|  |  |  |
| --- | --- | --- |
| Frank Sippel, Mayorfsippel@townshipoflower.orgKevin Coombs, Deputy Mayorkcoombs@townshipoflower.orgThomas Conrad, Ward 1tconrad@townshipoflower.org | lower township logo from townshipoflower.orgTOWNSHIP OF LOWER2600 Bayshore RoadVillas, New Jersey 08251 | Joseph Wareham, Ward 2jwareham@townshipoflower.orgRoland Roy, Jr., Ward 3rroy@townshipoflower.orgMichael Laffey, Managermlaffey@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 June 19, 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

 Vice Chairman Chris McDuell

 Gunär Arenberg

Marissa McCorkel

 Steve Morris

Alyce Parker

Lindsey Selby

Roy Abrams

 MEMBERS EXCUSED: Frank Sippel

Anthony Vetrano

Roland Roy

STAFF PRESENT: Avery S. Teitler, Board Solicitor

William J. Galestok, Board Secretary

Patrick L. Wood, Recording Secretary

William Cathcart, Board Engineer

 Kathryn M. Steiger, Planning Clerk

CORRESPONDENCE:

Handouts:

* List of Board Engineer Vouchers, dated June 19 , 2025
* List of Board Solicitor Vouchers, dated June 19, 2025

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

1. Adoption of Amendment to the Lower Township Master Plan

The Planning Board, after a public hearing, to be held, June 19th, 2025, intends to adopt the Township of Lower Stormwater Management Plan dated June 2025, and incorporate said plan as an Amendment to the Lower Township Master Plan.

Mr. Galestok addressed the Board to advise that the Department of Environmental

Protection requires a formalized adoption to any modifications of the Master Plan. For the Board’s benefit, Mr. Galestok read aloud a proposed Resolution (number to be assigned at a later date), reflecting a revision to the Storm Management Plan that was issued by the Township of Lower’s Engineer, DeBlasio & Associates.

Mr. Galestok is requesting the Board’s approval for this amendment to the Master Plan.

VOTE: Mr. McDuell YES Mr. Morris YES Ms. Parker YES

 Mr. Arenberg YES Mr. Abrams YES Ms. McCorkel YES Mrs. Selby YES Chairman Rosenberg YES

 Motion approved.

1. Discussion regarding the temporary approval of outdoor seating for an application that had a previously approved minor site plan, Fleck’s Ice Cream Parlor

Mr. Joseph Fleck, proprietor of Fleck’s Ice Cream Parlor, was sworn in by Chairman Rosenberg.

 Mr. Fleck explained the Engineer finalized barrier information and everything is in order to proceed. Due to the time of year, however, Mr. Fleck is requesting extension to completion of the bollards, since the summer season has begun.

 Mr. Wood advised the Site Plan was approved, with intentions to complete the work during winter months. There were issues with the Engineer, requiring new updates, that are being reviewed by the Township’s Engineer.

 Mr. Galestok commented Mr. Fleck has detailed provided detailed plans that include materials. Based on efforts by the owners, and a review of other similar operations that were/are COVID-19 protected and/or made permanent by the Governor, it is reasonable to allow for an extension.

 A discussion followed regarding several issues – e.g.: the Minor Site Plan waiver at the end of 2024 and whether another vote by the Board is appropriate; operation of the business based on what was approved; safety aspect and traffic. The Board noted temporary safeguards are in place by the owners.

 In conclusion, the Board stated that all appropriate/applicable bollards must be in place prior to the start of the 2026 summer season. Mr. Fleck stated this will be completed.

 The Board called for a vote to allow temporary placement of outdoor seating from date of decision to October 1st, 2025.

VOTE: Mr. McDuell YES Mr. Morris YES Ms. Parker YES

 Mr. Arenberg YES Mr. Abrams YES Ms. McCorkel YES Mrs. Selby YES Chairman Rosenberg YES

 Motion approved.

1. Minor subdivision and hardship variance application for the creation of two (2) newly described lots that would be deficient in lot area, frontage, width, and side yard setback. Submitted by Joseph T. Chambers for the location known as Block 489.01, Lot(s) 5+6, 870 Towerview Road

Mr. John P. Amenhauser, Esq., is representing the applicant.

At 6:20 P.M., due to a conflict of interest, Chairman Rosenberg recused himself from the meeting.

