

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, 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
Robert Sweeten
George Doherty
Robert Basco, Sr.

MEMBERS EXCUSED: Bruce Waterman

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated December 4, 2019.

List of Board Engineer vouchers dated December 5, 2019.

Letter:

TO: William Galestok, Secretary

FROM: Anthony J. Harvatt, II

DATE: November 22, 2019

RE: Anthony J. Harvatt, II Esq.,
Letter of Interest for the 2020 Calendar Year
To be considered the Lower Township Zoning Board Attorney

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

Mr. Brand made a motion to approve the November 7, 2019 minutes. The motion was seconded by Mr. Utsch. Motion carried.

Mr. Utsch made a motion to approve the resolutions from the November 7, 2019 meeting. The motion was seconded by Mr. Kennedy. Motion carried.

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

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

Chairman Hanson explained to the Board a letter of interest for the 2020 Board Solicitor position was submitted by Mr. Harvatt.

4. Informal discussion submitted by Mid-Atlantic Center for the Arts and Humanities, for the location known as Block 752.01, Lots 40 & 41, 1017 & 1019 Batts Lane.

Mr. Frank Corrado, Esq., represented the applicant.

Mr. Corrado explained to the Board that because of the lengthy agenda, he requested a postponement of this discussion. He explained that he has left a magazine and an article about the property and asked the Board to review both before next weeks meeting.

2. Preliminary & final major subdivision applications for the creation of 22 newly described lots, submitted by Marcello Mogavero for the location known as Block 494.01, Lot 28, 10 Shawmount Avenue.

Mr. Ron Stagliano, Esq., represented the applicant.

Mr. John Kornick, PE, and Mr. Marcello Mogavero, applicant, were sworn in Chairman Hanson.

Mr. Stagliano explained the applicant is the contract purchaser of the property. He explained the property is over seven acres and has frontage on Shawmount Avenue and Fourth Avenue. He explained the zoning is R-3 and Conservation. He explained the use variance was approved April of this year under resolution #19-15-ZBA and the appeal period has passed. He explained they are proposing 21 residential lots and two open space lots for stormwater. He explained there is a 10,000 square foot lot fronting on Fourth Avenue for walking access into Cox Hall Creek Wildlife. He explained DEP has to approve this. He explained if the DEP approves this, then the Township can have the lot and if they don't want, then Fish, Game & Wildlife would be approached.

Mr. Kornick had marked into evidence as A-1 a reduced size site plan rendering.

Mr. Kornick explained access to the subdivision would be from Fourth Avenue. He explained the road would be a cul-de-sac and have 20 single family dwellings. He explained there is one lot that could only be accessed from Shawmount Avenue, but they are not proposing a single family dwelling on this lot at this time. He explained there is sewer and water availability. He explained there will be a stormwater basin lot on the northwest portion of the lot. He explained there will be a landscape buffer along the property line between the residents of Edna Avenue. He explained there are encroachments from the properties along Edna Avenue. Explaining there are fences, sheds, etc. that they will try to work around, but some of the encroachments have to be removed.

Mr. Kornick explained the Board Engineer called out a variance for a driveway which they will move the house to elevate that variance.

Mr. MacPherson summarized Engineer comments dated November 27, 2019.

Mr. Galestok asked if there would be sidewalks? It was explained there would be. Mr. Galestok asked about the placement of the trees in relationship to the sidewalk? Mr. Kornick explained there will be a tree easement behind the front property line and the trees would be planted 6 to 8' from the sidewalk.

Mr. Kornick explained there is no curbing proposed along Shawmount Avenue.

Mr. Kornick explained they will comply with the Board Engineer comments.

Mr. Galestok read Bureau of Fire Safety comments dated November 21, 2019 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated October 7, 2019 in which they found this application incomplete.

There was a discussion about the 10' wide drainage easement along the south property line. Mr. Kornick explained this easement is for receiving run-off from roofs and gutters. He explained the pipe is only 15". The Board explained if machinery has to get in there to repair, 10' is not wide enough. Mr. Kornick explained they could make it a 15' wide easement.

This portion of the hearing was opened to the public.

Mrs. Ellen Seward was sworn in by Chairman Hanson.

Mrs. Seward thanked the Board Engineer for a thorough job on the review of the plans and the report.

Mrs. Seward explained the Ordinance 400-59 for open space requirements are not met. She asked about the undeveloped lot and asked if this was going to be a phasing plan? She explained that's not allowed under the same Ordinance. Mr. Kornick explained this is not a phasing plan.

Mrs. Seward explained shade trees are required, but what is proposed are not shade trees. She explained she has concerns with flooding.

Mrs. Seward explained Block 408, Lot 16 is a vernal pond. Mr. Kornick explained this Block and Lot is a manmade basin.

Mr. Thomas Poussart was sworn in by Chairman Hanson.

Mr. Poussart explained he is opposed to this development because of the wildlife this would disturb. He explained the State and County are interested in purchasing this property. He explained there are three houses on Shawmount Avenue on wells. He explained he has a swallow well and has concerns about run-off and chemical run-off from this development.

Mr. Poussart explained there was some talk about preserving some trees and maybe the Township should hire a tree expert to walk through this property.

Mr. Poussart explained the lot on Shawmount Avenue that will not be developed at this time would not meet the 25% open space requirement.

Mr. Galestok explained the 25% open space requirement that was mentioned pertains to a residential cluster development. He explained what is before the Board tonight is not a cluster development.

Mr. Terrance Bennett, Esq., represented Mr. George Coleman and Mrs. Martha Coleman, adjacent neighbors.

Mr. Bennett explained what is proposed is a significant financial impact to the neighbors. The zoning is conservation and should remain undeveloped. Mr. Harvatt explained the zoning was discussed at the use variance application and it was explained this parcel was mistakenly zoned conservation. Mr. Galestok explained there was a court ordered subdivision and that information wasn't transmitted to the Township for a couple of years.

Mr. Bennett explained his clients would like the Board to mitigate the impact to his client's property. He explained a stormwater basin will be behind his client's house and they feel it will become a big mosquito pond. Mr. Kornick explained there will be a bond on this project and inspections will be performed by the Township Engineer and if not done properly, the bond would be used to correct.

Mr. Kornick explained the basin is designed for the 50-year storm. He explained less than two feet of water would be in the basin at any time. He explained at 14" of water would be there than released. The Board asked if the basin would be fenced. Mr. Kornick explained there would be a split rail fence with a 4' high mesh behind.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing 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 adjourn at 6:59. The motion was seconded by Mr. Kennedy.
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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