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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 ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on March 6, 2025, at the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Chairman Hanson. 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 James Hanson Vice Chairman Michael Kennedy Robert Basco, Sr. David F. Brand, Jr. George Doherty Robert Sweeten Ernest Utsch III Geoffrey Bostard
MEMBERS EXCUSED:	Joseph P. Baker Thomas Doherty
STAFF PRESENT:	Anthony J. Harvatt, II, Board Solicitor Patrick Wood, Recording Secretary Cody Stanford, Acting Board Engineer Kathryn M. Steiger, Zoning Clerk
STAFF EXCUSED:	William Cathcart, Board Engineer William J. Galestok, Board Secretary

CORRESPONDENCE:

Handouts:

List of Board Engineer Vouchers, dated March 4, 2025

List of Mott McDonald Vouchers, dated March 4, 2025

List of Board Solicitor Vouchers, dated March 4, 2025

Chairman Hanson 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.

Chairman Hanson read the agenda aloud for the benefit of the public. Chairman Hanson advised that, at the request of the applicants, the following applications have been continued until the meeting of April 3, 2025:

Use variance application for the creation of a single-family dwelling within the GB (General Business) zone, submitted by Anthony Alliano for the location known as Block 255, Lot 81.13, 206 Fulling Mill Road

Use variance application for the creation of a single-family dwelling within the GB (General Business) zone, submitted by Anthony Alliano for the location known as Block 255, Lot 81.14, 206A Fulling Mill Road

Use variance & minor site plan waiver application for the creation of a residential quadplex, submitted by Dana Isles for the location known as Block 510, Lot 27, 623 Route 9

Hardship variance application for the creation of a second-floor addition that would encroach into the side yard setback, submitted by Lisa Crugnola for the location known as Block 242, Lot(s) 22+23, 17 Bayberry Road

Mr. Brand made a motion to approve minutes from the meeting of February 6, 2025, seconded by Mr. Kennedy. Motion carried.

Mr. Kennedy made a motion to approve Mott McDonald Vouchers, seconded by Mr. Brand. Motion carried.

Mr. Kennedy made a motion to approve Board Engineer Vouchers, seconded by Mr. Brand. Motion carried.

Mr. Kennedy made a motion to approve Board Solicitor Vouchers, seconded by Mr. Brand. Motion carried.

Mr. Kennedy made a motion to approve all resolutions from the meeting of February 6, 2025, seconded by Mr. Sweeten. Motion carried.

1. Hardship variance application for the creation of a new front and side covered decks that would exceed maximum lot coverage and encroach into the front yard setback, submitted by William & Deborah Cawley for the location known as Block 529, Lot 1.03, 501 Clubhouse Drive

Mr. William Cawley, applicant, was sworn in by Chairman Hanson.

Mr. Matthew Sprague, architect, was sworn in by Chairman Hanson.

Mr. Sprague explains the location of the property, which is a corner lot, and advised a landing is being replaced on the side of the house, along with replacing the uncovered front porch with a covered porch.

The first variance is for the front yard setback, which is required due to the proposed front porch having a shed style roof. This is a modest expansion, with reduction to the landing. The second variance is principal lot coverage. The proposed is 30.6%, where 30% is the maximum.

Mr. Sprague stated there are no detriments to granting the application requests, which are minor, since this is a corner property and an undersized lot.

The Board had no 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.

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Utsch.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

2. Hardship variance application for the creation of a rear addition that would encroach into the rear yard setback and exceed the maximum principal lot coverage, submitted by Mark Shapiro & Beverly Chernaik for the location known as Block 567, Lot 4, 1307 Browning Avenue

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

Ms. Beverly Chernaik, applicant, was sworn in by Chairman Hanson.

Mr. Gillin-Schwartz reviewed the application request and submitted a current survey, showing a single-family, one (1) story dwelling, with a garage. The hot tub reflected on the survey has been removed, however, the deck is still in place. A driveway exists and off-street parking. There have been no major changes to the property by the applicant since purchasing.

Ms. Chernaik explained the property is currently occupied as a secondary residence, with future intent as a possible retirement home. The proposed addition is to accommodate for an expanding family and frequent family visits, with a larger kitchen and family space, since there is limited area on site to work. Although a second floor could be added, the decision is to proceed by working within existing footprint and utilize the space of the deck. The goal is more livable space, not demolishing the existing. Ms. Chernaik wishes to also respect neighbors back yards with minimal disruption.

