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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 January 16, 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
Roland Roy
Marissa McCorkel
Gunär Arenberg
Steve Morris
Anthony Vetrano
Roy Abrams
Alyce Parker

MEMBERS EXCUSED: Frank Sippel
Lindsey Selby

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 January 6, 2025
- List of Board Solicitor Vouchers, dated January 15, 2025

Mr. Galestok advised the public this is the Annual Reorganization Meeting, and proceeded with the following resolutions for the year of 2025:

Mr. McDuell made a motion to nominate Chairman Rosenberg as the Board Chairman for the calendar year of 2025, seconded by Mr. Morris. Motion carried.

Chairman Rosenberg made a motion to nominate Mr. McDuell as the Board Vice-Chairman for the calendar year of 2025. Motion carried.

Mr. Roy made a motion to approve of the resolution that would nominate Mr. William J. Galestok, PP, AICP, as the Board Secretary for the calendar year of 2025, seconded by Ms. Parker. Motion carried.

Chairman Rosenberg made a motion to approve of the resolution that would nominate Mr. Patrick Wood as the Board Recording Secretary for the calendar year of 2025, seconded by Mr. Arneberg. Motion carried.

Mr. McDuell made a motion to approve of the resolution that would nominate Mr. Avery Teitler, Esq., as the Board Solicitor for the calendar year of 2025, seconded by Ms. Parker. Motion carried.

Mr. Morris made a motion to approve of the resolution that would nominate DeBlasio & Associates, PC as the Board Engineer for the calendar year of 2025, seconded by Ms. Parker. Motion carried.

Mr. Arneberg made a motion to approve of the schedule of Board meetings and dates for the calendar year of 2025, seconded by Mr. McDuell. Motion carried.

Mr. Abrams made motion to nominate Mr. McDuell, Mr. Morris, and Chairman Rosenberg as members of the minor subdivision committee for the calendar year of 2025, seconded by Ms. Parker. Motion carried.

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.

1. 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.

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

Mr. Gelzunas explained to the Board the applicants are seeking a one (1) year extension, due to delays caused by removal of tenants in the structure. An extension date of 12/27/2025, would be acceptable.

Ms. Parker made a motion to approve the extension, seconded by Mr. Roy.

VOTE:	Mr. Arenberg	YES	Mr. Morris	YES	Mr. Vetrano	YES
	Mr. McDuell	YES	Mr. Roy	YES	Ms. Parker	YES
	Ms. McCorkel	ABSTAIN	Mr. Abrams	YES		
	Chairman Rosenberg	YES				

Motion approved.

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

2. Extension for a previously approved Minor Subdivision application submitted by Nels J. Johnson for property known as Block 557.01, Lot(s) 33-37, 16 Englewood Road.

Mr. Nels Johnson, was sworn in by Chairman Rosenberg.

Mr. Galestok stated the first extension was granted on August 19, 2021, and a second extension on April 21, 2023.

Mr. Teitler inquired why another extension date is necessary. Mr. Johnson explained a series of events occurred – e.g.: sold business, training new people, familial responsibilities – which delayed the process. Mr. Teitler then advised that, unfortunately, the time has expired for another extension.

Due to the delay, Mr. Johnson was advised the Board is unable to act, and that he will need to reapply with a new application and variance requests. He was encouraged to seek legal counsel.

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

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

Ms. Lezama-Simonson submitted an amended area coverage summary into evidence and explained the following:

This addresses main issues cited at the previous meeting. For example, coverage has been reduced by approximately 470 square feet, to under 30%, with realignment of stairs for less impact to the dunes. Dunes vs Dune Area, where only one (1) piling will encroach into the slope of the dune, to protect the integrity of the dunes; and, elimination of invasive undergrowth and replace with indigenous plant vegetation.

Ms. Catherine A. Lorentz, AIA, NCARB, architect, was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Ms. Lorentz distributed exhibits and summarized the revisions that include: Smaller rear decks, changed location of steps that are now at a 90-degree angle and flush to the deck, and reduction of lot coverage to meet zoning requirements.

