

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 May 1, 2014 at the Lower Township Municipal Building. The meeting was called to order at 7:00 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
David F. Brand, Jr.
Ernest Utsch III
Bruce Waterman
Michael DiStefano
Dianne Kelly

MEMBERS EXCUSED: John Armbruster
Robert Sweeten
Erik Collins
Stephen Komar

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

CORRESPONDENCE:

Handout:

Zoning Board of Adjustment Resolution #14-16-ZBA.

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

Mr. Utsch made a motion to approve the April 3, 2014 minutes. The motion was seconded by Mr. DiStefano. Motion carried.

Mr. Waterman made a motion to approve Resolution #14-16-ZBA, appointing Hatch Mott MacDonald Engineer's as conflict Engineer. 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. Maffei excused himself from this application due to conflict of interest.

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

Mr. Ryan Litton, applicant, and Mr. Matt Hender, PP, were sworn in by Chairman Hanson.

Mr. Hender explained the property is over 13 acres. He explained they have DEP approval for the wetlands.

Mr. Litton explained one house would be for him and his wife and the other for his children.

Mr. Dwyer explained it is not practical for another subdivision to be done.

Mr. Hender explained if approved, there would be no detriment to the zone or zone plan with the amount of acreage. He explained there is an undue hardship to the applicant with the buffer.

The Board explained there appears to be two houses being built currently. Mr. Litton explained there is only one house being built now and there are building permits. So this application is to construct a second house connected via a breezeway. The Board asked how the ownership would be? Mr. Litton explained it would be common ownership. No condominium,

one tax bill on both houses and probably two separate electric meters. Mr. Dwyer explained they have no intent to condo this, he explained this is for family use.

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. Dwyer explained this is not a typical case. He explained what is being requested is a reasonable use of a track of land this size. He explained there are other parts of the property that are uplands, but one would have to cross the wetlands to get to it.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mrs. Kelly	NO	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.

- 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. Galestok explained an email was received from the applicant withdrawing the application.

Mr. Galestok explained a resolution should be done because the Board did hear testimony last month.

Mr. Brand made a motion to deny the application without prejudice. The motion was seconded by Mr. Waterman.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mrs. Kelly	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. Extension of hardship variance approval, submitted by Beverly Jordan Robinson, for the location known as Block 494.49, Lot 10, 304 Baywood Drive.

Mr. Dave Robinson, husband to the applicant, was sworn in by Chairman Hanson.

Mr. Robinson explained they are here tonight to get an extension of all approvals. He explained they have decided to construct their own house on the lot. He explained they are in the process of finalizing the financing.

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. Brand made a motion to approve a three (3) year extension. The motion was seconded by Mr. Waterman.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mrs. Kelly	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.

- 4. Use variance application to demolish the existing duplex and construct a new duplex, submitted by Ronald & Nancy Robbins for the location known as Block 765, Lots 11 & 13, 1279 & 1281 Wilson Drive.

Mr. Peter Tourison, Esq., represented the applicants.

Mr. Ronald Robbins and Mrs. Nancy Robbins, applicants, were sworn in by Chairman Hanson.

Mr. Tourison explained there currently is a duplex on the property. He explained his clients would like to demolish the duplex and construct a new duplex. He explained the zoning is MGB, but basically developed as residential.

Mr. Tourison submitted into evidence photographs of all the duplexes in the general area.

Mr. Galestok explained generally the Board requires a 20' front yard setback for parking. Mr. Tourison explained they have no problem with a 20' front yard setback.

There was a discussion about the proposed elevation. Mr. Tourison explained the duplex would meet the 35' height and the proposed front yard setback would be 20' and the rear yard

setback would be six feet.

The Board asked if an elevator was proposed? Mr. Tourison explained they are unsure if an elevator will be installed.

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 the residential uses and businesses in the zone work well together.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mrs. Kelly	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 7:30 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.

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