Mr. Gillin-Schwartz also submitted a survey, with the proposed changes.

The Board discussed confusion over the maximum lot coverage. Mr. Gillin-Schwartz clarified the document was prepared, based on an abundance of caution, with information included that may not be needed.

The Board and Mr. Gillin-Schwartz discussed setbacks and dimensions. Mr. Gillin-Schwartz restated a conservative approach was followed for the proposal.

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. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Utsch.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

3. Use variance, hardship variance, preliminary and final site plan application for the creation four (4) duplexes within the GB-1 (General Business 1) zone. Hardship variance relief requested for front yard setback and maximum principal lot coverage. Submitted by Lawrence McKnight for the location known as Block 717, Lot(s) 1-5+30, 9900 Pacific Avenue

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

Mr. Barnes provided an overview of the application request located in a General Business (GB-1) Zone. This is a two-story, mixed-use building, where Carini's Restaurant operates. The applicant is seeking approval to demolish the existing building and construct four buildings, with two (2) units each, and a pool located in the middle. There will be three (3) parking spaces per unit. A variance is needed for a 20-foot front yard setback, where 25 feet is required. Building coverage is compliant.

Mr. Joseph H. Maffei, P.E., P.P., C.M.E., was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Brian Newswanger, Architect, was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Lawrence McKnight, contract purchaser, was sworn in by Chairman Hanson.

Mr. Newswanger explained the four (4) buildings will have side yards facing Pacific Avenue and reviewed the configurations and floor plans of the units. Renderings of the completed project were reviewed, including the proposed shade trellis and landscaping. Building materials will be a mixture of sidings, with metal roofs, cable railings, stack wood, which will add to the scale and enable a three-dimensional design. Proposed landscaping is similar to other surrounding properties.

Mr. Maffei advised he is the lead engineer of the project and recapped the needed variances, including front yard setbacks, due to the GB-1 Zone location. This area is changing to residential and resembles more of an Island Residential (R-4) Zone. The layout is consistent with the surrounding area. More landscaping is planned for Pacific Avenue, which has an 80-foot Right-of-Way, creating more space. This also contributes to more light, air between the buildings, is in keeping character, and well suited for the area.

The 25-foot setback is required for the GB-1 Zone; however, the R-4 Zone only requires a 20-foot setback, which is proposed and consistent with other properties nearby. Further, the front porches are 16 feet, contributing to the setback request. Curb cuts will also be needed, and restated there will be three (3) parking spaces per unit. Traffic issues will be minimized, since the current commercial operation is more dangerous.

Responding to various questions regarding the proposed project and any negative criteria from Mr. Barnes, Mr. Maffei stated the population density is consistent with an R-4 Zone, keeps in character with the neighborhood, and reduces the lot coverage. Mr. Newswanger has developed a great design with an aesthetic look that mirrors the neighborhood. The pool site is approximately 80 feet from the property line, will be heavily landscaped, and include a fence. There are no negative criteria, as this fits with the trend to change to residential and is appropriate, with no substantial impact to the neighborhood, has sufficient parking, with building coverage well within the requirements.

Mr. Maffei confirmed that a Home Owners Association (HOA) will be created.

Mr. Stanford recapped the variances needed for the project and stated the road openings on Austin will be required reconstruction.

In response to Mr. Wood's inquiry if application has been made to the County Planning Board, Mr. Barnes confirmed it had and are awaiting results.

Mr. Wood reported the Fire Safety report was received and is acceptable.

Mr. Barnes asked for clarification on reconstruction of the road, to which Mr. Stanford stated that due to the requirement of new utilities if the application is approved, Austin Avenue would need to be re-milled to make room for such installations.

This portion of the meeting was opened to the public.

Mr. Thomas McNulty, resident of 134 East Austin Avenue, was sworn in Chairman Hanson.

Mr. McNulty stated he has owned the property since 1987 and is president of the Condo Association. He welcomes the construction in place of the restaurant and recapped previous owners and histories of businesses in and near this location – i.e.: Wawa, South Station, Dr. Maslow's, some successful, some not, and highlighted parking has always been a nightmare.