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

Mr. Nassar restated the reduction to the steps and reduced lot coverage below 30%. He provided details regarding the topography of the property.

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.

In response to Ms. Lezama-Simonson's request to provide an overview update, Ms. Dix restated the need for only one (1) piling, within the dune slope, causing no grading of the dune or parking. There will be no permanent disturbance to the dune, with any temporary disruption restored. The piling will further stabilize the dune. Invasive vegetation will be removed from the site, with landscaping after construction to restore the dune.

Ms. Lorentz advised that lattice work will be placed under the deck, so as not to disturb the dune. Ms. Dix opined the lattice provides an anchor for the soil. New indigenous vegetation is planned to further stabilize the dune.

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

Mr. Lowe stated the purchase occurred approximately two and half years ago, fulfilling a desire for a beach front property and future retirement home. Every effort is being made to protect the dunes. The planned front porch will provide a way to meet and socialize with neighbors. He expressed his hope the project can begin soon.

Ms. Lezama-Simonson summarized that the lot coverage issue is removed, square footage has been reduced by approximately 470 square feet, resolution of the "dune vs dune review" confusion, making significant improvements to the current property.

In response to the Board's question regarding CAFRA (Coastal Area Facility Review Act) permit, Ms. Dix stated a CAFRA application has been completed and the approved. No new development is permitted; however, redevelopment is allowed, therefore, work has been within the footprint. All requirements have been met.

In response to the Board's concern regarding disturbance to the area, Ms. Lorentz explained that protocols are in place to minimize any disruptions, e.g.: plywood across areas, working from inside/out, equipment placement, site visitations to monitor work.

The Board questioned whether the disturbance was for the site or the piling. Ms. Lezama-Simonson stated mostly for the piling and the 20' perimeter of the structure.

Mr. Galestok requested that a line be designated on the plan, showing no further construction to the front of the house – e.g.: "building limit line." Ms. Lezama-Simonson said that would not be a problem.

The Board inquired about priority of NJDEP (New Jersey Department of Environmental Protection) and clarification on what DEP approves. Ms. Dix stated that decks are excluded from DEP review without roofs, as this is permitted, so long as it does not disturb the dune. Further, the equipment will be staged in a non-dune location.

Mr. Cathcart reported that paperwork items are satisfactory and inquired what type of piling will be used. Mr. Nassar advised a wooden piling will be utilized and driven down. The company to do this process has not been determined. Ms. Dix commented that all will be taken into consideration.

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.

Ms. Lezama-Simonson concluded that significant changes were made, addressed the errors and vegetation, and is requesting approval. This result will be a beautiful property.

Mr. Galestok advised that dune disturbance line and dune bond to be made on conditions of approvals.

Mr. Teitler summarized the application is for a minor site plan with no variance relief requested. The application met standards.

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

Mr. McDuell:	Approved	Met all requirements
Mr. Vetrano:	Approved	Significant changes made; Met all requirements
Mr. Roy:	Approved	All concerns met
Mr. Arenberg:	No	Does not agree with roof on roof
Mr. Abrams:	No	Does not agree with roof on roof

Mr. McDuell made a motion to conditionally approved the dune review site plan, seconded by Ms. Parker.

VOTE:	Mr. Arenberg	NO	Mr. Morris	YES	Mr. Vetrano	YES
	Mr. McDuell	YES	Mr. Roy	YES	Ms. Parker	YES
	Ms. McCorkel	ABSTAIN	Mr. Abrams	NO		
	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 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

Mr. Jeffrey P. Barnes, Esq., is representing the applicant.

Mr. Barnes stated the application is for a minor subdivision for a property that consists of an irregularly shaped lot, which will be subdivided into two (2) lots. Variance relief is required for lot frontage and width. The purpose of this application is for reconfiguration of the lots only, and not for any development.

