

UPPER TOWNSHIP PLANNING BOARD
REGULAR MEETING MINUTES
JANUARY 8, 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 7:00 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	Present
Joseph Harney, Class IV	Present
Rich Kaczmarek, Class II	Present
Ted Kingston, Class IV	Present
Richard Mashura, Alt 1	Present

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

Also in attendance were Jeff Barnes, Board Solicitor, Greg Schneider, Board Engineer and Elizabeth Oaks, Board Secretary.

OATH OF OFFICE

All members and alternates present took the Oath of Office.

Mr. Kingston, serving as Acting Chair, turned the meeting over to the board secretary, Ms. Oaks, to ask for nominations for Chairperson.

REORGANIZATION / APPOINTMENTS

The Board Secretary opened the floor for nominations for Chairperson.

Mr. Phifer made a motion to nominate Paul Casaccio as Chairperson for 2026. The motion was seconded by Mr. Harney. Hearing no further nominations, nominations were closed.

In Favor: Harney, Kaczmarek, Kingston, McGuire, Phifer, Palombo, Corson, Mashura, Tomlin, Fisher, Shawl
MOTION CARRIED. Paul Casaccio was elected Chairperson for 2026.

Mr. Casaccio assumed the Chair at this time and opened the floor for nominations for Vice Chairperson.

Mr. Kingston made a motion to nominate Matt Unsworth as Vice Chairperson for 2026. The motion was seconded by Mr. Harney. Hearing no further nominations, nominations were closed.

In Favor: Harney, Kaczmarek, Kingston, McGuire, Phifer, Palombo, Corson, Mashura, Tomlin, Fisher, Shawl, Casaccio

MOTION CARRIED. Matt Unsworth was elected Vice Chairperson for 2026.

Mr. Casaccio opened the floor for nominations for Board Solicitor.

Mr. Harney made a motion to nominate Jeffrey Barnes of King Barnes as Board Solicitor for 2026. The motion was seconded by Mr. McGuire. Hearing no further nominations, nominations were closed.

In Favor: Harney, Kaczmarek, Kingston, McGuire, Phifer, Palombo, Corson, Mashura, Tomlin, Fisher, Shawl, Casaccio

MOTION CARRIED. Jeffrey Barnes was appointed Board Solicitor for 2026.

Mr. Casaccio opened the floor for nominations for Board Planner.

Mr. Harney made a motion to nominate Tiffany Morrissey as Board Planner for 2026. The motion was seconded by Mr. Kingston. Hearing no further nominations, nominations were closed.

In Favor: Harney, Kaczmariski, Kingston, McGuire, Phifer, Palombo, Corson, Mashura, Tomlin, Fisher, Shawl, Casaccio

MOTION CARRIED. Tiffany Morrissey was appointed Board Planner for 2026.

Mr. Casaccio opened the floor for nominations for Board Engineer.

Mr. Harney made a motion to nominate Kates, Schneider & Associates as Board Engineer for 2026. The motion was seconded by Mr. Phifer. Hearing no further nominations, nominations were closed.

In Favor: Harney, Kaczmariski, Kingston, McGuire, Phifer, Palombo, Corson, Mashura, Tomlin, Fisher, Shawl

Abstain: Casaccio

MOTION CARRIED. Kates, Schneider & Associates was appointed Board Engineer for 2026.

Mr. Casaccio opened the floor for nominations for Board Secretary.

Mr. Kingston made a motion to nominate Elizabeth Oaks as Board Secretary for 2026. The motion was seconded by Mr. Kaczmariski. Hearing no further nominations, nominations were closed.

In Favor: Harney, Kaczmariski, Kingston, McGuire, Phifer, Palombo, Corson, Mashura, Tomlin, Fisher, Shawl, Casaccio

MOTION CARRIED. Elizabeth Oaks was appointed Board Secretary for 2026.

OFFICIAL NEWSPAPERS 2026

Mr. Casaccio opened the floor for nominations for the Official Newspapers.

