



CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated December 14, 2017.

List of Board Engineer vouchers dated February 1, 2018.

The New Jersey Planner: November/December 2017; Vol. 78, No. 6.

Mr. Kennedy made a motion to nominate James Hanson as Chairman and approve Resolution #18-1-ZBA. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to nominate Michael Kennedy as Vice-Chairman and approve Resolution #18-2-ZBA. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to nominate William Galestok as Board Secretary and approve Resolution #18-3-ZBA. The motion was seconded by Mr. Utsch. Motion carried.

Mr. Sweeten made a motion to nominate Lisa Schubert as Recording Secretary and approve Resolution #18-4-ZBA. The motion was seconded by Mr. Brand. Motion carried.

Mr. Sweeten made a motion to nominate Anthony Harvatt, Esq., as Board Solicitor and approve Resolution #18-5-ZBA. The motion was seconded by Mr. Utsch. Motion carried.

Mr. Basco made a motion to nominate Mott MacDonald as Board Engineer and approve Resolution #18-6-ZBA. The motion was seconded by Mr. Kennedy. Motion carried.

Mr. Brand made a motion to approve Resolution #18-7-ZBA, approving the meeting dates for 2018. The motion was seconded by Mr. Kennedy. Motion carried.

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

Mr. Brand made a motion to approve the minutes from the December 7, 2017 meeting.

The motion was seconded by Mr. Utsch. Motion carried.

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

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

Mr. Brand made a motion to approve the resolutions from the December 7, 2017 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

1. Revised minor site plan & hardship variance applications for a fenced trash enclosure & an 8' fence in the rear yard. Hardship variance needed for fence height, submitted by Wawa, Inc., for the location known as Block 499.02, Lot 33.01, 3719 Bayshore Road.

Ms. Sara Szymborski, Esq., represented the applicant.

Mr. Matt Sharo, PE, was sworn in by Chairman Hanson.

Ms. Szymborski explained to the Board they are keeping the bump out and build around. She explained they have spoken with Bureau of Fire Safety and they have agreed to have a 20' wide drive aisle.

Marked into evidence as A-3 was a colorized site plan.

Mr. Sharo explained the enclosure will be 15' 5" out and the bollards would be moved in 1'5" so they will have a 20' wide drive aisle.

Mr. Carr summarized Engineer's comments dated December 29, 2017.

Mr. Galestok explained a contractor had called about putting an ADA walkway in and wondered why it was not included in this application? Ms. Szymborski explained they will be before the Board if it is determined a site plan is needed. Mr. Galestok explained a site plan is needed. He explained with the location that was proposed, a disabled person would have to transverse across an area where cars are coming in to access the fuel pumps.

The Board explained they feel there is still a problem with the area of the enclosure and two cars not being able to pass each other. Maybe the drive aisle should be made one-way because no matter what, its cut down to one lane. Mr. Carr explained he did look at this and if made one-way, someone trying to look for a parking space would have to do a k-turn to get to the other side.

Mr. Galestok explained there is a housekeeping issue with the Lot number. The plans have the incorrect Lot number and a condition of approval will be to revise the plans to reflect the correct number. There is also the issue with the previous trash enclosure resolution having the incorrect Lot number.

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.

Ms. Szymorski explained she feels what is before the Board tonight is a good design. She explained they are also meeting the drive aisle width for the Bureau of Fire Safety.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	NO
	Mr. Utsch	YES	Mr. Sweeten	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.

2. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width and encroaching into the front yard setback, submitted by Seashore Land Venture, LLC for the location known as Block 509.01, Lot 4, 828 Weeks Landing Road.

Mr. Jeffrey Barnes, Esq., represented the applicant.

Mr. Nels Johnson, applicant, was sworn in by Chairman Hanson.

Mr. Barnes explained to the Board the zoning is R-2 unsewered. He explained there was a house on the lot that was demolished. The lot is very irregularly shaped and on a corner. He explained the proposed house would have a 60' front yard setback on Weeks Landing Road, 30' front yard setback on Meadowview Road and a 30' side yard setback. He explained because of the narrowness and irregularly shaped lot, the front yard setback variance could be granted. He explained what is proposed is compatible to the neighborhood. He explained what is proposed has no impact or deterrent to the zone or zone plan.

