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

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.

LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on August 7, 2025, at the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Vice-Chairman Kennedy. 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

Joseph P. Baker

Robert Basco, Sr.

David F. Brand, Jr.

Robert Sweeten

Ernest Utsch, III

Geoffrey Bostard

Thomas Doherty

MEMBERS EXCUSED: Vice Chairman Michael Kennedy

 George Doherty

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor

Patrick Wood, Recording Secretary

William Cathcart, Board Engineer

Kathryn M. Steiger, Zoning Clerk

STAFF EXCUSED: William J. Galestok, Board Secretary

CORRESPONDENCE:

Handouts:

* List of Board Engineer Vouchers, dated August 6, 2025
* List of Board Solicitor Vouchers, dated August 5, 2025

Chairman Hanson read the agenda aloud for the benefit of the public.

Mr. Brand made a motion to approve minutes from the meeting of July 10, 2025, seconded by Mr. Sweeten. Motion carried.

Mr. Sweeten made a motion to approve Board Engineer Vouchers, seconded by Mr. Baker. Motion carried.

Mr. Bostard made a motion to approve Board Solicitor Vouchers, seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to approve all resolutions from the meeting of July 10, 2025, seconded by Mr. Sweeten. Motion carried.

1. Hardship variance application for the demolition and reconstruction of a single-family dwelling that would encroach into the front yard setback and exceed maximum principal lot coverage, submitted by Gozzo Enterprise, LLC, for the location known as Block 752.02, Lot(s) 8-10, 714 San Fernando Road

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

For the benefit of the Board, Mr. DeWeese provided an overview and location of the application request. The purpose is to renovate a single-family dwelling and install a new inground pool, which will impact minimum requirements for front yard setback.

Mr. John Kornick, P.E., was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Gregg Garagozzo, member of the applicant, was sworn in by Chairman Hanson.

At the request of Mr. DeWeese, Mr. Kornick also provided a recap of the application request – e.g.: location on the cul-de-sac of San Fernando Road, zoning, serviced by septic and well. The plans are to expand and renovate the primary residence, renovate and add a second floor living space to the garage. Due to the proposed covered front porch and vertical improvements, a front yard setback variance is required, and then cited various dimensions of the proposed project. Because this is an undersized lot, at approximately .76 acre, where one (1) acre is required, building coverage slightly exceeds the requirements, including the shed’s location, which is approximately 2.5 feet from lot lines. The improvements will include an outdoor screened-in area, pool and decking, and an upgraded septic system that has been approved by the County.

In conclusion, Mr. Kornick highlighted the five (5) requirements to approve the variance request that include, but are not limited to: In concert with the neighborhood, located at a dead-end street, advances purposes of Township for housing, promotes population density, improves/fits within the character of the neighborhood, and has adequate on-site parking. There are no negative detriments to the Master Plan or Ordinances.

Mr. DeWeese stated Mr. Kornick’s testimony provided all necessary project details.

In response to the Board’s question regarding conflicting testimony on new build versus renovation, as permits are to demo the existing building and rebuild, not renovate. Mr. Kornick clarified this is a vertical renovation, not a demolition, rebuild.

A discussion was prompted by Mr. DeWeese’s testimony that the detached garage would be turned into a studio living quarter. The Board stated this change would require a use variance. Mr. DeWeese stated the intent is not really living quarters; simply a space to “hang out,” with a kitchenette and bath. Chairman Hanson commented this still may present an issue and cited definitions of living quarters, which may be confusing. Mr. DeWeese then stated the kitchenette would be removed, if needed. Mr. Harvatt advised the court is currently reviewing this topic, which could be two (2) definitions. The discussion continued that if San Fernando is approved, this could present issues with other areas, and requested legal clarification on the use variance. Mr. Harvatt opinion is that, if the garage is attached, a use variance would be required.

To ease the Board’s concern regarding a kitchenette, Mr. DeWeese advised his client’s agreement to remove it. Mr. Harvatt then reminded the Board that shared cooking facilities may also define another unit. Mr. Wood suggested an option, whereby the owner would provide a notarized statement this space would not be occupied as living quarters. The Board appreciated that the applicant is being transparent/disclosing the creation of a possible unit, but this could still go awry.

In response to the Board’s question on the type of work being proposed, Mr. Kornick restated renovation is planned, since the structure is in good shape. If the building was to be taken down to the existing foundation, it would require coming back to the Board.

Mr. DeWeese restated his client’s willingness to execute an affidavit, stating the space will not be used as a separate dwelling.

The Board inquired whether this property will be rented. Mr. DeWeese replied that at this time, the owner is not certain – it could possibly be used for family or an office.

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. DeWeese had no further comments.

Mr. Brand made a motion to conditionally approve the hardship variance application with an affidavit of non-supplemental use, seconded by Mr. Sweeten.

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

Mr. Sweeten: Approved Is consistent w/the neighborhood and executed affidavit

VOTE: Mr. Baker YES Mr. Sweeten YES Mr. Basco YES Mr. Utsch YES Mr. Brand YES Mr. Bostard 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.

1. Hardship variance application for the creation of an addition to an existing dwelling that would encroach into the side yard setback and exceed principal lot coverage, submitted by Sea Trail Properties, LLC, for the location known as Block 791, Lot(s) 6.03+6.04, 627 Sea Grove Avenue

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

Mr. Harvey Prima, principal member of the applicant, was sworn in by Chairman Hanson.

Chairman Hanson questioned the notice, which has the incorrect lot number.

Mr. Gillin-Schwartz provided clarification on the error and noted the plans and notice are accurate.

Mr. Gillin-Schwartz explained Mr. Prima is the property owner, living on Sea Trail, and provided an overview of the application. Several exhibits were submitted into evidence, A1, A2, and A3, depicting proposed and rear elevations. The property was purchased from an estate and requires renovations, which will be similar to other properties on Sea Trail. The intent is for improvements, a second-floor addition, and new septic system. This will require a side yard setback variance. Rear, front, and other side yard setbacks are compliant. A front turret to enclose second floor stairs is included. Building coverage is also requested, as a new pool is proposed. Bulk setbacks are compliant.

Mr. Prima stated visuals for the side entrance and stairs were incorporated into the renovations. The back of the home is open and will have a sun room.

Mr. Gillin-Schwartz advised the expansion is minimal – 10% is the maximum – this renovation will result in 14%.

Mr. Prima explained the intent is to use the existing “bones” of the structure without going overboard.

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

VOTE: Mr. Baker YES Mr. Sweeten YES Mr. Basco YES Mr. Utsch YES Mr. Brand YES Mr. Bostard 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 6:36 P.M., Chairman Hanson made a motion to adjourn, seconded by Mr. Brand. Motion carried.

Respectfully submitted,

Patrick L. Wood,

Recording Secretary

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

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