Mr. Harney made a motion to designate the Ocean City Sentinel-Ledger as the primary official newspaper and The Press of Atlantic City as the secondary official newspaper for 2026. The motion was seconded by Mr. McGuire. Hearing no further nominations, nominations were closed.

In Favor: Harney, Kaczmariski, Kingston, McGuire, Phifer, Palombo, Corson, Mashura, Tomlin, Fisher, Shawl, Casaccio

MOTION CARRIED. The Ocean City Sentinel-Ledger and The Press of Atlantic City were designated Official Board Newspapers for 2026.

Mr. Schneider and Ms. Oaks were sworn in.

APPROVAL OF THE DECEMBER 4, 2025 ZONING BOARD MEETING MINUTES

A motion to approve the minutes was made by:

Mr. Mashura

Seconded by:

Mr. Phifer

In favor: Phifer, Mashura, Casaccio

Abstain: Harney, Kaczmariski, Kingston, McGuire, Palombo, Fisher, Tomlin, Shawl, Corson

APPROVAL OF THE DECEMBER 11, 2025 PLANNING BOARD MEETING MINUTES

A motion to approve the minutes was made by:

Mayor Corson

Seconded by:

Mr. Harney

In favor: Harney, Kaczmariski, Kingston, Corson

Abstain: McGuire, Palombo, Phifer, Mashura, Tomlin, Shawl, Fisher, Casaccio

TABLED APPLICATIONS

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. *This application is tabled to the February 5, 2026 meeting at 6:00 p.m. No further notice is required.*

DISCUSSION

2026 Planning Board Meeting Schedule

The following dates are proposed for the 2026 Planning Board Meeting Schedule

February 5, 2026	August 6, 2026
March 5, 2026	September 3, 2026
April 2, 2026	October 1, 2026
May 7, 2026	November 5, 2026
June 4, 2026	December 3, 2026
July 2, 2026	

Each meeting will begin at 6:00 p.m.

As discussed, general applications will begin at 6:00 p.m., and the Board will not take public testimony after 8:30 p.m. to allow time to complete resolutions, bills, and other administrative matters between 8:30 p.m. and 9:00 p.m.

A motion to approve the dates and times as presented was made by Mr. Harney and seconded by Mr. McGuire.

In Favor: Harney, Kaczmarek, Kingston, McGuire, Phifer, Palombo, Fisher, Mashura, Shawl, Tomlin, Corson, Casaccio

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

Applicant is seeking variance relief for existing non-conformities of a front yard setback of 14.7' where 15' is required, rear yard setback of 26' where 30' is required and three habitable stories where two is permitted to raise, renovate and construct an addition at 1800-1804 South Commonwealth Avenue, Strathmere, New Jersey.

Jon Batastini, Attorney representing the applicant, Jonathan Miller, presented the application.

Mr. Batastini – the applicant, Jonathan Miller, comes before the board regarding his property at 1800-1804 South Commonwealth Avenue located in the Strathmere section, also known as block 791 lots 44.02, 45 & 46 on the tax map. The applicant is proposing to consolidate the three lots, demolish one of the existing dwellings and construct an addition to the remaining dwelling.

Christina Amey, Architect, 761 Asbury Avenue, Ocean City was sworn.

Ms. Amey – Referencing the provided site plan, explained the location of the site and pointing out that the property had wetlands to the rear and the ocean across the street. The proposed plan is to demolish the existing one-story structure on the southern side. Raise the existing three-story house, to comply with FEMA regulations and build a two-story addition over a garage on the south side, combining the three lots. They will renovate the interior of the existing three-story structure, adding a sloped roof and cupola. All of the proposed new portions are compliant with setbacks. The proposed is compliant with height, impervious coverage and parking. They are seeking variance relief for existing conditions of a front yard setback of 4' and a rear yard setback of 4'. It was brought to our attention that the original proposal of two separate driveways is not permitted. We have altered the plan to widen the walkway to create a circular drive, complying with zoning regulations. The new addition will not exacerbate any existing nonconformities. They are unable to move the house back 4' due to the wetlands and are unable to cut off 4' from the rear of the house because it would impede functionality. They are limited due to depth of lot. Approvals are in place for CAFRA and the County Health Department for the septic system. The new addition will have two floors of habitable space and a large open garage. The existing house has three floors of habitable space. The garage size is approximately 1091 square feet. The building coverage is 24.5% where 27% is permitted.

