

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

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 December 12, 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 Chris McDuell Gunär Arenberg Roland Roy Lindsey Selby Anthony Vetrano Alyce Parker
MEMBERS EXCUSED:	Mike Laffey Frank Sippel Steve Morris Roy Abrams
STAFF PRESENT:	Avery S. Teitler, Board Solicitor William J. Galestok, Board Secretary Cody Stanford, Assistant Board Engineer Patrick L. Wood, Recording Secretary Kathryn M. Steiger, Planning Clerk
STAFF EXCUSED:	William Cathcart, Board Engineer

CORRESPONDENCE:

Handouts:

- List of Board Engineer Vouchers, dated December 10, 2024
- List of Board Solicitor Vouchers, dated December 11, 2024

Mr. Teitler read the agenda aloud for the benefit of the public. Mr. Teitler then reviewed the opening procedure to the public in attendance. This explains the process for how public comments are heard and conducted. He informed the public there would be a three-minute time limit to address the Board, to allow for all public comments.

At the request of the applicants, Chairman Rosenberg reported the following applications have been continued for the Planning Board Meeting of January 16, 2025:

Extension for a previously approved Minor Subdivision application submitted by Edward & Suzanne Wuerker for the property known as Block 146, Lot(s) 1-4, 160 Pennsylvania Avenue

Minor subdivision and hardship variance application for the creation of two newly created lots that are deficient in lot frontage and width, submitted by Andrew McKelvey for the location known as Block 480, Lot(s) 95-97, 343 Route 9 & 903 North Parkway

1. Minor subdivision application for the creation of three (3) newly described lots, submitted by Mark Bosetski for the location known as Block 443, Lot(s) 1-4

Mr. Galestok advised the application had been reviewed and approved by the Minor Subdivision Committee.

Mr. Mark Bosetski, applicant, was sworn in by Chairman Rosenberg.

Mr. Teitler explained the purpose of the application is to retain the three (3) existing lots and only move lot lines. This is basically a by-right subdivision.

Mr. Galestok stated no variances are needed, with removal of the existing buildings.

Mr. Stanford restated this is a by right subdivision, moving lot lines, with structures to be removed. Copies of the mylars are needed.

In response to Mr. Teitler's question, Mr. Bosetski confirmed all would conform.

Mr. Teitler stated that since this is a by right subdivision, no public comment is required.

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

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

Motion approved.

A resolution will be prepared by the Board Solicitor to review and approve at the next scheduled meeting.

2. Minor subdivision and hardship variance application for the creation of two newly described lots that are deficient in lot area, frontage, and width, submitted by Renee J. Santoro for the property known as Block 815, Lot 7, 717 W. Rio Grande Avenue

Ms. Renee J. Santoro, applicant, was sworn in by Chairman Rosenberg.

Mr. Teitler explained the applicant is seeking to create two (2) new lots, as this is a pre-existing, non-conforming property with two (2) principal units on one (1) property. The existing ordinance prohibits two units on one property.

Ms. Santoro confirmed Mr. Teitler's explanation was accurate and stated there are no other changes that will occur to the property.

Mr. Teitler advised two (2) parking spaces exist, with the lot line running parallel to the existing driveway. The newly created lots will be undersized in front, width, and depth.

The Board confirmed with Ms. Santoro there are two (2) bedrooms in the current structure. In response to parking, Ms. Santoro advised this is a "dead-end" street, with parking is on the street, which is typical for this neighborhood.

The Board discussed that non-conforming lots exist in this neighborhood. Mr. Galestok advised that, as per Ordinance 400.36, one (1) principal dwelling is permitted per lot.

Mr. Teitler stated this is a use issue, with two (2) principal units on one (1) lot. Creating a new lot will eliminate the issue, and the new lot will be undersized, but a better solution for this property.

Mr. Teitler confirmed to the Board this will require creating and filing of two (2) new deeds. In response to whether a tideland grant is renewed or permanent, Mr. Teitler advised the Board the grant is valid forever and does not need renewal.

Mr. Stanford reported the property will be divided into two (2) lots, with variance required for area, front, width, depth, parking.

Mr. Teitler recapped this is a minor subdivision for five (5) separate variances – area, front, width, depth, parking – which brings the property into a more conforming status.

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

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

Motion approved.

A resolution will be prepared by the Board Solicitor to review and approve at the next scheduled meeting.

