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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 May 1, 2025, at the Lower Township Municipal Building. The meeting was called to order at 6:01 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

Joseph P. Baker

Robert Basco, Sr.

David F. Brand, Jr.

George Doherty

Robert Sweeten

Ernest Utsch, III

Thomas Doherty

Geoffrey Bostard

STAFF PRESENT: William J. Galestok, Board Secretary

Anthony J. Harvatt, II, Board Solicitor

Patrick Wood, Recording Secretary

William Cathcart, Board Engineer

STAFF EXCUSED: Kathryn M. Steiger, Zoning Clerk

CORRESPONDENCE:

Handouts:

* List of Board Engineer Vouchers, dated April 30, 2025
* List of Board Solicitor Vouchers, dated April 28, 2025

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

Mr. Kennedy made a motion to approve minutes from the meeting of April 3, 2025, seconded by Mr. Sweeten. Motion carried.

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

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

Mr. Kennedy made a motion to approve all resolutions from the meeting of April 3, 2025, seconded by Mr. Sweeten. Motion carried.

1. Use and hardship variance application for the utilization Golf-Cart (Low Speed Vehicles) and U-Haul rentals on a site that already utilizes towing storage. Hardship variance relief also required for signage. Submitted by Christian Baron for the location known as Block 842.02, Lot 12, 1149 Route 109

At 6:04 P.M., due to a conflict of interest from receiving notification within the 200-foot location of the site, Mr. Utsch recused himself from the meeting.

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

Mr. Vincent L. Orlando, L.L.A., P.E., P.P., C.M.E., was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Orlando provided an overview of the application, as follows:

The location of the site sits at the base of the bridge in Schellenger’s Landing on Route 109. The property has an existing building that is used as a garage, as well as a U-Haul unit, which is not rented. The applicant is proposing to operate a golf cart rental business, and transfer the vehicles into Cape May. There will be light maintenance conducted at this site; however, mostly consists of storage for the rentals. A chain-link fence will be improved by adding a black, fiber mesh to screen vehicles from view. The gravel base, where tanks were located, will be resurfaced with new black top. The existing larger sign, located on the north side of the site, should be removed within 90 days.

He continued and noted the beach buggies are a seasonal business, where, after four/five months, are moved to off-site storage. The garage remains idle as ancillary use for both businesses. While beach buggies are not identified as a permitted use in the Marine General Business (MGB) Zone, it is similar to boat storage and sales within the zone.

No detriments are caused to the Zoning Plan or Ordinance, and in fact, improves the site which helps with visual impact.

 The Board inquired about a traffic study. Mr. Orlando stated the traffic associated with this location will be limited to vehicles leaving the site, with only a right-hand turn option. Most vehicles are delivered to Cape May, as it is not an on-site business. The traffic is much less than service station used to have. The Board noted the number of businesses around this area and on the same road. Mr. Orlando clarified the location sits on a State Highway.

 The Board discussed the impact of traffic in this area and then requested more explanation about how the vehicles are being transported.

 Mr. Christian Baron, applicant, was sworn in by Chairman Hanson.

 Mr. Baron clarified the carts will be directly driven in, without using a tow vehicle.

 Mr. Baron confirmed a customer can rent from the lot, but cannot park there. Further, during the summer, typical number of daily rentals are seven (7) to 10, with most being deliveries, not site rentals. He noted the intersection has a traffic signal for ingress/egress to the site.

 The Board expressed concern again about safety issues, and inquired if the vehicles are permitted on the highway. Mr. Baron stated yes, with the speed limit capped at a 25 mph. This limit is programmed into the unit, to prohibit exceeding the 25 mph.

 In response to the Board’s question on number of vehicles planned, Mr. Baron stated 30, with the intent to obtain more. The application has room for 50, anticipating future expansion.

 Regarding the vehicles currently stored at the site, Mr. Baron stated those units are used by the owner, and not part of his business.

 The Board remarked this is an application for forgiveness, rather than approval. Mr. Orlando responded that Mr. Baron was cited by Lower Township Code Enforcement around October 2024, to correct this issue, as soon as possible.

 Mr. Galestok mentioned the application has aesthetic appeal and is an improvement. He noted the site already allows for gas and towing uses.

 The Board stated the site appears to be a junkyard. Mr. Galestok advised it is currently being cleaned and improved, as per the application.

 Mr. Gelzunas testified as follows:

One of the goals of the Township is to create aesthetic improvement, in harmony with the surrounding areas, as per the State Supreme Court ruling. Mr. Orlando stated that any improvement should have a positive impact on the community. The lot has been vacant since 2018, and fell quickly into disrepair. A tenant should be able to maintain the site. Over the last 10 years, the site has been a storage tow yard, and continues to operate as such today. As requested by the Board, the 60-foot steel sign, will be removed.

 Although there is no issue with the aesthetic or repair operation, the Board continued to express concern about safety with golf carts. Mr. Harvatt advised that these vehicles are legal for this use. Mr. Gelzunas stated the owner cannot be blamed for actions of a third-party renter.

 In response to the Board’s question on other vehicles, Mr. Gelzunas confirmed there is no intent for e-bikes or scooters rentals.

 In response to the Board’s question on whether signs can be placed on the street prohibiting left turns, Mr. Harvatt advised how people drive is not part of this Board’s purview. That is a police matter.

 The Board asked for more information on the fencing and placement to the sidewalk. Mr. Orlando advised there is no sidewalk, and because of the site triangle, the proper calculation would be followed.

 Mr. Galestok noted that removal of the sign would be a benefit.

 This portion of the meeting was opened to the public.

 Mr. Ernest Utsch, III, owner of Utsch’s Marina, was sworn in by Chairman Hanson.

 Mr. Utsch stated that Schellenger’s Landing is one of the busiest areas. He noted that drivers drive illegally, and therefore, improvements should be made, so that the golf carts cannot take the exists towards the Lobster House. This can be accomplished by making changes to the site.

 This portion of the meeting was closed to the public.

 Mr. Orlando advised that, as a condition, a sign could be placed at the entrance to show there is no exiting on Schellenger’s Landing.

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

VOTE: Mr. Kennedy YES Mr. Brand NO Mr. Baker YES Mr. G. Doherty YES Mr. Basco YES Mr. Sweeten YES

Chairman Hanson YES

Motion was approved.

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

VOTE: Mr. Kennedy YES Mr. Brand NO Mr. Baker YES Mr. G. Doherty YES Mr. Basco YES Mr. Sweeten 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.

 Mr. Orlando inquired if anything further was required for the future site plan. Mr. Cathcart confirmed that a payment section is needed in the plan.

Mr. Galestok inquired if it is possible to do slats in the fence, due to wind. Mr. Orlando

agreed to do further research.

 At 6:35 P.M., Mr. Brand made a motion to adjourn, seconded by Mr. Kennedy. 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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