

2600 Bayshore Road  
Villas, New Jersey 08251



(609) 886-2005

LOWER TOWNSHIP ZONING BOARD

MEMBERS PRESENT: Chairman James Hanson  
Michael Kennedy  
David F. Brand, Jr.  
Ernest Utsch III  
Bruce Waterman  
George Doherty  
Robert Basco, Sr.

MEMBERS EXCUSED: Robert Sweeten

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

CORRESPONDENCE:

Letters:

TO: Mayor Erik Simonsen & Council Members

FROM: William J. Galestok, PP, AICP  
Director of Planning  
Board Secretary

DATE: January 4, 2019

RE: MLUL 40:55D-70.a; Annual report  
on variances heard by Zoning Board  
Year 2018

Handouts:

The New Jersey Planner: January/February 2019 - Vol. 80, No. 1.

List of Board Solicitor vouchers dated April 3, 2019.

List of Board Engineer vouchers dated April 4, 2019.

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

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

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

Approval of Annual Variance Report and adoption of Resolution #19-8-ZBA subject to MLUL 40:55D-71.1.

Mr. Galestok explained to the Board that he reviewed the report and didn't find anything that he felt needed attention.

Mr. Galestok explained that he did bring up a couple of things to the Planning Board. He

explained one was in the RB zone for the owner-occupied businesses. He explained he feels this is an area that may want to change. He explained the second was for farm buildings and farm animals. He explained the Ordinance is inconsistent with farm buildings. He explained if the building is for a farm, the building can be 40' from property lines. He explained if the building is for a farm animal, it has to be 100' from property lines.

Mr. Brand made a motion to approve Resolution #19-8-ZBA. The motion was seconded by Mr. Waterman. Motion carried.

Mr. Brand made a motion to approve the minutes from the March 7, 2019 meeting. The motion was seconded by Mr. Kennedy. Motion carried.

Mr. Kennedy made a motion to approve the resolutions from the March 7, 2019 meeting. The motion was seconded by Mr. Brand. Motion carried.

1. Preliminary & final site plan & variance applications for additional buffers, submitted by Donald Carter for the location known as Block 510, Lot 21.01, 661 Route 9.

Mr. Teddy Strickland, Esq., represented the applicant.

Mr. Don Carter, applicant, and Mr. Brian Murphy, PE, were sworn in by Chairman Hanson.

Mr. Murphy explained to the Board that there is a single family dwelling on the property along with a welding business that received approval. He explained they would also like approval for a landscape business at this site. He reviewed the previous and proposed site plan with the Board.

Mr. Murphy explained the State took 26' of Mr. Carter's property when they widen Route 9. He explained the sign would be moved back onto the property. He explained they are proposing a split rail fence. He explained the buffers have been encroached upon. He explained they can add landscape ties to delineate the 20' buffer. He explained the shed can be moved and comply with the regulations. He explained as far as parking, with the business Mr. Carter has, delineated parking isn't really needed. He explained it's generally only Mr. Carter's pick-up truck and two other employees. He explained there hasn't been a parking problem in 30 years.

The Board explained that for 30 years there's been two uses on the property. He explained now there's a third use proposed. Mr. Murphy explained one of the uses is a single family dwelling. The Board explained it's hard to see the parking on the side of the building. Mr. Murphy explained there is a handicap parking space and that gets used for drop off because of the concrete pad. The Board explained that most of the large equipment just sits there and the property is in need of cleaning up. Mr. Murphy explained the property has been cleaned up and a

lot of the debris has been removed.

The Board asked if a use variance was needed for additional business to the site? Mr. Galestok explained it had a use variance so another one would not be needed.

Mr. Strickland asked Mr. Carter how many employees he had? Mr. Carter explained he had three employees. He explained no one from the landscape business parks there. He explained they take the vehicles home. He explained the landscape business has been there for eight years.

Mr. Carr summarized Engineer's comments dated February 28, 2019.

Mr. Carr explained he doesn't see where there are 21 parking spaces on site and also with the drive aisles and feels a variance is needed.

There was a discussion regarding outdoor display. Mr. Murphy explained it is a welding and hydraulics business and equipment is stored outside. He explained some of the equipment cannot fit into the building.

There was a discussion regarding drainage. Mr. Murphy explained he's not sure if the drainage was installed. He explained a certificate of occupancy was issued. He explained they don't make inspections as the project proceeds. Mr. Murphy explained he will inspect to see if the drainage was installed and if it's not there, it will be installed. If it's there and sections need repair, it will be done. Mr. Murphy explained he will send Mr. Carr a letter on his findings and solutions.

Mr. Murphy explained a 6' fence has been installed on the north side of the property and Mr. Carter will maintain that.

Mr. Carr asked Mr. Carter about the shipping containers. Mr. Carter explained the containers are for parts.

There was a discussion about the trash enclosure. Mr. Murphy explained there isn't a trash enclosure. Mr. Carter explained he contracts with the Township for trash pick-up now. The Board asked how the trash truck gets onto the property? Mr. Carter explained they come in on the south side of the building.