The Board asked if Mr. Johnson was the owner of the lot? Mr. Johnson explained he is through an entity.

The Board asked how big the house would be? Mr. Barnes explained it would be a 2-story, 1500 square foot house.

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. Galestok asked if what was shown in the survey was the building envelope? Mr. Barnes explained it was.

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

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 resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

- 3. Hardship variance application to construct a front porch encroaching into the front yard setback, submitted by Alecia & Rob Fox for the location known as Block 684, Lot 2, 712 Winslow Avenue.

Mrs. Alecia Fox, applicant, and Mr. Matt Sprague, Licensed Architect, were sworn in by Chairman Hanson.

Mr. Sprague explained to the Board the applicant has an existing single family dwelling that she will be doing a full second story addition on. He explained she would like a front porch to give it a little bit of character, but the porch would encroach into the front yard setback. He explained the proposed front yard setback would be 17'6". He explained the house currently has a 25' front yard setback and a five-foot porch really doesn't give much room for furniture. He explained they would like a 7 1/2' front porch.

The Board questioned #3 on the application for the square footage. It was explained that was a typo.

Mr. Galestok explained he feels a 3 1/2' encroachment is minimal.

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. 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 resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

- 4. Use variance application to remove condition that owner must occupy residential structure, submitted by Donald Carter for the location known as Block 510, Lot 21.01, 661 Route 9.

Mr. Donald Carter, applicant and Ms. Cindy Chemerys, PE, were sworn in by Chairman Hanson.

Ms. Chemerys explained this is the site of Northeast Industrial Marine business. She explained approval was received in 1992. She explained Mr. Carter has lived at this site until recently. She explained Mr. Carter is seeking to have the condition removed that he does not have to live at this location. She explained there have been similar situations in this zone where owners do not have a residence on site.

Ms. Chemerys explained she feels this promotes the general welfare, this is a sufficient use of land and space.

The Board explained there was recently a similar application where the owner wasn't living at the location. It was explained that times are changing.

There was a discussion that there is other uses at this location. Mr. Galestok explained he has spoken with Brian Murphy about this and a site plan will be submitted to the Board. Ms. Chemerys explained they will be coming back for a site plan application to address the other uses.

There was a discussion this zone was created for mom & pop businesses.

This portion of the hearing was opened to the public.

Ms. S. Cerebi was sworn in by Chairman Hanson.

Ms. Cerebi asked what the ramifications of this were? She asked if the owner doesn't

live there, can he rent it? It was explained it could be rented.

Mr. Fred Fala was sworn in by Chairman Hanson.

Mr. Fala explained he does not have a problem with Mr. Carter not living there. He explained he does have concerns with what may happen down the road. He explained when he purchased his house, he was aware of the welding business. He explained there appears to be multiple businesses at this site now. He explained he has concerns with what is happening at this site affecting his property values.

This portion of the hearing was closed to the public.

Ms. Chemerys explained what is proposed has no detriment to property. She explained the residence will remain, but not occupied by Mr. Carter..

Mr. Kennedy 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. Sweeten	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.

- 6. Hardship variance application to construct an addition encroaching into the front & side yard setbacks, submitted by Michael Currie for location known as Block 284, Lot 30, 222 Pinetree Drive.

Mr. Michael Currie and Mrs. Tracey Currie, applicants, were sworn in by Chairman Hanson.

Mr. Currie explained he would like to construct an addition to the side of the house. He explained he understands that a variance is good for three years, so they are also requesting a variance for the front porch. He explained the addition would be built if the variance is approved and the front porch within the three years.

The Board asked if the 10 x 32 addition would be tied into the main house? Mr. Currie explained it would. He explained the addition would consist of two bedrooms and a bathroom.

The Board wanted to clarify the side yard setback. Mr. Currie explained the setback for

the addition would be 8.6' and the setback for the existing deck is 6.0'.

