

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 June 5, 2014 at the Lower Township Municipal Building. The meeting was called to order at 7:02 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
Robert Sweeten
Michael DiStefano
Erik Collins

MEMBERS EXCUSED: John Armbruster
Bruce Waterman
Dianne Kelly
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:Handouts:

List of Board Solicitor vouchers dated June 2, 2014.

List of Hatch Mott MacDonald vouchers dated June 5, 2014.

List of Board Engineer vouchers dated June 5, 2014.

Mr. Utsch made a motion to approve the May 1, 2014 minutes. The motion was seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to approve the Resolutions from the May 1, 2014 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

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

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

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

1. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage and width, submitted by Anthony Mari for the location known as Block 548, Lots 19-21, 209 Townbank Road.

Mr. Anthony Mari, applicant, was sworn in by Chairman Hanson.

Mr. Mari submitted a revised survey and rendering into evidence.

Mr. Mari explained him and his wife will be moving down here permanently. They would like to move a manufactured home onto the lot on a permanent foundation. He explained there is an attached garage and there will be a detached garage.

There was a discussion regarding the porch. Mr. Mari explained most of the porch is within the footprint, but there will be three (3) feet protruding beyond the footprint without a roof.

Mr. Mari explained all setbacks would be met.

The Board explained to Mr. Mari that if the Board approves this application as submitted, this is what and where he must build the house. They explained they generally approve a building envelope and the house can go anywhere within that building envelope. Mr. Mari explained he understood and this is where he wanted the house placed.

The Board asked if the wheels would be removed? Mr. Mari explained they would and there would be a permanent foundation.

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. Utsch.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Collins	YES	Chairman Hanson	YES

Motion carried.

A memorializing resolution will be prepared by the Board for the Board to review and approve at the next scheduled meeting.

2. Use & hardship variance, permit where lot doesn't abut street, preliminary & final site plan applications to construct a single family dwelling & detached garage encroaching into the front yard setback submitted by Jack & Karen Morey for the location known as Block 820, Lot 2.20, 8000 Bayview Drive.

Mr. Frank Corrado, Esq., represented the applicant.

Mr. Jack Morey, applicant, and Mr. Lewis Conley, PP, were sworn in by Chairman Hanson.

Mr. Corrado explained this was the last lot in Lower Township in the Diamond Beach section. He explained the lot is zoned General Business. He explained his clients would like to construct a single family dwelling that encroaches into the front yard setback. He explained there have been two use variances previously granted for this lot. He explained they have an access agreement from Wildwood Crest.

Mr. Corrado submitted into evidence a revised plan, copy of a Wildwood Crest Ordinance and deed of easement.

Mr. Conley explained to the Board that they are requesting a five-foot front yard setback. He explained the portion Wildwood Crest's land is ten feet and the house would be 42' from the curb line. He explained another reason they are requesting a five-foot setback is to keep the house out of FEMA's 'V' zone. He explained the house would be in an 'A' zone.

Mr. Conley explained light, air and open space would not be affected. He explained there isn't a negative impact to grant the variances. He explained what is proposed is consistent with the area and there is no detriment to the zone or zone plan.

Mr. Conley explained this is a unique piece of property. He explained there is mostly single family dwellings with the exception of the Bayview Restaurant.

Mr. Conley explained there would be no impact to the zone or zone plan.

Mr. Conley explained the water and sewer line are already to the property.

Mr. Maffei summarized Engineer comments dated May 29, 2014.

Mr. Conley explained the house would be less than 35' in height. He explained they are currently under CAFRA review.

The Board asked Mr. Morey what was the second story on the garage going to be for? Mr. Morey explained it would be his mancave and used for storage space. He explained it would not be used for living space.

Mr. Galestok read Bureau of Fire Safety comments dated May 15, 2014 in which they found this application acceptable.

This portion of the hearing was opened to the public.

Mr. Donald Norbeck was sworn in by Chairman Hanson.

Mr. Norbeck explained he lives across the street from this property. He explained he built his house to 29' for the view of the water. He explained his view would be hindered if this house was built to 35'.

Ms. Mary Celebre was sworn in by Chairman Hanson.

Ms. Celebre explained she also lives across the street. He explained she has no objections to building a house, but she wanted the applicant to know there are turtles that cross this property to her property and some of the neighboring properties and they lay their eggs. She explained she would like the area that they travel to be left open. Mr. Conley explained the path

the turtles use is where the driveway is proposed.

This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve the use variance application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Collins	YES	Chairman Hanson	YES

Motion carried.

Mr. Brand made a motion to conditionally approve the permit where lot doesn't abut a street application. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Collins	YES	Chairman Hanson	YES

Motion carried.

Mr. Brand made a motion to approve the front yard setback variance. The motion was seconded by Mr. DiStefano.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Collins	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 front porch encroaching into the front yard setback and construct an addition attaching the house and garage encroaching into the rear yard setback, submitted by Keith & Beverly Briggs for the location known as Block 410.03, Lot 7, 43 Iowa Avenue.

Mr. Keith Briggs and Mrs. Beverly Briggs, applicants, were sworn in by Chairman Hanson.

Mr. Briggs explained they are going to do a second floor addition. He explained they would like to construct a breezeway attaching the house and garage. He explained they would also like to construct an eight-foot front porch.

Mrs. Briggs submitted into evidence photographs of another house with a second story and a front porch. She explained the front porch breaks up the look of the house and gives it more curb appeal.

Mr. Briggs explained the breezeway would be an 'A' frame.

Mr. Galestok explained there is the two site triangles on the survey. A 90 x 90 and a 30 x 30. He explained when the Briggs was before the Board for the pool, the Board determined the 30 x 30 would apply.

The Board asked Mr. Galestok what the building coverage would be? Mr. Galestok said the coverage would be 22%.

Mr. Galestok explained the rear yard encroachment is less than what they may think.

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. Sweeten.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Collins	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 8:15 P.M. The motion was seconded by Mr. DiStefano. 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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