

UPPER TOWNSHIP PLANNING BOARD  
REGULAR MEETING MINUTES  
FEBRUARY 5, 2026

The annual re-organization meeting of the Upper Township Planning Board was held at Township Hall at 2100 Tuckahoe Road, Petersburg. The meeting was called to order at 6:00 p.m.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Member	Attendance
Paul Casaccio, Class IV	Present
Mayor Curtis Corson, Class I	Present
Brooke Fisher, Alt 3	Absent
Joseph Harney, Class IV	Absent
Rich Kaczmarski, Class II	Present
Ted Kingston, Class IV	Absent
Richard Mashura, Alt 1	Absent

Member	Attendance
Chris McGuire, Class IV	Present
Chris Phifer, Class IV	Present
Samuel Palombo, Class III	Present
Andrew Shawl, Alt 4	Absent
Travis Tomlin, Alt 2	Absent
Matt Unsworth, Class IV	Present

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

OATH OF OFFICE

Matt Unsworth took the Oath of Office.

APPROVAL OF THE JANUARY 8, 2026 PLANNING BOARD MEETING MINUTES

A motion to approve the minutes was made by:

Mr. McGuire

Seconded by:

Mr. Unsworth

In favor: Kaczmarski, McGuire, Palombo, Phifer, Corson, Casaccio

Oppose: None

Abstain: Unsworth

NEW BUSINESS

David and Christina Durst

Block 856.01, Lot 7 - BA 20-2025

Applicant is seeking variance relief for pre-existing non-conformities of the front yard setback of multiple front yards, side yard setback, pre-existing accessory structure in the front yard and lot coverage to raise and renovate the existing single-family dwelling at 1 W Winthrop Avenue, Strathmere, New Jersey.

Variance Plan

Halliday Architects

10/23/25

Survey

DeVaul Survey

05/23/24

Variances:

- Principal structure
  - Front yard setback of 6.7' (Winthrop) where 15' is required. ENC
  - Front yard setback of 5.93' (Commonwealth) where 15' is required. ENC
- Accessory structure
  - Front yard setback of 5.85' (Commonwealth) where 15' is required. ENC
  - Location of accessory structure in front yard where side and rear are required. ENC
  - Building coverage of 5% where 2.5% is required. ENC

Avery Teitler, Esq, representing the applicants, David and Christina Durst, explained the application was to raise and renovate the existing single-family dwelling. Variances are being requested for pre-existing non-conformities that include setbacks, coverage and accessory structure in the front yard. The lot consists of three front yards resulting in multiple requirements. It is located in the RR Zone and contains an existing dwelling and detached garage.

Shannon Halliday, Architect, Halliday Architects, 728 West Avenue, Ocean City, was sworn in.

Ms. Halliday testified that the lot was 5,430 square feet with an existing principal structure and detached accessory garage. It contains one of the older beach cottages in the neighborhood. The proposed lift would meet elevation requirements. The current cesspool will be removed and replaced with a new septic system that has been approved by the County. The bulk variances are all pre-existing and will not be exacerbated with this project. The project is constrained by the existing site conditions of three front yards. The only changes to the garage will be upgrading exterior finishes. The benefits outweigh any detriment and will not substantially impair the intent or purpose of the zoning ordinances. The multiple purposes of zoning will be achieved as a result of the project including the promotion of public health and safety. The raise will take the building out of the flood plain and will create an extra parking space. It will also create a more desirable environment.

Mayor Corson questioned whether the lighting would comply with the “dark sky” standards.

Ms. Halliday confirmed that the plans do comply with those standards.

Mr. Kates stated that he felt the application was straightforward. All of the variances are existing non-conforming that will not be exacerbated. The three front yards create hardship.

The meeting was opened to the public

Nancy Fullam, 9 N. Commonwealth was sworn in. Ms. Fullam testified that she has known the applicants for 20 years and they are wonderful neighbors. What they have proposed is charming and is in support of the application.

Hearing and seeing no one else the public portion was closed and returned to the Board for findings of fact.

Mr. Unsworth – The applicants, David and Christina Durst, appeared before the Board regarding their property at 1 West Winthrop Avenue in the Strathmere section of town. Also known as block 856.01 lot 7 on the tax map. The property is unique in that it contains three front yards, resulting in stricter setbacks than a standard lot. The applicants propose to retain the existing dwelling and detached garage and renovate and elevate the structures as shown on the submitted plans and renderings. The proposed elevation will promote public health and safety by improving flood protection and bringing the dwelling into compliance with current and future flood elevation requirements. The applicants will also remove the existing cesspool, install a County-approved septic system and add one additional off-street parking space. There was public comment in support of the applications. Mr. Unsworth found that the relief could be granted without substantial detriment to the public good.

Mr. McGuire added the applicant agreed to follow “dark sky lighting” requirements.

No other board members had anything to add.

A motion was made to approve the application by:  
Seconded by:

Mr. McGuire  
Mr. Unsworth

In favor: Kaczmarski, McGuire, Palombo, Phifer, Unsworth, Corson, Casaccio  
Oppose: None  
Abstain: None

Legowski, Matthew Block 652.02, Lot 8.02 - BA 22-2025

Applicant is seeking variance relief for an accessory structure in the front yard to construct an in-ground pool at 14 Stagecoach Road, Marmora, New Jersey.

Survey	The Hyland Group	9/3/25
Variance Plans	The Hyland Group	12/2/25
Variations		

- Accessory structure in the front yard.
- Front yard setback (Tuckahoe Road) of 40' where 50' is required.
- Height of fence of 6' in the front yard where 4' is required.

Matthew Legowski, 14 Stagecoach Road, was sworn in.

