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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 September 4, 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

Joseph P. Baker

Robert Basco, Sr.

David F. Brand, Jr.

Robert Sweeten

Geoffrey Bostard

Thomas Doherty

MEMBERS EXCUSED: George Doherty

Ernest Utsch, III

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

William J. Galestok, Board Secretary

Patrick Wood, Recording Secretary

William Cathcart, Board Engineer

Kathryn M. Steiger, Zoning Clerk

CORRESPONDENCE:

Handouts:

* List of Board Engineer Vouchers, dated September 3, 2025
* List of Board Solicitor Vouchers, dated September 2, 2025

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

Mr. Brand made a motion to approve minutes from the meeting of August 7, 2025, seconded by Mr. Kennedy. Motion carried.

Mr. Kennedy made a motion to approve all resolutions from the meeting of August 7, 2025, seconded by Mr. Brand. Motion carried.

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

1. Hardship variance application for the creation of a duplex that on a lot that is deficient in area, submitted by Joseph W. Spratt for the location known as Block 548, Lot(s) 5-9, 105 Clubhouse Drive

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

Mr. DeWeese provided the following overview of the proposed project:

Description of the application request, block, and lot, stating the purpose is to seek approval for a “C” variance and construct a duplex, which is a permitted use within the zone. Currently, the existing single-family dwelling (SFD) has been damaged by fire, and needs to be demolished and rebuilt. The proposed new building will be three (3) stories, with parking/storage on the ground floor, bedrooms/baths on the second (2nd) floor, the living room, great room, and kitchen on the top floor, elevator access is planned. The C Variance for a duplex requires a minimum lot area of 15,000 square feet. Because the lot area is 11,585, the variance is needed, and noted this is an irregular shaped lot.

 This project advances the purposes of Master Plan, without any harm, satisfies all other requirements, and does not present any undue burdens.

 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.

 At the request of Mr. DeWeese, Mr. Orlando provided the following overview of the proposed project:

 An exhibit was submitted into evidence, showing before/after renderings, and reviewed the property composition, noting the irregular shaped lot. Two (2) access points are planned, Cliffside and Clubhouse, to avoid the “look” of a two-family structure. The surrounding neighborhood is predominantly SFDs, with several on undersized lots.

For the purposes of illustrating density, the exhibit depicts the neighborhood, with non-conforming lots, noting 7,500 square feet lot area for a single family and 15,000 square feet lot area for a duplex. Because a duplex is a permitted use, and all setback and bulk standards requirements are met, Mr. Orlando confirmed the lot could support a duplex and is not overdeveloped.

Mr. Orlando then summarized that the four (4) elements in zoning are satisfied – i.e.: C) Light, Air, Open Space is provided; C) Provides establishment of appropriate population densities; I) Promotes desirable visual environment, due to the orientation of the building and architectural plans are designed to avoid the look of a two family dwelling; M) Encourage private and public development as the most efficient use of land.

In conclusion, there are no negative or substantial detriments created to the zone or neighborhood, as some existing dwellings are overbuilt on smaller lots.

Mr. DeWeese stated that, at this point, the Board has been provided with adequate information and testimony to approve the application.

This portion of the meeting was opened to the public.

The following is a summary of each public attendee’s testimony, all sworn in individually by Chairman Hanson:

Ms. Caroline Rankovic, resident of 101 Cliffside Road:

 Opposed. Thanked the Board for the opportunity to speak. Stated opposition to the application, as a lifelong, year-round resident, with three (3) young children, located across the street from the subject property. The lot was purchased, with intent to remain as an SFD. Additional cars and traffic will present potential hazards, mature trees have been removed, the documentation obtained from the Township, via OPRA (Open Public Records Act) request, notes safety and sewer issues. Quality of life suffers, with potential for Airbnb’s to surface. The owner of the property is a Pennsylvania resident, who was not displaced due to a fire, thus not creating a hardship. The property has been in disrepair since 2024. Requesting that the Board preserves the intent of the lot size for an SFD.

 Mr. Thomas Neary, resident of 507 Mallow Road:

 Opposed. Mr. Neary stated opposition to the application, noting a three (3) story structure does not fit in the neighborhood. With two (2) Airbnb’s already in the area, adding 8-10 cars, this will become a rental, with more traffic. This is not needed in the neighborhood.

 Mr. Igor Rankovic, resident of 107 Cliffside Road

 Opposed. All lots in the area have SFDs, there is no need to develop a duplex. The applicant has the right to renovate the existing SFD. Requesting the property remain a SFD.

