|  |  |  |
| --- | --- | --- |
| Frank Sippel, Mayor  fsippel@townshipoflower.org  Kevin Coombs, Deputy Mayor  [kcoombs@townshipoflower.org](mailto:kcoombs@townshipoflower.org)  Thomas Conrad, Ward 1  [tconrad@townshipoflower.org](mailto:tconrad@townshipoflower.org) | lower township logo from townshipoflower.org  TOWNSHIP OF LOWER  2600 Bayshore Road  Villas, New Jersey 08251 | Joseph Wareham, Ward 2  [jwareham@townshipoflower.org](mailto:jwareham@townshipoflower.org)  Roland Roy, Jr., Ward 3  [rroy@townshipoflower.org](mailto:rroy@townshipoflower.org)  Michael Laffey, Manager  [mlaffey@townshipoflower.org](mailto:mlaffey@townshipoflower.org) |

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.

LOWER TOWNSHIP PLANNING BOARD

A regularly scheduled meeting of the Lower Township Planning Board was held on August 21, 2025, the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Chairman Michael Rosenberg. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Chairman Michael Rosenberg

Gunär Arenberg

Lindsey Selby

Alyce Parker

Anthony Vetrano

Roy Abrams

MEMBERS EXCUSED: Frank Sippel

Jeffrey Lindsay

Vice Chairman Chris McDuell

Marissa McCorkel

Roland Roy

STAFF PRESENT: Avery S. Teitler, Board Solicitor

William J. Galestok, Board Secretary

William Cathcart, Board Engineer

Kathryn M. Steiger, Planning Clerk

STAFF EXCUSED: Patrick L. Wood, Recording Secretary

CORRESPONDENCE:

Handouts:

* List of Board Engineer Vouchers, dated August 13, 2025
* List of Board Solicitor Vouchers, dated August 12, 2025

Mr. Teitler read the agenda aloud for the benefit of the public.

Mr. Teitler advised the public items listed on the agenda would be heard out of order, for time efficiency and/or rescheduling purposes.

At the request of the applicant, the following application has been rescheduled for the next Planning Board Meeting on September 18, 2025:

1. Preliminary and final major subdivision application for the creation of four (4) newly described lots. Submitted by Scott Peter for the location known as Block 753.05, Lot 1, 794 Route 109

Mr. Scott Peter approached the podium, and requested the application be tabled until the

meeting of September 18, 2025. The original mailing was based on the list dated March 7, 2025, sent to residents within the required 200 feet, and was deficient, requiring notification to those not included on the new list, dated August 20, 2025.

Mr. Teitler advised the application will be tabled until the September 18, 2025 meeting, and that noticing will only be required for those not included in the original mailing.

Mr. Teitler also counseled that, if the applicant is an LLC, representation by a licensed New Jersey attorney is strongly encouraged.

Mr. Peter commented that if any of the public in attendance wished to speak with him outside of the meeting to address questions/concerns, he would be available.

1. Minor site plan waiver application for the construction of a new storage building. Submitted by Bumble Bee Foods, LLC for the location known as Block 822.01, Lot 1.01, 994 Ocean Drive

Mr. Dennis M. Tuohy, Esq., was sworn in by Chairman Rosenberg.

Ms. Taylor Doria, General Manager of Bumble Bee Foods, Inc., was sworn in by Chairman Rosenberg.

Mr. Tuohy stated that significant renovations are scheduled. To provide the Board more clarity, Ms. Doria will explain the company’s operations.

Ms. Doria testified that Snow Food’s/Bumble Bee has been in existence, circa 1990’s, and manufactures canned goods for a variety of food products. Most residents are very familiar with the site and operations.

Mr. Tuohy advised that when construction commenced, it was discovered that the beams were not up to code, requiring the renovations to be more extensive. This will slightly increase the size from 62 by 62 feet to 62.6 by 62.6 feet. Mr. Tuohy stated the change is de minimis in nature and well under the threshold. The height of the building may change, but will be under the maximum required. This is mostly structural in nature.