Mr. Legowski testified that his property is located in the "R" Zone in Marmora. He wants to put a pool in his backyard but the rear yard is considered a front yard by the Township code because his property fronts two streets that are in use and one paper street. He also needs a variance for a front yard setback of 40' where 50' is required.

There was discussion of the possibility of vacating the paper street with no action taken.

The meeting was opened 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, Matthew Legowski, has come before the board regarding his property at 14 Stagecoach Road, Marmora, also known as block 652.02 lot 8.02 on the tax map. The applicant is proposing a pool that requires a variance for an accessory structure in the front yard, a front yard setback of 40' where 50' is required and a variance for a 6' fence in the front yard where 4' is required. The lot has three front yards creating the hardship. There was no public comment. He is in favor of the application.

There were no further comments from the board or professionals.

A motion was made to approve the application by:  
Seconded by:

Mayor Corson  
Mr. McGuire

In favor: Kaczmarski, McGuire, Palombo, Phifer, Unsworth, Corson, Casaccio  
Oppose: None  
Abstain: None

Atlantic City Electric Company

Block 599 Lot 51 – PB 01-2026

Applicant is seeking a site plan waiver to increase staging area at 11 Route US 9 South, Marmora, New Jersey.

Application Materials	Applicant	12/23/25
Narrative	Stevens and Lee	12/15/25
Exhibit A-1	Aerial of Site	

Christopher Costa, Esq, representing the applicant explained the application is for a site plan waiver. Atlantic City Electric has been using the rear portion of the Verizon building site at 11 Route US 9 South, Marmora as temporary outdoor

staging area for some time. The property is 14.6 acres with a vacant 28,000 square foot building and located in the MTCD Zone. There is no proposed use of the building on site. They were looking to confirm the use of the site and duration.

Wesley Lugrudge, Atlantic City Electric Senior Project Manager, was sworn in. He testified that he is managing the project and is on-site at least once a week, with this morning being the most recent. There are approximately 10-15 workers per day. He expects two more weeks of shipments, then they will be clearing out, with an expected completion date by the end of April.

There was a discussion about the end date and it was decided that June 1, 2026 would be the deadline.

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

Mr. Unsworth, the applicant, Atlantic City Electric, appeared before the board regarding the property at 11 US Route 9 South in Marmora, also known as block 599 lot 51 on the tax map. The application is for a site plan waiver at the vacant site for staging purposes and temporary storage. The applicant may continue to use the site as described through June 1, 2026. There was no public comment. He is in favor of the application.

There were no additional comments from the board or the professionals.

A motion was made to approve the application by:

Mr. Phifer

Seconded by:

Mr. McGuire

In favor: Kaczmariski, McGuire, Palombo, Phifer, Unsworth, Corson, Casaccio

Oppose: None

Abstain: None

## **DISCUSSION**

### **Consistency Review of Ordinance No. 001-2026**

Review of Ordinance No. 001-2026 Amending Chapter 20, Zoning of the Code of Upper Township to Designate Class 5 Cannabis Retail Licenses as a Conditional Use in the CM-2 Zoning District of the Township of Upper and to Create a Cannabis Overlay Zone Within the CM2 Zoning District.

There was a discussion with the board members about the use of the zone with regards to the Upper Township Master Plan. They confirmed that the responsibility of the board was to simply decide whether it was consistent with the Master Plan. Any future decisions would be made by the Township Committee. The focus is on whether the retail component fits the ordinance, not on the specifics of what is being sold.

A motion was made to recommend to the Township Committee to proceed with Ordinance No. 001-2026 as being consistent with the Master Plan, was made by:

Mr. Palombo

Seconded by:

Mr. Kaczmariski

In favor: Kaczmariski, McGuire, Palombo, Phifer, Unsworth, Corson, Casaccio

Oppose: None

Abstain: None

## **RESOLUTIONS**

Miller, Jonathan Block 791, Lots 44.02, 45 & 46 – BA 21-2025

A motion to approve the resolution was made by:

Mr. Unsworth

Seconded by:

Mr. McGuire

In favor: Kaczmariski, McGuire, Palombo, Phifer, Corson, Casaccio

Abstain: Unsworth

Oppose: None

Professional Services Contract with King Barnes - PB SP 01-2026

A motion to approve the resolution was made by: Mr. Unsworth  
Seconded by: Mr. McGuire  
In favor: Kaczmarski, McGuire, Palombo, Phifer, Unsworth, Corson, Casaccio  
Abstain: None  
Oppose: None

Professional Services Contract with Kates Schneider – PB SP 02-2026

A motion to approve the resolution was made by: Mr. Unsworth  
Seconded by: Mr. McGuire  
In favor: Kaczmarski, McGuire, Palombo, Phifer, Unsworth, Corson, Casaccio  
Abstain: None  
Oppose: None

Professional Services Contract with Tiffany Morrissey – PB SP 03-2026

A motion to approve the resolution was made by: Mr. Unsworth  
Seconded by: Mr. McGuire  
In favor: Kaczmarski, McGuire, Palombo, Phifer, Unsworth, Corson, Casaccio  
Abstain: None  
Oppose: None

**PUBLIC PORTION**

The meeting was open to the public; hearing no one and seeing no one the public portion was closed.

**BILLS**

A motion to approve the bills was made by Mr. Phifer and seconded by Mr. McGuire. All members present voted in the affirmative, with Mr. Casaccio abstaining from the Kates, Schneider & Associates billing.

**ADJOURNMENT**

The meeting was adjourned at 7:48 p.m. by a motion made by Mr. Phifer, seconded by Mr. McGuire, with all Board members present voting in the affirmative.

Submitted by:  
Elizabeth Oaks, Board Secretary