

/UPPER TOWNSHIP PLANNING BOARD  
REGULAR MEETING MINUTES  
AUGUST 6, 2026

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 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      | Present    |
| Rich Kaczmariski, Class II   | Present    |
| Ted Kingston, Class IV       | Present    |
| Richard Mashura, Alt 1       | Present    |

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

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

After roll was called, Mr. Kingston excused himself due to the ample number of board members in attendance.

**APPROVAL OF THE JULY 2, 2026 PLANNING BOARD MEETING MINUTES**

A motion to approve the minutes was made by:

Seconded by:

In favor: Harney, Kaczmariski, Shawl, Corson, Casaccio

Opposed: None

Abstain: McGuire, Unsworth, Mashura, Tomlin

Mr. Harney

Mr. Shawl

**NEW BUSINESS**

Mayor Corson stepped down for the next application.

Bader, Thomas Block 853 Lot 10 – BA 09-2026

The applicant is seeking variance relief for a pre-existing front yard setback of 5'9" where 15' is required and maximum building coverage of 35% where 37% is existing and 27% is permitted to construct an addition with renovations at 30 Winthrop Road, Strathmere, New Jersey.

|           |                                      |         |
|-----------|--------------------------------------|---------|
| Survey    | FA Draves                            | 4.19.26 |
| Site Plan | Three Dimensions Architectural Group | 6.2.06  |
| Variances | Lot Depth 100'/39.59'                | ENC     |
|           | Front Yard Setback 15'/5.9'          | NC      |
|           | Max Building Coverage 27%/35%        | NC      |

Daniel J. McCann, Esq. appeared on behalf of Thomas and Janet Bader. Dr. Thomas Bader was sworn in and testified that the property was purchased in 2014 in poor condition and had since been substantially renovated and improved. He explained that the current renovations are intended to meet the changing needs of the family while allowing them to remain in Strathmere. The applicants worked with their architect to minimize variance

relief. The existing footprint along Neptune Avenue will remain unchanged, and the residential use will remain a single-family dwelling.

The applicants submitted photographs depicting the condition of the property when purchased and its current improved condition. Dr. Bader agreed that exterior lighting would comply with dark-sky standards. He testified that the existing septic system will be replaced and that a septic plan was under review by the Department of Health.

Nick Piro, a registered architect in New Jersey and Pennsylvania, was accepted as an expert and sworn in.

Mr. Piro testified that the proposal includes a second-floor addition with a new primary bedroom and living area. The new second-floor wall will align with the existing first-floor wall along Neptune Avenue and will not further encroach into the existing front-yard setback. He testified that the proposed design was intended to improve the house while respecting the existing site constraints and neighborhood character.

Mr. Kates clarified the zoning calculations. The engineering review identifies 27% as the maximum permitted building coverage, 37% existing and 35% proposed. During testimony, the Board Engineer further explained that when the detached accessory garage is excluded from principal-building coverage, the principal-building coverage calculation increases from approximately 33% to 35%, while overall impervious coverage decreases with removal of the garage. The proposed floor area ratio is 44%, below the 54% maximum.

The meeting was opened to the public for this application.

Edward McCarron, 26 East Winthrop Avenue, was sworn. Mr. McCarron raised concerns regarding building coverage, septic feasibility and the amount of development on the lot.

John Sullivan, 25 East Winthrop Avenue, was sworn. Mr. Sullivan spoke in support and described the applicants as good neighbors.

Virgil Procaccino, 204 Neptune Avenue, was sworn. Mr. Procaccino also supported the application and the improvements made to the property.

Linda Check, 26 East Winthrop Avenue, stated that she supported the improvements generally but expressed concern regarding the covered decks and their visual impact.

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

The Board found that the property is constrained by its corner-lot configuration and existing nonconforming conditions; the Neptune Avenue setback will not be exacerbated; the proposed project is consistent with the residential character of the neighborhood; and the requested relief could be granted without substantial detriment to the public good or substantial impairment of the zone plan and zoning ordinance.