Mr. Amenhauser highlighted the application request, as follows:

* Property is in a Mainland Residential (R-3) Zone
* Existing buildings consist of a duplex and garage
* Request is to subdivide an oversized parcel into two lots
* Improvements will remain on one (1) lot
* Second lot will be vacant

Mr. Paul Kates, P.E., P.P., C.M.E., C.F.M., was sworn in by Vice-Chairman McDuell, and provided credentials, which were accepted by the Board.

At the request of Mr. Amenhauser to recap various details of the application request – e.g.: lot coverage, lot size, neighborhood compatibility/consistency, detriments/benefits, Mr. Kates provided the following overview:

* Confirmed the outline provided by Mr. Amenhauser that the intent is to subdivide an existing oversized lot into two lots
* Improvements would remain on one lot, with the second lot being vacant.
* Noted the lot coverage is approximately 23.7%, below the 30% maximum permitted
* Confirmed this project fits within the character of the neighborhood
* Few 60x100 lots in the area, many are 100x100, which is consistent with the proposed second lot
* Provides adequate light, air, and open space
* Promotes population density and is a visual improvement to the area

In response to Mr. Amenhauser’s question on detriments created, Mr. Kates replied there

are no detrimental effects to the neighborhood.

 Mr. Joseph Chambers, applicant, residing at 2546 Route 9, Ocean View, was sworn in by Vice-Chairman McDuell.

In response to the Board inquiry regarding status of existing duplex, intent for future development, and if a second duplex is planned for development, Mr. Chambers explained there are no immediate plans and any future development would be residential in nature and fit the character of the neighborhood. Mr. Amenhauser confirmed the existing duplex will remain a duplex.

Mr. Galestok advised:

* The new lot size is not large enough for the development of another duplex
* The existing garage cannot remain on the vacant lot
	+ Mr. Amenhauser replied the garage would be removed

Mr. Amenhauser asked Mr. Kates to explain the parking. Mr. Kates advised the proposal would accommodate for three (3) car stacked driveway.

Mr. Cathcart then reported that most answers had been provided to most questions. Outstanding issues are:

* Site triangle compliant
* If county requirements are needed
* Whether fences will be installed
	+ Mr. Amenhauser stated no to fencing is planned
* Status of trees
	+ Mr. Amenhauser stated tree removal is not planned in the immediate future

Mr. Galestok advised no Fire Safety report is on file. Mr. Teitler stated conditions of approval will require fire safety and county approvals.

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. Amenhauser concluded to the Board this application fits within the character of the neighborhood and is simply a request to create another lot.

Mr. Teitler summarized that the testimony heard tonight includes the garage will be removed, parking will be provided, is consistent with the neighborhood. Conditions of the approval will include fire safety and county approvals.

Mr. Morris made a motion to conditionally approve the minor subdivision and hardship variance application, seconded by Mr. Abrams.

VOTE: Mr. Arenberg NO Mr. Morris YES Ms. Parker NO

 Ms. McCorkel NO Mrs. Selby NO Mr. Abrams YES

 Vice-Chairman McDuell YES

 Motion denied.

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

At 6:26 P.M., Chairman Rosenberg rejoined the meeting.

1. Minor subdivision and hardship variance application for the creation of two (2) newly described lots that would be deficient in lot depth. Submitted by Glenn & Barbara Allison for the location known as Block 488.02, Lot(s) 32+34 & Block 487.05, Lot 71, 915 Towerview Road

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

Mr. Sandman provided the following overview:

The request is to subdivide a property on the same street, Towerview Road, where the applicant’s single-family dwelling (SFD) is situated. The rear portion of the property is vacant and unused. The applicant is a member of Cape Hope; a non-profit organization who advocate and provide vital services and support for those experiencing homelessness. The applicant’s intent is to deed the newly created lot to Cape Hope, who, in turn, plan to move a SFD to this location that will be occupied by a family experiencing homelessness.

Mr. Galestok asked for clarification regarding moving a house to this location. Mr. Sandman confirmed a house will be moved. Mr. Galestok cautioned the Township of Lower has ordinances to follow for this process.

Mr. Sandman stated the possible plan is to move a whole house onto the lot; however, other options may be considered. Whatever the decision is, all will comply.

Mr. Rami Nassar, MSc, P.E., was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Mr. Nassar explained the property is in the Mainland Residential (R-3) Zone, where 7500 square feet is compliant, and fronts on three (3) streets. The garage and shed will remain on the existing lot. Since this is a corner lot, lot depth may or may not be needed for a variance.

