

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 6, 2011 at the Lower Township Municipal Building. The meeting was called to order at 7:00 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
David F. Brand, Jr.
Ernest Utsch III
Bruce Waterman
Robert Sweeten
Michael DiStefano
Christopher Kobik

MEMBERS EXCUSED: John Armbruster
Dianne Kelly
Kristine Trusiak
Stephen Komar

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor
Shawn Carr, Acting Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

STAFF EXCUSED: Mark Sray, Board Engineer

CORRESPONDENCE:

Handout:

List of Board Engineer vouchers dated October 6, 2011.

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

Mr. Waterman made a motion to approve the September 1, 2011 minutes. The motion was seconded by Mr. Utsch. Motion carried.

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

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

2. Use & hardship variance & minor site plan applications for a parking area in a residential zone & six foot fence in front yard, submitted by Lower Township Rescue Squad, Inc., for the location known as Block 228, Lots 1-3, Cardinal Avenue.

Mr. Frank Corrado, Esq., represented the applicant.

Mr. Corrado explained that he would like to continue the application until next month. He explained that he received a call from someone who had recently moved into the area and did not receive a notice. He explained that the property owners list was only 60 days old. He explained that he wants to do the right thing and re-notice with a new list.

Mr. Corrado explained that there are neighbor's here tonight and he is prepared to speak with them.

Mr. Corrado explained that he will re-notice and waive all time constraints.

1. Discussion of letter from Donna Fister regarding prior Zoning Board approval, ZBA 3212, for the location known as Block 761, Lots 17-21, 809 Wilson Street.

Ms. Fister explained to the Board that she had received approval to demolish the existing single family dwelling and construct a new single family dwelling. She explained that once she got estimates for a new house, she realized she couldn't afford it. She explained that she has

since added a dormer and other work to try and fix the problems.

Ms. Fister explained that her mom is still going to come live with her.

Ms. Fister explained that she would like to amend the application so she could construct the garage. The Board explained this wasn't noticed for and granted at another meeting. They explained they approved the demolition and construction of a new house. Even though the Board approved an attached garage with a certain setback, this is not what Ms. Fister is asking for. They explained that this seems like a new application and there are certain legalities to the applicant and Board if the Board allowed her to do construct the garage only.

Ms. Fister explained that she is trying to avoid a new application because of the expense. She explained that the previous application cost her a couple thousand dollars.

Mr. Harvatt explained to Ms. Fister that she is asking for something that wasn't before the Board or noticed to the neighbors. He explained that he is not sure it would cost that much this time. He explained that even though she wants to construct the attached garage with the same setback that the Board approved with a previous application, that application was to demolish the existing house and reconstruct a new house.

There was a discussion of problems with trying to amend an approved resolution especially with the findings-of-fact.

Mr. Galestok explained that Ms. Fister had submitted a building permit for the garage, which was denied. He explained that even though the proposed garage was the same setback the Board had approved, she didn't construct what the Board approved. He explained that because of legal reasons, there wasn't notice ten-days prior to and the findings-of-fact of the resolution, he suggested she come back to the Board for discussion.

There was discussion that the resolution could not be changed. And if the Board allowed Ms. Fister to construct the garage only, this leaves the appeal period open indefinitely.

There was a discussion that if Ms. Fister proceeds with a new application, she could use the bottom portion of the plan that was submitted with the original application. Ms. Fister explained that it still costs money to do all of this. The Board explained that it is unfortunate that she changed her mind and did not build the new house, but it is possible that a neighbor viewed the plan submitted at the time of the application and didn't care at that time about a new house. Mr. Harvatt explained that the Board cannot do legally what Ms. Fister is asking the Board to do.

3. Use & hardship variance application to convert a portion of a detached accessory use into a family apartment. Hardship variance needed for side yard setback, submitted by William & Kathleen Finneran for the location known as Block 749, Lot 2, 670 New England Road.

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

Mr. William Finneran and Mrs. Kathleen Finneran, applicants, were sworn in by Chairman Hanson.

Mr. Dwyer explained that his clients have owned the property for 30 years. He explained that there is an accessory use to the rear of the property. He explained that his client's daughter has moved back and she would like to live there. He explained that the apartment would be for family use only. He explained that they would deed restrict that it is for family use only. He explained the accessory building is already connected to the well and septic and is currently used as an art studio. He explained that the first floor would still be used for the art studio and the apartment would be on the second floor.

The Board asked about the deed restriction and whether it would be for the current owners or if it carries to the next owner? Mr. Harvatt and Mr. Dwyer both explained it would carry to the next owner.

Mr. Galestok explained that several of these type apartments have been approved in this area. He explained that there hasn't been a problem with any of them.

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. Utsch made a motion to conditionally approve this application. The motion was seconded by Mr. Kobik.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mr. Kobik	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.

4. Hardship variance application to construct a front porch and a second floor rear covered porch, encroaching into the front & side yard setbacks and exceeding allowed building coverage, submitted by Joe Battaglia for the location known as Block 742.01, Lot 18.08, 928 Clover Lane.

Mr. Joe Battaglia, applicant and Mr. Marcello Fusco, contractor, were sworn in by Chairman Hanson.

Mr. Battaglia explained to the Board that he would like to make the house year round. They would like to increase the size of the master bedroom. Mr. Fusco explained there is an existing pad to the rear of the building. He explained that a portion of the room will be demolished and reconstructed. He explained that there will be a second floor deck. He explained the rear deck would be fiberglass and no roof. He explained the front porch would have a roof, but would be open.

Mr. Galestok submitted aerial photos of the property into evidence.

The Board reviewed the proposed setbacks with Mr. Fusco.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mr. Kobik	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. Kobik made a motion to adjourn at 7:52 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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