

Frank Sippel, Mayor
fsippel@townshipoflower.org



Joseph Wareham, Ward 2
jwareham@townshipoflower.org

Kevin Coombs, Deputy Mayor
kcoombs@townshipoflower.org

Roland Roy, Jr., Ward 3
rroy@townshipoflower.org

Thomas Conrad, Ward 1
tconrad@townshipoflower.org

TOWNSHIP OF LOWER
2600 Bayshore Road
Villas, New Jersey 08251

Michael 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 June 4, 2026, 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
Ernest Utsch III
Thomas Doherty/Alt II

MEMBERS EXCUSED: Geoffrey Bostard/Alt I
Roy Abrams, Jr./Alt 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 June 1, 2026
- List of Board Solicitor Vouchers, dated June 1, 2026

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.

At 6:01 P.M., Mr. Utsch joined the meeting.

Chairman Hanson advised that, at the request of the applicants, the following application has been continued until the meeting of July 2, 2026:

Certificate of non-conforming use application for the certification of a non-conforming triplex. Submitted by CMEH Seashore, LLC for the location known as Block 752.01, Lot(s) 10.01+10.01 QFARM, 1036 Seashore Road

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

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

Mr. Kennedy made a motion to approve minutes from the May 7, 2026 meeting, seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to approve all other resolutions from the meeting of May 7, 2026, seconded by Mr. Kennedy. Motion carried.

Chairman Hanson advised the first agenda item has been moved on the agenda, as the applicant is delayed.

1. Hardship variance application for the approval of an addition to an existing single-family dwelling (SFD) that would encroach into both front yard setbacks. Submitted by James Whitesell for the location known as Block 262, Lot 11, 111 E Drumbed Road

Mr. James Whitesell, applicant, was sworn in by Chairman Hanson.

Mr. Whitesell explained the purpose of the application is to request setback relief for additions to front yards – 12 feet on Morris Street and 18 feet on Drumbed - since the property is a corner lot. The additions will not cause any obstructions and then submitted a photograph of the front of the existing home and a rendering of the additions.

The Board had no questions and commented that, due to the setback requirements, corner properties do present a higher number of issues for improvements or changes.

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, seconded by Mr. Utsch.

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

Motion was approved.

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

2. Hardship variance application for the construction of additions to an existing single-family dwelling that would encroach into the side yard setback and exceed the maximum lot coverage. Submitted by Robert & Carol Glaser for the location known as Block 752.03, Lot(s) 10.02+11, 719 San Fernando Road

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

Mr. Gelzunas summarized the application request, location of the property, description and approximate year of construction, the existing structure, and proposed rear additions.

Ms. Pamela Fine, was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Robert Glaser, applicant, was sworn in by Chairman Hanson.

At the request of Mr. Gelzunas, Ms. Fine was requested to highlight the project – i.e.: planned expansion, floor plan, improvements, zoning requirements, adequate light, air open space, negative impacts/detriments and/or benefits to the neighborhood, etc., and addressed the Board as follows:

This is a non-conforming, oddly shaped lot and provided details on the current floor plan, and proposed additions. The project includes expanding the primary bedroom, a screened-in porch, extending the front, with a covered front porch, and a patio. The structure will remain a one-story building and improve the aesthetic view.

Because the lot is a non-conforming size, and located in the Single-Family Residential (R-1) Zone, any/all improvements require variances. If this lot was in the Mainland Residential (R-3) Zone, no variances would be necessary. Coverage is consistent with the surrounding development, noting this property is only at 2% for the accessory, where a maximum coverage is 10%. Also, because of the angle of the house, it creates exceptional hardship, however; the additions would only encroach by five (5) feet into the side yard setback. The project is increasing the size of an existing bedroom, not adding more, and use remains unchanged. General improvements will include new vinyl siding and a metal roof.

In conclusion, the project will cause no negative detriments to the neighborhood since none of the properties in the development conform with the current R-1 Zone requirements. The benefits substantially outweigh the detriments.

In response to the Board's question on the new road, Mr. Gelzunas advised it does not connect, and comes out on Seashore, ending in the cul-de-sac.

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. Gelzunas concluded this is a very simple addition and minor application. There are no detriments to the neighborhood and will fit in with the surrounding area.

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

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

Motion was approved.

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

3. Use variance application for the approval of an accessory dwelling unit. Submitted by Ambrose LaToya for the location known as Block 272, Lot 18, 27 E. Greenwood Avenue

Ms. LaToya Ambrose, applicant, was sworn in by Chairman Hanson.