Chairman Hanson clarified a typo error to Mr. McNulty regarding building coverage. In response to Mr. McNulty's question, it was confirmed that sidewalks will be installed. Mr. McNulty conveyed his concern regarding setbacks from his property lines. The previous owner wanted to install a walk-in freezer but was denied, and planted trees as a buffer. Will those trees remain and the existing fence?

Mr. Maffei responded the current landscaping will be removed and replaced with new landscaping. Mr. McNight stated an attempt will be made to save the existing trees and the fence will remain.

Mr. McNulty also extended compliments to the construction company working at the former dentist's location, who have been respectful of the neighborhood.

Mr. William Tirri, resident of 120 E. Memphis Avenue, was sworn in by Chairman Hanson.

Mr. Tirri stated his objection to approval of the setbacks. This is the same as 9850 Pacific with no variance on setbacks.

Mr. Charles Cuccia, resident of 135 E. North Station, was sworn in by Chairman Hanson.

Mr. Cuccia stated no objection to the conversion, but does object to the number of units and setbacks. His unit is in a smaller townhouse building, with continuous buffer issues, regardless if residential or commercial. He expressed privacy concerns, since the entrance to his unit is on the side of the building, and is unsure of the buffers between his and the new buildings. Landscaping needs to be addressed, since he has spent his own money over the years for buffers. Concern also includes the number of units, where six (6) would be adequate. Please consider the buffer zones and density points of view expressed here.

Mr. Clifford Crawford, resident of 123 E. South Station Avenue, was sworn in by Chairman Hanson.

Mr. Crawford stated his property was purchased 11 years ago, and noted the following: the fabric of the neighborhood is changing from commercial to residential, properties are disappearing, granting variances to developers is not correct - a certain percentage of commercial within the area should remain, traffic is an issue, no buyers for South Station, the Board's job is to regulate, Pacific Avenue is changing and causing a ripple effect to other properties.

This portion of the meeting was closed to the public.

Mr. Maffei responded to various public comments, stating the applicant is not seeking side yard setbacks, since it meets requirements, only front yard setbacks. This is the same as other surrounding properties, other than the open front deck. Details on landscaping was provided and stated a review to add more landscaping will occur. He noted again the building is under the coverage percentage, with adequate parking.

Mr. Newswanger restated the front porch is an open deck, and not part of the buildings.

In closing, Mr. Barnes recapped the project is similar to others that were approved, citing various nearby locations. Commercial is not viable in the area; therefore, area is turning into residential. Previous public comments voiced concern over parking, due to the commercial properties in the area. The project is similar and suited to the surrounding neighborhood. The design creates light, air, open space, not a monolithic wall.

The Board and Mr. Maffei briefly discussed the building height was raised, due to flood elevations. Also, attempts will be made to save the existing trees.

Mr. Sweeten made a motion to conditionally approve the use variance, seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

Mr. Sweeten made a motion to conditionally approve the hardship variance, seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved

Mr. Sweeten made a motion to conditionally approve the preliminary and final site plan, seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved

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

4. Hardship variance and revised site plan application for the creation of the previously approved two (2) duplexes and two (2) single-family dwellings that will encroach into the front yard setback. Submitted by LJKQ Real Estate, LLC for the location known as Block 722, Lot(s) 1-5+30, 10000 Pacific

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

Mr. Joseph H. Maffei, P.E., P.P., C.M.E., was previously sworn in by Chairman Hanson, and credentials were accepted by the Board.

Mr. Barnes provided a recap of the application that includes demolition of the existing building that was presented at last month's meeting. Tonight's application is addressing front yard setbacks. Re-noticing was completed for this application.

Mr. Maffei reviewed the setbacks are 20 feet, where 25 feet is required for the GB-1 Zone. Buildings were shifted back to fit within the 20 feet. All testimony from last month is on file, including all positive and negative comments.

Mr. Stanford reviewed the variances for front yard setbacks.

Mr. Wood reported the Fire Safety report of February 6, 2025 was acceptable. Mr. Barnes is awaiting the County report.

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.

