

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 February 5, 2015 at the Lower Township Municipal Building. The meeting was called to order at 7:03 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
Bruce Waterman
Robert Sweeten
Michael DiStefano

MEMBERS EXCUSED:

John Armbruster
Dianne Kelly

STAFF PRESENT:

Anthony J. Harvatt, II, Board Solicitor
Shawn Carr, Board Engineer
Joseph Maffei, Board Engineer for Van Mourik application
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handout:

List of Engineering Design Associates vouchers dated February 5, 2015.

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

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

Mr. Brand made a motion to approve the January 8, 2015 minutes. The motion was seconded by Mr. Waterman. Motion carried.

1. Use variance application to allow a 700 sq. ft. 2nd floor apartment above an existing detached garage, submitted by Richard & Ann Degener for the location known as Block 748, Lot 26.01, 609 Sunset Blvd.

Ms. Elizabeth Degener, Mr. Richard Degener, applicants and Ms. Kathleen Lorentz, Architect, were sworn in by Chairman Hanson.

Ms. Degener explained there is an existing barn where she has her business equipment. She explained they would like to construct a second floor addition over the barn. She explained the footprint would not change. She explained they would have outside stairs and have a couple dormers. She explained she started her bread business and she needs to be on the land to tend to the gardens and animals. She explained they were thinking about building a cabin on the land, but decided not to because they were unsure of wetlands and wetland buffer issues. She explained what is proposed is not out of character in the area. She explained the Board has approved several in the past.

Ms. Lorentz had submitted into evidence an architectural rendering.

Ms. Lorentz explained to the Board the property is 22 acres. She explained the barn is adjacent the main house. She explained the barn is 25 x 35 and they are proposing an apartment above the barn. She explained there would be a vestibule for the outside stairs and a balcony. She explained that there wouldn't be any land disturbance.

The Board asked about the well and septic? Ms. Lorentz explained they will be having an Engineer inspect to see if the existing septic system can handle this. If it cannot, they would construct a new system.

The Board explained they typically deed restrict for family use only and not used as a rental property and asked if they would have a problem with this? Mr. Degener explained he doesn't have a problem with this now, but in the future if he and his wife were to move and Elizabeth moves into the house, they may use the apartment for a farm laborer. The Board explained they did not have a problem if a farm laborer moved in.

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. Brand.

| | | | | |
|-------|-------------|-----|-----------------|-----|
| VOTE: | Mr. Brand | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Waterman | YES |
| | Mr. Sweeten | 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. Revised minor site plan application to relocate the house and detached garage which was previously approved by the Board on October 2, 2014, submitted by Jeffrey Van Mourik for the location known as Block 416, Lot 1.10, 151 Fishing Creek Road.

Mr. Jeffrey Van Mourik, applicant was sworn in by Chairman Hanson.

Mr. Van Mourik explained he was before the Board previously and approved for a single family dwelling and a pole barn. He explained he would like to move both the house and garage to a different location. He explained the house would be more than 100' from Pine Street.

Mr. Maffei read Engineer comment's dated January 2, 2015.

Mr. Van Mourik explained the barn is 42 x 48 with a 14' leanto.

The Board asked if there was or is there a variance because the barn is larger than the house? Mr. Galestok explained it would be covered under the use variance.

Mr. Galestok explained he did not have Bureau of Fire Safety comments for this application. Mr. Van Mourik explained they had commented before. Mr. Galestok explained new fire comments are needed because this is a revised application.

Mr. Van Mourik asked how quickly a building permit can be approved? Mr. Galestok explained a bond and escrow would have to be posted and a new fire safety letter would be

needed.

Mr. Van Mourik explained he would like to start construction of the barn before the house is constructed. He explained the footing and foundation would be installed for the house. He would just be waiting for the house to be delivered. He explained he was getting a modular home. There was a discussion that the Ordinance states you cannot have an accessory use without a principal structure. Mr. Van Mourik explained the modular would be set a week after the barn is done.

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 read Section 400-31 from the Ordinance pertaining to an accessory use on the property before a principal use. He explained a CO wouldn't be issued for the garage until the house was complete.

Mr. Van Mourik asked if the Bond could be waived? It was explained to Mr. Van Mourik he would have to go to Council asking for the Bond to be waived. They explained the Bond is given to Township Council and not the Board.

Mr. Van Mourik asked Mr. Maffei if the bond amount included the fence? Mr. Maffei explained it did. There was a discussion the fence wasn't going to be installed thus reducing the bond amount.

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

| | | | | |
|-------|-------------|-----|-----------------|-----|
| VOTE: | Mr. Brand | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Waterman | YES |
| | Mr. Sweeten | 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.

- Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Jayne Sudell for the location known as Block 134, Lots 11 & 12, 1206 Millman Lane.

Mr. Jayne Sudell and Mr. Guy Sudell, applicants, were sworn in by Chairman Hanson.

Mr. Sudell explained they have a 50 x 100 lot on Millman Lane. He explained they would like to construct a single family dwelling that would meet all the requirements for the

zone.

The Board asked if there were any encroachments on the property? Mr. Sudell explained the stone driveway from the next door neighbors encroaches. He explained the driveway would be removed.

There was a discussion that there is no adjacent vacant land available.

This portion of the hearing was opened to the public.

Ms. Elizabeth Somers was sworn in by Chairman Hanson.

Ms. Somers explained she lives across the street from this lot. She explained if a house was built, she would lose her view of the bay. She explained the area is not big enough for another house to be built.

This portion of the hearing was closed to the public.

The Board explained that if they do not approve these undersized lots, the Township would have to purchase the lots.

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

| | | | | |
|-------|-------------|-----|-----------------|-----|
| VOTE: | Mr. Brand | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Waterman | YES |
| | Mr. Sweeten | 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. Waterman made a motion to adjourn at 7:44 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.

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.