

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 September 1, 2011 at the Lower Township Municipal Building. The meeting was called to order at 7:03 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
Ernest Utsch III
Bruce Waterman
Robert Sweeten
Michael DiStefano
Christopher Kobik
Dianne Kelly
Stephen Komar

MEMBERS EXCUSED: Chairman James Hanson
David F. Brand, Jr.
Kristine Trusiak

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated August 25, 2011.

List of Board Engineer vouchers dated September 1, 2011.

Mr. Utsch made a motion to approve the minutes from the August 4, 2011 meeting. The motion was seconded by Mr. Waterman. Motion carried.

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

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

Mr. Sweeten made a motion to approve the resolutions from the August 4, 2011 meeting. The motion was seconded by Mr. Kobik. Motion carried.

Chairman Armbruster read the agenda for the benefit of the public. He explained that the application for the Lower Township Rescue Squad, Inc., was continued until the October 6, 2011 meeting with no new notice.

1. Use variance & minor site plan applications to remove the existing lot and dwelling from the church campus, submitted by Good Samaritan Baptist Church for the location known as Block 494.47, Lot 22.03, 305 Townbank Road.

Mr. Peter Tourison, Esq., represented the applicant.

Mrs. Cynthia Chemerys, PE, PP, was sworn in by Chairman Armbruster.

Mr. Tourison explained that the church is not a permitted use in the zone. He explained that the single family dwelling is a permitted use. He explained that the pool was removed and a fence was installed.

Mrs. Chemerys explained that these are two separate parcels of land. She explained that there was a subdivision of this land in 1974 and the parsonage was constructed. She explained

that they shared a driveway. She explained that the pool was removed but the fence remains between the two properties. She explained that they are proposing a new drive aisle in front of the church, around the side. She explained that the parking remains the same. She explained that there is no increase in the church use. She explained that the single family dwelling meets all the allowed setbacks.

Mr. Galestok read Cape May County Planning Board comments dated August 18, 2011.

Mr. Galestok read Bureau of Fire Safety comments dated August 8, 2011.

Mr. Sray summarized Engineers comments dated August 23, 2011.

Mr. Tourison explained that regarding the survey, they would prefer to not have to have a new survey done. He explained that this would be a big expense to the church. Mr. Galestok explained that because there was a subdivision of the property, he doesn't see an issue with not having another survey done. There was a discussion that there isn't a significant change to the property to warrant a new survey.

The Board asked why they were separating the properties? Mr. Tourison explained that they have taken the house out of the church property and sold it off.

This portion of the hearing was opened to the public.

Ms. Delia Nelson was sworn in by Chairman Armbruster.

Ms. Nelson explained she was speaking on behalf of her mom, Delia Kenish, behalf.

Ms. Nelson explained they have a concern with a very large tree on the property. She explained that she feels the survey should be required to establish if the tree is on the church's property. If it is on the church's property, they would like the church to remove it. The Board explained that if the tree is on the lot line, they cannot make the church remove it. Mr. Tourison explained that they would have Mr. Sweeney shoot the line. If the tree is within ten feet of the line, they would remove the tree. He explained that if the tree is on the property line, he will write the adjacent property owner a letter asking permission to remove the tree.

Mr. Bobby Efthmious was sworn in by Chairman Armbruster.

Mr. Efthmious explained he has concerns with the trees also.

Pastor Milt Wilson was sworn in by Chairman Armbruster.

Pastor Wilson explained that the trees have never been an issue. He explained that he was under the impression that the trees were not theirs.

This portion of the hearing was closed to the public.

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

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kobik	YES	Mrs. Kelly	YES
	Chairman Armbruster	YES		

Motion carried.

There was a discussion regarding the removal of the trees. Mr. Galestok explained that if this was going to be a condition of approval, then a bond would be required. Mr. Sray explained that they would need a survey with which trees would be removed. Mr. Tourison explained that by the time the cost estimate was prepared and approved, the trees will already be gone.

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

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kobik	YES	Mrs. Kelly	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. Kobik made a motion to adjourn at 7:40 P.M. The motion was seconded by Mr. Waterman. 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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