

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

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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 October 17, 2024, 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
Jeffrey Lindsay, Mayor's Designee
Roy Abrams
Gunär Arenberg
Lindsey Selby
Anthony Vetrano

MEMBERS EXCUSED: Mike Laffey
Frank Sippel
Chris McDuell
Steve Morris
Roland Roy
Alyce Parker

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 October 11, 2024
- List of Board Solicitor Vouchers, dated October 16, 2024

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

1. Discussion regarding the previously approved Pismenny Site Plan over the addition and alteration of creating a three-story structure, where a two-story structure was presented.

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

Mr. Sandman explained the purpose of his appearance is to provide clarification regarding the number of stories for the proposed building, which was approved at the Planning Board meeting in June 2024. The architect's review of the Resolution noted approval was for a two (2), not a three (3) story structure. The plans incorrectly stated a two (2) story structure; however, renderings clearly showed a three (3) story structure, consisting of a second (2nd) floor, two (2) story apartment, and a first (1st) floor commercial unit. Relief was previously granted for lot width and frontage.

In response to the Board's question on previous testimony, Mr. Sandman confirmed the original testimony was for three (3) story structure.

Mr. Teitler advised the Board he spoke with Mr. Sandman and reviewed his own meeting notes, which referenced a three (3) story building. This did not carry forward into the Resolution or the minutes from that meeting.

In response to Mr. Teitler's question regarding the site plan, Mr. Sandman stated the plan erroneously stated two (2) stories, rather than three (3). Revised plans can be submitted.

In response to Mr. Galestok's question regarding number of stories and units, Mr. Sandman restated the structure will be three (3) stories, with one (1) residential unit. Mr. Galestok recommended the Board include submission of a revised plan.

Mr. Lindsay made a motion to approve the site plan, seconded by Mrs. Selby.

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

Motion approved.

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

2. Minor subdivision application for the creation of two (2) newly described lots, submitted by James W. Bratten IV for the location known as Block 468, Lot(s) 1,2+16, 948 Fay Avenue

Mr. Bratten, applicant, was sworn in by Chairman Rosenberg.

Chairman Rosenberg advised the subdivision was reviewed and approved by the Subdivision Committee and Engineer. No variances nor noticing is required, as this is a by-right.

Mrs. Selby made a motion to approve the minor subdivision, seconded by Mr. Lindsay.

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

Motion approved.

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

3. Minor subdivision application for the creation of three (3) newly described lots, submitted by John Halbruner for the location known as Block 485, Lot(s) 60-62+64-66, 923 Main Street

Mr. Ronald J. Gelzunas, Jr., Esq., is representing the applicant, in lieu of Mr. John Amenhauser, Esq., who was unavailable to attend tonight's meeting.

Mr. Gelzunas explained the property will be divided into three (3) new lots, with two (2) facing Woolson Road. All lots will be fully conforming, meet setback requirements for the R-3 (Mainland Residential 3) Zone, and the existing structure facing Main Street will remain. This qualifies as a By-Right subdivision.

Mr. John Halbruner, applicant, was sworn in by Chairman Rosenberg.

Mr. Halbruner testified he and his family live in the area. The plan is to construct and sell two (2) single family dwellings (SFDs), with designs conforming to the neighborhood and retention of as many trees as possible. Additional trees and landscape will be planted, if needed.

In response to the Board's question, Mr. Halbruner restated the lots will be conforming, with planned structures consistent to the neighborhood.

Since this is a By-Right subdivision, Mr. Teitler advised public comment is not required.

Mr. Abrams made a motion to approve the minor subdivision, seconded by Mrs. Selby

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

Motion approved.

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

4. Minor subdivision application for the creation of two (2) newly described lots, submitted by Ernest & Janice Utsch for the location known as Block 746, Lot(s) 13.01+17, 689 New England Road

Mr. Ronald J. Gelzunas, Jr., Esq., is representing the applicant.

Mr. Gelzunas reported the application is requesting reduction in size of Lot 17 and transferring that portion to increase the size of adjacent Lot 13.01. He reminded the Board that a previous application, to create two (2) new lots, was presented to the Board in July 2023. The request was subsequently abandoned.

Mr. Brian J. Murphy, P.E., P.P., C.M.E., was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Mr. Ernest Utsch, applicant, was sworn in by Chairman Rosenberg.