Ms. Ambrose addressed the Board, explaining the purpose of the application is to bring a pre-existing unit on the property, which was there when the property was purchased in 2019, into legal conformity.

Mr. Wood advised there is no record of the unit being legally approved, which was discovered via a Fire Department inspection.

Mr. Galestok stated that visually, you can see the unit has existed for a period of time, perhaps where owners used it, but not for rental purposes. There are many illegal units in the Villas area, and since some of these units are never rented, there are no history records created. There is the possibility this unit is legal.

In response to questions from the Board and Mr. Galestok, Ms. Ambrose responded as follows:

- Separate utilities: Utilities all funnel through the main dwelling - there are no separate hookups
- Configuration: The unit consists of a bedroom, kitchen, dining room, and full bathroom
- Currently rented: Property is not rented

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 then discussed how to act on the application, since this is not a new unit. Mr. Harvatt opined that a Certificate of Non-Conforming Use would be appropriate, due to existence. Mr. Galestok concurred, stating it is already there. Mr. Harvatt then advised this is a prior pre-existing use, therefore, it was decided to vote on a Certificate of Non-Conforming Use, rather than a use variance.

Mr. Kennedy made a motion to approve the Certificate of Non-Conforming Use, seconded by Mr. Sweeten.

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

Motion was approved.

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

4. Extension for a previously approved Use Variance application submitted by John & Carol Taggart for the property known as Block 765, Lot 11, 1279-1281 Willson Drive

Mrs. Carol Taggart, applicant, was sworn in by Chairman Hanson.

Mrs. Taggart advised the Board, that due to unforeseen health issues, an extension is being requested for this property.

Chairman Hanson advised that three (3) years extensions are typically granted. Mr. Harvatt stated that would place the future extension date at March 2, 2029. Mrs. Taggart confirmed that would be acceptable.

Mr. Kennedy made a motion to approve the new extension date until March 2, 2029, seconded by Mr. Brand.

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

Motion was approved.

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

5. Preliminary & final site plan, use variance, hardship variance, and architectural review application for the approval of four (4) duplex structures (8 residential units) in the GB-1 (General Business 1) zone. Hardship variance relief requested for front yard setback and curbing. Submitted by Briar, LLC for the location known as Block 727, Lot(s) 1-5+30, 10100 Pacific Avenue

At 6:30 P.M., due to a conflict of interest, Mr. Baker recused himself from the remainder of the meeting.

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

Mr. DeWeese provided the following overview of the application:

Description, location, block, lot, and identified the area is designated as a General Business (GB) Zone. The applicant is seeking a preliminary and final site plan approval on a 19,200 square foot parcel, currently a mixed use, consisting of a retail store (“Beach Bums”) and two (2) residential units.

The proposal is to demolish the existing structure and develop eight (8) residential dwelling units, with four (4) units facing Raleigh Avenue and four (4) units on South Station Avenue. The proposed floor plans are for three (3) story buildings, with garage parking on the ground level. Each unit has three (3) bedrooms, two (2) full baths, garage on the bottom floor, with 24 designated off-street parking slots, and an in-ground pool area. Deed and use variances are required, as residential development is not permitted in the zone. Mr. DeWeese noted this area is well-suited for residential and is harmonious to the neighborhoods. "C" variances are required for front yard setbacks and maximum amount of curb cuts.

Mr. DeWeese advised the owner of the property, Ms. Pam Gentak, is present and can be sworn in, if needed.

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

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

Mr. Newswanger testified as follows:

Confirmation of Mr. DeWeese's description of the project, number of units, and due to addressing concern about the visuals, focused the design to be very similar to other units in the area, with special attention to "dress up" the area facing Pacific Avenue. Details of the floor plan were reviewed that include, but are not limited to: garage, parking, outdoor shower, rear patio, bedrooms, baths, and outdoor rear decks. Key design materials identified are brick base, decks, dormers, garden fence and trestle, which will be in keeping with the existing neighborhood, noting the floor plans are somewhat smaller than surrounding units. There will be also be court yard space. Entrances to the units will be on the side streets to address traffic safety concerns on Pacific Avenue.

Mr. Newswanger concluded there are no detriments, this actually lowers the intensity of use on the property, it is a good and beneficial use of the property, and due to efficiencies in construction, will result in a more affordably priced unit.