Mr. Sandman then asked for an interpretation whether a variance was needed for depth. Mr. Teiter replied it is not an appropriate request for the Planning Board for such an interpretation.

Mr. Nassar continued, stating this is a c(2) variance, citing the Board’s ability to grant variances. This project provides light, air, and open space. The goal is to use existing utilities, causing no impact to neighbors and traffic will not be an issue. The lot is consistent and comparable to the surrounding area, with a difference of 10 feet, due to being a corner lot.

Ms. Barbara Allison, applicant residing at 915 Towerview Road, was sworn in by Chairman Rosenberg.

Ms. Allison testified this has been her primary residence for approximately 26 years, which has remained unchanged. After removing a tree from the back lot that has always been vacant, Ms. Allison decided to offer this section of ground to Cape Hope, for the purpose of moving a SFD that provide housing. Ms. Allison plans on using the services from a well-established business that handles house moving, where only homes in good condition and maintained are repurposed. The structure chosen will fit within the neighborhood.

The Board questioned how far houses are moved and how the property will be deeded. Ms. Allison replied the company usually works from Mays Landing and Avalon areas. Regarding the deed, Ms. Allison stated the details are still be worked out, but will be deeded over to Cape Hope. The goal is for the occupants to initially rent, with intent to purchase.

As a condition for approval, Mr. Galestok inquired whether a 10- or 20-year Affordable Housing deed restriction could be included; however, is unsure of how many years can be stated, per state requirements. Ms. Allison stated her agreement for this condition.

Mr. Galestok also emphasized the importance of the condition of the structure, since the Township of Lower does not have regulations for house moving. A permanent Certificate of Occupancy would be required for the roof and quality.

The Board inquired if the number of occupants in the home could be regulated. Ms. Allison stated that Cape Hope would be monitoring the property and act as a Case Manager. Mr. Galestok advised there is no option to deed restrict number of occupants in the home. Mr. Teitler also stated this project has more safeguards than most, due to the planned managing efforts of Cape Hope.

Mr. Cathcart reported the rear yard corner setback will need to be redrawn, as well as site triangles, and the expiration.

At 6:48 P.M., Mr. Morris recused himself from the meeting.

Mr. Sandman advised the County application was submitted. Final report has not been received.

 This portion of the meeting was opened to the public.

 Ms. Melissa Casey, resident of 918 Myrna Road, was sworn in by Chairman Rosenberg.

 Ms. Casey stated that although there is no opposition to the project or Cape Hope, she has the following comments/concerns

* + Inquired about the two “pins” noted on the map and where the property line is located
	+ The proposed project sits very close to her property
	+ Assurances on side yard setbacks are compliant and adhered to

 In response to Ms. Casey’s concern, Mr. Nassar confirmed that a 10-foot, side yard setback would be followed.

 This portion of the meeting was closed to the public.

 Mr. Galestok advised the Fire Safety report is acceptable.

 Mr. Teitler summarized this is a unique minor subdivision that meets the lot area, width, and frontage. The parcel will be used by Cape Hope, adding conditions for the structure being moved onto the property, with a minimum side yard setback of 10 feet, and the Affordable Housing Deed restriction added.

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

During the vote, the following Members gave findings of fact along with their decisions:

Mr. McDuell, Mrs. Selby, and Ms. McCorkel: Approved. Applauds efforts to assist with affordable housing

VOTE: Mr. McDuell YES Mrs. Selby YES Mr. Arenberg YES Ms. Parker YES Ms. McCorkel YES Mr. Abrams YES

 Chairman Rosenberg YES

 Motion approved.

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

At 6:55 P.M., the Board took a five (5) minute recess. At 7:01 P.M., the meeting was resumed.

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. Arthur Chew, P.E., was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Mr. Emanuel Sanfilippo, III, Esq., is representing Linda Connors-Murray, resident of 500 Hollywood Avenue, who is opposing the application.

 For the benefit of the attendees, Mr. Teitler then explained the process of presenting the application, followed by comments from the public.

 Mr. Chew summarized the application request, as follows:

* This is a 100x100 lot that will be divided into two (2) lots, approximately 48 x 100 in size
* Based on the 200-foot list, noted 31 out of 37 lots in the area are under 5000 square feet
* A larger scope of the area shows 65 out of 73 lots are under 5000 square feet
* The proposed homes will be constructed within setbacks and adhere to parking
* Variance requested are only for lot size
* The original lots were consolidated, as required by statue, creating an anomaly, due to size
* There are no detriments to the public good, nor any impairment to the Township’s Zoning Plan or Ordinance

Mr. Robert Salasin, applicant, was sworn in by Chairman Rosenberg.