Conditions of approval included:

- Dark-sky compliant exterior lighting.
- Sidewalk along Winthrop Road.
- Existing curb to remain where serviceable and damaged curb to be replaced in kind; curb treatment to be provided along both street frontages as discussed with the Board Engineer.
- A revised zoning compliance schedule accurately depicting the proposed construction.
- Construction substantially in accordance with the architectural plans presented to the Board.

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

Mr. Unsworth

Seconded by:

Mr. McGuire

In favor: Harney, Kaczmariski, McGuire, Unsworth, Mashura, Shawl, Tomlin, Casaccio

Opposed: None  
Abstain: None

Mayor Corson returns to the meeting for the next application.

Bixby, Ava Fox and Mina Marie Block 12 Lot 29 – BA 12-2026

The applicant is seeking variance relief for lot area of 30,048 square feet where 2 acres is required, lot frontage of 40' where 150' is required, lot width of 100' where 150' is required, individual side yard setbacks of 18.5' and 24.6' where 35' is required and total side yards of 43.1' where 70' is required, building coverage of 4.99% where 3% is permitted and impervious coverage of 19.06% where 5% is permitted to construct a single-family dwelling at 331 Marshallville Road, Marshallville, New Jersey.

|               |                                   |                                         |               |
|---------------|-----------------------------------|-----------------------------------------|---------------|
| Variance Plan | Engineering Design Associates, PA |                                         | 5.27.26       |
| Variances     | <u>Standard</u>                   | <u>Required/Proposed</u>                | <u>Status</u> |
|               | Lot Area                          | 2 acres/30,048 sq. ft.                  | ENC           |
|               | Lot Frontage                      | 150' 40'                                | ENC           |
|               | Lot Width                         | 150'/100'                               | ENC           |
|               | Side Yards                        | 35' each/18.5' & 24.6'; Total 70'/43.1' | NC            |
|               | Building Coverage                 | 3%/4.99%                                | NC            |
|               | Impervious Coverage               | 5%/19.06%                               | NC            |

Jon Batastini, Esq. appeared on behalf of the applicants.

Joseph Maffei was sworn and accepted as an expert in engineering and land planning and testified regarding the existing site conditions and proposed dwelling.

Mr. Maffei - The property has a 40-foot-wide flag portion extending approximately 200 feet from Marshallville Road before opening toward the river. Mr. Maffei explained that the lot is undersized but is comparable to other undersized lots in the surrounding neighborhood and that NJDEP approval had been obtained. The proposed house has an approximately 30-foot by 50-foot footprint. The existing lot-area, frontage and width deficiencies are pre-existing. The proposed side yard setbacks are approximately 24.6 feet and 18.5 feet. Proposed building coverage is 4.99% where 3% is permitted and impervious coverage was initially calculated at approximately 19.06% where 5% is permitted, with the majority attributable to the long driveway.

The applicant and a neighboring property owner discussed revisions to reduce impacts. The applicant agreed to narrow most of the driveway from 12 feet to 10 feet, retain sufficient width near the street for vehicle passing, shift the driveway approximately 10 feet away from the neighboring property line to preserve mature trees, add landscaping along the driveway, locate HVAC/mechanical equipment on the opposite side of the house, and provide down-facing residential lighting. The applicant also agreed to install a stone recharge trench along the driveway to promote infiltration and reduce runoff.

The Board discussed the proposed well, septic system, drainage and an existing propane tank. The proposed well may be relocated as part of final septic design. The existing propane tank is to be relocated.

The meeting was opened to the public.

Representatives of the Bear family, adjoining property owners, stated that they supported the application as amended by the changes placed on the record.

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

The Board found that the irregular flag-lot configuration, undersized area and pre-existing conditions created a C(1) hardship; the proposed dwelling is consistent with the surrounding neighborhood; and the proposed amendments reduce potential impacts to adjoining properties and the environment.

