

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

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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 March 1, 2018 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Vice-Chairman Michael Kennedy. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Vice-Chairman Michael Kennedy
David F. Brand, Jr.
Ernest Utsch III
Robert Sweeten
George Doherty
Robert Basco, Sr.

MEMBERS EXCUSED: Chairman James Hanson
Bruce Waterman

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 February 27, 2018.

List of Board Engineer vouchers dated March 1, 2018.

Mr. Utsch made a motion to approve the minutes from the February 1, 2018 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

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

Mr. Brand made a motion to approve the resolutions from the February 1, 2018 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

Approval of Annual Variance Report and adoption of Resolution #18-8-ZBA subject to MLUL 40:55D-71.1.

Mr. Galestok explained this report is done every year. He explained when he reviews the report, he is looking for patterns and/or areas where change may be needed.

Mr. Galestok explained one of the areas that he reviewed was the Residential Business (RB) Zone. He explained this is an owner-occupied zone. He explained he had reviewed this zone and thinks this should be an area changed. He explained the Board has approved applications in which there was a business, but the owner did not live there. He explained he thinks that the residence should be kept there, so if the owner wanted someone to be present at all times, there is.

Mr. Galestok explained he was going to discuss with the Board about doing something with the bonding of some projects in this zone, but there has just been legislation passed pertaining to bonding. He explained only the improvements that would be dedicated would be bonded.

There was a discussion that a concern would be that the owner of the property would have

a bunkhouse for their employees. Mr. Galestok explained years ago, someone was complaining about the number of unrelated people living in one house, but it was ruled that unrelated people living together as a family are allowed to do so. Mr. Harvatt explained the Health Department governs the number of people and number of beds in a home.

Mr. Galestok explained he did an analysis of the zone and found that 29% of the businesses in the zone were owner occupied.

Mr. Galestok read Resolution #18-8-ZBA.

Mr. Brand made a motion to accept the variance report and approve Resolution #18-8-ZBA. The motion was seconded by Mr. Utsch.

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

Motion carried.

1. Use & hardship variance & preliminary & final site plan applications to demolish the existing single family dwelling and accessory structures and construct a 50 x 75 pole barn to be used as storage for a commercial fishing business. Use variance needed for property that will not be owner occupied. Hardship variances needed for lot area, frontage & width, submitted by Fiskeladan, LLC for the location known as Block 452, Lot 14, 627 Seashore Road.

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

Mr. Vincent Orlando, PE, Licensed Landscape Architect, and Mr. Lars Axelsson, applicant, were sworn in by Chairman Kennedy.

Mr. Barnes explained the applicant is the contract purchaser for the property. He explained the property is just under an acre. He explained the applicant plans to demolish the existing structures on the property and construct a 50 x 75 building with two building mounted lights for his commercial fishing business. He explained there will be some clearing for the driveway and basin. He explained the existing septic system will be abandon and a new septic system will be installed. He explained they found out recently there is a County drainage pipe through the property. He explained they did a title search for the property and no easements were found. He explained he spoke with Dale Foster from the County and there is a pipe through the property. He explained the proposed building will not be near the pipe. He explained no residence will be connected to the property and this is why the use variance would be needed. He explained they are requesting hardship variances for lot area, frontage and width. The proposed building coverage would be 9.5%.

Mr. Axelsson explained he has a commercial fishing business. He explained they have different nets for different seasons. He explained he is using his mother's barn to store the fishing nets and there are too many to fit. He explained that repairs are done to the nets and they have been doing those repairs at the airport. He explained they need an area that is not asphalt or concrete to be able to spread the nets out to work on. He explained asphalt and concrete wears the nets down. He explained the building will be large enough to store all the nets, net drum truck, forklift and their heavy duty truck. He explained they do not have customers that would come to this location. He explained they rarely get deliveries. He explained they are proposing the building as far back on the property as they can and it would blend into the tree lined area. He explained the pole barn would be reddish in color.

Mr. Orlando explained no signage is proposed. He explained they will have a couple of building mounted lights that may be motion sensed or on timers. He explained the driveway would be crushed stone. He explained there would be no outdoor storage. He explained the building would be 50 x 75 steel structure. He explained they would be adding some concrete at the street. He explained to the Board where the drainage pipe was and that what is proposed would not interfere with the pipe.

Marked into evidence as A-1 was a copy of the site plan showing the location of the County pipe on the property.

There was a discussion that if the swale is in the location of the County pipe, they would redesign the swale area to accommodate the pipe.

Mr. Orlando explained the variances could be granted because there is no detriment to the public, public good, zone or zone plan. He explained he feels what is proposed is a suited use for the property. He explained the location of this property is in close proximity for all the family to get to.

Mr. Carr summarized Engineer's comments dated February 23, 2018.

This portion of the hearing was opened to the public.

Mr. Dave Lepor was sworn in by Chairman Kennedy.

Mr. Lepor explained his mother lives next door to this property. He explained most of their concerns have been addressed. He asked if in the future this property is sold could an auto repair facility be installed? Mr. Orlando explained the building could only be used as a storage building. He explained any change from that would have to come back before the Board.

The Board asked if there would be a bathroom in the building? Mr. Orlando explained there would be.

Mr. Galestok read Bureau of Fire Safety comments dated February 15, 2018 in which they found this application acceptable.

Mr. Galestok explained what is proposed is a light industrial use. He read some of the permitted uses for the zone.

Mr. Galestok explained that in 2006, Township Council realized Ocean Drive was a vital port for the fishing industry. He explained the zone along Ocean Drive allowed for residential uses of boatels, motels and apartment buildings. Residential uses and commercial for the most part do not go together and the residents start complaining about noise. Township Council wanted to preserve this area and changed the Ordinance to remove residential uses as a permitted.

Mr. Brand made a motion to conditionally approve the use variance application. The motion was seconded by Mr. Utsch.

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

Motion carried.

Mr. Brand made a motion to conditionally approve the bulk and hardship variances. The motion was seconded by Mr. Basco.

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

Motion carried.

Mr. Brand made a motion to conditionally approve the site plan application. The motion was seconded by Mr. Basco.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Doherty	YES
	Mr. Basco	YES	Chairman Kennedy	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. Basco made a motion to adjourn at 7:57 P.M. The motion was seconded by Mr. Utsch. 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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