Mr. Murphy advised William Sweeney completed the survey of the property. This is simply moving the lot lines between Lot 13.01 and Lot 17. Both lots will be fully conforming and this modification will not exacerbate the existing non-conformities. An easement on Lot 18 exists that recognizes access to the lot. After review, the Fire Marshal requested an increase to the width of the driveway on Lot 17.01. There are no changes to the intensity, it already exists, and new lots are not being created. The flag lot will still be oversized for the zone, resulting in a suitable lot for a single-family dwelling (SFD).

Mr. Cathcart reported there are a few minor technical comments. He inquired about whether the driveway will be upgraded and the Right-of-Way. Mr. Murphy was not certain if this meets requirements, or the Right-of-Way, however, was previously inspected by the Township. Mr. Galestok commented that this is a County Road, which would need to be researched.

In response to Mr. Teitler's question if application was made to the County, Mr. Gelzunas replied he thought so.

Mr. Cathcart inquired about:

Wetlands on the property:

Mr. Murphy did not think so, but contact with the NJDEP (New Jersey Department of Environmental Protection) will be made.

Existing accessory building:

Mr. Murphy reported this will remain.

Typographical error on the chart that lists four (4) lots being created -

Mr. Murphy stated this an error and will be corrected.

This portion of the meeting was opened to the public.

Mr. James V. Moffatt, resident of 681 New England Road, was sworn in by Chairman Rosenberg.

Mr. Moffatt referred to the notice he received, stating a change. He asked for the reason why this subdivision is requested and whether condos and future development are planned.

Mr. Teitler explained the application request is a simple realignment of the lots. No construction has been proposed. This completely conforms to requirements. It is not the Board's purpose to question future plans the applicant may have.

This portion of the meeting was closed to the public.

Mr. Lindsay made a motion to approve the minor subdivision, seconded by Mrs. Selby.

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

Motion approved.

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

5. Minor subdivision and hardship variance application for the creation of two (2) newly described lots that are deficient in lot area and depth, submitted by Sea Haven Georgia Ave, LLC for the location known as Block 233.01, Lot 1, 101 Georgia Avenue

At 6:30 P.M., due to a conflict of interest, Mr. Arenberg recused himself from the meeting.

Mr. Ronald J. Gelzunas, Jr., Esq., is representing the applicant.

Mr. John E. Halbruner, AIA, was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Mr. Gelzunas explained this is a somewhat unique application. The Lower Township Rescue Squad recently vacated the property. The request is to subdivide into two (2) lots.

Mrs. Katie Arenberg, principal member of the applicant LLC., was sworn in by Chairman Rosenberg.

Mr. Halbruner submitted aerial neighborhood study into evidence and explained the property was the former location of the Rescue Squad. This is now a vacant lot, fronting on three streets, and is approximately 10,500 square feet in size, which is a much larger lot than most. 70 parcels within the study, or 53%, meet the minimum requirements of the zone. 47% are substandard. The development will be in scale, size, and harmonious to the neighborhood. The subdivision will create two (2) corner lots, with three (3) frontages, increase light, air, and open space, and promote general welfare, while enhancing the free flow of traffic.

Mr. Halbruner concluded there are no detriments to the Zoning Plan or the Municipal Land Use Law (MLUL), and cited the “missing tooth” theory, stating this is a better fit for the neighborhood, rather than one (1) large lot.

Mr. Gelzunas stated this will enable development of two (2) lots, and two (2) single family dwellings, each approximately 1600 square feet, resulting in a better fit for the neighborhood.

Mr. Cathcart reported the Resue Building has already been demolished, and any comments were related to that building. He stated site triangles are required. Mr. Halbruner replied that will be added to the plans.

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

VOTE:	Mr. Abrams	YES	Mrs. Selby	YES	Mr. Lindsay	YES
	Mr. Vetrano	YES	Chairman Rosenberg	YES		

Motion approved.

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

At 6:48 P.M., Mr. Arenberg rejoined the meeting

6. Preliminary and final site plan application for the construction of a gatehouse that would replace the site's existing, submitted by Seapointe Village Master Association for the location known as Block 719, Lot(s) 1.12, 2+3.02, 9901 Seapointe Boulevard

Mr. Karim G. Kaspar, Esq., is representing the applicant.

