

# 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 ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on August 2, 2012 at the Lower Township Municipal Building. The meeting was called to order at 7:02 P.M. by Chairman James 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  
John Armbruster  
Ernest Utsch III  
Bruce Waterman  
Robert Sweeten  
Michael DiStefano  
Kristine Trusiak

**MEMBERS EXCUSED:** David F. Brand, Jr.  
Christopher Kobik  
Dianne Kelly  
Stephen Komar

**STAFF PRESENT:** Anthony J. Harvatt, II, Board Solicitor  
Mark Sray, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handouts:

The New Jersey Planning: May/June 2012, Vol. 73, No. 3.

List of Board Solicitor vouchers dated July 19, 2012.

List of Board Engineer vouchers dated August 2, 2012.

Chairman Hanson read the public announcement statement.

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

1. Hardship variance application to construct a front porch encroaching into the front yard setback, submitted by Andrew Hawthorne for the location known as Block 51, Lot 5, 308 East St. Johns Avenue.

Mr. Harvatt explained that he spoke to the applicant regarding the continuation of the application. He read an email from Mr. Hawthorne regarding continuing the application.

Mr. Utsch made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Armbruster made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. Utsch. Motion carried.

Mr. Utsch made a motion to approve the minutes from the July 5, 2012 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. DiStefano made a motion to approve the Resolution from the July 5, 2012 meeting. The motion was seconded by Mr. Utsch. Motion carried.

- 2. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by George & Faith Scott for the location known as Block 537, Lots 30-32, 213 Shore Road.

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

Mrs. Faith Scott, applicant, and Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Hanson.

Mr. Sweeney explained to the Board that he prepared a zoning analysis of a three-block radius. He explained about half were undersized.

Mr. Dwyer explained this is a classic undersized lot. He explained that all the bulk requirements would be met.

Mr. Dwyer explained this is a classic "L" shaped lot. Mr. Galestok explained that he had sent this to the Board Solicitor and he agreed there was no merger based on the "L" shape of the lot.

Mr. Dwyer explained no adjacent vacant land is available.

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. Armbruster made a motion to conditionally approve this application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Armbruster	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Trusiak	YES
	Chairman Hanson	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. Hardship variance application to construct an addition encroaching into the side yard setback and exceeding allowed building coverage, submitted by Rebecca Jackson for the location known as Block 497.08, Lot 5, 30 Trotter Way.

Ms. Rebecca Jackson, applicant, was sworn in by Chairman Hanson.

Ms. Jackson explained she is seeking a hardship variance to construct an addition. She

explained the proposed addition would encroach into the side yard and exceed the allowed lot coverage. She explained the proposed addition would be 18 x 18. She explained there would also be a ground level patio. She explained the lot is odd shaped.

The Board explained the proposed addition would not encroach any further than the existing house.

This portion of the hearing was opened to the public.

Mr. Joe Jackson was sworn in by Chairman Hanson.

Mr. Jackson explained he lives across the street. He explained he is in favor of this application.

This portion of the hearing was closed to the public.

Mr. Waterman made a motion to conditionally approve this application. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Trusiak	YES
	Chairman Hanson	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.

- 5. Use & hardship variance applications to construct a single family dwelling in the GB zone and on a lot deficient in lot area, frontage & width, submitted by Martha Reid for the location known as Block 59, Lots 25 & 26, 705 Bayshore Road.

Mr. Galestok explained to the Board that it has been the policy that if an application is not heard, the application fees are returned to the applicant.

Mr. Armbruster made a motion to approve returning the application fees to the applicant. The motion was seconded by Mr. Waterman. Motion carried.

- 4. Use & hardship variance & minor site plan applications to convert a former day care into offices and family support services. Hardship variance needed for number of parking spaces, submitted by Family Promise of Cape May County, Inc., for the location known as Block 494.03, Lot 19.05, 505 Townbank Road.

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

Ms. Laurie Johnson, Director, Ms. Suzanne Smigo, President of the Board of Directors and Mrs. Cynthia Chemerys, PE, PP, were sworn in by Chairman Hanson.

Mr. Dwyer explained a number of years ago he represented an applicant for a daycare center at this location. He explained that recently he drove past this building and it is boarded up and overgrown. He explained that there are a number of erroneous rumors going around about what is proposed at this location.

Ms. Smigo explained Family Promise is a national organization in 42 States. She explained their purpose is to help families get housing. She explained that this organization helps families that have fallen on hard times and find themselves homeless. She explained that most have jobs, and do not want to enter into the welfare system. She explained this organization has churches that will house families and feed them. She explained they currently have a location in Rio Grande, but are outgrowing the space. She explained that there is a maximum of 14 people in the program at one time. She explained that they do offer classes for budgeting and such. She explained that if the families have a vehicle, they come to the facility in the morning and then leave for work. She explained if they have children, the children are left there until the school bus picks them up. She explained that they would be dropped off after school also. She explained the hours would be 7:00 A.M. until 5:30 P.M. seven days a week. She explained the program in 90 days. She explained in this time, the families can save enough money to hopefully rent an apartment. She explained that all the families are drug tested and if they fail, they cannot be in the program. She explained there are over 35 churches involved.

Mr. Dwyer explained Family Promise offers a service to society. He explained this is another source to try and help people who are down on their luck and who want help.