Mr. Teitler inquired whether the dimensions were staying the same. Mr. Tuohy stated that the steel beams may require alterations.

The Board had no further questions.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

In response to Mr. Teitler’s request for any further information, Mr. Tuohy summarized the changes are due to discovery of inadequate beams, which are being replaced with more robust materials and restated the changes are de minimis in nature, with no further variances required.

Ms. Parker made a motion to approve the minor site plan waiver, seconded by Mr. Vetrano.

VOTE: Mr. Arenberg YES Ms. Parker YES Mr. Vetrano YES Mr. Abrams YES Mrs. Selby YES Chairman Rosenberg YES

Motion approved

The Board Solicitor will prepare a memorializing resolution to review and approve at the next meeting.

1. Dune site plan review and hardship variance application for the construction of a new single-family dwelling that would exceed the maximum permitted height. Submitted by Thomas & Deborah Caltabiano for the location known as Block 512.14, Lot 11, 3309 Shore Drive

Mr. Andrew D. Catanese, Esq., is representing the applicant.

Mr. Catanese provided an overview of the application to the Board, advising currently

a single-family dwelling (SFD) exists on the site, which is to be demolished and replaced with a new SFD, eventually to be occupied by the owners as a primary residence. Variances are sought, e.g.: bulk, due to height, 35 feet is the maximum, with 37.4-foot height is requested. The site plan dune review meets all requirements and is located on an oversized lot.

Ms. Junetta N. Dix, Director of Environmental Services for ACT Engineers, was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Ms. Dix provided testimony regarding the location of the property and dune, stating CAFRA (Coastal Area Facility Review Act) permitting was approved by the New Jersey Department of Environmental Protection (NJDEP), authorizing removal of the house, shed, and redevelopment. The west side of the dune, porch and bay area of the property will not be disturbed. There will be temporary dune disturbance for the decks, which are not regulated by NJDEP. Clearing of the sub vegetation or disruption of the dune will not occur.

After Mr. Catanese cited sections of the Dune Review Ordinance, Ms. Dix confirmed the project complies, noting the proposed expansion is away from the dune and on the north side. Mr. Catanese inquired if the project was conducive to orderly development, to which Ms. Dix agreed it was.

Mr. Harry Harper, Architect, was sworn in by Chairman Rosenberg.

Mr. Harper testified this is a nice project and will conform to the AE Flood Zone, which necessitates the design to be higher than the required grade. The first floor must allow for breakaway walls and explained walls are chained to the foundation. This area will house parking area for two (2) cars, story, and elevator to the second floor. The first floor of the living area, or second floor, will have bedrooms and a gathering room, to accommodate those staying on the level. The third level will provide a living room, great room, kitchen, and primary bedroom, all serviced by the elevator. Mr. Harper then reviewed the front elevation from plans and front entrance. The house is designed to fit and will blend in with other structures in the bay area.

A variance is needed for height, due to the floor lines, stating eight (8) foot ceilings are no longer the norm and replaced with nine (9) foot ceiling heights, causing the variance for the 37.5 height variance. Mr. Harper stated there is no impact to the neighborhood and is well within the general looks of the area.

Mr. Catanese discussed the pitch of the roof and how weather conditions in that area impact damage to roof shingles when lower grades are used. Mr. Catanese restated that this lot is oversized to offset any concerns.

Mr. Harper commented there is no impact to the area and is virtually unnoticeable from the street view.

The Board had no further questions.

Mr. John W. Lord, P.E., L.S., P.P., was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Mr. Lord explained the house and elevations, and the locations where the decks will be located. The lot, which is oversized – minimum required is 7,500 square feet and the site is well over 9,000 square feet – will meet minimum side and front yard setbacks. The dimensions were reviewed, noting setbacks all fit within requirements and no interference from adjacent properties of views. Mr. Lord reviewed the need for the height variance, due to the risers in front to back and grading changes.

