

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 7, 2013 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Chairman Jim 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
John Armbruster
David F. Brand, Jr.
Ernest Utsch III
Bruce Waterman
Michael DiStefano
Christopher Kobik
Erik Collins
Stephen Komar

MEMBERS EXCUSED: Robert Sweeten
Dianne Kelly

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

CORRESPONDENCE:

Handouts:

List of Hatch Mott MacDonald vouchers dated March 7, 2013.

The New Jersey Planner: January/February 2013; Vol. 74, No. 1.

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

Mr. Utsch made a motion to approve the February 7, 2013 minutes. The motion was seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to approve Hatch Mott MacDonald vouchers. The motion was seconded by Mr. Waterman. Motion carried.

Approval of Annual Variance Report and adoption of Resolution #13-8-ZBA subject to MLUL 40:55D-71.1

Mr. Galestok explained the report is required under MLUL 40:55D-71.1. He explained that he reviewed the report with the Board. He explained that most of the hardship variances granted were standard. He explained he didn't think any changes would be needed.

Mr. Armbruster made a motion to approve Resolution #13-8-ZBA. The motion was seconded by Mr. Waterman.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Kobik	YES
	Chairman Hanson	YES		

Motion carried.

2. Extension of approval to extend hardship variance approval previously granted by the Board April 4, 2010, submitted by Robert Polis for the location known as Block 468, Lots 1, 2 & 16, 948 Fay Avenue.

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

Mr. Dwyer explained the variance was approved three (3) years ago for an undersized lot. He explained they would like a three (3) extension.

The Board asked if DEP or another agency was holding up the sale of the property? Mr. Dwyer explained there are no other approvals needed. He explained there was a problem with the deed that needs to be corrected.

Mr. Utsch made a motion to approve a three (3) extension of the hardship variance approval. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Kobik	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.

1. Hardship variance application to construct a single family dwelling on a lot deficient in lot area and frontage, submitted by Brian Sullivan for the location known as Block 753.01, Lot 33, 816 Canning House Lane.

Mr. Komar excused himself from this application due to a conflict of interest.

Mr. Brian Sullivan, applicant, was sworn in by Chairman Hanson.

Mr. Sullivan explained he would like to construct a single family dwelling. He explained the lot is deficient in lot area and frontage.

Mr. Galestok handed the Board the full copy of the survey. Mr. Harvatt marked the survey into evidence.

The Board asked Mr. Sullivan why there was a curve to the proposed house? Mr. Sullivan explained there are wetland issues with the lot.

The Board asked if the property would be well and septic? Mr. Sullivan explained there would be city water, but have a septic system. He explained with the wetlands on the property, the septic would have to be in the front yard and possibly wrap around to the side of the house.

There was a discussion regarding the travel way. Mr. Sullivan explained that he was contacted by the owner of the traveled way. He explained the owner does not have a problem with it being used. He explained it has been used for 30 years. The owner of the traveled way

would like a resolution to this matter though with the Township.

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 asked if an easement would be needed? There was a discussion that this traveled way has been there for a long time and an easement is not needed. There are other homes in this area that have been using the traveled way.

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

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Kobik	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. Armbruster made a motion to adjourn at 7:14 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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