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

Mr. Halbruner explained the lots are in an “L” shape. This approval would eliminate the “L” shape and redefine the shape as a rectangular lot, enabling the neighbors to purchase and incorporate into their lot. He restated no development is proposed and further noted this is a family request, where it may not be developed. In response to Mr. Barnes question on whether the application meets the burden, Mr. Halbruner stated yes, since this makes the lots more consistent by creating a more regularly shaped lot. The proposed lot conforms better to the neighborhood, promotes free flow of traffic and desirable visual environment. There are no detriments nor negative impact to neighbors, zone plan or the ordinance.

The Board noted that Lot 95 is subject to a pedestrian ingress/egress, which should be placed on the plan. Mr. Halbruner advised it says it is there, but a meets-and-bounds description does not exist. This possibly predates the creation of North Boulevard.

Mr. Cathcart expressed thanks for the trees remaining on the map and stated that everything has been covered, including the mystery easement. He inquired about whether the fences will remain. Mr. Barnes responded yes. The technical details are satisfactory.

The Board commented the easement may cause a problem in the future, to which Mr. Barnes agreed. He noted that after approval, further research on the easement would be conducted to determine if it can be extinguished.

Mr. Galestok advised the Fire Safety report dated January 8th, 2025, was acceptable. Mr. Barnes stated the County report was waived.

This portion of the meeting was opened to the public.

Ms. Sandra L. Flynn, resident of 905 North Parkway, was sworn in by Chairman Rosenberg.

Ms. Flynn explained she resides next door and inquired how many lots are to be divided. Mr. Barnes presented and reviewed the survey with Ms. Flynn, then confirmed to Ms. Flynn that only the lot lines are being changed.

This portion of the meeting was closed to the public.

The Board asked if the shed was being removed. Mr. Halbruner stated the applicant was hoping to keep the shed. Mr. Galestok advised a use variance will be needed if the shed remains, with a demo bond to be posted prior to filing. The other option is to remove the shed. Mr. Barnes stated one or the other option will be done.

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

VOTE:	Mr. Arenberg	YES	Mr. Morris	YES	Mr. Vetrano	YES
	Mr. McDuell	YES	Mr. Roy	YES	Ms. Parker	YES
	Ms. McCorkel	ABSTAIN	Mr. Abrams	YES		
	Chairman Rosenberg	YES				

Motion approved.

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

At 7:10 P.M., Ms. Parker recused herself from the meeting.

5. Minor subdivision and hardship variance application for the creation of two (2) newly described lots that are deficient in lot area, frontage, and width, submitted by James Ritchey for the property known as Block 351, Lot(s) 3-7, 89 Wildwood Avenue

Mr. Christopher Gillin-Schwartz, Esq., is representing the applicant.

Mr. Gillin-Schwartz explained there are five (5) undersized tax lots. The applicant is a contract purchaser for the property to acquire smaller lot for the future. There are no immediate plans for development, although this will meet the bulk requirements. The intent is to preserve the current structure.

At 7:12 P.M., Ms. Parker returned to the meeting.

Mr. James Ritchey, applicant, was sworn in by Chairman Rosenberg.

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

Mr. Ritchey explained he has an existing relationship with the current owners, which has led to this proposed subdivision, with the intent to construct a single-family dwelling.

Mr. Halbruner testified the current configuration is too large for the neighborhood. The creation of two (2) lots will preserve the existing structure, with the new lot enabling future development. The remaining structure will not require a new variance. There are no negative impacts, as the building is consistent with the setbacks within the zone.

Mr. Gillin-Schwartz stated he received the waived County report, dated December 6th, 2024, and an approved Fire Safety report, dated December 9th, 2024.

The Board inquired why not make the new lot slightly larger. Mr. Halbruner advised this would require a variance for lot coverage.

Mr. Galestok inquired whether a study of the neighborhood was conducted. Mr. Halbruner stated that although he was unable to do the tabulation, he assured the Board these changes are consistent within the neighborhood.

