

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

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 PLANNING BOARD

A regularly scheduled meeting of the Lower Township Planning Board was held on July 21, 2011 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Chairman Jay Dilworth. 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 Jay Dilworth  
Charles Hewitt, Jr.  
Johnnie Walker (Mayor's Designee)  
Daniel J. Senico  
Paul St. John  
Brian Sullivan  
Chris McDuell  
Frank Zeigler

**MEMBERS EXCUSED:** Michael Beck  
Kevin Lare

**STAFF PRESENT:** Avery S. Teitler, Board Solicitor  
Thomas Thornton, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:Handout:

List of Board Engineer vouchers dated July 21, 2011.

Chairman Dilworth read the agenda for the benefit of the public.

1. Dune review site plan & hardship variance applications to renovate the existing single family dwelling, hardship variance needed for side yard setbacks, submitted by Lawrence & Barbara Wind for the location known as Block 115, Lot 3, 97 Millman Lane.

Mr. Brian Murphy, PE, PP, Mr. Mark Lovell, Licensed Architect, Mr. Lawrence Wind and Mrs. Barbara Wind, applicants, were sworn in by Chairman Dilworth.

Mr. Murphy explained that there is an existing detached garage and single family dwelling on the lot. He explained that single family dwelling is on the bay side of the property and the garage on the street side. He explained they are keeping the garage as is.

Mr. Murphy explained that the property to the north is owned by Mr. Wind. He explained that the steps of the existing single family dwelling encroach onto the north property. He explained that these steps will be removed and relocated to the south side of the property.

Mr. Murphy explained that this is an old house. He submitted into evidence photos of the existing house. He explained that the applicants plan to renovate the house. He explained they are proposing second and third floors. He explained that the upper floors will extend one foot closer to Millman Lane. He explained that they other sides of the house would have a one foot roof overhang.

Mr. Thornton read Engineer's comments dated July 15, 2011.

There was a discussion regarding the need for a cross easement for maintenance and remodeling to the north side of the property. The Board asked if a cross easement would be needed for the south side of the property? Mr. Lovell explained that he didn't believe they would have to go on the adjacent neighbor's property.

Mr. Wind explained that the decks would be slated and not act as roofs.

Mr. Murphy explained that there would be no disturbance to the property. He explained that currently drainage flows from Millman Lane to the bay. He explained that this would remain the same.

The Board asked about the base flood elevation. Explaining they would hate to see the

house would have to be elevated and now a height variance is needed. Mr. Lovell explained they haven't spoken with the Construction Office yet, but they will make sure the height is met.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Galestok read Cape May County Planning Board comments dated June 21, 2011.

Mr. Hewitt made a motion to conditionally approve this application. The motion was seconded by Mr. St. John. Motion carried.

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

2. Minor subdivision & hardship variance applications for the creation of two newly described lots. Hardship variances needed for lot area, frontage & width, submitted by Harlan P. Krichman for the location known as Block 3, Lot 1.03, 2 Delaware Avenue.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicants.

Mr. William Sweeney, Licensed Land Surveyor, Mr. Harlan Krichman and Mrs. Carolyn Krichman, applicants, were sworn in by Chairman Dilworth.

Mr. Sweeney explained the property is at the very north section of Villas. He explained that the Lower Township Municipality Utilities Authority (MUA) and Cape May County owned land adjacent this property. He explained that the property is 13,647 square feet and they would like to divide the property into two lots.

Mr. Dwyer asked Mr. Sweeney if he did an analysis of the property? Mr. Sweeney explained he did. Mr. Dwyer had marked into evidence a marked up tax map page. Mr. Sweeney explained that 60 lots were non-conforming and 32 lots were conforming. He explained that out of the 60 lots that are non-conforming, 26 lots have less than 55 foot frontage. He explained that what is proposed is equal to or more than most lots in the area. He explained that currently this is the largest lot in the area. He explained there would not be a deterrent to the zone, zone plan or area if approved.

Mr. Dwyer explained he feels the application could be approved based on c.2 criteria. He explained that they have made an effort to acquire adjacent land. He had marked into evidence a letter that was submitted to the MUA.

Mr. Thornton read Engineer's comments dated July 15, 2011.

Mr. Galestok read Bureau of Fire Safety comments dated June 21, 2011 in which they found this application acceptable.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Galestok explained that either a bond would have to be posted or the garage would have to be demolished before the subdivision could be filed. Mr. Dwyer explained he understood.

There was a discussion regarding the Engineers comment regarding the location of the driveway. It was explained that there are no setbacks for the driveway in this zone. It was explained that if the driveway is solid, it is recommended that the driveway not be on the property line draining on the neighboring property.

Mr. Hewitt made a motion to conditionally approve this application. The motion was seconded by Mr. St. John.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

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

- 3. Minor site plan & hardship variance applications to demolish the existing single family dwelling and construct a new single family dwelling, behind the accessory/business encroaching into the side yard setbacks, submitted by William Hentz for the location known as Block 500.01, Lot 35, 646 Seashore Road.

Mr. William Hentz, applicant, was sworn in by Chairman Dilworth.

Mr. Hentz explained that he would like to demolish the existing single family which is 11' from front yard setback and construct a new single family dwelling behind the existing garage.

Mr. Thornton read Engineer's comments dated July 15, 2011.

Mr. Hentz explained the garage is the business portion of the property.

There was a discussion that the new single family dwelling would be 14' from each side property line. Therefore, a hardship variance is needed.

Mr. Hentz submitted photos into evidence of cars in his front yard.

The Board explained to Mr. Hentz the resolution would have conditions that would have to be met. They explained that when he receives the resolution, take it to the surveyor to make the revisions.

Mr. Galestok read Cape May County Planning Board comments dated June 8, 2011.

Mr. Galestok read Bureau of Fire Safety comments dated May 22, 2011.

This portion of the hearing was opened to the public.

Mrs. Edith Wallace was sworn in by Chairman Dilworth.

Mrs. Wallace explained that the Board should allow Mr. Hentz to move the house further back from the road. She explained that this is a dangerous curve. The Board showed Mrs. Wallace the proposed location of the house. Mrs. Wallace explained she had no complaints with the application.

This portion of the hearing was closed to the public.

Mr. Senico made a motion to conditionally approve this application. The motion was seconded by Mr. Sullivan.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

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

Mr. Hewitt made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. St. John. Motion carried.

Mr. St. John made a motion to approve the June 16, 2011 minutes. The motion was seconded by Mr. Hewitt. Motion carried.

Mr. Hewitt made a motion to adjourn at 7:49 P.M. The motion was seconded by Mr. Senico. Motion carried.

Respectfully submitted,

Lisa A. Schubert,  
Recording Secretary

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

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