

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 March 6, 2014 at the Lower Township Municipal Building. The meeting was called to order at 7:03 P.M. by Vice-Chairman John Armbruster. 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 John Armbruster
David F. Brand, Jr.
Ernest Utsch III
Robert Sweeten
Michael DiStefano
Dianne Kelly
Erik Collins
Stephen Komar

MEMBERS EXCUSED: Chairman James Hanson
Bruce Waterman

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

CORRESPONDENCE:

Memorandum:

TO: Jay Dilworth, Chairman, LT Planning Board
Jim Hanson, Chairman, LT Zoning Board

FROM: Bill Galestok, PP, AICP
Director of Planning
Board Secretary

DATE: February 25, 2014

RE: Resignation of Planning Board and
Zoning Board Engineer as of 2-24-14

Handouts:

List of Board Solicitor vouchers dated March 5, 2014.

Resolution #14-8-ZBA - Annual Variance Report

2013 Zoning Board Variance Report.

Resolution #14-9-ZBA - Board Engineer

Mr. Galestok explained to the Board that Mr. Curvan, Board Engineer, resigned his position.

Mr. Galestok explained he had asked Mr. Maffei if he would be interested in filling in as Board Engineer until the end of the year and he has agreed. He explained most of the Board should be familiar with Mr. Maffei as he was the Board Engineer for five years back in the 1990's.

Mr. Brand made a motion to approve Resolution #14-9-ZBA, appointing Joseph Maffei, PE, Board Engineer for the remainder of 2014. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mr. Collins	YES
	Chairman Armbruster	YES		

Motion carried.

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

1. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by GT Renovation, LLP, for the location known as Block 410.11, Lot 7, 209 E. Drumbed Road.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Mr. Mitev, applicant, and Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Armbruster.

Mr. Sweeney explained the lot is undersized. He explained the lot was created by subdivision in 1966. He explained the proposed single family dwelling would meet all the requirements of the zone.

The Board asked if vacant land was available? Mr. Dwyer explained no adjacent vacant land was available.

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.

There was a discussion that this is consistent with the lot sizes in the area.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mr. Collins	YES
	Chairman Armbruster	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 Robert Hannold for the location known as Block 116, Lot 1, Hudson Avenue & Millman Lane.

Mr. Robert Hannold, applicant, and Mr. Robert Reid, PP, were sworn in by Chairman Armbruster.

Mr. Hannold explained to the Board he would like to construct a house on this lot. He explained he has been coming to this area since a small kid. He explained the lot is narrow. He explained he looked for the skinniest house he could to be on this lot.

Mr. Reid explained to the Board that 63% of the lots in the area are non-conforming. He explained what is proposed is consistent with the land use pattern in the Villas. He explained they tried to conform as much as possible except a front yard setback variance is still needed. He explained the proposed setback is consistent with others in the area. He explained to avoid the front yard setback variance, they would only be allowed to build a nine foot wide house.

There was a discussion about if a subdivision would be needed. Mr. Reid explained this is an "L" shaped lot and there is case law there is no merger issue. Mr. Galestok explained he had discussed this with the Planning Board Solicitor and he agrees there isn't a merger issue.

Mr. Reid explained the proposed height of the house will be 35'.

Mr. Galestok explained that as per the Engineer, a corner property has two front yards and the 20' rear yard square should be indicated on the survey.

This portion of the hearing was opened to the public.

Ms. Deborah Adams was sworn in by Chairman Armbruster.

Ms. Adams explained she drove from Miami Avenue to Townbank and did not see any houses with this setback that is proposed. She asked if there were any easements on the property? Mr. Reid explained there were overhead electric lines, but there probably wasn't an easement from the electric company. He explained the wires would have to be relocated.

Ms. Adams asked if on-site parking was proposed? Mr. Hannold explained there will be a driveway off of Hudson Avenue, but is unsure of the exact location. Ms. Adams explained Hudson Avenue is narrow.

Ms. Adams asked if fill would be added to the property? She explained she has concerns with flooding. Mr. Reid explained there would be fill added, and it would be graded to flow toward the street.

Ms. Sally Gillespie was sworn in by Chairman Armbruster.

Ms. Gillespie explained she has a summer home next door to this property. She asked if Mr. Hannold owned the property? Mr. Hannold explained he was in the process of purchasing the property.

Ms. Gillespie asked if they could move the house over to have an eight-foot setback? The Board explained the Ordinance allows a six-foot setback.

Ms. Gillespie asked if they could move the house back? Mr. Reid explained they purposely moved the house back to be even with their porch so not interfere with their view.

Ms. Gillespie asked if they would be willing to split the cost for a six-foot fence? Mr. Hannold explained he didn't have a problem with that.

Mr. Andrew Gillespie was sworn in by Chairman Armbruster.

Mr. Gillespie asked about the drainage of the property? He explained he has concerns with standing water. It was explained to Mr. Gillespie the lot would be graded to drain toward the street.

This portion of the hearing was closed to the public.

Mr. Hannold explained he wants to try to accommodate everyone and feels he has a good proposal.

Mr. Reid explained no adjacent vacant land is available.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mr. Collins	YES
	Chairman Armbruster	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. Komar made a motion to approve the resolutions from the February 6, 2014 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

Approval of Annual Variance Report and adoption of Resolution #41-8-ZBA subject to MLUL 40:55D-71.1.

Mr. Galestok reviewed the report with the Board. He explained there isn't a lot of repetition and doesn't see anything unusually.

There was a discussion about if anything could be done about undersized lots not coming before the Board. Mr. Galestok explained the Ordinance was changed to allow a rebuild on a 40' lot or wider without a variance as long as the requirements are met. There was a discussion that isolated undersized lots should come before the Board.

Mr. Brand made a motion to approve resolution #14-8-ZBA, approving the variance report. The motion was seconded by Mr. Sweeten. Motion carried.

There was a discussion regarding Amusement Partnership. The businesses are allowed to stay with the Board's approval.

A letter was sent to Amusement Partnership with the outstanding issues to be addressed. A bond is still in place.

Mr. Brand made a motion to adjourn at 7:40 P.M. The motion was seconded by Mr. Sweeten. 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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