

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 December 5, 2013 at the Lower Township Municipal Building. The meeting was called to order at 7:05 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
John Armbruster
Ernest Utsch III
Bruce Waterman
Robert Sweeten
Michael DiStefano
Dianne Kelly
Erik Collins
Stephen Komar

MEMBERS EXCUSED: David F. Brand, Jr.

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated December 2, 2013.

List of Board Engineer voucher dated December 5, 2013.

List of Hatch Mott MacDonald voucher dated December 5, 2013.

The New Jersey Planner: September/October 2013 - Vol. 74, No. 5.

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

Mr. Utsch made a motion to approve the November 7, 2013 minutes. The motion was seconded by Mr. Waterman. Motion carried.

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

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

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

Mr. Waterman made a motion to approve the Resolution from the November 7, 2013 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

1. Use variance & minor subdivision applications for the creation of three (3) newly described lots. Use variance needed for two (2) single family dwelling lots in the industrial zone, submitted by Pen Turbo Aviation, Inc., for the location known as Block 500.01, Lots 3, 4, 5 & 55.02, Breakwater Road.

Mr. Peter Tourison, Esq., represented the applicants.

Mr. Lewis Conley, PP, was sworn in by Chairman Hanson.

Mr. Tourison explained to the Board the property will be transferred to Cape May County. The glide path will be extended.

Mr. Tourison had submitted into evidence Mr. Conley's credentials.

Mr. Conley explained the property is 64 acres in the Industrial Zone and all but 10 to 12 acres are in the Airport Hazard Zone (AHZ). Mr. Conley described the glide path and avigation easements.

Mr. Conley explained Lots 4.02 & 4.03 are proposed for residential purposes. He explained that there are restrictions on the larger portion to make that lot usable. He explained an industrial use could be proposed, but they would like to keep with the surrounding area. He read the permitted uses for the Industrial Zone.

Mr. Conley explained what is proposed advances the purposes of zoning.

Mr. Conley explained there are several lots on Shunpike Road that are in the Industrial Zone. He explained that the lots were subdivided out of this lot at one time.

Mr. Conley explained nothing has happened with the property for many years. He explained there have been several proposals before the Board in the past, but nothing done. He explained what is proposed could be granted with no impact to the zone or zone plan.

The Board asked why the single family lots are proposed at three acres? Mr. Conley explained the Ordinance makes reference that a single family dwelling lot in the APZ needs to be three acres.

Mr. Curvan summarized Engineer comments dated November 27, 2013.

Submitted into evidence was the avigation easement.

Mr. Galestok read Cape May County Planning Board comments dated December 4, 2013.

Mr. Galestok read Bureau of Fire Safety comments dated November 18, 2013 in which they found this application acceptable.

This portion of the hearing was opened to the public.

Mr. Robert Guzek, Esq., represented the DRBA.

Mr. Guzek explained the DRBA has no objections to this application.

Ms. Catherine Sauerzopf was sworn in by Chairman Hanson.

Ms. Sauerzopf explained she did not receive notice of this application or meeting. She explained she is next to this lot on Shunpike Road. She explained she has a concern with a road next to her property. It was explained to Ms. Sauerzopf no road is proposed with this subdivision.

Mr. Robert Cloer was sworn in by Chairman Hanson.

Mr Cloer explained he is concerned with the size of the residential lots and that the lots could be subdivided. Mr. Tourison explained they would be happy with a condition that there be no further subdivision of the lots. Mr. Galestok explained years ago, the Board requested this condition and it went to Court and was overturned by the Judge.

Chairman Hanson explained to Ms. Sauerzopf there was the certified return receipt that was post marked November 21, 2013. She explained she never received the letter.

Mr. Jake Wiscott was sworn in by Chairman Hanson.

Mr. Wiscott explained he didn't have any problem with the three acre lots. He asked why the runway was going to be extended? He asked if it was for larger planes? Mr. Conley explained the runway is to close to Fulling Mill Road. He explained that eventually, the runway would be extended toward Breakwater Road and a portion would be removed from the Fulling Mill Road side. He explained it would not be used for larger planes. He explained that oddly enough, this helps Mr. Wiscott because there would be less of an encroachment on his property.

Mr. Tom Berry, Operation Manager for the DRBA, was sworn in by Chairman Hanson.

Mr. Berry explained they have no plans to extend the runway. He explained there should be 300 feet of grass area at either end of the runway. He explained that the class of aircraft is being lowered.

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. Armbruster.

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|-------|-----------------|-----|---------------|-----|
| VOTE: | Mr. Armbruster | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Waterman | YES |
| | Mr. Sweeten | YES | Mrs. Kelly | YES |
| | Chairman Hanson | YES | | |

Motion carried.

Mr. Waterman made a motion to conditionally approve the subdivision application. The

motion was seconded by Mr. Armbruster.

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|-------|-----------------|-----|---------------|-----|
| VOTE: | Mr. Armbruster | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Waterman | YES |
| | Mr. Sweeten | YES | Mrs. Kelly | 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 variance application to construct a 10 x 34 addition to an existing single family dwelling in the GB Zone, submitted by Thomas Williams for the location known as Block 252, Lot 7.01, 14 Fulling Mill Road.

Mr. Thomas Williams, applicant, was sworn in by Chairman Hanson.

Mr. Williams explained to the Board he is getting married and he will need the additional room.

The Board asked what the proposed front yard setback would be? Mr. Williams explained it would be 25'. The Board asked if this was strictly a residential use? Mr. Williams explained it was.

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. Armbruster.

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| VOTE: | Mr. Armbruster | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Waterman | YES |
| | Mr. Sweeten | YES | Mrs. Kelly | 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. Armbruster made a motion to adjourn at 7:52 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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