 Ms. Rosemarie Brophy, resident of 134 Race Track Road

 Opposed. Has been a resident of the Town Bank community and agrees with all previous comments. This is a SFD community. If the lot area meets requirements for the duplex, it is okay, as the larger lot sizes allow for larger homes.

 Ms. Jacqueline King, resident of 100 Cliffside Road

 Opposed. Attempting to construct on an undersized lot that it is not going to work. Surrounding properties are rentals, with additional cars. This will also be a rental, with more cars. It is too much and not in the character of the neighborhood.

 Mr. Joseph McMenamin, resident of 12 Folsom Road

 Opposed. This property is located within doors of the Community Center and will not be good optics to construct a monster building for people using this facility.

 Mr. Robert Roy, resident of 30 Cliffside Road

 Opposed. Area is not designed to handle all the traffic. Mostly are rancher style homes. The summer season is very busy, with additional parking on streets for the beach, which increases each year. Too busy.

 Mr. Joseph Pensi, resident of 12 Folsom Road

 Opposed. The comparisons and conclusions being presented are false, there are no specificities for reasons and not enough information. This structure does not fit within the neighborhood, does not blend with the historic building near the Community Center, and causes harm to the area.

 Mr. Frank King, resident of 100 Cliffside Road

 Opposed. Owned a family home for approximately 55 years. The subject property had lots of trees, which are being removed. The proposed structure is too big for the lot. The applicant also tried to purchase adjacent lots. There is no issue with an SFD and agrees with all previous comments made. There must be a stop to allowing properties on undersized lots.

 Mr. Dean Umscheid, resident of 103 Folsom Road

 Opposed. Resident since 1976, when the street was a dirt road, and cannot remember allowing duplexes. The rules are still in effect, where 15,000 square feet is required. He was personally denied a variance request for his property, due to undersized lot. Why should this be any different? The owner can construct a larger SFD. The proposal creates two (2) driveways, on different streets, where there is hardly enough parking now. Many park on the street, when driveways are open. Did not hear justification for hardship. Is the applicant to gain financially, and possibly selling both units off?

 Mr. Joseph Alessandrine, resident of 302 Clubhouse Road

 Opposed. Noted the size of the lot. This will be a 23% increase in space for the duplex. There are several undersized lots, this project will add more to density, more cars, more people. No one uses the garages for parking, which can be transformed into habitable space. The whole neighborhood came out, requesting rejection. Inquired when the Master Plan was last updated. There was an opportunity to change, but no change was made.

 Mr. Larry Badgerow, resident of 99 Harmony Road

 Opposed. The highest and best use for this property is an SFD. This is outside the character of the neighborhood. Mr. Badgerow requested to submit statements from other residents, but was advised by Mr. Harvatt this is not permitted, since no cross examination could be conducted. Mr. Badgerow requested the existing Zoning requirements be upheld.

 Ms. Theresa Rychlak, resident of 28 Cliffside Road

 Opposed. Huge detriment to the neighborhood. If this is approved, it opens the door for others.

 Mr. Robert Henning, resident of 9 Cliffside Road

 In Favor. Resident for 15 years, as a homeowner and a landlord, and has seen many changes. Noted houses in the area are on lots less than 5000 square feet. This is an irregularly shaped lot; therefore, the owner should be permitted to build a duplex. Has been notified of over 20 variances on Cliffside, which were not denied. Anyone has the right to request a variance. The traffic issues are no more generated than the Community Center already creates – e.g.: yoga attendees park in the Community Park and all over. There are multiple properties with two (2) driveways. No height variance is being requested. Appreciate the opportunity and am a proponent of change.

 Ms. Adrienne DeFuria, resident of 26 Cliffside Road.

 Opposed. For all the aforementioned comments – e.g.: parking, duplex, etc. Does not fit in with the character of the neighborhood. Town Bank is a community of SFDs. Parking is an issue. Detrimental to the area. Additional stress on the fire, police, traffic issues, and no cross walks.

 Ms. Nancy Markle, resident of 8 Cedarbrook Road

 Opposed. In 1940, 40 x 100 lots were in the area, before any rules changed. These rules were changed for a reason. Three (3) renters surround her property. The driveways are not used for parking; cars are parked in the street. Brookdale had a subdivision application that was denied. If there are rules for coverage, why break them? Standby the rules or change them. Does not want Town Bank to be the next Ocean City, NJ.

This portion of the meeting was closed to the public

In response to public comments, and address concerns, Mr. DeWeese summarized, as follows:

Use: Stating a duplex does not fit in the area is false, as R-3 permits duplexes.

