

# TOWNSHIP OF LOWER

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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 July 6, 2017 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 David F. Brand, Jr. Ernest Utsch III Robert Sweeten Michael Kennedy
MEMBERS EXCUSED:	John Armbruster Bruce Waterman
MEMBERS ABSENT:	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:

List of Board Solicitor vouchers dated June 26, 2017.

List of Board Engineer vouchers dated July 6, 2017.

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

Mr. Utsch made a motion to approve the minutes from the June 1, 2017 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. Kennedy. Motion carried.

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

Mr. Kennedy made a motion to approve the Resolutions from the June 1, 2017 meeting. The motion was seconded by Mr. Brand. Motion carried.

1. Hardship variance application to construct a roof over an existing deck encroaching into the front yard setback, submitted by Sheri Hemingway for the location known as Block 410.01, Lot 26.01, 506 Old Stage Road.

Ms. Sheri Hemingway, applicant, was sworn in by Chairman Hanson.

Ms. Hemingway explained they are redoing the house. She explained they have redone the deck, and now would like to construct a roof over it.

The Board asked if it would be screened and have electric? Ms. Hemingway explained it would not be screened, but would have electric for maybe a fan or lighting.

Mr. Galestok explained this is a low volume road.

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 the application. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	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 convert an existing single family dwelling and daycare into a duplex, on a lot deficient in lot area and encroaching into the rear yard setback, submitted by Mary Luvisi for the location known as Block 578, Lots 18 & 19, 1101 Scott Avenue.

Mr. Christopher Gillin-Schwartz, Esq., represented the applicant.

Mr. William Sterritt, applicant's husband, was sworn in by Chairman Hanson.

Mr. Gillin-Schwartz explained to the Board the property consists of two lots with more than 13,000 square foot lot area. He explained there is an existing house with an in-laws suite. He explained the property was used as a daycare at one time. He explained there is an existing pool on the property too. He explained his client would like to convert the house into a duplex, but requires a variance for lot area. He explained a duplex is permitted on 15,000 square feet in this zone.

Mr. Sterritt explained he is a playwright from Los Angeles. He explained his son just graduated high school and he and his son have moved back here. He explained his wife is still in Los Angeles for her job and looking to transfer back here. He explained that he will be starting a business here in the Township.

Mr. Gillin-Schwartz explained this property is just over 13,000 square feet. He explained what is proposed would be an efficient use of the land and feels the property is under utilized. He explained there is sufficient frontage, it is a corner lot and there is already an in-laws suite.

Mr. Sterritt explained he and his family would live in half of the house. The other half would be the other unit. He explained they would go through a real estate broker for renting to help with the screening purpose and because his family will be living there, they want to make sure they have good tenants.

The Board asked if it was still a daycare? Mr. Gillin-Schwartz explained there is no longer a daycare. Mr. Sterritt explained the in-law suite has its own kitchen and it has its own

ingress and egress.

Mr. Gillin-Schwartz submitted a photo into evidence. Mr. Sterritt reviewed the photo with the Board.

There was a discussion there is a screen house by the pool.

The Board asked how many tax bills were received for this property? Mr. Sterritt explained he believes there is one tax bill. The Board asked if there were two lots would they do a deed of consolidation? Mr. Sterritt explained they had no problem with a deed of consolidation.

The Board asked how the tenants would get into their unit? Mr. Sterritt explained they would enter through the porch and into their unit.

Mr. Galestok asked if the daycare was a State license daycare? Mr. Gillin-Schwartz explained he understands that it was.

Mr. Galestok explained a duplex is one structure with two separate units. There is no access between the two units. Mr. Sterritt explained there is a door between the two units that would be locked.

The Board asked about off street parking. Mr. Sterritt explained he could fit four cars and there is a back area that could be utilized. He explained the previous owner had a tracker trailer parked in that area.

This portion of the hearing was opened to the public.

Ms. Elizabeth Mauger was sworn in by Chairman Hanson.

Ms. Mauger explained the applicant purchased the property knowing there was an in-laws quarters and not a duplex. She explained the daycare was the owner watching her grandchildren. She explained the previous owner did park a tracker trailer in the rear section of the property, but there is no driveway there. She explained she wants the area to remain single family dwellings and not have duplexes.