Mr. Lord affirmed that the dune profile mitigates the variance needed, based on Mr. Catanese’s question, and stated the project promotes the general welfare of the area and will be secure from flooding, with adequate light, air, and sufficient space between adjoining properties.

Mr. Catanese inquired if there are any negative impacts to zoning, which Mr. Lord stated there are none.

Mr. Cathcart reported that the applicant touched on most comments, and recommend to submit a plan review checklist, with several items noted as “NA,” which is appropriate. Additional testimony was requested for exterior lighting and landscaping.

Mr. Catanese replied that the planned lighting will be for a single-family dwelling and that the landscaping will primarily remain as is. Mr. Lord concurred.

Mr. Cathcart noted one cross section on the Dune Plan was corrected and meets all criteria now, further noting many items were covered by CAFRA requirements.

There were no further questions from the Board.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Galestok commented that lots in this area may be unfairly burdened with “B” Zone Flood requirements. Previous research from University of Delaware and Stockon University documented that waves are not produced the same as the ocean, with FEMA Dune Rules automatically carrying V Zone to the street line. The government did not approve for the Township of Lower, which has caused problems.

Mr. Catanese had no further comments.

For the benefit of the Board, Mr. Teitler summarized the application request.

Mrs. Selby made a motion to conditionally approve the minor subdivision and hardship variance application, seconded by Mr. Arenberg.

VOTE: Mr. Arenberg YES Ms. Parker YES Mr. Vetrano YES Mr. Abrams YES Mrs. Selby YES Chairman Rosenberg YES

Motion approved

The Board Solicitor will prepare a memorializing resolution to review and approve at the next meeting.

1. Minor subdivision and hardship variance application for the creation of two (2) newly described lots that would be deficient in lot area, frontage, and width. Submitted by Robert J. Salasin for the location known as Block 512.07, Lot(s) 2904+2905, 501 Baywyn Road

Mr. Charles W. Sandman, III, Esq., is representing the applicant.

Mr. Sandman advised the Board that the expert witness has not yet appeared and asked

the Board if a short delay is possible, and if not, the need to reschedule.

Mr. Teitler asked the Board if a delay for a reasonable amount of time is acceptable. The Board agreed to a reasonable delay of time, approximately ten (10) minutes.

Mr. Teitler commented on the number of attendees for this application, providing an opportunity to explain that the application previously presented, and denied by the Board, has now changed, and whether it is substantially different from the original presentation. If the Board decides it is not, it can be denied again, where “Res Judicata” may be applicable.

Mr. Sandman stated the first application was based on subdividing lots, resulting in sizes under 50 feet. The new application provides for lots at 50 feet.

The public expressed concern that there is no opportunity for comments. Mr. Teitler then advised of the delay for the arrival of the expert witness.

Mr. Sandman then requested the application be tabled until the next meeting and offered apologies to the Board, and those in attendance, for this delay.

Mr. Teitler then stated the application is tabled until the next Planning Board Meeting of September 18, 2025. No further noticing will be required.

Public attendees inquired whether testimony can be submitted on their behalf. Mr. Teitler advised that all testimony must be provided in person.

Chairman Rosenberg made a motion to approve the Board Solicitor vouchers, seconded by Ms. Parker. Motion carried.

Chairman Rosenberg made a motion to approve the Board Engineer vouchers, seconded by Mr. Vetrano. Motion carried.

Mr. Vetrano made a motion to approve the Minutes from the meeting of July, 2025, seconded by Ms. Parker. Motion carried.

Mr. Arenberg made a motion to approve the Resolutions from the meeting of July 17, 2025, seconded by Mr. Selby. Motion carried.

At 6:47 P.M., Ms. Parker made a motion to adjourn the meeting, seconded by Mr. Vetrano.

Motion carried.

Respectfully submitted,

Patrick Wood,

Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.