Ms. Johnson explained there are only 12 people in the program at one time. She explained that this facility would have two employees and volunteers. She explained criminal background checks are done, random drug tests are preformed, there is a support group. She explained this facility is not a shelter or daycare center. She explained there are 35 churches from Cape May to Ocean City that participate in the program.

Mr. Chemerys explained this is an existing boarded up daycare center. She explained they are not proposing expanded the building. She explained they are planning on clearing the overgrown vegetation from the site and sprucing up the building. She explained this an inherently beneficial use. She explained it would be less intense than the daycare. She explained there would be no detriment to the zone, zone plan or neighborhood if approved. She explained it is adjacent to the GB zone. She explained this is not a location for the general public.

Ms. Johnson explained they will clean up the inside and outside of the property. She explained no children will be playing outside. She explained children are not allowed outside without an adult present. Ms. Smigo explained they would like to replace the fence.

Mr. Galestok read Bureau of Fire Safety comments dated July 16, 2012 in which they found this application acceptable.

Ms. Johnson explained there would be 12 people total in the program at a time. The Board explained the proposed use is less intense than the daycare center. Ms. Smigo explained she was told there were between 75 to 100 children at this location when it was a daycare center. Ms. Johnson explained there is a playground in the back yard. She explained if this is approved, the Girl Scouts have agreed to redo the playground area. She explained that if there are children outside playing on the equipment, the parents must be with them. She explained the children are not allowed to have friends with them. She explained that no child from the neighborhood would be allowed in the facility. She explained there would never be an expansion because the churches are used as the housing. She explained that for insurance purposes, the families can only stay in the churches for two weeks at a time. She explained the volunteers are not equipped to handle mental illness or a chronic condition.

Mr. Sray summarized Engineer comments dated July 26, 2012.

This portion of the hearing was opened to the public.

Mr. Bernard Quigley was sworn in by Chairman Hanson.

Mr. Quigley explained he doesn't understand why this couldn't be in Middle or Upper Townships. Ms. Smigo explained she is also a realtor and there aren't any buildings there. She also explained that 80% of the people in their program are from Lower Township.

Mr. Joe Jackson was sworn in by Chairman Hanson.

Mr. Jackson explained he is familiar with the services Family Promise provide. He explained that his church contributes to them. He explained he feels it would be an injustice if not approved.

Mr. James Hill was sworn in by Chairman Hanson.

Mr. Hill explained he doesn't understand why they can't open a place in Avalon or Cape May. Ms. Smigo explained they can't afford the sale prices in those areas.

Mr. Mike Prettyman was sworn in by Chairman Hanson.

Mr. Prettyman explained his concern is with traffic. Ms. Johnson explained there would only be two staff and one or two volunteers and the families. She explained that some families don't have a car. She explained in those cases, volunteers would provide transportation for the families. She explained they also have a van that would pick the families up and take them back to the church. She explained there would probably be three cars a day. Ms. Chemerys explained there would be three cars at the most coming in the morning and afternoon, plus the van as opposed to the traffic from a 75-child daycare facility. Ms. Smigo explained there would also be

a school bus in the morning and afternoon.

Mr. Bob Griesbach was sworn in by Chairman Hanson.

Mr. Griesbach explained the letter that was sent listed a variance for parking. Ms. Chemerys explained there are currently 12 parking spaces on site. She explained that one of those spaces would be converted to a handicap space. She explained that 11 parking spaces should be more than enough for what is proposed.

Mr. Griesbach explained his concern in overflow parking. Mr. Dwyer explained the size of the building triggers the number of parking spaces required. He explained that he is not sure there is a need for the variance for the proposed use. He explained there would be no street parking.

Ms. Kelly Pratt was sworn in by Chairman Hanson.

Ms. Pratt explained she is in favor of the program that is offered. She explained her concern is her kids bus stop is at this location. Ms. Johnson explained that the children are not allowed outside without an adult present. She explained that the children in the program are not allowed to play with children outside the program and children outside the program are not allowed on this property to play with the children in the program. She explained that this building would not be used to house people.

Mr. Anthony McAniff was sworn in by Chairman Hanson.

Mr. McAniff asked how much money was going to be made on the sale of this property? Ms. Smigo explained that the real estate company and herself are not taking any money for profit from the sale. She explained that the money that would be made is being donated back to Family Promise.

Mr. McAniff explained he feels this should not be in a residential area. He explained he would appreciate it if it were kept to a shopping center. He explained he would not like to see this facility to take place at this location.

Mr. William Phillips was sworn in by Chairman Hanson.

Mr. Phillips asked how this was funded? Ms. Smigo explained it was USDA funded.

Mr. Phillips asked about the random drug testing? Ms. Johnson explained she decides who and when random drug testing is done. She explained a voucher is given to them and the test is preformed at Family Matters.

The Board asked Ms. Johnson what happens if they don't get the drug test? Ms. Johnson explained if they don't go for the test or if they fail the test, they're out of the program.

The Board explained that what is proposed is less intense than the daycare. This would generate less traffic than the daycare. The site would be cleaned up. Bureau of Fire Safety found the application acceptable. People would be screened for drugs. And those in the program are people who want to be helped.

Mr. Waterman made a motion to conditionally approve the use variance application. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Trusiak	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the hardship variance and minor site plan applications. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Trusiak	YES
	Chairman Hanson	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. Armbruster made a motion to adjourn at 8:24 P.M. The motion was seconded by Mr. Utsch. Motion carried.

Respectfully submitted,

Lisa A. Schubert,  
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.