Mr. Salasin testified that a one to one and a half story homes are proposed. The corner lot will have the one and a half story structure, with the one story on the other site. Both will have ample parking for two (2) spaces. The homes will be stick built, and comparable to other structure in the neighborhood.

Mr. Chew submitted the neighborhood plan into evidence.

The Board inquired how other properties in the area are under 50 feet in size. Mr. Chew replied none, only those outside of the 200-foot area.

Mr. Cathcart reported mostly technical notes. In response to a question on side yard corner that indicates 20 feet – is that the intent? Although six (6) feet is permitted, Mr. Chew confirmed it would be 20 feet. This will create three (3), 20-foot setbacks. The intent is not to crowd the neighborhood.

Mr. Galestok inquired if this needs to be deed restricted for the setbacks? Mr. Teitler stated the subdivision line submitted and filed, as such.

 In response to Mr. Sandman’s question to Mr. Chew regarding the neighborhood, Mr. Chew stated this is the most advantageous option for the area, rather than a larger home on a larger lot, higher priced, which would not be consistent with this area.

This portion of the meeting was opened to the public.

Mr. SanFilippo, representing the Murray’s, provided the following testimony:

Mr. and Mrs. Murray reside next door to this site. The required notice was never received by the Murray’s, due to the list provided by tax assessor, was incorrect. Although this is not a reason for denial, the Murray’s were only recently made aware of this project, via a neighbor. Mr. Salasin met with neighbors to assist in a solution, which could be a conforming single-family dwelling. This proposal is much more intensive. The lot sizes are even less than those in the surrounding area, which originally may have been created when no variances were required and/or lot sizes were smaller – e.g.: 5000 square feet.

Ms. Kathleen Cusick, resident of 503 Baywyn Road, was sworn in by Chairman Rosenberg.

Ms. Cusick expressed the following comments/concerns:

* Trees on the common property line make it difficult to see and are not maintained– will there be clearing? Experience extra costs to eliminate overhanging trees/branches from their property
	+ Mr. Salasin replied the intent is to clear all trees on the lot
* Time frame for clearing and construction
	+ Mr. Salasin replied the projected time frame is six (6) months, starting in about a month
* How will new addresses be assigned
	+ Ms. McCorkel answered the Tax Assessor assigns property addresses – probably using an “A” and “B” designations
* Will there be privacy fences installed
	+ Mr. Salasin stated fences are planned; however, most new homeowners install on their own

Ms. Cusick concluded the primary concern was tree removal

Ms. Erin Martin, resident of 506 Mallow Road, was sworn in by Chairman Rosenberg;

 Ms. Martin expressed the following comments/concerns:

* Opposition to the application
* Not come close to demonstrating justification for hardship variance
* Two (2) lots conform, as is – this is a self-created hardship

For the benefit of the public, Mr. Teitler provided clarification on the type of request being presented. This is not a “hardship variance” application, rather a variance for a c(2), where the benefits must outweigh the detriments.

Ms. Martin expressed appreciation for this clarification, and concluded:

* This not beneficial to the area
* Many homes were building prior to the 50x100, which is too small
* Is a detriment to the neighborhood
* Undermines the Zoning Codes
* Request reconsideration
* Tree removal is not good
* Will impact value
* Please do not approve

Ms. Jill Connell, resident of 509 Mallow Road, was sworn in by Chairman Rosenberg.

 Ms. Connell expressed the following comments/concerns:

* Corner Lots equal larger homes
* Not all houses exist on the lots
* 50x100 lots could be considered an issue
	+ Mr. Chew replied that the smaller lots have different owners

This portion of the meeting was closed to the public.

The Board asked Mr. Salasin if the plans were to rent or sell the homes? Mr. Salasin replied the homes would be sold.

In response to the Board’s question regarding notification, Mr. Teitler explained the applicant relies on the list provided by the Assessor’s Office. It is not unusual for information not to be up-to-date; however, it is not the applicant’s job to determine if correct. The applicant is not at fault.