Conditions of approval included:

- Submission of amended plans reflecting all representations and changes made during the hearing.
- A revised zoning schedule reflecting the final calculations.
- A stone recharge trench along the driveway, detailed on the plan.
- Relocation of the existing propane tank.
- Board Engineer review of the amended plans for compliance before final acceptance.
- A copy of the compliant revised plan to be provided to the adjoining neighbor as discussed on the record.

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

Mr. McGuire

Seconded by:

Mr. Kaczmariski

In favor: Harney, Kaczmariski, McGuire, Unsworth, Mashura, Tomlin, Shawl, Corson, Casaccio

Opposed: None

Abstain: None

Mentzer, Ryan and Morgan - Block 549, Lot 4.19 - BA 10-2026

129 Route 50, Seaville, New Jersey

Applicants are seeking a D(1) use variance to permit a single-family dwelling in the Town Center (TC) Zone, together with bulk variance relief for lot area of 35,009 square feet where 40,000 square feet is required.

|               |                               |                          |
|---------------|-------------------------------|--------------------------|
| Variance Plan | Engineering Design Associates | 5.21.26                  |
| Variances     | <u>Standard</u>               | <u>Required/Proposed</u> |
|               | Use                           | Mixed/Residential        |
|               | Lot Area                      | 40,000 sf./35,009 sf.    |
|               |                               | <u>Status</u>            |
|               |                               | NC                       |
|               |                               | NC                       |

Robert Belasco, Esq. appeared on behalf of Ryan and Morgan Mentzer. The applicants are contract purchasers of the vacant corner lot at Route 50 and Cambridge Drive.

Joseph Maffei, previously sworn, provided expert engineering and planning testimony. He testified that the lot has remained vacant for decades; the surrounding area along Cambridge Drive and Canterbury Lane is predominantly residential; and a stand-alone single-family dwelling is more practical on this undersized parcel than a conforming commercial or mixed-use development requiring additional building area, parking and septic capacity.

Mr. Maffei testified that the proposed dwelling complies with the remaining bulk requirements and provides adequate off-street parking. He opined that the site is particularly suited to the proposed residential use and that

the relief would not create substantial detriment to the public good or substantially impair the intent and purpose of the zoning plan and ordinance.

The Board discussed a deed notice advising future purchasers that the property remains located in a commercial zoning district and fronts a busy roadway. The applicants agreed to record the deed notice. The Board also discussed the affordable housing impact fee. The Board also considered the July 28, 2026 review letter from Township Planner Tiffany A. Morrissey, PP, AICP, regarding the requested use variance and applicable affordable housing requirements. The Board considered the letter as part of its review of the application. The Township Planner recommended a 6% fee, while counsel for the applicants discussed a differing interpretation of the ordinance. The applicant agreed to comply with the affordable housing impact fee ultimately determined to be applicable by the municipality.

The meeting was opened to the public.

Nathalie Neiss, 759 Route 50, was sworn. Ms. Neiss raised a concern regarding preservation of the mixed-use intent of the Town Center Zone. The Board clarified that the zoning district itself remains commercial/Town Center and the approval is specific to the residential use variance requested.

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

The Board found that the long-vacant, undersized corner parcel is particularly suited to a residential use in light of the surrounding residential development and the difficulty of accommodating a conforming commercial development. The Board further found that the proposed use would not substantially impair the zoning plan or cause substantial detriment to the public good.

Conditions of approval included:

- Compliance with the affordable housing impact fee as ultimately determined by the municipality.
- Recording of a deed notice advising future purchasers that the property is a residential use within the Town Center commercial zoning district.