Mr. Kaspar explained he is representing the Master Association, who is responsible for the repair/upkeep of the common elements. The Gate House is identified as part of the common elements. The purpose of the application is to rebuild this Gate House.

Mr. Jim Yost, General Manager of Sea Pointe Village, was sworn in by Chairman Rosenberg.

Mr. Yost explained the site consists of approximately 500 residential units, which are all privately owned, and mainly occupied as secondary residences. His job responsibilities include acting as an authorized representative for the Master Council, as well as managing agent for the Association.

Mr. Yost submitted photos into evidence and further explained the existing Gate House was constructed about 38 years ago, which is located at the entrance to the property. This building is the "hub" for year-round security staff, houses the bank of security cameras, first point of contact for first responders – e.g.: fire/police, etc. The building is a point of contact for owners needing keys to units, which can swell to 3000 people during the season, as well as package deliveries—e.g.: UPS, FedEx, etc., made throughout the property.

Due to the deteriorating condition of the building, ongoing maintenance is constant. After evaluating the structure, it was concluded that replacing with a new facility is the best option. The new building, built within the same footprint as the existing, will be more efficient to operate and make better use of a larger interior space that includes a planned second floor to house security operations. Safer walkways to accommodate for heavy pedestrian traffic will be installed.

Mr. Thomas Thornton, P.E., was sworn in by Chairman Rosenberg.

Mr. Thornton advised the Board this is a fairly straightforward application and that Mr. Yost testimony summarized the application request. It will account for "green space" and ADA (American with Disabilities Act) compliant walkways. The typography is not changing, there are no drainage issues. Further, no variances are requested or required.

Mr. Cathcart acknowledged there is no zoning that governs Gate Houses on private properties, and therefore, this is an unusual request. Setbacks are non-applicable and does not believe any variances are required. The Board should consider if the request is reasonable. Street and traffic signage should be included in the final plan.

Because the new building is proposed within the same location, combined with additional safety measure, Mr. Galestok recommended to waive the Zoning Chart requirements.

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. Teitler noted to the Board this building occupies a small spot on the overall property, is a By-Right site plan application to construct a new Gate House, with a waiver of the Zoning Chart requirements.

Mr. Galestok stated all exhibits are in the packet.

Mr. Abrams made a motion to approve the preliminary and final site plan, seconded by Mr. Lindsay.

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

Motion approved.

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

7. Minor site plan waiver application for the installation of an outdoor bathroom trailer for as an ancillary use to the principal restaurant, submitted by RL Farms, Inc. for the location known as Block 790, Lot 8, 502 Sunset Boulevard (SP 24-15)

Mr. Robert J. Casella, Esq., is representing the applicant.

Mr. Larry Hume, owner of 502 Sunset Boulevard, was sworn in by Chairman Rosenberg.

Mr. Hume explained he has owned this property, consisting of a small retail store and restaurant, for approximately 50 years. RL Farms currently is leasing and operating the restaurant. Mr. Hume expressed his approval for the outdoor bathroom trailer, which RL Farms is requesting. Mr. Casella advised this will not encroach into any of the existing parking spaces.

Mr. Ross Hammer, principal member of the applicant corporation, was sworn in by Chairman Rosenberg.

Mr. Hammer explained the mobile trailer is to provide additional facilities that will be available for any visitor, regardless if they are patrons of the restaurant, customers of the retail store, or simply beachgoers. The unit has air conditioning and heat. Power will be provided by the retail store. Daily cleaning is scheduled, with wastewater removed every other day by a disposable company.

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.

Mrs. Selby made a motion to approve the minor site plan waiver, seconded by Mr. Lindsay.

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

Motion approved.

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

Mrs. Selby made a motion to approve the Minutes from the meeting of September 19, 2024, seconded by Mr. Lindsay. Motion carried.

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

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

Mr. Lindsay made a motion to approve the Resolutions from the meeting of September 19, 2024, seconded by Mrs. Selby. Motion carried.

At 7:15 P.M., Mr. Lindsay made a motion to adjourn the meeting, seconded by Mrs. Selby.

Respectfully submitted,

Patrick Wood,
Recording Secretary

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

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