Ms. Amey – The following C1 and C2 criteria are met. C1-Pre-existing nonconformities are not being exacerbated. The limited depth of the property creates hardship. C2-Securing fire safety, flood protection and compliance with fire regulations. Reducing density by combining lots. The project will not substantially impair the intent of the zoning ordinance.

Mr. McGuire asked for confirmation of the reason they could not move the house back further.

Ms. Amey – They would encroach on the wetlands buffer further.

Mayor Corson asked if they would agree to dark sky lighting regulations. While it is not currently a requirement, it is preferred.

Ms. Amey – I would not be able to confirm that without speaking with the client.

Mr. Shawl asked what the distance was from the house to the edge of the pavement.

Ms. Amey – The distance to the edge of the pavement is 30’.

Mr. Kingston asked if this should be a use variance. He also added that they could demolish and rebuild to be conforming. And they could not raise the house but demo the first floor making the three-story structure compliant with only two habitable floors.

Mr. McGuire explained that the use was residential in a residential zone. The structure was nonconforming and that does not constitute a use variance.

Ms. Amey expressed that while there is a third floor they are significantly under the F.A.R. requirement. They are at .32 where they are permitted .54. The three-story structure they propose to keep and raise is a perfectly fine house. It wouldn't be wise to tear it down only to end up in land fill.

Mr. Barnes brought up the deed restriction for no habitable space on the ground level.

Mr. Schneider stated that they should comply with a lot consolidation and that the cupola was under 36 square feet.

Ms. Amey confirmed there would be a lot consolidation and that the cupola conformed.

The meeting was open to the public.

David Cummings, 1808 South Commonwealth, was sworn. Mr. Cummings explained that he was the next-door neighbor to the applicant's property. He supports the application because he would not want the option of a tear down and a larger home that would be closer to their property. He would prefer to support the smaller house. He is happy with the upgrade of septic that is currently a cesspool.

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

Mr. Barnes - The Board should evaluate the application using the “better zoning alternative” approach—i.e., whether the proposal is a reasonable, improved outcome compared to the realistic options. In doing so, consider whether it is preferable to replace a cesspool with a compliant septic system, elevate the building for flood protection, provide four parking spaces instead of three, retain and improve the existing structure rather than demolish it, and keep the overall scale as modest as practicable for neighborhood compatibility.

Mr. Shawl - Applicant Jonathan Miller has appeared before the Upper Township Planning Board regarding the properties known as 1800–1804 South Commonwealth Avenue (Block 791, Lots 44.02, 45 & 46). The proposal

is to consolidate the three lots, eliminate the existing hazards/nonconformities where feasible, demolish one of the existing dwellings, and construct an addition to the remaining home. The applicant is requesting several bulk variances tied primarily to existing, pre-existing conditions: a proposed front yard setback of 14.7 feet where 15 feet is required; a rear yard setback of 26 feet to the edge of a pre-existing deck where 30 feet is required; and an existing three-story (habitable) dwelling where two stories are permitted. Testimony indicated these conditions are pre-existing and are not being increased by the project, and that the proposed addition itself conforms to the ordinance standards.

The combined lot frontage would be approximately 155 feet, which is compliant. The principal limitation of the site is its depth, which is about 95 feet - roughly five feet less than what is typical in the area—further constrained by wetland areas and an associated buffer behind the property. The architect's design was described as taking these constraints into account. A design modification discussed in testimony included revising the existing walkway connection and replacing it with a circular drive.