The Board asked if it was protocol to ask for a variance when it is not the owner of the property. Mr. Gillin-Schwartz confirmed a written form of consent between the two parties was executed, enabling the applicant to proceed with the request. Mr. Galestok confirmed this is allowed.

Mr. Cathcart discussed the new lot size vs the neighborhood and opined he is uncertain what it is like in comparison, albeit the survey reflects rear lots of similar size. There is no development proposed at this time, therefore, status of trees, fences, etc., are irrelevant at this time.

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.

The Board was unsure of how many lots in this area are smaller, including the types of homes. Per Mr. Gillin-Schwartz, to minimize variance relief, this information was not prepared.

At 7:25 P.M., Mr. Gillin-Schwartz the requested a few moments to speak with his client.

At 7:28 P.M., Mr. Gillin-Schwartz addressed the Board and, after consulting with his client, is requesting to return with a neighborhood study, and include a possible solution for a lot line adjustment, based on some preliminary calculations.

Mr. Halbruner noted when the lot line is moved over by 10 feet, it creates a variance need for the existing house. However, if the line is moved by 5.8 includes, it may eliminate the coverage relief. The new lot will have an area of approximately 5200 square feet. If returning to the next meeting, this will require a coverage variance of approximately 1.5% and increase the vacant lot to over 5000 square feet.

Mr. Galestok asked if both alternatives of 10 feet and 5.8 feet can be shown, since 5000 square feet is the usual area.

Mr. Gillin-Schwartz then requested to return with new information to present to the Board, and will waive the time constraints.

Mr. Teitler advised the application is adjourned until the meeting of February 20th, 2025, with no new noticing required and waiver of time constraints. No public comment will be heard.

6. Minor subdivision and hardship variance application for the creation of two (2) newly described lots that are deficient in lot area, frontage, and width, submitted by Robert Hart for the property known as Block 113, Lot(s) 27,28,48+49, 203 Bay Avenue

Mr. D. Scott DeWeese, II, Esq., is representing the applicant.

Mr. DeWeese explained the applicant is the contract purchaser, not the owner. The current lot will be subdivided into two (2) 50x100 lots, with the intent to construct a single-family dwelling, concrete driveway, and garage. The existing single-family dwelling will remain, requiring no variances, and the garage and driveway will be removed. The design of the new single-family dwelling is not part of this application.

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

Mr. Halbruner provided a description of the property, which is at the end of the block and fronts on three (3) street. This is a double lot, facing back/back, resulting in an extremely unusual configuration, where the principal home is on Bay Avenue. He restated the garage and driveway will be demolished. This will create two (2), consistent to the neighborhood, noting there are no detriments caused by this change.

Mr. Halbruner continued that the Board Engineer's report was reviewed and adhered to, with concerns addressed. The trees will remain intact for now, although future development of the lot may have different results regarding the trees, fences, etc.

Mr. Cathcart reported that questions were answered. The Board must decide if the proposed lot sizes fit the neighborhood.

This portion of the meeting was opened to the public.

Ms. Lisa Mills, resident of 218 W. Ocean Avenue, was sworn in by Chairman Rosenberg.

Ms. Mills lives two doors down from the subject property and asked if an apartment is on the second floor, since there is an outside stairway to the second floor. Ms. Mills expressed the following concerns:

- Ocean Avenue “dips,” causing the rain to create pools on her property
- No ground for the water to drain, causing consistent & significant water issues
- Concern whether the ground is permeable
- Drainage problems need to be mitigated with the creation of all these new lots

Mr. Galestok explained that any drainage issues are addressed through the Township Council and not the Planning Board. He noted concern that if the dwelling is a duplex, a mercantile license must be obtained and a 15,000 square foot lot size is required. The status of this dwelling requires further research and may require a different request. If a second unit exists, an option could be to remove it.

Mr. DeWeese commented he is unaware if a second unit exists. The intent is for the existing building to remain. Mr. Halbruner stated if the dwelling is a duplex, the application would need to be represented.

Ms. Greta Alexander, 232 W. Ocean Avenue, was sworn in by Chairman Rosenberg.

