for greater liberality where appropriate. The proposed improvements will not increase the intensity of use or alter the quality or character of the neighborhood, and the property will remain a two-family dwelling. Several bulk standards remain compliant or well within permitted thresholds, including a side yard setback that exceeds the required minimum by more than double, lot coverage below the maximum permitted, and building height well below the maximum permitted. The garage will provide indoor parking and improve the property, and because it will be constructed on an already paved area, it is not expected to create any detrimental drainage impacts. Overall, the requested relief can be granted without substantial detriment to the public good.

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, Ann Dunphy, comes to the board regarding her property at 34A Route 50, Seaville, also known as block 453.10, lot 350. The applicant seeks a use variance for the expansion of a non-conforming use to construct an addition of a garage. There are no bulk variances required. The proposed location is a paved area used for parking currently and will now just be an enclosed spot to park. There are several existing non-conformities that are not being exacerbated. There was no public comment. He is in favor of the application as presented.

Mr. Barnes - For the record, additional language has been added to clarify that the Board received a consent agreement executed by the association's owners solely to demonstrate that both unit owners' consent to the filing of the Zoning Board application. The Board's acceptance of that document is limited to acknowledging proof of consent to file, and the Board is making no determination as to the agreement's validity, interpretation, or enforceability. Further, accepting the consent agreement does not constitute approval of the hearing itself, does not waive any notice or time requirements under the Municipal Land Use Law, and does not imply the Board's consent to or position on any other issues that may exist between the parties. In other words, the Board is willing to proceed with the application if the consent is sufficient for filing purposes, but it is not agreeing to anything beyond that limited point.

Mr. Mashura – Nothing to add.

Ms. Galderisi Nothing to add.

Mr. Phifer – Nothing to add.

Mr. Rainear – Nothing to add.

Mr. Casaccio – Nothing to add.

A motion was made to approve the application with the stated conditions by: Mr. Mashura
Seconded by: Mr. Unsworth
In favor: Galderisi, Mashura, Phifer, Rainear, Unsworth, Casaccio

Jason Grecco

Block 600 Lots 45 & 46

Applicant is seeking to amend an existing site plan approval in order to increase the number of parking spaces to (49) spaces, constructing a 7,200 sf pole barn, a 10'x36' addition to the existing dwelling, relocation of mulch/storage bins, reconfiguring of stormwater basins, extension of asphalt access drive to proposed pole barn, removal of proposed stone storage area that will consist of a grassland cover and modification of landscaping plan at 442 and 444 Route US 9 – South, Marmora, New Jersey.

Stormwater Management Report	Engineering Design Associates	10/28/24
Site Plan	Engineering Design Associates	10/29/24 revised 5/28/25
Property Deed of Consolidation	Applicant	4/15/25
Maintenance and Inspection Program	Engineering Design Associates	10/10/24
Architectural Plans	Vosburgh Architects	9/5/24
Survey	Cape Land Surveying	6/13/24
Amended Site Plan		

Avery Teitler, Attorney for the applicant, Jason Grecco. Mr. Teitler explained that the applicant had been previously before this board and obtained site plan approval. They are requesting several changes to the site plan only. Variance relief is requested from a front yard setback; no other variance relief is requested for the site plan changes.

Vincent Orlando, P.E., P.P., Engineering Design Associates, 5 Cambridge Avenue, Greenfield was sworn in as a professional.

Mr. Orlando referenced Sheet 2 of 18, which overlays the previously approved plan with the proposed revisions shown in red. He explained that the retail area and associated parking have been shifted closer to Route 9 to improve visibility and the overall appearance of the facility, and that the parking supply has been increased to a total of 49 spaces (compared to 25 spaces under the original program) to better accommodate peak seasonal demand, even though that level of parking may only be needed a few times each year.

He further testified that the existing one-story dwelling, which had previously been proposed to remain, will now be removed to improve sight lines, and that a 32' x 60' modular home is proposed in the rear. The residential component has been moved from the Route 9 area to the southwest corner, with one affordable unit to be provided on site as required and the second unit serving the remaining residential obligation; he noted that the residential layout is being positioned to allow additional residential opportunity in the rear if and when sanitary sewer becomes available.

Mr. Orlando also described several plan additions and refinements, including the addition of a 60' x 120' pole barn for storage only, relocation of the proposed mulch storage bins to a point 15 feet off the west property line, and removal of the stone storage area, which will be converted to a grassed area. He stated that the asphalt access drive has been extended to reach the pole barn location and that stormwater facilities, specifically Basin 2A and Basin 5, have been reconfigured to address stormwater flow associated with the expanded parking area

and the pole barn. Finally, he noted that while the revised layout is intended to improve the operation and presentation of the facility, based on input from a garden center design consultant, relocating buildings and improvements toward the rear may trigger a variance, as the front yard setback standard is intended to be between zero and eight feet.

Mr. Orlando agreed with the board engineer comments in the review.

Mr. Schneider agreed that it was advisable to include a request for a variance for the front yard setback.

The meeting was open to the public.