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

Mr. Brand YES Citing no public comments

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

Mr. Kennedy made a motion to conditionally approve the revised site plan, seconded by Mr. Sweeten.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

5. Use variance and hardship variance application for the conversion of an existing accessory structure into a principal dwelling unit. Hardship variance relief requested for encroaching into both the rear and side yard setbacks. Submitted by Bayron Zabala & Monica Palchisaca for the location known as Block 497.07, Lot 2, 152 Briarwood Drive

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

Mr. Barnes stated the property is in a Single Family Residential (R-2) Zone, where the accessory building was converted into a residential unit. The applicant, who purchased the property is September 2024, is seeking a variance for the second (2nd) unit, along with variances needed for setbacks. Currently, the principal building is rented out, and had work recently completed. Both buildings have always existed on the property, and advertised as a studio unit when acquired by the applicant. Improvements were made to the property, with a kitchenette installed in the accessory unit, during renovations. Upon inspection, the Township cited the second unit, and referred the applicant to the Zoning Office.

Mr. Craig Hurless, PE, PP, CME, was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Bayron Zabala, applicant, was sworn in by Chairman Hanson.

In response to Mr. Barnes request, Mr. Zabala testified the property was purchased and then proceeded with improvements of siding, cleaning, connecting sewer, and HVAC to primary house. Similar work was done on the rear unit, which was advertised as a studio, with electric. The rear unit did not have water, but was somehow connected to the primary house. Mr. Zabala advised that approximately \$400K has been spent on the purchase and renovations.

The Board inquired if permits were obtained for the work. Mr. Zabala stated a permit was obtained only for the renovations on the principal dwelling, and not for the accessory unit. Mr. Zabala assumed a separate permit was unnecessary, since a person was living in the unit.

Mr. Zabala stated his intent is to purchase a third (3rd) property in Cape May, and another on Locust Avenue, for long term renters. Eventually, Mr. Zabala testified future plans may include occupying the main dwelling at this location. Since his primary residence is in North Jersey, the accessory unit will be occupied for personal use when in the area, not for rental purposes, due to its small size.

Asked by Mr. Barnes to describe the project and property, Mr. Hurless testified a site visit was conducted to analyze if the property was well suited for this neighborhood. This also included review of before/after images of the property, which has now been renovated. The lot is undersized and the buildings are undersized, with the front house approximately 950 square feet and the accessory unit approximately 500 square feet. The total of both buildings meets the principal building coverage. Mr. Hurless noted that nothing has changed or expanded on the property. If the rear is considered as a principal structure, it will be non-conforming, however, as an accessory unit, it is conforming. The site is well suited with regards to lot coverage. Although a floor area ratio is not required, results of that calculation show a 11%, where 30% is typical. The lot is undersized and typical for this neighborhood, including the buildings.

The Board inquired about sufficient parking. Mr. Hurless stated there is adequate on the lot and off street for parking.

Mr. Barnes requested Mr. Hurless provide further details of the property. Mr. Hurless continued that this promotes establishment of population density through the legalization of the use in place, restating the neighborhood may have similar properties. Having a space for the owner to stay while monitoring rental properties is beneficial. This project is fulfilling the need for inadequate housing, promotes a visually desirable property, takes into consideration light, air, and open space, preserves the neighborhood, and promotes stabilization of neighborhood and uses. The conversion was not done maliciously, and possibly advertised as a cottage. There are no negative impacts to zoning, reiterated the pattern of undersized lots, adequate parking, and no substantial detriments. It is not out of character in the neighborhood. Further, the applicant is willing to designate the rear unit for personal use – i.e.: Manager's quarters only.

The Board asked if a bathroom and kitchen were installed in the rear unit. Mr. Zabala testified the unit did not have a bathroom and kitchen when the property was purchased, and noted the only source of water at that time was through a garden hose. The bath and kitchenette were added after the purchase.

This portion of the meeting was opened to the public.

Mr. Cody Menz, resident of 31 Trotter Way, was sworn in by Chairman Hanson.

Mr. Menz expressed the following comments/concerns:

- Purchased the property “as is”

- Previous owner used the rear unit as a shed for flower
- New owner added windows, kitchen, and hook up for sewer
- Changes were made prior to approval
- No one in the neighborhood has a second unit
- What stops other homeowners from doing the same, if this is approved
- Parking is an issue – this will add more
- Main concern are setbacks – The shed is five (5) feet from the property lines
- Safety concerns for fire and/or emergencies
- The applicant is a realtor, who bought and did work to convert into a second unit – then obtains approval

This portion of the meeting was closed to the public.

Responding the public comments, Mr. Barnes stated there is no formal parking and that several existing lots have driveways and park on the grass. The applicant is willing to improve the driveway and driveway apron.