Ms. Alexander inquired if two (2) or three (3) lots were being created. Mr. DeWeese confirmed only two (2) lots would result in the subdivision. Ms. Alexander continued and expressed the following concerns:

- Increased density variances are short sighted without addressing the ancient infrastructure
- Water drainage is a problem – see a lot of water in yards
- Drainage problems are causing structural damages

This portion of the meeting was closed to the public.

Mr. DeWeese acknowledged unfamiliarity on the status of a second unit, with this evening’s presentation solely based on acquiring a vacant lot, via the new subdivision. Additional information needs to be obtained to proceed and requested to table until next meeting, with waived time constraints.

The Board recommended tabling the application for confirmation. Mr. Teiter advised that the application will be tabled for the meeting of February 20, 2025, with no need to re-notice. Mr. Teitler then recommended for the public to contact the Planning Office, prior to the next meeting, to confirm this has been added to the agenda.

7. Revised dune review and hardship variance application for the creation of an inground pool within the front yard, submitted by David & Christine Arata for the property known as Block 398, Lot 1 & Block 494.02, Lot(s) 2.01+2.02, 2695-2697 Bay Drive

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

Mr. Catanese explained that during 2024, the Board granted a Dune Site Plan review to demolish the old dwelling and construct a new dwelling. Original plans called for the existing pool to remain. It has now been determined that the existing pool needs to be removed and replaced with a new one. The new pool will actually be smaller sized than the original. Mr. Catanese also noted the pool site is non-conforming, as it is in the front yard.

Mr. Matthew J. Hender, L.L.A., P.E., was sworn in by Chairman Rosenberg, and provided credentials, which were accepted by the Board.

Mr. Hender provided an overview of the proposed dwelling and replacement pool and referenced its location in the front yard and near a shed and Bay Drive Right-of-Way.

Mr. Catanese restated the new pool will be smaller, on a lot more than two (2) acres. He stated this is a pre-existing, non-conforming issue.

Mr. Hender commented the decks and shed are in the same location, therefore, creating no hardship variance, since it is pre-existing. The intent is to preserve as much of the original design as possible. There are no detriments to the area, neighbors, or zoning plan. Due to the pool's location, it is not visible from Bay Drive.

The Board discussed this is removal and replacement of same, with a smaller footprint.

Mr. Galestok explained the property has two (2) front yards, where a hardship is created, and noted there is no other space to relocate the pool.

In response to the Board's questions regarding shed placement and pool design, Mr. Catanese confirmed the shed is reflected on the plans and this will be an "in-ground" pool.

Mr. Cathcart inquired about CAFRA or Environmental reviews. Mr. Catanese stated CAFRA is in place for the entire project. Mr. Cathcart noted this requires two (2) cross references for the dune review, which can be waived, as it was done with the house 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.

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

VOTE:	Mr. Arenberg	YES	Mr. Morris	YES	Mr. Vetrano	YES
	Mr. McDuell	YES	Mr. Roy	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 scheduled meeting.

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

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

Chairman Rosenberg made a motion to approve the Minutes from the meeting of December 12, 2024, seconded by Mr. Arenberg. Motion carried.

Mr. Roland made a motion to approve the Resolutions from the meeting of December 12, 2024, seconded by Chairman Rosenberg. Motion carried.

Prior to adjournment, Mr. Wood conducted a follow-up discussion with the Board regarding redefining the General Business (GBI and GBII) Zones. This included consideration to allow, as a permitted use, a small residential unit with a commercial structure. Although these units cannot be counted towards the Township's affordable housing requirements, it may enable the business owner to provide an affordable housing unit to an employee, which may assist in preserving/sustaining the business operations. Mr. Wood encouraged the Board Member to forward ideas/concerns that would contribute to this project.

At 8:14 P.M., Chairman Rosenberg made a motion to adjourn the meeting, seconded by Mr. Roy. Motion carried.

Respectfully submitted,

Patrick Wood,
Recording Secretary

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

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