Mr. John Olszewski was sworn in by Chairman Hanson.

Mr. Olszewski explained there are no duplexes in the area, so this would be out of character for the area. He explained he also fears having an absentee landlord.

Ms. Kathy Olsack was sworn in by Chairman Hanson.

Ms. Olsack explained she works in insurance and explained duplexes need their own ingress and egress, so another exit is needed.

Mr. James Maxwell was sworn in by Chairman Hanson.

Mr. Maxwell explained there is no way four cars are going to be able to park in the driveway. He explained he is against duplexes in this area.

Mr. Gerald Skelly was sworn in by Chairman Hanson.

Mr. Skelly explained the upkeep on the property has been lax. Explaining the grass is not mowed often and there was scaffolding laying on the property. He explained approving a duplex is not a good precedent to set.

This portion of the hearing was closed to the public.

Mr. Sterritt explained he has been in the process of moving. He explained that the basketball hoop he asked his neighbor to move was laying on its side in the street for two months. He explained since he has been home, the grass has been mowed. He explained he is renovating the house and the carpeting that was out there has been cut up today. He explained the scaffolding was delivered by tracker trailer today and his son helped him as much as he could to unload it. He explained he has no intension of taking the neighborhood down. He explained what he has heard tonight from the neighbors has been unfair and upsetting.

There was a discussion about duplexes.

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

VOTE:	Mr. Brand	NO	Mr. Utsch	NO
	Mr. Sweeten	NO	Mr. Kennedy	NO
	Chairman Hanson	NO		

Motion denied.

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

4. Hardship variance application to demolish & rebuild decks encroaching into the front yard setbacks. Demolish & construct a 24 x 25 garage with an apartment connected to the house via a vestibule on a lot deficient in lot area, frontage, width and encroaching into the front, side & rear yard setbacks and exceeding allowed building coverage, submitted by Daniel & Janet Cucunato for the location known as Block 546, Lots 31 & 32, 117 Townbank Road.

Mr. Ronald Gelzunas, Esq., represented the applicants.

Mr. Ted Wilkinson, PE and Mr. Daniel Cucunato, applicant, were sworn in by Chairman Hanson.

Mr. Gelzunas explained to the Board that his client is doing away with the apartment over the garage and just looking to have a bedroom and bathroom over the garage.

Mr. Wilkinson explained the property is 4,000 square feet and a corner lot. He explained when Mr. Cucunato purchased the property, there was a 2-story garage with an apartment above. He explained the garage has been taken down for safety purposes. He explained there were decks on the house that have been removed for safety purposes too. He explained they would like to add five feet to the garage to accommodate the steps to get to the upstairs. He explained they are proposing a vestibule attaching the house and garage. He explained there would be no doors in the vestibule. He explained that aside from the decks, there would be no changes to the house, but remodel it.

Mr. Cucunato explained there were four bedrooms and after this is done, there would be three bedrooms.

Mr. Wilkinson explained the deck would be 7 x 20 and not enclosed. He explained there would be no encroachment into the site triangle and feels there would be no detriment to have the decks. He explained the total lot coverage now is 67% which will be reduced because quite a bit of concrete will be removed and grass areas will be planted. He explained there would be enough parking for four cars. He explained what is proposed would far outweigh the deterrents.

Mr. Cucunato explained him and his wife plan to retire here. He explained the room over the garage would be for his mother-in-law. He explained there was a lot of termite damage in the garage and that's why they took it down.

Marked into evidence were five photos. Mr. Gelzunas and Mr. Cucunato reviewed the photos with the Board.

Mr. Cucunato explained there were two water lines and one sewer service. Submitted into evidence were records from the Township Municipal Utility Authority.

There was a discussion that a condition of approval be the bedroom over the garage is part of the house.

Mr. Cucunato explained he has abandon the duplex.

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. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	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. Galestok read Resolution #17-25-ZBA, to enter into Closed Session.

Mr. Brand made a motion to adjourn into Closed Session at 8:11 P.M.

The meeting was called back to order at 8:45 P.M.

Mr. Utsch made a motion to adjourn at 8:45 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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