

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

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## LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on December 1, 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  
David F. Brand, Jr.  
Ernest Utsch III  
Robert Sweeten  
Michael DiStefano  
George Doherty

MEMBERS EXCUSED: John Armbruster  
Bruce Waterman  
Michael Kennedy

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 November 30, 2016.

The New Jersey Planner: September/October 2016, Vol. 77, No. 5.

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

Mr. Brand made a motion to approve the minutes from the November 3, 2016 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

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

Mr. DiStefano made a motion to approve the resolutions from the November 3, 2016 meeting. The motion was seconded by Mr. Brand. Motion carried.

1. Hardship variance application to construct a single family dwelling on a lot deficient in lot depth and encroaching into the front yard setback, submitted by Milton & Patricia Nagel for the location known as Block 753.18, Lot 2, 418 Portsmouth Road.

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

Mr. Milton Nagel, applicant, was sworn in by Chairman Hanson.

Mr. Nagel explained to the Board that in the spring of 2004 the CAFRA permit for the Tranquility subdivision expired. He explained that he owns a property on Portsmouth Road that is deficient in lot depth. He submitted into evidence a packet of various items.

Mrs. Patricia Nagel, applicant, was sworn in by Chairman Hanson.

Mrs. Nagel went through the packet to make sure it was complete.

Mr. Nagel explained along with the depth variance, they are also requesting a front yard setback encroachment for a 10-foot setback. He explained the DEP is allowing a 3,142 square foot footprint and they must build within the NJDEP allowed area. He explained they purchased the property in 1988 and what is proposed would be no detriment to the zone, zone plan or

Ordinance.

Mr. Nagel explained in 1992 a lot depth variance was granted for 420 Portsmouth Road.

Mr. Nagel explained they haven't received their CAFRA certification. He explained what is before the Board is what was approved.

There was a discussion about possibly making the house smaller and reducing the encroachment into the front yard setback.

This portion of the hearing was opened to the public.

Mr. Perry Kramer was sworn in by Chairman Hanson.

Mr. Kramer explained he is not opposed to a house being built. He explained he is opposed to a 10-foot setback. He explained this property is on a curve and drivers speed along this section. He explained kids play in this area.

Mr. Nagel explained they are deed restricted by DEP to build in this location. He explained it is a gentle curve and the front of the property is a 220' arch.

Ms. Pam Barsby was sworn in by Chairman Hanson.

Ms. Barsby asked where the 10 foot was measured from? Asking if it is from the road, sidewalk? Mr. Carr explained from the right-of-way line. Ms. Barsby asked if it was behind the sidewalk and was told it was. She explained people do speed in the area. She explained they often park cars in front of the lot in question to slow people down. She explained she also has fears of the location of the driveway. She explained she also has concerns with how close the house would be to the street.

Mr. Nagel explained they could have built a house before 2005 without having to get a CAFRA permit and there wouldn't have been a problem.

Mr. Jim Steiger was sworn in by Chairman Hanson.

Mr. Steiger explained he is not opposed to a house being built, but does oppose a 10' front yard setback. He explained people do speed in this area.

Mr. Nagel explained they were at the mercy of the DEP.

Ms. Joan Thomas was sworn in by Chairman Hanson.

Ms. Thomas explained she is worried because of the curve. She explained you have to drive in the middle of the street.

The Board asked Mr. Carr what the distance from the front of the proposed house to the rolled curb would be? Mr. Carr explained it would be approximately 20'.

Ms. Carol DiJoseph was sworn in by Chairman Hanson.

Ms. DiJoseph explained she has concerns about line of sight with the placement of the house and the curve.

This portion of the hearing was closed to the public.

Mr. Nagel explained Mr. Hluchen fought the State very hard to get this footprint.

There was a discussion about possibly moving the house back further toward the wetland buffer line increasing the front yard setback. Mrs. Nagel explained DEP said this is the footprint and location a house was allowed to be built.

The Board asked if this was the footprint of the house being built? Or if the house was going to be smaller? Mrs. Nagel explained she didn't know. They were not building right away.

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

VOTE:	Mr. Brand	NO	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	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. Hardship variance application to construct an addition encroaching into the rear yard setback, submitted by Colleen White for the location known as Block 753.06, Lot 4, 506 Portsmouth Road.

Ms. Colleen White, applicant, Mr. Scott White and Mr. Skip Holtzapfel, were sworn in by Chairman Hanson.

Ms. White explained they would like to construct an addition to the back of the house that would encroach into the rear yard setback eight feet. She explained the addition would be a bedroom, bathroom and family room.

The Board asked what the existing rear yard setback is? Mr. Galestok explained it was approximately 28 to 30 feet. Mr. Galestok explained no one is behind the property.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	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 7:53 P.M. The motion was seconded by Mr. Brand. 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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