3. Dune site plan review application for the creation of a new single-family dwelling, submitted by David & Jocelyn Lowe for the location known as Block 512.14, Lot 2, 3605 Shore Road

Mrs. Erika Lezama-Simonson, Esq., is representing the applicant.

Mr. David Lowe, applicant, was sworn in by Chairman Rosenberg.

Ms. Junetta N. Dix, Director of Environmental Services for ACT Engineers, was sworn in by Chairman Rosenberg.

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

Mr. Lowe explained the house is located on the bay, and after purchasing, obtained the CAFRA (Coastal Area Facility Review Act) permits.

Ms. Dix provided an overview of her credentials and history of work expertise in marine permitting. This presentation included, but was not limited to, the history of CAFRA permitting requirements, definitions, conflicts amongst various governmental/environmental agencies, removal of non-indigenous growth and invasive growth related to the subject property, disrepair when purchased, and highlighted specific details on the house plans, including the support system designed for the deck to secure the land and assist with retention.

Mr. Nassar explained the exhibit, site plan with coverage calculations, drawings, and proposed project. The structure is an octagonal shaped, surrounded by decks. Overall, the proposal is an increase to size of approximately 960 square feet. The property sits closer to the road, compared to other dwellings, with no changes to the stormwater system. All grading will be properly done. Soil testing was completed. There are no variances requested or needed. Mr. Nassar then stated the total proposed coverage is 32.33%, and concluded that there are no plans to touch the dune.

The Board questioned:

- 1) If the walkway needed to be elevated. Ms. Dix responded it is required to be above the dune; therefore, all decks will need to be elevated;
- 2) and 2) Occupancy of the property. Mr. Lowe testified this will be a secondary residence for his family.

Ms. Catherine A. Lorentz, AIA, NCARB, architect, was sworn in by Chairman Rosenberg.

Ms. Lorentz submitted copies of the architectural site plan and elevation.

Mr. Galestok advised, per the Engineer's calculation, the coverage exceeds the maximum, due to decking. Any deck that is covered counts as a roof, and therefore, is included in the calculation. Mr. Stanford confirmed the calculation coverage is 34.5%, requiring a variance. Ms. Lorentz stated since the decks needed to be fireproofed, the flooring is fiberglass.

Mr. Stanford explained that a separate calculation is needed for proper coverages. Mr. Nassar responded that plans will be revised to recalculate and validate the coverage is below the 30%. If not, they will return for a variance.

Mr. Teitler opined that, due to the coverage percentages, it may now require variance relief. Although the applicant can change the plans “on the fly,” the coverage calculation must be accurate. It is recommended to return at a later meeting, with revised plans, and noted the dune lines must also be displayed.

Ms. Lorentz testified the design of the structure is in keeping with the neighborhood, with the rear showing decks that protrude. If the building was redesigned to 30% or smaller, a variance would not be required. The basic design will remain unchanged, with the change reflected in the reduction to the decking.

Mr. Galestok advised a plot plan is needed, showing all decks and stairs, and will be used as the source to monitor for any future changes. The plan needs to reflect CAFRA permits, while the Ordinance requires the dune cross section to be included, as well.

Mrs. Lezama-Simonson questioned if it would be acceptable to reduce the square footage of the building at tonight’s meeting. Mr. Galestok advised in order for the Engineer’s review, a new plan would be necessary.

Mr. Teitler stated that exhibits submitted for this presentation will be kept on file. Subsequent exhibits can be added for a future presentation.

No action was taken, as the application will be adjourned to the January 16, 2025 meeting. Mr. Teitler advised that noticing will be required if a variance is needed.

Mr. Wood then addressed the Board regarding the General Business (GB-1 and GB-2) Zones on Bayshore Road, as it relates to residential housing. Mr. Wood proposed to modify this zone and include attached accessory residential housing as a permitted use. Benefits for this change may prevent general businesses from vacating the area and keep demolition from occurring. Square footage of the dwelling unit could be limited. The Board inquired whether a business would typically be underneath, to which Mr. Wood replied yes. Mr. Wood noted this may be an option for employee housing. Mr. Teitler noted that other municipalities have similar housing allowances, which is successful.

The Board requested Mr. Wood work on a proposal for the change and represent at a later meeting.

Chairman Rosenberg made a motion to approve the Minutes from the meeting of November 14, 2024, seconded by Mr. McDuell. Motion carried.

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

Mr. Selby made a motion to approve the Resolutions from the meeting of November 14, 2024, seconded by Mr. Roy. Motion carried.

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

At 7:04 P.M., Mr. Vetrano 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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