In response to Mr. Barnes questions, Mr. Zabala confirmed he is a licensed realtor and stated all Township building codes would be followed. Mr. Barnes requested Mr. Zabala respond to public comments that approvals were not obtained, and now appears he is attempting to “beg forgiveness” after work is completed. Mr. Zabala advised he is not a full-time realtor – only doing it as a hobby. When he saw the property, thought it was affordable, with intent to fix up and use for summer. Due to the mortgage payment, the property was rented. The contractor was relied on for the construction permits and a new contractor was used for the rear unit. Inspection results by the Fire Safety Department directed Mr. Zabala back to the Zoning Office for approvals and now is seeking to legalize the use.

The Board commented on using the accessory building as an office, not living unit.

Mr. Barnes summarized this is an unfortunate circumstance. The applicant was not aware and did not act with illegal intentions, and relied on the contractor to do work, which resulted in two (2) units. The apprehension is understandable; however, the application is adequately supported. If approved, the second unit will not be rented. Kindly weigh all evidence to render a decision.

In response to Chairman Hanson’s question on restrictions for renting, Mr. Harvatt counseled not to add deed restrictions, citing the Borough of Point Pleasant Beach Board of Adjustment case, and recommended that, if approved, handle via a certification to comply.

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

Mr. Brand	NO	Cannot support – not comfortable with the application
Mr. Utsch	NO	This is similar to a “Tiny House,” not an accessory building. It is built with a kitchen and bathroom. This is a small house. Not comfortable with the application.
Mr. Basco	NO	Looks like a shed and is large enough to do something like this and was not pre-existing. Referred to Zoning for compliance. Not comfortable

Chairman Hanson NO Testimony does not support approval. Unable to approve something not done legally

Mr. Wood and Mr. Harvatt discussed whether to have one or two motions. Mr. Harvatt advised to proceed with two motions, with a certification regarding the rental, if approved.

Mr. Brand made a motion to approve the use variance application, seconded by Mr. Utsch. Motion carried.

VOTE:	Mr. Kennedy	NO	Mr. Brand	NO	Mr. Sweeten	NO
	Mr. Basco	NO	Mr. G. Doherty	NO	Mr. Utsch	NO
	Chairman Hanson	NO				

Motion was denied.

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

6. Use variance, hardship variance, minor site plan waiver, and minor subdivision application for the consolidation of a proposed parcel. Site plan waiver and use variance requested for the expansion and continued use of a boat storage / repair business with a single-family dwelling. Hardship variance relief requested relief for minimum area, frontage, and width. Submitted by Richman Marine, LLC for the location known as Block 741.04, Lot(s) 13.09+13.10, 690 & 692 Petticoat Creek Lane

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

Mr. Sandman explained the purpose of the application is to subdivide lots that will support the operation of the applicant's business. The process to release the property took longer than expected. Mr. Sandman recapped the application, which was previously approved for a shop and boat storage. Subdivision for the rear portion of the property will be consolidated with Mr. Richman's property. The consolidation and location will make more sense for this business. Other mixed-use property operates in the area – e.g.: landscaper. The proposed building will move to the new section, which is a more appropriate location on the property.

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

Mr. Nassar provided an overview of the project and advised the use variance was approved last year. Mr. Nassar continued by reviewing the dimensions of the current lots, which are deficient for the General Business (GB) Zone, and then provided new dimensions for the proposed lots. The only changes will impact the back portion of the lots only.

Mr. Nassar confirmed no changes to the previous presentation and stated this property is perfect and enable expansion for this type of business. In response to Mr. Sandman's question, Mr. Nassar confirmed this is the highest and best use, and again, will only impact the back portion of the property. There are no changes to the buildings and no detriments to the area.

The Board also confirmed the zoning in the area is all General Business (GB) Zone.

Mr. Nassar then stated the property line will be moved closer to the street.

Mr. Wood advised the Fire Safety report was acceptable.

Mr. Rob Richman, applicant, was sworn in by Chairman Hanson.

Mr. Richman advised that all trees will remain for the barrier, with the intent to plant new ones. The goal is to remain as secluded as possible. Mr. Richman stated the building was moved to accommodate for parking and navigating turns for the equipment. The operation is boat repair and maintenance, however, is not for major engine repairs.

The Board had no further questions.