Mr. Galestok noted the applicant checked c(1) and not c(2) on the application. All testimony provided is for a c(2) variance. Mr. Teitler concurred, stating this is a straight c(2) variance, not a hardship variance, requiring the applicant must prove benefits outweigh the detriments for approval. Mr. Teitler then cited the Kaufman Case regarding the issue of harmonious lot sizes.

Mr. SanFilippo thanked the Board for their consideration and restated his client’s opposition to the application.

In concluding remarks, Mr. Sandman noted the volume of traffic on Bay Drive is greater than Baywyn, to which Mr. Chew concurred, stating this configuration is much safer.

Mr. Teitler summarized the application, as presented:

* Construct fully conforming single-family dwellings
* Conform to zoning, including parking
* Lot sized consistent with the neighbors
* Provides for light, air, open space
* 20-foot setback to 29.06
* Reasons were given to support the request

To avoid confusion, Mr. Galestok noted the application is conditioned on what is built on the lot, unless specifically required by the Board. Future owners can made additions, per applicable ordinances and regulations.

Mr. Teitler asked what type of structures are being constructed. Mr. Sandman confirmed that Mr. Salasin will construct the dwellings being proposed.

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

During the vote, the following Members gave findings of fact along with their decisions:

Mr. McDuell: Deny Lots are too small – under 50 feet

Ms. McCorkel: Deny Lots are too small – under 50 feet

Mrs. Selby: Deny Lots are too small – under 50 feet

Mr. Morris: Deny Previous comments stated/

Benefits do not outweigh detriments

 Mr. Arenberg: Deny Creating smaller lots

 Mr. Abrams: Approve Larger lot/home is not consistent w/area

 Ms. Parker: Deny Based on previous comments

 Chairman Rosenberg: Deny Based on previous comments

VOTE: Mr. McDuell NO Mr. Morris NO Mr. Abrams YES

 Mr. Arenberg NO Mrs. Selby NO Ms. McCorkel NO Ms. Parker NO Chairman Rosenberg NO

 Motion denied.

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

1. Minor site plan waiver and conditional use application for the utilization of a home occupation for the sale of baked goods. Submitted by Briana Costello for the location known as Block 497.10, Lot 5.06, 310 Breakwater Road

Ms. Briana Costello, applicant, was sworn in by Chairman Rosenberg.

Ms. Costello explained she is a single parent, who, along with her child, reside at her

parent’s home. The purpose of the request is to seek approval for a home occupation to operate a baking business from home. This business (“Little Charlie’s Cookies”) will provide a source of revenue. Goods will be sold mainly at farm market like settings. There will be no customer traffic at the home.

 In response to questions from the Board regarding kitchen setup and Health Department approval, Ms. Costello stated;

* The kitchen is a residential setup, although she is looking for alternative sites
* Health Department approval will be obtained, if needed

 Mr. Teitler stated that approval from the Health Department would be added as a condition.

 Mr. Galestok commented that catering businesses have been approved in the past.

 In response to the Board’s question on operation of an outside stand, Mr. Teitler opined it would intensify the use. Ms. Costello also confirmed there will be no outside signage posted, as well.

 For the benefit of the Board, and provide clarification, Mr. Galestok read the official definition of “Home Occupation.”

 Mr. Wood inquired if Ms. Costello would be applying for a Cottage License? Ms. Costello was unsure at this time, but will, if needed.

 Mr. Galestok inquired if the business, Little Charlie’s Cookies, would be operated under an LLC. Ms. Costello stated no, but would be researching this issue in the future.

 Ms. Costello inquired whether car stickers are considered signage. Mr. Teitler stated no.

Mrs. Selby made a motion to conditionally approve the minor site plan waiver and conditional use application, seconded by Ms. Parker.

VOTE: Mr. McDuell YES Mr. Morris YES Ms. Parker YES

 Mr. Arenberg YES Mr. Abrams YES Ms. McCorkel 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.

Mrs. Selby made a motion to approve the Minutes from the meeting of May 15, 2025, seconded by Mr. Arenberg. Motion carried.

Mrs. Selby made a motion to approve the Board Engineer vouchers, seconded by Mr. Arenberg. Motion carried.

Mrs. Selby made a motion to approve the Resolutions from the meeting of May 15, 2025, seconded by Mr. McDuell. Motion carried.

Mrs. Selby made a motion to approve the Board Solicitor vouchers, seconded by Mr. McDuell. Motion carried.

At 7:55 P.M., Mrs. Selby made a motion to adjourn the meeting, seconded by Mr.

Arenberg. 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.