

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, 2016 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
Ernest Utsch III
Bruce Waterman
Robert Sweeten
Michael DiStefano
Michael Kennedy
George Doherty

MEMBERS EXCUSED: John Armbruster
David F. Brand, Jr.

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated September 27, 2016.

List of Board Engineer vouchers dated October 6, 2016.

Letter:

TO: Ms Amy Wells,
NJ Department of Environmental Protection

FROM: Carol K. Stone

DATE: August 31, 2016

RE: 05-05-15-003.1CAF150001
Block 753.18, Lot 2;
Lower Township Cape May County

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

Mr. Utsch made a motion to approve the minutes from the September 1, 2016 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

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

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

Mr. Sweeten made a motion to approve the resolutions from the September 1, 2016 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

1. Use & hardship variance and minor site plan applications to construct a second floor addition, new deck and new landing on a lot with three existing single family dwellings. Hardship variance application for front yard setback and number of parking spaces, submitted by Raymond & Christine Wysocki for the location known as Block 112, Lot 1, 301 Bay Avenue.

Mr. Jeffrey Barnes, Esq., represented the applicant.

Mr. Barnes explained there are three houses on the property. He explained in the Board Engineer's report it refers to the house on the corner as house #1, the center house, house #2 and the house closest to the bay as house #3. He explained that is how they will refer to them in their testimony.

Mr. Barnes explained house #3 they are proposing to raise and add some square footage to the second floor.

Mr. Barnes marked into evidence a square foot analysis of existing and proposed.

Mr. Vincent Orlando, PE, and Mr. Blane Steinman, Architect, were sworn in by Chairman Hanson.

Mr. Barnes explained they are proposing to add a 357 square foot addition to the second floor of house #3. He explained a use variance is needed because there are three existing single family dwellings on the lot. He explained the existing setbacks would not be encroached upon except the proposed landing may be an encroachment.

Mr. Steinman reviewed the elevation drawings with the Board showing the existing layout and the proposed. He explained the house would be elevated a few feet so that there is a crawlspace. He explained they would have 5'6" between the landing of house #3 and house #2.

Mr. Raymond Wysocki and Mrs. Christine Wysocki, applicants were sworn in by Chairman Hanson.

The Board asked how many units were in house #1 and house #2? Mr. Wysocki explained they purchased the property in 2013. He explained house #1 is a year round rental with two small bedrooms, bath and kitchen. He explained house #2 is used by friends and family. He explained they are only one unit each.

Mrs. Wysocki explained they have installed new windows and doors. Mr. Wysocki explained they have switched the heating to natural gas.

Mr. Barnes asked Mrs. Wysocki if they have on-site parking? Mrs. Wysocki explained they do not, but there isn't a parking problem. She explained the street is very wide which allows for plenty of parking on each side and there is still room enough for two-way traffic.

The Board explained there is a wall that could be removed in front of house #2 to get some on-site parking. Mr. Wysocki explained if they did that, it would take away from the street parking. The Board explained they could understand that and it appears that area is the only yard for house #2.

The Board asked if there was any common area? Mrs. Wysocki explained there is not.

Mr. Galestok explained it appears most of the walls are coming down. He explained that in the past when people tried to raise houses, they sometimes fall apart. The Board may want to consider allowing the applicants to reconstruct the house should this happen and if the Board is favorable to this, to include a dune review to this application.

Mr. Galestok explained this property is in three different flood zones and the applicants may want to consider installing pilings with parking underneath.

Mr. Orlando explained the proposed expansion is diminimus. He explained the house was built in the 1950's and is in disrepair. He explained the number of bedrooms is not changing with the expansion.

Mr. Orlando explained the positive and negative criteria in which the application can be approved. He explained there would be no detriment to the neighborhood, zone or zone plan. He explained they are asking the Board to keep the parking as is.

Mr. Carr summarized Engineer's comments dated September 20, 2016.

Mr. Galestok read Bureau of Fire Safety comments dated August 29, 2016 in which they found this application acceptable.

This portion of the hearing was opened to the public.

Ms. Nicola Wynnefield was sworn in by Chairman Hanson.

Ms. Wynnefield explained there has been a lot of improvement to the property since the Wysocki's purchased it. She explained there are no parking issues in the area.

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. DiStefano.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	YES
	Chairman Hanson	YES		

Motion carried.

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

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the waiver application. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the dune minor site plan review. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	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.

2. Use & hardship variance application to raise the existing single family dwelling and add a 2nd floor, submitted by MGE, LLC for the location known as Block 765, Lot 1.02-2.02, 1287 Wilson Drive.

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

Mr. Joseph Ross, Architect, was sworn in by Chairman Hanson.

Mr. Keywood explained the property is in the MGB zone. He explained the house was constructed in the 1930's. He explained the area floods. He explained his clients would like to demolish the existing structure and construct a new single family dwelling in the same footprint.

Mr. Ross explained to meet the flood elevation, the structure would have to be raised at least three feet. He explained the front steps currently extend beyond the front property line. With the new single family dwelling, those steps would be eliminated and access stairs would be underneath the structure. He explained they propose two parking spaces under the structure with a third space in the side yard. He explained the existing eave encroaches onto the neighbor's property. The new structure would eliminate this encroachment. The proposed single family dwelling would be two bedrooms with 1 1/2 bathrooms. The proposed attic would be heated and finished, but no bathroom is proposed in this area.

Mr. Ross explained they weren't going to change the grade of the property. He explained the existing grade is 4.2'. Mr. Galestok explained other applicant's that were before the Board has been asked to raise the grade. Mr. Ross explained they don't feel they could do that without possibly affecting flooding in the area.

The Board asked what the proposed height would be? Mr. Ross explained they would be under the allowed 35' height limit.

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 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. Kennedy	YES	Mr. Doherty	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to approve the hardship variance application. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	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. Utsch made a motion to adjourn at 8:08 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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