

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 July 7, 2026
- List of Board Solicitor Vouchers, dated July 24, 2026

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

The latest member of the Lower Township Zoning Board of Adjustment, Mr. Daniel Morley, was welcomed by Chairman Hanson.

At the request of the applicants, Chairman Hanson advised the following application is being continued to the meeting of September 3, 2026:

Hardship variance application for the construction of additions that would encroach into the side yard setback and exceed the maximum principal lot coverage. Submitted by Mark & Michelle Heavener for the location known as Block 494.44, Lot 13, 3112 Butternut Road

Extension of hardship variance for the previously approved application, submitted by Dorothy Koehn, for the location known as Block 116, Lot 1, 98 Millman Lane, Villa

Mr. Brand made a motion to approve minutes from the meeting of July 2, 2026, seconded by Mr. Sweeten. Motion carried.

Mr. Kennedy made a motion to approve Board Solicitor Vouchers, seconded by Mr. Utsch. 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 other resolutions from the meeting of July 2, 2026, seconded by Mr. Brand. Motion carried.

At the request of Mr. Galestok, Mr. Wood read, and then presented, Proclamations to the Board Members cited below, acknowledging their service, as follows:

Mr. James Hanson:

- 20+ years of service: Zoning Board of Adjustment Board Member
- 19 years of service: Chairman of the Zoning Board of Adjustment

Mr. Robert Sweeten:

- 20+ years of service: Zoning Board of Adjustment Board Member
- 10+ years of service: Local Fire Commissioner

Mr. Michael Kennedy:

- 33 years of service: Cape May County Board of Elections
- 12 years of service: Lower Township M.U.A. Board of Commissioners
- 10 years of service: Zoning Board of Adjustment Board Member

1. Extension of hardship variance for the previously approved application, submitted by Seashore Properties, LLC, for the location known as Block 539, Lot 60, 1 Cliffside Road

Mr. Michael Dragoni, principal member of the LLC, was sworn in by Chairman Hanson.

Per Mr. Dragoni, financial concerns, combined with pricing increases, have caused delays to the project, which is why this extension is being requesting. The goal is to complete the project in the next year.

The Board and Mr. Galestok discussed an appropriate time frame for the extension. Mr. Galestok advised:

- A new date needs to be based off of the original approval date of 10/05/2025; and,
- This will be the final extension

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.

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 construction of a swimming pool and shed that would both encroach into the front yard area. Submitted by William Hird for the location known as Block 153, Lot(s) 1+2, 109 Millman Lane

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

Mr. Gelzunas summarized the details of the application as follows:

- This is a single-family dwelling (SFD) on the bay
- Requesting to construct an above ground pool that will be counter sunk into the ground
- A new deck, flush with the pool height, will surround the pool
- Construct a storage shed in line with the building
- The pool and storage shed will be located in the front yard

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

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

Mr. Nassar provided the following testimony:

- Described the existing property, which is a corner lot, with a SFD and a 10x10 shed
- The side street of New York Avenue is a “dead-end” street
- A 60x94 foot bulkhead is in the rear of the property
- Following ordinance definitions and setback requirements for corner lot properties, the proposed new shed and pool will be located in front yards
- Noted there is no side or rear yard, with 5% of impervious coverage, due to paving
- The new deck will be flush with the pool, with a compliant four-foot-high fence

Mr. Gelzunas stated the view from New York Avenue remains unchanged, with no visual obstructions of the bay. There is a wide right-of-way, based on how the street is configured. Paving gives a false appearance to the front yard setback versus where the property line actually exists and clarified the 11.5% of accessory coverage is due to new structures. The project does not include any changes to the existing principal structure.

Mr. Nassar continued, stating there are no substantial impacts nor negative impact to light, air, and open space. There is an adequate six-foot buffer for the pool. Based on observations, Mr. Nassar noted it is not uncommon for a pool to be located in a similar spot, since it is on a dead-end street. The proposed shed will be utilized for storage.

In response to the Board’s questions, Mr. Nassar confirmed the following:

- Existing shed: Will be demolished and removed
- Protection for pool: Installation of six low-speed bollards
- Shed & Pool distance: 9.5 feet
- Fencing: Along New York Ave, from the shed to the property line, with availability for parking on Millman

Mr. Galestok advised there are no fire safety comments.