Mr. Carter explained he installed a 6' vinyl fence 300' along the north side of the property line. He explained the neighbor did plant some trees. He explained he removed the scrap iron and a couple of vehicles from the buffer area.

Mr. Carter explained his business got bigger than what he thought it would. He explained he has equipment coming in from all over for repair.

Mr. Carter explained when the State came in to widen Route 9 and took his property, they took out all the trees that were a great buffer along Route 9. He explained the State did plant some trees, but they all died. He explained that the State also ripped out about \$25,000.00 worth of drainage in the front.

There was a discussion about the fence and site triangle for the unnamed street. Mr. Murphy explained the site triangle was added to the plan. Mr. Carter explained he would plant trees from the property line to the unnamed street. The Board explained some landscaping was needed on the north side of the property as well and not just a fence. Mr. Carter explained he would plant evergreens in this area.

Mr. Murphy explained they are requesting waiver for the load/unload zone.

Mr. Galestok read section 400-18E.2 from the Lower Township Zoning Ordinance which allows for three businesses.

Mr. Galestok read Bureau of Fire Safety comments dated February 20, 2019 in which the found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated March 4, 2019.

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. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Doherty	YES	Mr. Basco	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. Hardship variance application to construct a 6 x 21 front porch and a 25 x 35 side addition encroaching into the front & side yard setbacks and exceeding the allowed building coverage, submitted by Bruce & Theresa Conwell for the location known as Block 752.04, Lot 2, 2 Melody Court.

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

Mr. Bruce Conwell and Mrs. Theresa Conwell, applicants, were sworn in by Chairman Hanson.

Mr. Conwell explained this property is in the R-1 zone and requires 1 acre for a single family dwelling. He explained he has an existing house on an undersized lot. He explained with the current requirements additions cannot be done without variances. He explained when they purchased the house they had a newborn. He explained that since that time they have had two more children. He explained the house is too small for them now. He explained they could move to a larger house, but they like the neighborhood and neighbors. He explained their children can play in the street and they don't have to worry about them and the neighbors know their kids.

Mr. Conwell explained they would like to construct a front porch that would encroach into the front yard setback and a side addition that would encroach into the side yard setback. He explained the lot is about 1/3 of an acre and the additions would exceed the allowed building coverage.

This portion of the hearing was opened to the public.

Ms Janice Conwell was sworn in by Chairman Hanson.

Ms. Conwell explained she purchased her house after Bruce & Theresa, her son and daughter-in-law and she has no objections to this application.

This portion of the hearing was closed to the public.

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

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

3. Minor site plan application to relocate an existing 16 x 20 building and attached to another building on the lot for the laundry service and a 24 x 30 detached garage, submitted by Irene Hober for the location known as Block 505, Lot 18.03, 837 Seashore Road.

Mr. Charles Sandman, Esq., represented the applicant.

Ms. Irene Hober, applicant, and Mr. Rami Nassar, PE, were sworn in by Chairman Hanson.

Mr. Sandman explained the Board previously approved the use variance for a linen business at this location.

Ms. Hober explained the proposal is for the cottage to be moved and attached to the garage. She explained there would be an opening to get through from one building to another. She explained a residential garage will be built where the cottage was.

There was a discussion that there would be a light on the business portion of the building. It was explained that it would be either a timer light or a motion sensor light.

The cottage would have the washers and dryers and the attached garage would be the area the linens are stored.

Mr. Nassar explained they are proposing four parking spaces. Three would be employee parking and the fourth would be a handicap space. He explained there would be no customers coming to this location.

Mr. Nassar explained there is only one entrance to the business and that would be off Seashore Road. He explained the residential garage would be 24 x 30. He explained the septic system would be expanded because of the business.

Mr. Sandman asked Ms. Hober if a loading area would be needed? Ms. Hober explained a loading/unloading area would not be needed.

Mr. Nassar explained for drainage purposes, they can add a swale around the building and parking area. There would be building mounted lights that would probably be motion-sensor.

This portion of the hearing was opened to the public.

Mr. Craig Venet was sworn in by Chairman Hanson.

Mr. Venet asked if the proposed garage would be for the business? Mr. Sandman explained it was just a garage for Ms. Hober's personal use.

Mr. Venet explained he has concerns about the maximum of two employees and Ms. Hober when four parking spaces are proposed. He also expressed concern as to whether this would be only for the linen business. He explained on Ms. Hober's website, it has beach equipment rental and questioned if that was proposed at this location too?

Mr. Venet explained he also has concerns with the septic system and also that it hasn't been approved yet.

Mr. Venet explained there should be a landscape buffer installed along the rear property line.

This portion of the hearing was closed to the public.

Mr. Sandman explained they would install a landscape buffer along the easterly side of the property.

It was asked of Ms. Hober what equipment is rented. Ms. Hober explained she rents beach chairs, strollers, umbrellas, cribs and port-a-cribs.

Mr. Galestok read Bureau of Fire Safety comments dated March 19, 2019 in which they found this application acceptable.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Doherty	YES	Mr. Basco	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. Brand made a motion to adjourn at 8:27 P.M. The motion was seconded by Mr. Waterman. 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.