Mr. Stanford summarized the variances required and advised that if the subdivision is approved, to supply the applicable number of mylars and 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. Brand made a motion to conditionally approve the use variance and subdivision, seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

Mr. Kennedy made a motion to conditionally approve the hardship variance, seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

Mr. Sweeten made a motion to conditionally approve the minor site plan waiver, seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

At 8:01 P.M., the Board took a five (5) minute recess. At 8:07 P.M., the meeting was resumed.

7. Hardship variance application for the improvement of a pre-existing, non-conforming, enclosed front porch that encroaches into the front yard setback, submitted by N.L. Martucci Properties, LLC for the location known as Block 662, Lot 11, 1203 Rose Hill Parkway

Mrs. Liz Martucci, principal owner of the applicant, was sworn in by Chairman Hanson.

Mrs. Martucci testified the property was purchased to renovate and resell, with a fully conforming addition. The front porch extends to 16.5 feet, and therefore, requires a variance for the front yard setback. Further improvements to the property will not change the existing dimension, just make it more aesthetically appealing.

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. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Utsch.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

8. Hardship variance application for the creation of a covered front porch and garage addition that would encroach into the front yard setbacks, submitted by David H. Duryea III for the location known as Block 678, Lot 22 700 Adriatic Avenue

Mr. David H. Duryea, applicant, was sworn in by Chairman Hanson.

Mr. Duryea testified the current property is a single-family dwelling (SFD), The proposal is for the addition of a second (2nd) floor on the existing garage for an additional bedroom. The deck encroaches by less than three (3) feet on Adriatic Avenue. The existing garage already encroaches on the front yard setback.

In response to the Board's question on the garage's living space, Mr. Duryea stated the area will be a bedroom, with plumbing, and no kitchen facilities.

This portion of the meeting was opened to the public.

Mr. Thomas Hennessey, resident of 700 Arctic Avenue, was sworn in by Chairman Hanson.

Mr. Hennessey explained he resides directly behind the applicant's property and is concerned about possible rentals, e.g.: Airbnb. Privacy is also a concern. If no second floor deck is added, that would be acceptable.

Mr. Duryea advised that a second (2nd) story deck is planned, similar to other properties in the area. Mr. Hennessey restated privacy concerns, due to the outside shower.

This portion of the meeting was closed to the public.

Mr. Duryea stated there is no intent to violate any neighbor's privacy. The purpose of the deck is to enjoy sunrises/sunsets. The property is occupied as a secondary residence and not as a rental.

Mr. Duryea testified the property was purchased approximately two (2) years ago, in response to the Board's question, and added that, in the past, he has owned other properties located in the Township of Lower.

The Board discussed whether restricting the addition of a deck was an option, and concluded it was not. The Board had no other questions.

Mr. Basco made a motion to conditionally approve the hardship variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Kennedy	NO	Mr. Brand	NO	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	NO	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

After the vote, Mr. Brand suggested working with the neighbor regarding privacy concerns.

9. Use variance and minor site plan waiver application for the conversion of a residential unit into an ancillary dishwashing facility, submitted by RL Farms, Inc. for the location known as Block 790, Lot 8, 502 Sunset Boulevard

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

Mr. David Hume, landlord of the property, was sworn in by Chairman Hanson

Mr. Ross Hammer, principal member of the applicant incorporation, was sworn in by Chairman Hanson.

Mr. Casale provided an overview of the application request. Mr. Hume continued, and cited the Board's familiarity with the property. The existing one (1) bedroom apartment, which is adjacent to the restaurant, has been a rental unit for the past 40-50 years.

Mr. Hammer then testified the purpose of the application is to convert this unit into space for the restaurant as a prep room, requiring interior renovations. In response to the Board's questions regarding exterior changes, additional employees, and parking, Mr. Hammer confirmed there are no changes to the exterior building or walkways, etc., and no additional employees or parking will be necessary.

Mr. Casalla summarized the application is a straight forward request, as the applicant is simply using the building for food preparations, with no exterior changes.

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.

Mr. Casella further stated this will not enlarge the existing use, with no changes to the structure, character, or access to the public. There are no detriments caused by approving this request.

Mr. Kennedy made a motion to conditionally approve the use variance and minor site plan waiver application, seconded by Mr. Sweeten.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Basco	YES	Mr. G. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

At 8:22 P.M., Mr. Kennedy made a motion to adjourn, seconded by Mr. Utsch. Motion carried.

Respectfully submitted,

Patrick L. 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.