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

Mr. Tomlin

Seconded by:

Mr. McGuire

In favor: Harney, Kaczmariski, McGuire, Unsworth, Mashura, Tomlin, Casaccio

Opposed: None

Abstain: None

Gaglione, Sarah Block 549.01 Lot 1.01 – BA 11-2026

The applicant is seeking a D(1) use variance to permit a residential structure in a commercial zone with C bulk variances for existing lot depth of 125' where 200' is required, proposed front yard setback of 36.3' where 50' is required, rear yard setback of 40' where 50' is required, minimum distance between principal and accessory structures of 10' where 25' is required and to permit a detached garage within the front yard at 127 Route 50, Seaville, New Jersey.

|               |                                   |         |
|---------------|-----------------------------------|---------|
| Survey        | Morgan Engineering & Surveying    | 8.19.22 |
| Variance Plan | Engineering Design Associates, PA | 6.24.26 |

|           |                            |                          |               |
|-----------|----------------------------|--------------------------|---------------|
| Variances | <u>Standard</u>            | <u>Required/Proposed</u> | <u>Status</u> |
|           | Use                        | Mixed Use/Residential    | NC            |
|           | Lot Depth                  | 200'/125'                | ENC           |
|           | Front Yard (Cambridge)     | 50'/36.3'                | NC            |
|           | Rear Yard                  | 50'/40'                  | NC            |
|           | Distance Between Buildings | 25'/10'                  | NC            |

Robert Belasco, Esq. appeared on behalf of Sarah Gaglione.

Joseph Maffei, previously sworn, provided expert testimony. The vacant corner parcel is approximately 0.992 acres and is long and narrow, with approximately 125 feet of lot depth where 200 feet is required. The proposed dwelling is oriented toward Cambridge Drive to be consistent with the residential character of the surrounding neighborhood.

The proposed Cambridge Drive front yard setback is 36.3 feet where 50 feet is required; the proposed rear yard setback is 40 feet where 50 feet is required; and the proposed separation between the dwelling and future garage is 10 feet where 25 feet is required. The future garage is proposed on the Route 50 side of the lot. Testimony indicated that the garage would be approximately 18 feet by 24 feet and that its placement avoids additional clearing. The applicant may elect to connect the garage to the dwelling by a breezeway, subject to all applicable requirements.

Mr. Maffei testified that the narrow building envelope, parking needs and septic requirements make commercial development difficult. A Board member noted that previous business owners had owned the property but did not develop

it commercially. The Board discussed a deed notice advising future purchasers that the property remains located in a commercial zoning district and fronts a busy roadway. The applicants agreed to record the deed notice. The Board also discussed the affordable housing impact fee. The Board also considered the July 28, 2026 review letter from Township Planner Tiffany A. Morrissey, PP, AICP, regarding the requested use variance and applicable affordable housing requirements. The Board considered the letter as part of its review of the application. The Township Planner recommended a 6% fee, while counsel for the applicants discussed a differing interpretation of the ordinance. The applicant agreed to comply with the affordable housing impact fee ultimately determined to be applicable by the municipality.

The meeting was opened to the public.

Nathalie Neiss, 759 Route 50, was sworn. Ms. Neiss asked whether the future garage could be used as an accessory dwelling unit for affordable housing.

The Board explained that such a use was not presently part of the ordinance and would require future review if proposed.

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

The Board found that the lot configuration and two-front-yard condition create practical difficulties, that the residential orientation toward Cambridge Drive is consistent with surrounding development, and that the site is particularly suited for the proposed single-family dwelling. The Board found that the relief could be granted without substantial detriment to the public good or substantial impairment of the intent and purpose of the zoning ordinance.

Conditions of approval included:

- Submission of an amended site plan reflecting the approved use variance and testimony.
- Recording of a deed notice concerning the residential use within the Town Center commercial zoning district.
- Garage dimensions of approximately 18 feet by 24 feet to be shown on the plan.
- Compliance with applicable affordable housing requirements.

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

Mr. Unsworth

Seconded by:

Mr. McGuire

In favor: Harney, Kaczmariski, McGuire, Unsworth, Mashura, Tomlin, Casaccio

Opposed: None

Abstain: None

Chairperson Casaccio proceeded with resolutions and bills prior to stepping down.