The Board inquired about moderate income set aside requirements, whether a Homeowners Association would be created, and Pacific Avenue landscaping. Mr. DeWeese responded the moderate-income issue is a Township Council decision and it is assumed that a homeowner's association would be created. Mr. Newswanger stated sod covering is planned for Pacific Avenue and reconfirmed no substantial detriments to the public will occur with this project.

Mr. Hender testified as follows:

Described the current retail structure with two (2) apartments, with no on-street parking, and the surrounding area buildings of retail and residential units. The project will provide more parking than required by state regulations and includes a storm water management system of infiltration system to capture roof rainfall, where none currently exists. A Use Variance for the residential occupancy and minor C Variance for front yard setbacks, and curb cuts will be necessary.

In response to Mr. DeWeese's questions, Mr. Hender continued the property has been listed for sale over several years, with no buyer. The curb cuts are justified for the side streets, since the County would not allow on Pacific Avenue and to ensure safety by not backing in/out on Pacific Avenue. The proposed use is well-suited for the area, as commercial operations are not viable in this area anymore, advances the purposes of zoning, promotes public safety, welfare, and appropriate population densities, provides protection from flood and fire, promotes a creative development technique, with less traffic generated.

Setbacks of 20 feet, rather than 25 feet, is needed, and conforms to the R-4 Zone, not the GB Zone. Granting this will not result in substantial impairment to the public good, nor to the Master Plan or Zoning Ordinances, restating that commercial is not viable in the area. Three (3) parking spaces are planned, exceeding the 2.4 parking spaces required, which will not exacerbate parking concerns. There are no planning concerns relating to drainage or flooding, low level landscaping lighting will be installed to prevent glare or impact adjacent properties. To minimize noise, individual trash enclosures are planned inside the garage that will avoid odorous issues.

Mr. DeWeese and Mr. Hender opined this approval would not adversely impact any commercial environment, due to less than 160 full time households and limited number of full-time residents (350 based on census) and seasonality of the area. Both noted compliance of all conditions stated by the Board Engineer’s report.

Mr. Cathcart reported the applicant has addressed most items listed in the report. The site plan has been reviewed and trash issue was addressed. From an engineering standpoint, it is a relatively simple project. The development is similar to others approved by the Board.

The Board and Mr. Hender discussed calculations and sizes for the parking spaces trash enclosures inside the garage. Although RSIS permits rounding down for the parking calculation, three (3) spaces are planned, where only 2.4 spaces are required.

Mr. Galestok reported that the Fire Safety report of 5/29.2026 is acceptable and no County report on file at this time.

The Board, Mr. DeWeese, Mr. Hender discussed:

- Creation of condo association: Mr. DeWeese stated that it will need to be created prior to a sale, along with a Master Deed of rules.
- Sprinkler System: This falls under the construction code requirements
- Height: Building will be 35’10” to peak – No Variance required

Mr. Utsch opined that the Diamond Beach area is under pressure for change to residential; however, with the new bridge planned, this may change. Although commercial is not viable currently, it may improve when the new bridge is complete. This proposal is intense and hard to turn back, if approved. More testimony is needed for a decision.

This portion of the meeting was opened to the public.

The following members of the public were individually sworn in by Chairman Hanson, and provided the following testimony:

Ms. Kelly Scardone, resident of 227 E. Raleigh Avenue:

Resident since 1998, losing another business, resulting in all housing and more people. Parking is an issue, due to housing increase. Previously, the Township promised an EMT and a Fire Station, which has not happened. The Township is approving more and more, without support, resulting in more people to this area. The bottom level of this existing building should remain commercial.

Mr. Kevin Koenig, resident of 136 South Station Avenue:

His unit is adjacent to this project and concern about striking the right balance over density. Eights units seem too much. Safe guarding space and scale is important. Consider a smaller scale to reduce setback issues, causing multiunit structures to the property lines. Landscape buffers should be considered, urging the Board to look at the reality of parking and infrastructures, since garages are used for storage, not parking, which is on the street. There is a permanent parking problem. Will the pool be deep enough when using. Looking for a “win/win” resolution.

Ms. Kathleen Gallagher, resident of 134 E. South Station Avenue:

Concerned over aesthetics of Pacific Avenue, but not in the rear portions that effects our properties. Look at the monstrous height of South Station project, with flat top roofs. First time hearing about a pool. The common area is back-to-back and will impact us, concern about the overflow effecting our property. Comments made by the applicant that it is “minor – it will be adequate” – they must be sure.

