

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 April 5, 2012 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Vice-Chairman John Armbruster. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Vice-Chairman John Armbruster
David F. Brand, Jr.
Robert Sweeten
Michael DiStefano
Kristine Trusiak
Stephen Komar

MEMBERS EXCUSED: Chairman James Hanson
Ernest Utsch III
Bruce Waterman
Christopher Kobik
Dianne Kelly

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

STAFF EXCUSED: William J. Galestok, Board Secretary

CORRESPONDENCE:

Handouts:

The New Jersey Planning: January/February 2012, Vol. 73, No. 1.

List of Board Solicitor vouchers dated March 12, 2012.

List of Board Engineer voucher dated April 5, 2012.

Mr. Brand made a motion to approve Board Engineer voucher. The motion was seconded by Mr. DiStefano. Motion carried.

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

Mr. Sweeten made a motion to approve the resolution from the March 1, 2012 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

1. Hardship variance application to construct a front porch and front deck encroaching into the front yard setback, submitted by Wayne Leshner for the location known as Block 280, Lots 33 & 34, 226 Ridgewood Avenue.

Mr. Wayne Leshner, applicant, was sworn in by Chairman Armbruster.

Mr. Leshner explained he is doing an addition to the existing house. He explained there was an existing porch that encroached into the front yard setback. He explained that he would like to construct a deck without a roof across a portion of the front and a covered porch across the remainder of the front of the house. He explained that what is proposed would encroach one foot more than the previous porch.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Sweeten	YES	Mrs. Trusiak	YES
	Mr. Komar	YES	Chairman Armbruster	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.

- 2. Hardship variance application to construct a single family dwelling on a lot deficient in lot frontage & width, submitted by Bernard Dera for the location known as Block 228, Lot 6, 15 Cardinal Avenue.

Mr. Timothy Dwyer, Esq., represented the applicant.

Mr. Bernard Dera, applicant, was sworn in by Chairman Armbruster.

Mr. Dwyer explained to the Board that this is an isolated lot. He explained the lot is deficient in lot frontage and width. He explained that the lot exceeds the lot area requirements. He explained that the lots on either side are developed. He explained that the frontage and width is typical of the lots in the area. He explained the proposed single family dwelling would meet all setback and coverage requirements.

There was a discussion that a building envelope is proposed.

This portion of the hearing was opened to the public.

Mr. Bob Weber was sworn in by Chairman Armbruster.

Mr. Weber explained that this is not a typical lot size for the area. He explained that most lots in the area are 75' or wider. He explained that this lot has already been cleared. He submitted into evidence a photograph.

Mr. Weber asked the Board how easy it is to get approval? The Board explained that if the Board were to deny the application, the Township must purchase the lot. They explained that there is case law regarding this.

Mr. Weber explained this applicant has purchased eight similar sized properties. The Board explained that approvals have been received for undersized lots and the proposed single family dwellings have all met setbacks.

Mr. Weber submitted into evidence a photograph of the sign.

Mr. Harvatt explained to Mr. Weber that most lots were created many years ago and then

zoning requirements changed. He explained that when the zoning requirements changed property owners had to apply for hardship variances.

Mr. Weber explained that he was opposed to this application.

Mr. Edmund Pikul was sworn in by Chairman Armbruster.

Mr. Pikul explained that he has the property next to this. He explained his property is 79 x 159 and not 50' wide as the applicant has said. He explained that his property is for sale and asked why the applicant couldn't purchase a portion of his lot to make his lot conforming? Mr. Harvatt explained that his lot could not be subdivided. He explained that would make his lot non-conforming.

This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Sweeten	YES	Mrs. Trusiak	YES
	Mr. Komar	YES	Chairman Armbruster	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. Sweeten made a motion to adjourn at 7:20 P.M. The motion was seconded by Mr. DiStefano. 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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