Mr. Hird confirmed the boat reflected in submitted Exhibits will be relocated to a marina.

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 reminded the Board this is an above-ground pool, is an accessory structure, and can be moved. The view will not be disturbed. This is a reasonable request, where no garage exists. The proposed project will be an overall improvement to the neighborhood.

In response to clarification on pool height, Mr. Nassar confirmed pool height would be 30 inches. Mr. Harvatt advised an approval would include a condition pool height cannot exceed 36 inches.

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

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

3. Hardship variance application for the construction of additions that would encroach into the front and side yard setbacks and exceed the maximum principal lot coverage. Submitted by Michael McVey for the location known as Block 746, Lot 11.02, 970 Shunpike Road

Mrs. Erika Lezama-Simonson, Esq., is representing the applicant.

Mrs. Lezama-Simonson outlined the application request, as follows:

Applicants are seeking C-1 and C-2 variance relief for modest additions to the kitchen and master bedroom sections of the dwelling, impacting side yard setbacks.

Mrs. Patricia Neville, spouse of the applicant, was sworn in by Chairman Hanson.

Mr. Michael John McVey, applicant, was sworn in by Chairman Hanson.

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

Both Mrs. Neville and Mr. McVey testified the purpose of the application is for additional living space to the existing 1100 square foot, ranch style home, built circa 1960. The height of the dwelling will remain unchanged.

Mr. Hender provided the following testimony:

A description of the property location, noting this is a single-family dwelling in a Single Family Residential (R-1) Zone, on an undersized, non-conforming lot, based on current width, depth, front and side yard setback requirements. This is a small home on a small lot. The master bedroom will be a side addition, and kitchen expansion will be a rear addition. A trailer and shed that did not meet setback requirement will be removed. As per the applicant's request, locations of additions were designed to retain two mature trees in the rear yard. The finished result will be an overall improvement to neighborhood.

Noting the septic system is located in the rear of the property, and the limited room for expansion, approval of the C-1 variance is appropriate, due to the undersized lot, a building that is situated too far in the front yard, and retention of the mature trees on the property.

The project improves general welfare of the area, promotes appropriate use of the land and is a desirable visual environment, satisfying the C-2 variance requirements. The proposed additions are modest in nature and consistent with the neighborhood. There are no negative impacts to the Zone Plan or Zoning Ordinance.

In response to the Board's inquiry regarding availability to purchase adjacent land, Mr. McVey confirmed nothing was available.

Mr. Galestok reported this is closer to a Mainland Residential (R-3) Zone with sewer, and usually is referenced for setbacks, rather than a one-acre lot in the R-1 Zone.

Replying to the Board's question, Mr. McVey explained the septic system in the rear yard is accessed via the opposite side of the dwelling, past the trees.

This portion of the meeting was opened to the public.

The following members of the public were all individually sworn in by Chairman Hanson. All testimony by the public was in favor of the project:

- Mr. John P. Burke, Jr., resident of 966 Shunpike Road
- Ms. Kelly A Lawler, resident of 702 Foster Avenue
- Mr. John J. Kealy, resident of 697 New England Road

This portion of the meeting was closed to the public.

Mrs. Lezama-Simonson concluded this is a modest addition for a growing family that benefits the neighborhood and community, with no substantial detriments to the area, Zoning Plan or Zoning Ordinance.

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

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.

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

- 4. Discussion regarding the number of extensions for variance relief can be applied for before the application requires resubmittal and re-notice.

Mr. Galestok advised the Board that previously approved extension requests may span over a 15-year period, further noting the Ordinance is silent as to extension requests. This is a Board decision. Changes occur e.g.: Board members, areas, and homeowners for the approved areas, etc.

In order to provide a guideline, Mr. Galestok recommended no more than two extensions, with subsequent dates based off of the original approval. This results in a total of nine (9) years for the approval life. After that, the applicant would need to apply for a new variance.

Mr. Brand noted one (1) extension, or a total of six (6) years from the original approval date, is sufficient.

In response to Mr. Basco’s question on whether the variance travels with the lot, Mr. Harvatt confirmed the approval is grandfathered, in cases of sales, death of owner, etc.

Mr. Galestok noted there are varied reasons for extension requests.

The Board voted as follows to set as Board Policy to allow no more than two (2) extensions to the original approval:

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

At 6:48 P.M., Mr. Basco 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.

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.