Marge Hensley, 516 Route US 9 South, President of Oak Ridge Condo Association was sworn. Ms. Hensley appeared with several board members and employees and advised that, after Mr. Grecco purchased the adjacent property, his contractor began clearing on June 30, 2025 and inadvertently cleared approximately one acre of the Association's common-area trees, including mature oaks. Ms. Hensley stated that Mr. Grecco and the contractor acknowledged the mistake the same day and represented that the area would be cleared and replacement plantings installed by the end of October 2025, but that deadline passed without completion. She testified that repeated attempts to reach Mr. Grecco (phone, email, and certified correspondence from counsel) were unsuccessful, and the Association feared that if the project proceeded the Association would be effectively landlocked and unable to bring equipment to remove stumps, regrade, and replant. The Association requested the Board hold the application until the common-area restoration was completed. During follow-up, Ms. Hensley confirmed awareness of counsel correspondence dated November 4, 2025 (including language asking that work not commence and addressing access) and emphasized the Association's key request: clear the impacted area, remove/level stumps and debris, and replant the promised trees/screening. Additional Association comment (office manager) reinforced that owners had been advised the restoration would be completed by September/October, that it had not been handled timely, and that the Association wanted the matter resolved in a concrete, enforceable way.

Tom Giroux, Maintenance Oak Ridge Condo Association, was sworn in. Mr. Giroux stated the issue involves more than just the tree replacement, stumps remain and the area requires clearing and grading prior to replanting.

Henry Salado, 516 Route 9, Unit C11 was sworn. Mr. Salado stated the Association wanted its attorney to review any agreement and did not intend to "sign off" on anything at the hearing; Board members responded that the Board would address the issue through conditions of approval rather than requiring the Association to sign documents at the meeting.

Jason Grecco, 3 White Oak Drive, was sworn in. Mr. Grecco acknowledged that Victory Gardens (identified as a business relationship/vendor) performed the clearing, and that the equipment crossed onto the Association's property. He stated that a survey had been done and that he met with Association representatives immediately after the incident, believed the matter was being worked out with Victory Gardens, and was surprised by the extent of the unresolved issues described that evening. Mr. Grecco testified that he wanted to be a good neighbor and agreed the Association should be made whole.

Mr. Grecco further stated that Victory Gardens had advised him the replacement trees were ordered, but that Victory Gardens also indicated they received direction not to enter the Association property until an agreed plan was established. The applicant agreed that restoration was not limited to planting; it must include debris removal, stump removal/grounding, and regrading/leveling as needed, and acknowledged the Association's access concern (equipment needing to reach the impacted area via the applicant's property).

Seeing no one else and hearing no one else, the public portion was closed. The meeting returned to the board for findings of fact.

Mr. Unsworth – The applicant, Jason Grecco, comes before the board regarding his property at 442 & 444 Route US 9 South, also known as block 600 lots 45 & 46. The applicant is seeking amended site plan approval that was previously approved in 2024. The applicant is proposing changes that are for a better design and better use of the property. They

propose to relocate the affordable housing unit and replace the original with a modular unit. The parking is being increased. The change in location of the home triggers a need for a front yard setback variance. There was public comment detailing trees that have been cleared on the neighboring property.

Mr. Rainear – Nothing to add.

Mr. Phifer – In favor of the application.

Mr. Mashura – Nothing to add.

Ms. Galderisi – Nothing to add.

Mr. Barnes - Based on the discussion, the Board directed that the memorializing resolution include special conditions requiring, at minimum:

- Removal of all downed trees and debris from the affected Association area.
- Stumps addressed comprehensively: cut flush as needed and removed (not merely left in place).
- Restoration plantings: 32 oak trees and 24 Green Giant arborvitae (screening) installed along the impacted area.
- Access: the applicant must accommodate access reasonably necessary for the equipment and work to complete restoration.
- Enforcement mechanism: no CO and no operation (including retail activity and deliveries) until the above conditions are satisfied.
- Deadline: the work must be completed by April 1, 2026.

A motion was made to approve the application with the stated conditions and variance relief for the front yard setback by:

Ms. Galderisi

Seconded by:

Mr. Unsworth

In favor: Galderisi, Mashura, Phifer, Rainear, Unsworth, Casaccio

RESOLUTIONS

Jersey Shore Campground, LLC a.k.a. Ocean City Campground
Block 548 Lots 15 & 20 – BA 15-2025

A motion to approve the resolution was made by:

Mr. Unsworth

Seconded by:

Ms. Galderisi

In favor: Mashura, Rainear

Abstain: Galderisi, Phifer, Unsworth, Casaccio

PUBLIC PORTION

The meeting was open to the public. Hearing no one and seeing no one.

BILLS

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

Mr. Phifer

The motion was seconded by:

Mr. Rainear

In favor: Galderisi, Mashura, Phifer, Rainear, Unsworth, Casaccio

Mr. Casaccio abstained from the Kates Schneider billing.

ADJOURNMENT

A motion to adjourn the meeting was made by:

Mr. Phifer

The motion was seconded by:

Mr. Mashura

All in favor. The meeting adjourned at 7:47 pm.

Submitted by, Elizabeth Oaks, Board Secretary