

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

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(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 12, 2018 at the Lower Township Municipal Building. The meeting was called to order at 7:01 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  
Robert Sweeten  
Robert Basco, Sr.

MEMBERS EXCUSED: Chairman James Hanson  
Bruce Waterman  
George Doherty

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

CORRESPONDENCE:

Handouts:

Resolution #2018-27 - Stormwater Management

List of Board Solicitor vouchers dated July 2, 2018.

List of Board Engineer vouchers dated July 12, 2018.

Mr. Utsch made a motion to approve the minutes from the June 7, 2018 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. Brand made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Sweeten made a motion to approve the resolutions from the June 7, 2018 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

1. Extension of use variance approval for construction of a duplex, submitted by Ronald & Nancy Robbins for the location known as Block 765, Lots 11 & 13, 1279 & 1281 Wilson Drive.

Mr. Thomas Keywood, Esq., represented the applicant.

Mr. Keywood explained the Robbins received a use variance approval in 2014. He explained that due to some issues including health issue, the approval has expired. He explained he is requesting an extension.

Mr. Galestok explained the Board usually grants a three-year extension. He explained if the Board approves the extension, it would reach back to when the approval expired which would be May 2017. If the Board grants the extension, the new expiration would be May 2020.

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. Utsch.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Basco	YES
	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.

- Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by AGR Builders, LLC for the location known as Block 494.19, Lot 18, 202 Linda Anne Avenue.

Mr. Galestok excused himself from this application due to a conflict of interest.

Mr. Daniel McCann, Esq., represented the applicant.

Mr. Frederick Spackman, applicant, was sworn in by Chairman Kennedy.

Mr. McCann explained to the Board his client would like to construct a 1 ½ story single family dwelling on a lot deficient in lot area, frontage and width. He explained the proposed single family dwelling would meet all the required setbacks, building coverage & building height. He explained this property has been vacant since the 1980's.

Mr. Spackman explained he purchased the property May 2018. He explained he would like to construct a 1 ½ story single family dwelling that would meet all the required setbacks. He explained what is proposed would conform to the area. He explained the area has split level, 2 story and single story single family dwelling.

There was a discussion that no adjacent vacant land is available.

This portion of the hearing was opened to the public.

Ms. Maureen Kersch was sworn in by Chairman Kennedy.

Ms. Kersch explained she lives adjacent this property and has concerns about her property being flooded. She explained she gets some flooding in her rear yard now and this property floods. She asked that the property be graded in such a way that it doesn't make the flooding on

her property worse. Mr. Spackman explained an application will be made to Cape Atlantic Soil and the grading will be addressed with that application.

This portion of the hearing was closed to the public.

The Board asked Mr. Carr what the allowed setbacks were in this zone? Mr. Carr explained the front and rear yard setbacks are 20' each and the side yard setbacks are 6' & 10'. The Board explained what is proposed is giving the neighbors more setbacks.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Basco	YES
	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.

- Minor site plan application to have diesel fuel and other minor site modifications to the existing store, submitted by Wawa, Inc., for the location known as Block 499.02, Lot 33.01, 3719 Bayshore Road.

Mr. Tyler Prime, Esq., represented the applicant.

Mr. Ronald Klos, PE for the diesel proposed of the application and Mr. Matthew Sharo, PE for the ADA improvements were sworn in by Chairman Kennedy.

Mr. Prime explained they are seeking a minor site with no variances application. He explained they would like to convert four of the existing pumps to diesel. He explained no additional pumps are requested. He explained this would not be used for tracker trailers. He explained they will be refacing the signs to add the sale of diesel, but the signs would be the same size. He explained they will also be adding ADA improvements.

Mr. Klos explained they will be installing an underground diesel tank, refacing signs and four of the pumps would have the sale of gas and diesel fuel. He explained they would have to vent the tanks differently so the vent would be relocated to by the curb line.

Mr. Sharo explained they are going to bring the property into ADA compliance. He explained there will be a sidewalk access from Bayshore Road to the store and there would be ramps along the south driveway.

Mr. Carr summarized Engineer comments dated July 5, 2018.

The Board asked if the gas area would be closed during construction? Mr. Klos explained the store would remain open as would four of the pumps. He explained construction for the installation of the tank and the pump change out would be about 2 ½ to 3 weeks.

Mr. Galestok explained there are no reports from the Bureau of Fire Safety or Cape May County Planning Board, but there is proof the applications were submitted to them.

