

# 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 November 7, 2013 at the Lower Township Municipal Building. The meeting was called to order at 7:03 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  
Dianne Kelly  
Stephen Komar

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

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

CORRESPONDENCE:

Letter:

TO: William Galestok,  
Lower Township Planning Board

FROM: Anthony J. Harvatt, II, Esq.

DATE: October 22, 2013

RE: Proposal for Lower Township Zoning Board Attorney

Handouts:

List of Board Solicitor vouchers dated November 6, 2013.

List of Hatch Mott MacDonald voucher dated November 7, 2013.

List of Board Engineer voucher dated November 7, 2013.

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

Mr. Waterman made a motion to approve the October 3, 2013 minutes. The motion was seconded by Mr. Utsch. Motion carried.

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

Mr. Waterman made a motion to approve Hatch Mott MacDonald vouchers. The motion was seconded by Mr. Sweeten. Motion carried.

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

There was a discussion regarding the resume submitted by Mr. Harvatt. Mr. Galestok

explained there is a new DCA ruling and it has been made mandatory it has to be bid out. He explained the Board still makes the appointment.

1. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Douglas & Nina Haines for the location known as Block 552, Lots 49 & 50, 23 Delford Road.

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

Mr. Douglas Haines and Mrs. Nina Haines, applicants, & Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Hanson.

Mr. Dwyer explained this is an isolated undersized lot. He explained there is a single family dwelling on both sides of this lot. He explained the lot is 4,000 square feet and typical size for the area. He explained his clients are proposing to construct a single family dwelling that would meet all setbacks, height and building coverage.

Mr. Sweeney explained he did an analysis of the area within 200' in each direction of this lot. He explained 18 of the lots were non-conforming and five of which were 40 x 100 lots. Submitted into evidence was the analysis Mr. Sweeney did.

Mr. Dwyer explained city water and sewer are available to the lot.

Mr. Dwyer explained there is no interest in adjoining property purchase.

This portion of the hearing was opened to the public. Chairman Hanson explained there is a lot of public present tonight and he asked to limit testimony to five minutes and no repetitive testimony.

Mr. Stephen Sheftz was sworn in by Chairman Hanson.

Mr. Sheftz explained there was a shed on this property. He explained the shed has been moved to the Townbank Road property. He explained it is 11" from the fence line. He explained when the shed was moved, the fence was damaged.

Mr. Sheftz explained when they submitted the diagram needed for the location of the water pit for city water, they only indicated the one. If they had intentions of building another home, they should have indicated where on Delford Road they wanted it. The Board explained city water and the location of the water pit is irrelevant to the Board. They explained their job is to address the lot itself. They explained that if they approve the application, it is always conditioned upon any and all other approvals, the MUA being one of them.

Mr. Sheftz explained he has concerns with parking. He explained there is a fire hydrant in front of this property. Mr. Dwyer explained they would comply with the requirements of the

RSIS standards and they will have two parking spaces on site.

Mr. Dwyer explained this is an isolated undersized lot. He explained a subdivision of the property is not required. He explained there is case law that street to street properties do not merge. He explained there is a house on the Townbank Road side of the property. He explained there was a shed on the Delford Road side of the property and it was moved to the Townbank Road property. He explained that a portion of the deck was removed to conform with the zoning requirements.

Mr. Anthony Maglicco was sworn in by Chairman Hanson.

Mr. Maglicco explained he was told by contractors and Realtors that 7,500 square foot is required for a single family dwelling. He explained he has concerns with parking and if he gets blocked in, he will have the cars towed.

Mr. Maglicco explained there is a tree on the property line. He explained his concern is a portion of the tree is going to have to be cut and he fears it will weaken the tree and could fall on his property. Mr. Dwyer explained his clients will work with him regarding the tree.

Mr. Maglicco explained that they will have visitors and again has concerns with parking. Mr. Dwyer explained you can't tell someone they can't have visitors.

Mr. Steve Serafinelli was sworn in by Chairman Hanson.

Mr. Serafinelli explained he owned the property. He explained he was told the property could not be subdivided. He explained that he did all the improvements to the house.

Mr. Dwyer explained this is a stand-alone lot. They are not before the Board for a subdivision, but a variance to construct a single family dwelling.

Mr. George Rohana was sworn in by Chairman Hanson.

Mr. Rohana explained he lives five houses down on Clubhouse Drive from this property. He explained that most of the lots in the area are non-conforming. He explained he has no problem with this application. He explained what is proposed would be an improvement to the area.

This portion of the hearing was closed to the public.

Mr. Dwyer explained this is an isolated undersized lot. He explained his clients would like to construct a house that would meet all the requirements for the zone.

The Board explained they are not allowed to make judgement on whether water, sewer, gas, etc, are available. They explained with these type lots, if the Township denies the application, the Township must purchase the property. They explained they deal with undersized

lots all the time and they try to make the applicants adhere to the setbacks, building coverage and height. They explained some concerns were with parking and they have testified they would meet the parking obligation.

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

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mr. Komar	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. Extension of hardship variance approval previously granted by the Zoning Board on November 2, 2006, submitted by George & Elise Rohana for the location known as Block 755, Lot 3, 808 Farmstead Avenue.

Mr. George Rohana, applicant, was sworn in by Chairman Hanson.

Mr. Rohana explained the Board granted a hardship variance in 2006. He explained that he has maintained the well and septic permit. He explained he didn't realize the approval expires. He explained he is requesting an extension of the approval. He explained they are not changing the footprint the Board approved.

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 approve a three-year extension. The motion was seconded by Mr. Komar.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mr. Komar	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. Waterman made a motion to approve the Resolutions from the October 3, 2013 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Galestok explained to the Board the office has received an application of sorts from the contractor at 401 Arctic Avenue. He explained they are proposing to move the garage over to meet the four-foot setback. He explained they sent a letter, but did not submit a zoning permit for the house and garage. He explained they were notified to do so.

Mr. Sweeten made a motion to adjourn at 7:55 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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