

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 July 11, 2019 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Vice-Chairman Michael Kennedy. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

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

MEMBERS EXCUSED: Chairman James Hanson

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated June 24, 2019.

List of Board Engineer vouchers dated July 11, 2019.

Vice-Chairman Kennedy read the agenda for the benefit of the public.

Mr. Utsch made a motion to approve the minutes from the June 6, 2019 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

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

Mr. Utsch made a motion to approve the Resolutions from the June 6, 2019 meeting. The motion was seconded by Mr. Brand. Motion carried.

2. Use & hardship variance and minor site plan applications to add a fuel tank encroaching into the front yard setback and to replace an HVAC unit with an 8' fence surrounding both, submitted by Verizon New Jersey, Inc., for the location known as Block 752.01, Lot 18.02, 1116 Seashore Road.

Mr. Nick Talvacchia, Esq., represented the applicant.

Mr. Phil Higgins, PE, and Mr. Jason Sciallo, PP, PE, were sworn in by Vice-Chairman Kennedy.

Mr. Talvacchia explained the Verizon building is unmanned. He explained the existing air conditioning is very loud and a roof-topped unit. He explained they would like to replace that with a ground mount quieter unit. He explained there would also be a sound proof 8' fence around the unit.

Mr. Talvacchia explained they will be doubling the capacity of the generator. He

explained the generator would have a 72 hour back-up for power outages.

Marked into evidence as A-1 was an aerial photo of the site.

Mr. Higgins explained the existing air-conditioning unit has been decommissioned because it was very loud. He explained that unit will be removed and replaced with a quieter more efficient unit. He explained the unit would be surrounded by an 8' sound proof fence.

Marked into evidence as A-2 was a computer generated rendering of the type of fencing.

Mr. Higgins explained the fencing will be 4" thick and solid metal. He explained the fence would have to be 8' in height to be taller than the air-conditioning unit.

Mr. Higgins explained the above ground fuel tank will be in front of the building along Seashore Road. He explained they are proposing a 6' chainlink fence with slats.

Mr. Higgins explained there is a fuel tank inside the building that would be removed and replaced with a larger outside tank. He explained the tank has to be placed close to the generator.

The Board asked if the fuel tank would affect the septic system? Mr. Higgins explained it would not. He explained there is a 5' buffer from the tank.

The Board asked if the fencing could be brown to blend in with the building more? Mr. Talvacchia explained they could. Mr. Higgins explained they could do brown slats with the chainlink fence. He explained they could do tan fencing for the air-conditioning unit. Explaining that fence does not come in brown.

Mr. Higgins explained Verizon does a one hour monthly test and every five years they do a three-hour test.

Mr. Sciullo explained the use of the building isn't changing. He explained the hardship variances are for the fence height. He explained an 8' fence is not permitted and a 6' fence in the front yard is not permitted. He explained what is proposed is a beneficial use. He explained what is proposed would not cause a detriment to 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. Carr summarized Engineer's comments dated May 30, 2019.

There was a discussion as to whether this was in a flood zone. Mr. Higgins explained there are no FEMA maps for this area. Mr. Carr explained he looked at the old FIRM maps and it is in an A zone. Mr. Sciullo explained the current elevations of the property at 10' up to 11'.

Mr. Brand made a motion to conditionally approve the use variance application. The

motion was seconded by Mr. Waterman.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Vice-Chairman Kennedy	YES		

Motion carried.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Vice-Chairman Kennedy	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the minor site plan application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Vice-Chairman Kennedy	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. Use variance and minor site plan applications to have temporary above ground fuel tanks then install permanent underground fuel tanks, submitted by McKee Marinas, LLC for the location known as Block 818, Lot 17, 5100 Lake Road.

Mr. Richard King, Esq., represented the applicant.

Mr. Peter Mitt, PP & Licensed Landscape Architect, was sworn in by Vice-Chairman Kennedy.

Mr. King explained they are proposing to remove the existing underground fuel tanks

which are located within the parking lot and place a temporary above ground fuel tank in the same location. The temporary tank will be for this season only. He explained they originally applied for permanent underground tanks closer to the dock, but they would like to amend the application for above ground tanks in the same location. He explained that three parking spaces would be added. He explained they are requesting a waiver to use stone instead of asphalt.

Mr. Mitt explained the property is in the Conservation Zone. He explained this is an existing marina. He explained the tanks would be relocated closer to the pier. He explained three parking spaces would be lost with the placement of the new tanks, but three parking spaces would be gained once the temporary tank is removed. He explained they will comply with the Board Engineer comments.

The Board asked if there would be a containment area around the permanent tanks? Mr. Mitt explained there would be and there would be concrete filled bollards.

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. Carr asked Mr. Mitt if there would be an impact to the bulkhead? Mr. Mitt explained there wouldn't be an impact to the bulkhead.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Vice-Chairman Kennedy	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the minor site plan application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Vice-Chairman Kennedy	YES		

Motion carried.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Vice-Chairman Kennedy	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. Discussion of “the GB Zoning District along the Route 109 curve...” Subsection 400-10B(13)a; Residential Use Variance in GB Zone may warrant a Zoning District Adjustment.

Mr. Galestok explained a recommendation of a zone change is the function of the Planning Board. He explained this Board reviews the variance report in the beginning of the year. He explained the review of the variance report to see if there are any patterns of approval that may need review and/or change. He explained the Board has just granted a use variance and subdivision in the area behind the liquor store at the foot of the parkway. He explained the area behind the liquor store and Urgent Care is zoned General Business. He explained there are five single family dwellings in this area. He explained he is proposing Block 773, Block 774 and Block 775 be changed to an R-3 zone.

There was a discussion if this proposed change would include all Wissahickon Avenue? Mr. Galestok explained it would not. He explained there are mixed uses in this area.

Mr. Brand made a motion to adjourn at 7:45 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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