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. Utsch	YES
	Mr. Sweeten	YES	Mr. Basco	YES
	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.

- Hardship variance application to screen in a portion of the existing rear deck encroaching into the side yard setbacks and exceeding the allowed building coverage, submitted by Russell Still, Mary Still and Allison Still for the location known as Block 752.01, Lot 25, 773A Stimpson Avenue.

Mr. Bruce Conwell, Esq., represented the applicants.

Mr. Russell Still, applicant, was sworn in by Chairman Kennedy.

Mr. Conwell explained his clients purchased the property March 2017. He explained it is an existing 2 story single family dwelling with a rear deck. He explained his clients would like to construct a screen porch over a portion of the existing deck. He explained the existing deck is 17 x 15 and his clients would like to screen in 17 x 8 of the deck. He explained the current side yard setbacks are 16' and with what is proposed would remain 16'. He explained the current house exceeds the allowed building coverage by 4.9% and with what is proposed would be an increase of approximately 2%. He explained the existing house does not conform to the front and side yard setbacks.

Mr. Still explained everything that Mr. Conwell stated was accurate. He explained what is proposed would have greater setbacks than the existing house.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Basco	YES
	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.

- 5. Hardship variance application to construct a 24 x 40 detached garage - combined with the existing accessory use on property is larger than the principal use, submitted by Charles J. Hughes, Sr., for the location known as Block 509.02, Lot 9, 807 Meadowview Road.

Mr. Thomas Keywood, Esq., represented the applicant.

Mr. Charles Hughes, Sr., applicant was sworn in by Chairman Kennedy.

Mr. Keywood had marked into evidence a photo of what the garage would look like.

Mr. Keywood explained to the Board there is a small garage currently on the property. He explained his client would like to construct another garage that combined with the garage are larger than the house.

Mr. Hughes explained he recently sold his father's property that was next door. He explained the reason he needs this garage is he needs room to store some of the stuff that was in his dad's garage. He explained if approved, he would store snowmobiles, antique cars, farm trackers and some other things. He explained these things are being stored outside now and should be under cover.

Mr. Keywood explained they have proposed the location of the garage to the rear of the property.

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. Basco.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Basco	YES
	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.

6. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Scott Peter for the location known as Block 531, Lots 17-19, 110 Elwood Road.

Mr. Ron Gelzunas, Esq., represented the applicant.

Mr. Scott Peter, applicant, was sworn in by Chairman Kennedy.

Mr. Gelzunas explained his client is the contract purchaser of the property. He explained his client proposes to construct a single family dwelling meeting the allowed setback and coverage.

Mr. Peter explained the property has been listed for sale for sometime. He explained most of the lots in the area are undersized. He explained the lots on either side are built upon. He explained he doesn't know yet what house he will build, but it would meet the setbacks and height. He explained the proposed house would be smaller than the building envelope. He explained the proposed house would be consistent with the area.

Mr. Gelzunas explained this is a classic hardship variance under the C.1 criteria. He explained what is proposed is not impacting the zone or zone plan and provides for light, air and open space.

This portion of the hearing was opened to the public.

Mr. Dave Macomber was sworn in by Chairman Kennedy.

Mr. Macomber explained he lives next door to this lot and asked how close the proposed house would be to him? He also asked how big the house would be? Mr. Peter explained when he went out and looked at the site, he saw Mr. Macomber's house close to the line and explained he will have the 10' side on Mr. Macomber's side of the property. He explained he hasn't yet decided on the size and style of house, but it would be a 2-story house with approximately 2,000 to 2,200 square feet.

Mr. Galestok explained this should be a condition of approval, explaining if in the future someone comes in for an addition on that side, it will be known that side has to remain 10'.

Mr. Dean Umscheid was sworn in by Chairman Kennedy.

Mr. Umscheid asked what the height would be? Mr. Peter explained it would be a 2 story with a gable roof.

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. Utsch	YES
	Mr. Sweeten	YES	Mr. Basco	YES
	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.

Mr. Galestok explained he wrote up a resolution opposing the new requirements that Board members have to view a video for stormwater management and then have to view another one per every term they served. He summarized the resolution for the Board. He explained the Board have professionals to review this information and comment on.

Mr. Brand made a motion to approve the resolution. The motion was seconded by Mr. Basco.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Basco	YES
	Chairman Kennedy	YES		

Motion carried.

Mr. Brand made a motion to adjourn at 7:58 P.M. The motion was seconded by Mr. Sweeten. 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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