

# 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 November 7, 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  
                                 Bruce Waterman  
                                 George Doherty  
                                 Robert Basco, Sr.

MEMBERS EXCUSED:      Robert Sweeten

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:           Scott MacPherson, Board Engineer

CORRESPONDENCE:

Handout:

List of Board Solicitor vouchers dated October 22, 2019.

Mr. Kennedy made a motion to approve the minutes from the October 3, 2019 meeting. The motion was seconded by Mr. Utsch. Motion carried.

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

Mr. Galestok explained to the Board he was contacted by Mrs. Vesci about #5 on page 1. The resolution had there would be not a kitchen. He explained after a review of the minutes of that meeting, it was determined there would be kitchen. He explained the resolution before the Board tonight is revised that there would be kitchen.

Mr. Kennedy made a motion to approve the revised resolution along with the resolutions from the October 3, 2019 meeting. The motion was seconded by Mr. Brand. Motion carried.

3. Extension of hardship variance. Hardship variance granted December 1, 2016, submitted by Milton & Patricia Nagel for the location known as Block 753.18, Lot 2, 418 Portsmouth Road.

Mr. Milton Nagel and Mrs. Patricia Nagel, applicants, were sworn in by Chairman Hanson.

Mr. Nagel had marked into evidence as A-1 a two-page letter and a letter from DEP.

Mr. Nagel explained the variance was approved by this Board December 1, 2016. He explained they are seeking an extension. He explained the approval was conditioned upon a CAFRA permit. He explained that has been a long process. He explained that July 7, 2017 they received the CAFRA permit, but then the sewer permit was revoked and they finally received that approval January 2019.

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.

There was a discussion about the length of time for the extension. It was determined the extension would be granted for three years that would expire December 1, 2022.

Mr. Brand made a motion to approve a three (3) year extension, which would expire December 1, 2022. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Doherty	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.

4. hardship variance application to construct a 14 x 32 addition encroaching into the front & side yard setbacks, submitted by Frank & Junko Meade for the location known as Block 214, Lot 13, 127 Maryland Avenue.

Mr. Frank Meade, applicant, was sworn in by Chairman Hanson.

Mr. Meade explained to the Board that they would like to construct an addition that would encroach into the side yard setback. He explained that the addition would keep in line with the existing house, but encroaches into the front yard setback.

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.

There was a discussion the lot is only 45' wide and the addition is keeping in line with the existing house.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Doherty	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 the existing single family dwelling and detached garage and construct a new single family dwelling encroaching into the front yard setback. New detached garage will conform to zoning requirements, submitted by John Lipari for the location known as Block 560, Lots 3 & 4 and Block 557.01, Lot 57, 77 Beach Drive & 1 Shore Drive.

Mr. John Lipari, applicant, and Mr. Mike Laing, contractor, were sworn in by Chairman Hanson.

Mr. Laing explained to the Board the applicant would like to demolish the existing house and garage and construct a new single family dwelling encroaching into the front yard setback. He explained the proposed setback is five feet, but would be 58' from the road marker.

Mr. Laing had photos marked into evidence as A-1, the front of the existing dwelling. A-2, the existing line of frontages. A-3, the neighbors to the rear. A-4, shows the neighborhood.

Mr. Laing explained they are going to pursue the purchase of area in front of the property from the Township.

Mr. Galestok explained this happened once before where someone had to apply for a variance for front yard. He explained there was a large right-of-way. So to look at that property, it doesn't look like there's an encroachment.

Mr. Laing explained the house would start out as a 10' deck then the house would start.

This portion of the hearing was opened to the public.

Mrs. Kathryn White and Mr. Keith White were sworn in by Chairman Hanson.

Mrs. White explained they own the property behind and have a nice view. She explained she would like if the house could be moved back to meet the front yard setback of 20' or if not a little bit more than a five-foot setback.

Mr. White explained he would like the house set back further. He explained not have a view effects the property value.

Mr. Alan Seibert was sworn in by Chairman Hanson.

Mr. Seibert explained to the Board that he is in favor of this application. He explained if the Township sells that portion to the applicant, the Township gains taxes.

This portion of the hearing was closed to the public.

Mr. Laing reviewed A-4 with the Board.

Mr. Laing explained the house would begin at the 15' setback, but there would be a 10' deck. Mr. Galestok explained he doesn't feel the applicant should be limited to a 10' deck. He explained that eventually the owner may want to enclose it.

Mr. Waterman 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. Waterman	YES
	Mr. Doherty	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.

Mr. Brand made a motion to approve resolution #19-38-ZBA, to enter into closed session at 6:34 P.M. The motion was seconded by Mr. Brand. Motion carried.

The meeting was called back to order at 6:53 P.M.

Mr. Kennedy made a motion to adjourn at 6:53 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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