Rental: An assumption of renting/Airbnb has been stated. There is no knowledge of renting, and noted the owner may possibly reside full-time in one unit; however, this is outside the purview of the Zoning Board anyway.

Structure Size: A single-family dwelling can be as big, if not larger, than the proposed duplex, with three (3) stories, six/seven bedrooms. Declining this request will not change the size of the structure. There is no height variance being requested.

Traffic: Regarding traffic, all requirements for parking have been satisfied.

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

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

Mr. Kennedy: Denied Duplex is too big for area

Mr. Brand: Denied Do not wish to use vote to make it worse – it will exacerbate

 the problem. Duplex does not belong in Town Bank.

Mr. Sweeten: Denied It is a permitted use & meets setbacks and height; however,

does not meet required size of the lot. Basically does not fit for a duplex but can put a huge single-family dwelling.

Mr. Basco: Denied The lot area is short; Neighborhood was originated, circa

 1600’s; Change to the neighborhood is too extreme

 Mr. Baker: Denied Great design; however, heard comments from neighbors

 Mr. Bostard: Denied Liked the design, but heard neighborhood

 Chair Hanson: Denied Duplex does not fit the fabric of the neighborhood, not right

 character. Does not advance zoning plan

VOTE: Mr. Kennedy NO Mr. Basco NO Mr. Sweeten NO Mr. Baker NO Mr. Brand NO Mr. Bostard 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.

1. Hardship variance application for the creation of a single-family dwelling that would exceed principal lot coverage on a lot that is deficient in lot area, submitted by Richard Roach, Jr. for the location known as Block 497.05, Lot 13, 420 George Avenue

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

Mr. DeWeese provided the following overview of the proposed project:

After submitting a color rendering of the building and floor plan into evidence, Mr.

DeWeese explained that on July 11, 2024, approval was obtained for a two (2) story single family dwelling (SFD), with variance relief for minimum lot area and maximum building coverage. The applicant is now seeking relief to construct an SFD, which will slightly increase the lot coverage. The proposed is consistent with other properties in the area that are serviced by municipal water and sewer Lot area remains the same, only lot coverage has increased. All other bulk standards are met.

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. Richard Roach, the applicant, was sworn in by Chairman Hanson.

In response to Mr. DeWeese’s request to explain the purpose of the change and new floor plan design, Mr. Roach offered the following testimony:

The original purpose to construct and sell the dwelling has now changed. The lot is being sold to a business partner, with house plans updated to accommodate for a dependent with special needs. A two-story home is no longer feasible; therefore, a single-story home is proposed, with an open style floor plan. There are four bedrooms, unchanged from the original plans, for the family and a needed care taker, and noted the overall square footage is smaller than the proposed original. As a real estate agent, there are no properties equipped to support individuals with disabilities and/or special needs. The revision to the construction is a necessity, which, fortunately, can provided, upon approval.

Mr. Orlando provided the following overview of the proposed project:

Reviewed the previous approval, referencing that the original lot coverage of 16.5% will

increase to 20.96%. The overall footprint has decreased, meeting all setback requirements on a small street and undersized lot, where homes are similar in size and the proposed dwelling fits within the character of the neighborhood. Mr. Orlando noted the three purposes to grant approval under a C(2) relief have been satisfied: (A) Encourages use of lands to promote public health, safety, and morals of the community; (C) Provides adequate light, air, and open space, and; (I) Promotes a desirable visual environment. There are no negative impacts to the neighborhood, Zoning Plan, or Zoning Ordinance.

 Mr. DeWeese concluded the coverage is consistent with other sewered residential zones and requested a “yes” vote.

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. Sweeten.

VOTE: Mr. Kennedy YES Mr. Basco YES Mr. Sweeten YES Mr. Baker 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. Use variance application for the creation of a duplex within the Marine General Business (MGB) zone, submitted by 1242 Wilson Drive, LLC for the location known as Block 764, Lot 20, 1242 Wilson Drive

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

Mr. Gelzunas provided the following overview of the proposed project:

Explained the current location and description of the building, which is a single family

Dwelling (SFD) in a Maine General Business (MGB) Zone. The proposal is to demolish the structure and replace with a two (2) unit dwelling. All setbacks, etc., will be met.

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

Mr. Halbruner provided the following overview of the proposed project:

Reviewed the permitting process for the MGB Zone and the location of the site. The lots are pie-shaped lots and recited dimensions. The current two-story structure was built, circa 1940, which is non-conforming for width and depth, front and side yard setbacks. Mr. Halbruner submitted into evidence a code-colored exhibit, outlining the makeup of the neighborhood, noting the mixture of properties within this area. Although the MGB Zone does not permit residential use, the entire Wilson Street is residential, with the subject property located in the center.