Ms. Carmen Axmann, resident of 211 E. Raleigh Avenue:

The original Master Plan was to promote and preserve the general business on Pacific Avenue. Feels for what is happening. This was zoned commercial when purchased and should remain commercial, perhaps another business would work. In 1999, this was a great town. Restaurants, doctor’s offices are all gone. This reduces business opportunities. Was a traffic study completed? Other approvals have created a precedent to approve – put yourselves in the place of the residents.

Ms. Kathleen Shenton, resident of 215 Dune Drive:

All talking about losing the neighborhood. In 1992, you could walk to the convenience store, etc. The community is being decimated with lack of business replaced by all new houses. Diamond Beach is losing its functions – a healthy neighborhood requires a balance of residential and commercial, but we are moving to just residential. Once gone, they are gone forever. Asks the Board to consider the cumulative effects of this decision, traffic and lack of services, negative impact, protect the remaining properties.

Master James Sockwell, resident of 101 W Memphis Avenue:

Living in Diamond Beach since 2021, always a nice town. Hate to see it change. Gas is expensive for traveling for groceries, etc., plus tolls. Plumbing, pool, parking all factor into impact on the area.

Mr. Peter D. Holmes, resident of 215 Raleigh Avenue:

Unsure what the status of rental will be. It’s not unusual for multiple families to rent one unit, which creates more parking. The proposed water management system is a glorified French drain. This is a big consideration.

This portion of the meeting was closed to the public.

Mr. Hender summarized, as follows:

The proposed storm water management system captures from the roof to underground in the subsoil. Currently, there is no water management system in place now. Best effort to create a better environment. Addressing the common concerns voiced, via comments: Commercial operations are not supported by reality; the Board evaluates the use where it is located; Census data shows a small population; the area consists of seasonal and vacation properties, with approximated 166 year-round residents; 85% are seasonal residents; commercial development does not exist in a vacuum and requires year-round support.

During the past three (3) years, the property has been listed for sale, with no buyers. Commercial business cannot be supported with a three (3) month season. Access for services are available in Wildwood Crest, Wildwood, North Wildwood. Approval will not eliminate to deprive residential services, this is appropriate for redevelopments, parking requirements have been satisfied, a storm water management system is included.

In conclusion, all comments and concerns voiced are appreciated. This proposal advances land use law, does not rezone the area or future commercial developments, the alleged loss of commercial should be reviewed, this is a more appropriate and sustainable use of the property.

The Board inquired about:

Additional buffers to the neighboring properties. Mr. Newswanger & Mr. DeWeese responded that for privacy issues, the front and back portions of the project will “mirror” one another. The proposed patio is 60 feet from the property lines, and include fencing, for additional privacy.

Mosquito basin. Plans for a mosquito basin be created in back of the storm water management system. Mr. Hender advised stone trenches will be located under the sold, not standing water, where pipes will also be installed, along with gutters into the stone trench. The proposed roof lines will help with drainage. Some water flow may fill into the right-of-way.

The Board voiced observations and commented:

This type of application has been reviewed many times, and although more building is not intended, to sustain a business operation in this area is not viable. It is the Board’s responsibility to adhere to the best possible venture, with the least detriment to the public. Various businesses in the Diamond Beach section that opened, then closed, due to lack of support, were cited – i.e.: Wawa, Crest Savings, Diamond Beach Dental, Marie Nicole’s restaurant. If year-round population is not there, it cannot be sustained.

A trend is seen from block/block, occurring in the Villas, as well. This could be perceived as a sign of the times, where demographics and shopping habits may be changing. It was further noted that 24 additional more cars could be added to this area.

Mr. Galestok opined that it appears Pacific Avenue is being more protected than the side streets. Mr. DeWeese responded that the structures could be moved, if required by the Board. Mr. DeWeese recommended that final site plan approval not be voted on unless the Board is approving this plan.

The Board inquired if more space is possible for the neighbors – the more, the better. Mr. DeWeese requested a number that would satisfy the Board. The Board suggested four (4) feet.

Chairman Hanson suggested to vote on the use variance first, then, if approved, have the applicant return with revised plans.

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

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

Mr. Utsch:	Decline	Public comments include parking, loss of business, designed to maximize space, effects to neighbors & neighborhood
Mr. Basco:	Decline	Too large scale for the lot
Chairman Hanson:	Decline	Density too great

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

Motion was denied.

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

At 7:50 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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