

# 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 2, 2019 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  
Michael Kennedy  
David F. Brand, Jr.  
Ernest Utsch III  
Robert Sweeten  
George Doherty

MEMBERS EXCUSED: Bruce Waterman  
Robert Basco, Sr.

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor  
Scott MacPherson, Acting Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

STAFF EXCUSED: Shawn Carr, Board Engineer

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated April 12, 2019.

List of Board Engineer voucher dated May 2, 2019.

Mr. Utsch made a motion to approve the April 4, 2019 minutes. The motion was seconded by Mr. Brand. Motion carried.

Mr. Kennedy made a motion to approve Board Engineer voucher. The motion was seconded by Mr. Utsch. Motion carried.

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

Mr. Brand made a motion to approve the resolutions from the April 4, 2019 meeting. The motion was seconded by Mr. Utsch. Motion carried.

1. Hardship variance application to construct an attached garage encroaching into the side yard setback, submitted by David Drozd for the location known as Block 616, Lot 1, 601 Whittier Avenue.

Mr. David Drozd, applicant, was sworn in by Chairman Hanson.

Mr. Drozd explained to the Board that he has a corner lot and the house was built on a diagonal. He explained the lot itself is 85 x 100. He explained that he would like to demolish the existing deck and construct an attached garage, small addition and another deck. He explained the garage addition would be 6' from the side property line.

Mr. Galestok explained what the applicant is proposing would meet the 6' and 10' side yard setbacks. He explained the existing side yard setback on Whittier Avenue is 6'4".

There was a discussion regarding the existing shed. Mr. Drozd explained the shed will be demolished.

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

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

- Hardship variance application to construct a single family dwelling encroaching into the rear yard setback, submitted by 115 Breakwater Road, LLC for the location known as Block 495.01, Lot 13.17, 12 Leonard Drive.

Mr. Ronald Stagliano, Esq., represented the applicant.

Mr. John Kornick, PE, was sworn in by Chairman Hanson.

Mr. Stagliano explained to the Board this lot is part of a major subdivision. He explained he has included a copy of the filed subdivision plan with the application. He explained this property is in the General Business zone and was approved under the R-3 Zoning Standards. He explained a variance for lot depth and rear yard setback are required.

Mr. Kornick explained the original survey did not include the County right-of-way. He explained they have tried to find a house that would fit on the lot, but have not been able to. He explained they are proposing a 10.8' rear yard setback. He explained there is a 10'-landscaped buffer along Breakwater Road. He explained 18' to 20' has been deeded to the County for future widening. He explained the proposed house is 30' from the curb line. He explained the other corner of the house meets the rear yard setback. He explained what is proposed would not affect any homeowner if approved. He explained all other setbacks and building coverage would be met. He explained they have gone through a series of different footprints and there isn't a problem with any other lot, but this one. He explained what is proposed has no detriment to the public or public good.

Mr. Galestok explained if in the future the County goes to four lanes, there would only be 10' from the rear property line and asked if they considered sliding the house toward Leonard Drive? Mr. Kornick explained they did, but with the RSIS standards, they can't go to far forward. There was a discussion about maybe rotating the house a bit and sliding it forward about 3'.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	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. Hardship variance application to construct a single family dwelling exceeding the allowed building coverage, submitted by Marcello Mogavero for the location known as Block 497.01, Lot 28.06, 8 Arthur's Court.

Mr. Ronald Stagliano, Esq., represented the applicant.

Mr. John Kornick, PE, was previously sworn in and is still under oath.

Mr. Stagliano submitted the original proof of publication.

Mr. Stagliano explained this property is 44,546 square feet. He explained this will be his client's personal home. He explained his client's would like to construct a single family dwelling with an attached three car garage. He explained the garage doors would be on the side of the house. He explained if looking at the house, the garage doors would face the right side.

Mr. Kornick explained they are seeking a building coverage variance. He explained 10% is allowed and they are proposing 14.5%. He explained a detached accessory building can have a building coverage of 10% too. He explained if the garage was detached, there wouldn't be a problem.

Mr. Stagliano explained the zone allows a total of 20% coverage with the house and accessory use. He explained they are below the total of 20%.

Mr. Kornick explained there would be no impact to the property or surrounding properties if approved. He explained the proposed side yard setback where the garage will be is 31.7'. He explained all other setbacks would be met. He explained what is proposed would have no negative impact on the zone or zone plan.

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 conditionally approve this application. The motion was

seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	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. Sweeten made a motion to adjourn at 7:28 P.M. The motion was seconded by Mr. Kennedy. 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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