Mr. Galestok commented that Block 765 is part of a permitted residential use.

Mr. Halbruner continued with testimony of the proposed development as follows:

Demolish and construct a duplex, highlighting the floor plan and decks, reconfigured docks with approvals obtained through New Jersey Department of Environmental Protection (NJDEP), and adequate parking spaces. Only a Use Variance is sought to replace the existing SFD with a duplex, which can be granted without causing any detriments to the area, since this is a mainly residential neighborhood. The lot size is far better for residential, rather than boat repair, fishing boat, etc., which is a permitted use, and is particularly suited for residential occupancy. The existing non-compliant front and side yard setback will now comply as a new building, is consistent with the neighborhood, is a far better use than commercial, will be a fully compliant for flood and fire requirements, and promotes a visually desirable building. No negative impacts are created, does not cause any substantial detriments to the area, and maintains character of the neighborhood.

In response to a series of questions posed by Mr. Gelzunas to Mr. Halbruner regarding use, site, commercial vs residential use, neighborhood mixture, water encroachment, Mr. Halbruner responded that the existing site’s use is residential - the use is there - and can accommodate for a duplex. Commercial use would be far more detrimental to the area, since its use as residential started circa 1940. There is no negative impact or encroachment on the waterfront and adds protection to the other existing residential properties.

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.

Chairman Hanson noted that gentrification of this area is turning to residential.

Mr. Galestok stated the plans for the first-floor garage will need to be raised to meet required elevations, due to spring tides, noting the plans show this. 19 or 20 feet are permitted for parking , which is also on the plans. A condition for approval will be the addition of language to the deed regarding noise, odor, etc. Mr. Gelzunas agreed.

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

Mr. Brand: Approve Fits into neighborhood

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

VOTE: Mr. Kennedy YES Mr. Basco YES Mr. Sweeten YES Mr. Baker 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 7:35 P.M., Mr. Thomas Doherty recused himself from the meeting.

1. Use variance and minor site plan waiver application for the utilization of a massage therapist home occupation within an existing residence in the Mainland Residential (R-3) zone, submitted by Stephanie R. Vogel for the location known as Block 689, Lot 9, 717 Whildam Avenue)

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

Mr. Gelzunas provided the following overview of the application:

Summarized the application, which is in a Mainland Residential (R-3) Zone. The applicant

is a Massage Therapist and seeks to operate the business from home.

 At 7:36 P.M., Mr. Doherty rejoined the meeting.

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

 Ms. Stephanie Vogel, applicant, was sworn in by Chairman Hanson.

 In response to Mr. Gelzunas’ request, Ms. Vogel provided the following overview regarding the application:

 Since 2011, has worked as a Massage Therapist. The prime reason to operate the business from home is to be available for child and parental care. Hours of operations are typically 8:30 A.M., to 2:30 P.M., four/five days a week, with a maximum of four (4) clients daily. No external advertisements will be displayed and parking will not be an issue, due to spacing appointments throughout the day and time needed to rest between appointments, due to the physical nature of the treatments. Recent approvals have been received to include treatment for Veterans, who have Optimum Healthcare approval.

 Mr. Gelzunas submits the floor plans into evidence.

At the request of Mr. Gelzunas, Mr. Nassar provided the following overview of the application:

Reviews the location and existing size of the lot, which is deficient in size but the non-conformities will not be exacerbated. The application meets the Home Occupation definition, though not a permitted use within the R-3 Zone. There is ample parking to accommodate for the residents and clients, which will not be heavily trafficked, due to appointment scheduling. This will not be an intensive use, as it provides sufficient space. Citing the variance requirements, stated there are no negative impacts or substantial detriments to the public good, Zoning Plan or Zoning Ordinance. This is consistent with the conditional use if within the appropriate zone. No change is proposed to the existing home nor advertising displays will be posted.

In response to Mr. Galestok’s question regarding a certificate, Ms. Vogel submitted into evidence the Certificate from Consumer Affairs, which clarifies the type of business and license to practice within the State of New Jersey.

Mr. Galestok commented that testimony on parking is sufficient for a Minor Site Plan waiver.

In response to the Board’s question on inspections by the Township, Mr. Galestok confirmed the Township is required to inspect for issuance of a Business Mercantile License.

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 application with an affidavit of non-supplemental use, seconded by Mr. Kennedy.

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

 Chairman Hanson YES

 Motion was approved.

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

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

 Chairman Hanson YES

Motion was approved.

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

At 7:49 P.M., Mr. Brand made a motion to adjourn, seconded by Mr. Basco. 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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