Overall, the applicant emphasized that the plan results in a single dwelling where there are currently two structures, thereby reducing density and improving the site. The home is intended to be elevated above flood elevation (at least under current standards), and the layout provides side yard spacing consistent with surrounding development patterns. Testimony also stated that the proposed design is visually compatible with the neighborhood and consistent with the character of nearby dwellings. While the proposed home may be larger than some others, it is also situated on a larger combined lot. The applicant asserted that the requested variances - being driven by the pre-existing nonconformities and the limited amount of depth can be granted without substantial detriment to the zone plan or impairment of the zoning ordinance.

Finally, Mr. Shawl noted the practical tension often raised in these applications: the public may prefer a smaller home that requires variances, rather than a larger home that meets all bulk standards but maximizes what the ordinance allows. In this case, he indicated agreement with the special conditions identified and the hardship basis for the C-variance relief stemming from the site's 95-foot depth and the pre-existing nonconforming conditions.

Mr. Phifer believes a larger house on the lot would be much more of a detriment to the neighborhood. He is favor of the application.

Mr. Kaczmarek – Nothing to add.

Mr. Tomlin – Nothing to add.

Ms. Fisher – Nothing to add.

Mr. Mashura – Nothing to add.

Mr. McGuire - Nothing to add.

Mayor Corson – Questioned the driveway surface.

Ms. Amey confirmed they were both pervious.

Mr. Kingston – He doesn't believe there is a hardship. It undermines the zoning plan. While the existing house is three floors it appears as two floors. This destroys the zoning plan.

Mr. Palombo – Nothing to add.

Mr. Harney – The project goes from four bedrooms to six bedrooms. He sees the wetlands as a hardship. While there was no survey showing the wetlands, we did hear testimony.

Mr. Casaccio- Added that it is CAFRA compliant.

Mr. Barnes - The motion is for the requested bulk variances for the existing nonconforming conditions as presented: a lot depth of 95 feet where 100 feet is required; a front yard setback of 14.7 feet where 15 feet is required, and a rear yard setback of 26 feet where 30 feet is required, all as shown on the submitted plans and based on the testimony and evidence in the record, subject to the applicant recording a deed restriction prohibiting habitable space on the ground floor.

A motion was made to approve the application by:

Mr. Phifer

Seconded by:

Mr. Shawl

In Favor: Harney, Kaczmariski, McGuire, Phifer, Palombo, Fisher, Mashura, Shawl, Tomlin, Corson, Casaccio

Oppose: Kingston

DISCUSSION

Review of Public Utilities Ordinance.

The Board discussed battery energy storage stations, which store electricity during off-peak hours and discharge it back to the grid during periods of high demand. A facility was recently proposed on Route 9 in Marmora. The use was described as inherently beneficial (similar to solar), and it was noted that such projects may already obtain BPU approval. The Board directed its professionals/engineer to further research battery storage facilities and report back.

RESOLUTIONS

Nicole and Steve Scheffler Block 722 Lots 4 & 5 – BA 18-2025

Seconded by: Mr. Shawl

Mr. Phifer

In favor: Phifer, Mashura, Casaccio

Abstain: Harney, Kaczmariski, Kingston, McGuire, Palombo, Fisher, Tomlin, Shawl, Corson

Ann Dunphy Block 453.10 Lot 350 – BA 16-2025

Seconded by: Mr. Shawl

Mr. Phifer

In favor: Phifer, Mashura, Casaccio

Abstain: Harney, Kaczmariski, Kingston, McGuire, Palombo, Fisher, Tomlin, Shawl, Corson

Jason Grecco Block 600 Lots 45 & 46 – BA 19-2025

Seconded by: Mr. Shawl

Mr. Phifer

In favor: Phifer, Mashura, Casaccio

Abstain: Harney, Kaczmariski, Kingston, McGuire, Palombo, Fisher, Tomlin, Shawl, Corson

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. Shawl, with all board members present voting in the affirmative with Mr. Casaccio abstaining from the Kates, Schneider & Associates billing.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m. by a motion made by Mr. Phifer, seconded by Mr. Shawl, with all Board members present voting in the affirmative.

Submitted by, Elizabeth Oaks