

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

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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 7, 2012 at the Lower Township Municipal Building. The meeting was called to order at 7:01 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  
John Armbruster  
David F. Brand, Jr.  
Ernest Utsch III  
Bruce Waterman  
Robert Sweeten  
Michael DiStefano  
Christopher Kobik  
Kristine Trusiak

**MEMBERS EXCUSED:** Dianne Kelly  
Stephen Komar

**STAFF PRESENT:** Anthony J. Harvatt, II, Board Solicitor  
Mark Sray, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated May 17, 2012.

List of Board Engineer vouchers dated June 7, 2012.

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

Mr. Utsch made a motion to approve the May 3, 2012 minutes. The motion was seconded by Mr. Waterman. Motion carried.

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

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 resolution from the May 3, 2012 meeting. The motion was seconded by Mr. Utsch. Motion carried.

3. Hardship variance application to construct a sunroom encroaching into the rear yard setback and exceeding allowed building coverage, submitted by Patricia O'Neill for the location known as Block 494.44, Lot 9, 3120 Butternut Road.

Ms. Patricia O'Neill, applicant, was sworn in by Chairman Hanson.

Ms. O'Neill explained to the Board that she would like to construct a sunroom in the rear yard. She explained it would be enclosed with screening and glass and there would be electric. She explained that there currently is a screened in deck, and she would like to replace that with the sunroom and the sunroom would be bigger. She explained that the deck is 8' with a ramp. She explained that this isn't enough room for furniture and for her to maneuver. She explained the sunroom would be 12 ½ feet by 30 feet long.

The Board asked if the room would be heated? Ms. O'Neill explained that it could be, but she really hadn't thought about it.

Ms. O'Neill explained currently the rear yard setback is 17 feet. She explained that it would remain 17 feet.

The Board explained that this is an R-2 unsewered zone and every lot there is non-conforming.

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.

The Board asked if this application were approved, could the applicant square off the house? Ms. Schubert explained the house could be squared off under the square off rule.

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

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	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.

1. Use & variance & preliminary & final site plan applications to convert an existing club & former fire house into a religious facility, submitted by Calvary Chapel Cape May for the location known as Block 500.07, Lot 15, 596 Seashore Road.

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

Mr. David Schenk, Pastor, and Mrs. Cynthia Chemerys, PE, were sworn in by Chairman Hanson.

Mr. Tourison explained the property is on the corner of Seashore and Weeks Landing Roads. He explained it is the former site of the Erma Fire Company which was last there in 1995 and currently the site of an existing club.

Pastor Schenk explained he has been Pastor of Cape Chapel since 2010. He explained that membership in the winter months are between 30 to 50 people. He explained in summer months, they set up 83 chairs and they are almost full. He explained they have 19 children in a small area. He explained they are looking for something larger. He explained that 80% of the congregation are Lower Township residents.

Pastor Schenk explained there are church services Sunday morning. He explained the church is empty by 1:00 P.M. He explained to the Board the activities, times and approximate number of people who attend throughout the week.

Pastor Schenk explained they would do improvements to the site. He explained there would be a parking lot, landscaping, a delineated entrance and exit and sidewalks. He explained that eventually they would change the facade of the building.

Mr. Tourison submitted into evidence 12 photographs of the existing conditions of the site.

Mr. Tourison explained they have a lease/purchase agreement.

Ms. Chemerys explained there is shell parking around the building. She explained that this property is in the RB zone and churches are not a permitted use. The zone also requires a residence with the business use. She explained the previous two uses did not have residences. She explained that the property is adjacent to the R-2 zone, which allows churches.

Ms. Chemerys explained what is proposed is a beneficial use to the zone, enhances the well being to the community and is a visual improvement. She explained that if approved, there would be no detriment to the public good. It would not deter the intent of the zone or zone plan. She explained what is proposed would promote morales and well being of the persons in the area.

Ms. Chemerys explained there would be more delineated parking. She explained there are wetlands to the rear corner of the site. She explained they are requesting a waiver of paving of drive aisles. She explained the entrances and exits would be controlled with curbing. She explained 46 parking spaces will be provided where 35 are required. She explained there will be four handicap parking spaces to the north of the building. She explained lighting and landscaping will be installed. She explained the clamshell drive aisle behind the building will be eliminated.

The Board asked about handicap accessible bathrooms? Pastor Schenk explained there are bathroom facilities, but they are not handicap accessible. He explained that they will make them handicap accessible. He explained they are planning on a new roof and currently being looked at by an architect.

Ms. Chemerys explained the trash enclosure would remain in the same place, but will be enclosed.

The Board asked about the existing septic system. Mr. Tourison explained the proposed use is limited. He explained he doesn't know how long the septic system has been there.

Mr. Sray read Engineer's comments dated May 30, 2012.

Mr. Sray asked if they would reconsider paving at least the drive aisles? Mr. Tourison explained if they do pave this area, they would need NJDEP approval. He explained that they would rather not pave the drive aisles.

Mr. Galestok read Bureau of Fire Safety comments dated April 23, 2012 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated May 2, 2012.

This portion of the hearing was opened to the public.

Ms. Crystal Hippo was sworn in by Chairman Hanson.

Ms. Hippo explained she was a member of the congregation. She explained that this is a great opportunity to extend their youth program.

Mr. Frank Clark was sworn in by Chairman Hanson.

Mr. Clark thanked the Board for looking at and considering this application. He explained he is looking forward to this new location.

Ms. Patricia Piacentine was sworn in by Chairman Hanson.

Ms. Piacentine explained she represents the buyer. She explained this property has been on the market for a long time. She explained that what is proposed would service the community in a positive way.

This portion of the hearing was closed to the public.

There was a discussion that this property has been used at one time or another for many different uses.

There was a discussion that over time the parking and drive aisles could become unsafe and what would be done to ensure the safety of the congregation? Ms. Chemerys explained they could come up with a maintenance schedule. Pastor Schenk explained that they would perform the maintenance in accordance to the schedule.

The Board explained that there have been no residences attached to any of the previous uses.

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

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to approve the bulk variances. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to approve the waivers. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to approve the preliminary and final site plan applications. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	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. Armbruster made a motion to adjourn at 8:03 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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