

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

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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 October 3, 2019 at the Lower Township Municipal Building. The meeting was called to order at 6:00 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
Michael Kennedy
David F. Brand, Jr.
Ernest Utsch III
Robert Sweeten
Robert Basco, Sr.

MEMBERS EXCUSED: Bruce Waterman
George Doherty

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated September 30, 2019.

List of Board Engineer voucher dated October 3, 2019.

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

Mr. Brand made a motion to approve the minutes from the September 5, 2019 meeting. The motion was seconded by Mr. Kennedy. Motion carried.

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

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

Mr. Brand made a motion to approve the Resolutions from the September 5, 2019 meeting. The motion was seconded by Mr. Kennedy. Motion carried.

2. Hardship variance application to construct a 24 x 30 detached garage taller than the principal structure, submitted by Gary Horton for the location known as Block 310, Lots 26-28, 224 Walnut Avenue.

Mr. Gary Horton, applicant, was sworn in by Chairman Hanson.

Mr. Horton explained there is an existing one car garage that he would like to remove and construct a two car - two story garage that would be taller than the house. He explained the second floor would be used for storage. Explained he and his wife will be moving here permanently and the house doesn't have enough storage. He explained that eventually, his wife will use a portion of the upstairs for her stain glass hobby and the downstairs would be used for his woodworking. The Board asked the upstairs would be finished. He explained eventually he would drywall and there would be some electric.

The Board asked about deed restricting the upstairs as no living space. Mr. Horton explained he didn't have a problem with that, but it would primarily be used as storage.

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 asked that instead of a deed restriction, make it a condition of approval that no living space be allowed in the upstairs.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Basco	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.

- Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Daneen Zeigler for the location known as Block 512.08, Lot 3001, 424 Hollywood Road.

Mr. Tom Keywood, Esq., represented the applicant.

Mrs. Daneen Zeigler, applicant was sworn in by Chairman Hanson.

Mr. Keywood explained this is an isolated undersized lot. He explained they are seeking variances for lot area, frontage and width. He explained the house would comply with all setback requirements. He explained there are similar lot sizes in the area and there is no adjoining vacant land.

Mr. Galestok explained there was an approval August 5, 2004. He explained the neighbor had requested a 10' setback and the approval was granted with two 10' side yard setbacks. He gave the Board a copy of the minutes from the 2004 meeting.

This portion of the hearing was opened to the public.

Mr. Michael Morley was sworn in by Chairman Hanson.

Mr. Morley explained he was the neighbor that previously requested the 10' side yard setback. He explained he is not asking for that now. He explained that what is proposed seems to be 25% over the allowed building coverage. The Board explained what is shown on the survey is not the house footprint. They explained that is a building envelope. Meaning the proposed house could be placed anywhere within the envelope.

Mr. Morley explained he would like some privacy and asked if a fence could be installed or shrubs could be planted. He explained there is currently a wood fence there, but he doesn't know who it belongs to. He explained the fence was there when he purchased his lot. He explained he installed a 4' white split rail fence. Mr. Keywood explained there is a fence already there, and Ms. Zeigler doesn't know exactly what they want to do yet.

Mr. Morley asked if this was going to be a rental or an Air B and B? Mr. Galestok explained that is not a zoning issue and the Board doesn't have jurisdiction over that.

Mr. Morley explained the lot has to be cleared and he has concerns with trees overhanging his property. Mr. Keywood explained the overhanging trees would be addressed.

This portion of the hearing was closed to the public.

Mr. Keywood explained this is a typical undersized lot and it would be an improvement to the area.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Basco	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. Hardship variance application to demolish and rebuild the rear section of the house encroaching into the side yard setback, submitted by Peter Frigiola for the location known as Block 577, Lot 4, 1304 Scott Avenue.

Mr. Peter Frigiola, applicant, was sworn in by Chairman Hanson.

Mr. Frigiola explained to the Board there is a rear add-on to the house. He explained when the addition was constructed, it was a step down from the main house. He explained it wasn't properly done and leaked. Over the years, there is a lot of rot. He explained that he would like to demolish that addition and construct a new addition, the same size and in the same location that would be even with the house. He explained the addition would encroach into the side yard setback.

This portion of the hearing was opened to the public.

Ms. Janet Fox was sworn in by Chairman Hanson.

Ms. Fox explained most of the houses in that area were built in 1959. She explained that she has no problem with the request and asked the Board to approve the application.

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. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Basco	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.

6. Hardship variance application to construct a front porch encroaching into the side yard setback, submitted by Thomas & Lisa Margiotti for the location known as Block 143, Lot 3.02, 207 Millman Lane.

Mr. Basco excused himself from this application due to a conflict of interest.

Mrs. Lisa Margiotti, applicant, was sworn in by Chairman Hanson.

Mrs. Margiotti explained to the Board that she would like to construct an 8' x 25' front porch. She explained the previous owners had constructed a second floor addition that overhangs the first floor. She explained the proposed porch would go to the second floor overhangs.

Mr. Galestok explained it appears there was a storage shed constructed in the overhang portion on the portion of the house. He explained a variance is needed for that. He explained an overhang is allowed for architecture proposes only. He explained there is also a shower on the side of the house. Mrs. Margiotti explained the previous owner had the outside shower and toilet. There was a discussion that the Board can approve this under this approval.

This portion of the hearing was opened to the public.

Ms. Patience Carroll was sworn in by Chairman Hanson.

Ms. Carroll explained to the Board there was a shed on the property that was torn down. She explained the shed being constructed is under the house overhang and believes it meets the

setback. She explained the property line goes on an angle away from the house. Mr. Galestok explained Ms. Carroll is not a land surveyor and doesn't think she could testify to the location of the property line.

This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve the application for the front porch. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Kennedy made a motion to approve the side storage encroachment. The motion was seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	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. Brand made a motion to adjourn at 6:31 P.M. The motion was seconded by Mr. Sweeten. 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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