## **RESOLUTIONS**

Arroyo, Timothy & Susanna – Block 14 Lot 1 – BA 07-2026

A motion to approve the resolution was made by:

Mr. Unsworth

Seconded by:

Mr. Harney

In favor: Harney, Kaczmariski, McGuire, Shawl, Casaccio

Opposed: None

Abstain: Unsworth, Mashura, Tomlin

## **BILLS**

A motion to approve the bills was made by:

Mr. McGuire

Seconded by:

Mr. Unsworth

All members present voted in the affirmative, Mr. Casaccio abstained from voting on the Kates, Schneider & Associates invoices.

Chairperson Casaccio stepped down and Vice Chairperson Matt Unsworth served as Chairperson for the next application.

## **NEW BUSINESS CONTINUED**

### **Chapel by the Sea Block 600 Lots 14.01, 14.02, 15 & 39.01 – BA 06-2026**

The applicant is seeking amended final site plan approval and variance relief associated with the expansion of a previously approved nonconforming house-of-worship use through the construction of a 50-foot by 50-foot maintenance building, together with bulk variance relief for a proposed accessory-building height of 32 feet where a maximum of 20 feet is permitted, at 300 Route US 9 South, Marmora, New Jersey.

Richard Hoff, Esq. appeared on behalf of Union Chapel by the Sea, together with Pastor Tim Bromhead and Joseph Maffei. Counsel explained that the church had previously received use-variance approval and that the project was later revised to reduce the principal building footprint and remove a smaller garage. During construction, the applicant determined that additional maintenance and multipurpose space was needed and proposed the new 50-foot by 50-foot accessory building.

Mr. Maffei, previously sworn, testified that the proposed building would replace the previously contemplated 20-foot by 20-foot garage. The first floor will be used for maintenance equipment and materials. The second floor will be an open multipurpose room for church-related activities, including children's activities. The building is intended to resemble a pole-barn style structure and match the color scheme of the main church building. All proposed setbacks comply. The building height is 32 feet, requiring variance relief from the 20-foot accessory-building maximum. The proposed building coverage remains well below the permitted maximum.

Mr. Maffei testified that the church is an inherently beneficial use and that the proposed accessory building is less intense than many uses permitted in the district and is compatible with the previously approved church use. The building will have electric, gas, water and septic service, will be heated and conditioned, and will contain one half-bath with a toilet and sink and no shower.

Timothy Bromhead, Applicant, was sworn. Mr. Bromhead testified that the building will not increase church seating or overall occupancy; the multipurpose area will serve the same church attendees already using the site. The second-floor exterior door will be served by code-compliant stairs/egress, and the building will comply with all construction and fire-code requirements. Exterior lighting will be down-facing over the doors. The addition will not reduce existing parking or encroach into required setbacks, and the roofline will remain below the principal church roof.

The meeting was opened to the public.

Grace DiPompeo, 48 Creek Road, was sworn. Ms. DiPompeo asked questions regarding the size, height and intended use of the building.

Mr. Bromhead confirmed that the second floor is not living quarters and that the building is not intended for receptions, parties or weddings.

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

The Board found that the property is sufficiently large to accommodate the proposed accessory building, the structure is compatible with and subordinate to the principal church use, the proposed use is inherently beneficial, and the relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan and zoning ordinance.

A motion to approve the application was made by:

Seconded by:

In favor: Harney, Kaczmariski, McGuire, Unsworth, Mashura, Tomlin, Shawl

Opposed: None

Abstain: None

Mr. McGuire

Mr. Tomlin

**PUBLIC PORTION**

**ADJOURNMENT**

The meeting was adjourned at 8:22 p.m. by a motion made by:

Seconded by:

All members present voted in the affirmative.

Mr. Shawl

Mr. McGuire

Submitted by: Elizabeth Oaks, Board Secretary