The Board asked if the front porch would be open or enclosed? Mrs. Currie explained it would be open and have a 16' front yard setback. It was explained the porch would be open on all sides.

Mr. Galestok explained the existing house is very narrow and he can understand why the applicant's would like to enlarge it. He explained 8' is good for a functioning porch.

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. 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 resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

- 5. Use variance & preliminary & final site plan applications to erect a 105 foot telecommunications monopole, submitted by Celco Partnership d/b/a Verizon Wireless for the location known as Block 793, Lot 11.01, 791 Route 109, South.

Mr. Richard DeLucry, Esq., represented the applicant.

Mr. Delucry explained he doesn't believe a use variance is needed because a tower is not a structure. Mr. Galestok explained he disagreed. He read the definition of structure from the Municipal Land Use Ordinance.

Mr. James Kyle, PP, Mr. Mark Damiano, PE, Ms. Claire Dinardo, Civil Engineer & Mr. Andrew Peterson, PE, were sworn in by Chairman Hanson.

Marked into evidence as A-1 was Lower Township Tax Map Page 11.

Ms. Dinardo explained this area has a problem with cell service. She explained the area is from the base of the bridge extending up the parkway roughly 3/4 of a mile. She explained that they like to look for a commercial use to place the tower and not in a residential area. She explained they also look for a commercial use that is large enough in lot area to handle the tower

and the equipment. She explained the proposed location has existing vegetation.

Mr. Galestok asked if this was for voice and data? Ms. Dinardo explained it was both voice and data.

Marked into evidence as A-2 was a map of the existing best server coverage area. Marked into evidence as A-3 was a map of the proposed best server coverage area.

Mr. Peterson reviewed both maps with the Board. He explained what areas this tower would cover.

Mr. Peterson explained the tower would be 105' with a 5' lightning rod for a total of 110' tall. He explained that if the tower was shorter, there would not be the proper service and coverage area.

Mr. Peterson explained other providers would be able to co-locate on this tower.

There was a discussion that other towers have been allowed to have other antennas, as long as they don't go higher and as long as the equipment stays within the compound.

Mr. Peterson explained all the health regulations would be complied with.

Mr. Damiano explained the proposed tower would be in a 30 x 30 section in the north section of the site. He explained the base of the tower would have a 6' fence, a platform would be elevated and have four equipment cabinets and a generator. There would be a 500-gallon propane tank for the generator. He explained the site would be unmanned, but visited once or twice every 4 to 6 weeks for maintenance. He explained they are proposing a crushed stone driveway and motion lights. He explained the tower is just out of the wetlands buffer line.

Submitted into evidence as A-4 was 2015 aerial photos and photo location map. Marked into evidence as A-5 was photo simulations.

Mr. Kyle explained he visited the site last week and raised a helium balloon to the proposed height. He explained he drove to different locations in the area that the tower would be seen the most and took pictures. Those pictures were then superimposed with the proposed tower.

Mr. Kyle explained there would be 12 antennas with different frequencies they are licensed for. He explained this site is suited for what is proposed. He explained the State Police uses this system and also used for weather alerts. He explained this is an unmanned facility, but monitored 24 hours a day 365 days a year.

Mr. Kyle reviewed four photos where the tower would be the most visible.

Mr. Carr summarized Engineer's comments dated January 26, 2018.

There was a discussion that there is a need for the tower in this location. Explaining that this tower will take some of the burden off the other towers in the area and providing better service to the public.

Mr. Galestok read Cape May County Planning Board comments dated December 28, 2017.

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.

The Board explained the proposed fence height is 6' and the platform is at 5'. They asked if an 8' fence would be better. Mr. Damiano explained they are complying with the Ordinance.

Mr. Brand made a motion to conditionally approve the use variance 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.

Mr. Brand made a motion to approve the preliminary & final site plan 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.

Mr. Brand made a motion to approve the waiver. 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 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 adjourn at 8:58 P.M. The motion was seconded by Mr. Basco. Motion carried.

Respectfully submitted,

Lisa A. Schubert,  
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

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.