

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 April 3, 2014 at the Lower Township Municipal Building. The meeting was called to order at 7:13 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
Ernest Utsch III
Michael DiStefano
Dianne Kelly

MEMBERS EXCUSED: John Armbruster
David F. Brand, Jr.
Bruce Waterman
Robert Sweeten
Erik Collins
Stephen Komar

STAFF PRESENT: Louis Dwyer, Jr., Esq., Acting Board Solicitor
Joseph Maffei, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

STAFF EXCUSED: Anthony J. Harvatt, II, Board Solicitor

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated March 27, 2014.

List of Board Engineer voucher dated April 3, 2014.

The New Jersey Planner: January/February 2014; Vol. 75. No.1.

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

Mr. Utsch made a motion to approve the minutes from the March 6, 2014 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

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

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

Mr. Utsch made a motion to approve the resolutions from the March 6, 2014 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

1. Use variance application to have two (2) principal structures on one (1) lot, submitted by Ryan & Amy Litton for the location known as Block 498, Lot 10, 722 Shunpike Road.

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

Mr. Dwyer explained that due to lack of quorum, the application would be continued until next month. He agreed to waive all time constraints.

2. Hardship variance application to construct a deck encroaching into the front yard setback and a six (6) foot fence in front yard, submitted by Thomas Judd Cady for the location known as Block 139, Lots 15 & 16, 303 Millman Lane.

Mr. Thomas Judd Cady, applicant, was sworn in by Chairman Hanson.

Mr. Cady submitted into evidence a photo of the area where the proposed deck would be located.

Mr. Cady explained the property is a street to street property. He explained that he would like to construct a deck encroaching into the front yard setback with a six-foot deck around the deck for privacy.

The Board asked Mr. Galestok why a variance for the six-foot fence was needed? Mr. Galestok explained a six-foot fence is prohibited in the front yard.

Mr. Cady explained the deck would be eight inches off the ground and would be composite decking and a bamboo fence. He explained the fence would border the deck and not the property.

Mr. Galestok asked if this would interfere with parking? Mr. Cady explained there is parking on the other side of the house and along the side of the house.

Mr. Cady explained he rents the house in the three summer months. He explained he is here every weekend and during his vacations.

This portion of the hearing is opened to the public.

Mr. Robert Francis was sworn in by Chairman Hanson.

Mr. Francis explained he lives across the street. He explained this is advertised as a rental that can sleep 14 people and parking for nine cars. He explained there was already one variance granted to construct the house. He explained there is already a parking, noise and trash problem in the area.

Ms. Patience Carroll was sworn in by Chairman Hanson.

Ms. Carroll explained she lives across the street from Mr. Cady. She submitted a copy of the ad to the Board. She explained her concerns are with the added noise. She explained parking is already an issue. She explained this application is to provide privacy for a rental unit and she finds that insulting. She explained there should be a level of respect to the area. She explained there are already two decks on the front of the house. She explained she doesn't feel there is a hardship.

Ms. Denise Jones was sworn in by Chairman Hanson.

Ms. Jones explained she is afraid to be blocked in by a six-foot fence. She explained she would prefer a four-foot fence.

Mrs. Ann Francis was sworn in by Chairman Hanson.

Mrs. Francis explained she had a letter from a neighbor that couldn't attend tonight's meeting. The Board explained they could not accept the letter. They explained that without that person present tonight, the Board or applicant could not ask questions.

Mrs. Francis explained there is a parking problem in the area already. She explained this would only add to that. She explained there is a fire hydrant on the corner, but if there was a fire, she doesn't believe a fire truck could get to the hydrant.

This portion of the hearing was closed to the public.

Mr. Cady explained there has never been more than three cars parked there. He explained there could be parking along the side of the house, driveway and garage. He explained he rents to families. He explained he is sensitive to the neighbors. He explained he is not wealthy. He explained this is his dream home. He explained he cannot retire for another six years, but when he does, he will be moving here. He explained he doesn't want to offend his neighbors. He explained he would do a four-foot fence.

The Board explained that four feet could be removed from the deck and a variance wouldn't be needed.

There was a discussion about the dimensions on the survey and possibly not being correct.

The Board explained the applicant could continue the application and have a surveyor verify the setbacks. Mr. Dwyer explained Mr. Cady could come back with a deck that meets the Ordinance or if a variance may still be needed.

Mr. Galestok asked if a hot tub could be placed on the front decks? Mr. Cady explained they couldn't support the weight of the hot tub.

Mr. Cady explained he would like to continue the application until the May 1, 2014 meeting agreeing to waive time constraints.

Mr. DiStefano made a motion to adjourn at 7:39 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.

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.