

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 August 7, 2014 at the Lower Township Municipal Building. The meeting was called to order at 7:09 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
Robert Sweeten
Michael DiStefano
Erik Collins

MEMBERS EXCUSED: Bruce Waterman
Dianne Kelly

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 August 1, 2014.

List of Board Engineer voucher dated August 7, 2014.

The New Jersey Planner: May/June 2014, Vol. 75, No. 3.

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

Mr. Brand made a motion to approve the minutes from the July 10, 2014 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

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

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

Mr. Brand made a motion to approve the resolutions from the July 10, 2014 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

1. Appeal decision of zoning as to merger. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by JEL Fowler Properties, LLC for the location known as Block 533.01, Lots 93 & 95.02, 4 & 6 Folsom Road.

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

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Ms. Linda Barr and Ms. Elizabeth Stokes, applicants were sworn in by Chairman Hanson.

Mr. Harvatt asked the Board members who were not present for last months meeting? Mr. Armbruster explained he was not present. There was a discussion as to whether the

application should be started again from the beginning? Mr. Dwyer explained he had stated a lot of case law at last month's meeting. He explained that he would continue where he left off. The Board member not present would abstain from the appeal portion of the application, but could participate in the hardship variance application.

Mr. Dwyer explained the Board members should have a copy of a memo from him. He explained he had looked at COX and it was overwhelming there was no merger of the lots. He explained the house sits on an 85 x 100 lot and has for over a century. He explained his clients parents purchased the 55 x 100 lot in the 80's as a buildable lot. He explained that what is there is not out of character for the area.

The Board explained the continuous from last month was for the Board Solicitor to review the case Mr. Dwyer presented last month.

Mr. Harvatt explained he reviewed the case and feels there is a merger issued. Discussion ensued regarding this issue.

Mr. Galestok explained any lots created by the Planning Board do not merge together. He explained a new fact has come to light since the last meeting that the house is a duplex. Ms. Barr and Ms. Stokes explained that it is a duplex and has been for a very long time. Mr. Dwyer explained that he needed a few minutes to confer with his clients.

Mr. Dwyer explained that he would like to withdraw this application without prejudice.

2. Abandon previous commercial uses and revert back to conforming single family dwelling use, submitted by John & Patricia Bowman for the location known as Block 752.01, Lot 18.05, 1080 Seashore Road.

Mr. Louis Dwyer, Jr., Esq., represented the applicants.

Mrs. Patricia Bowman, applicant, was sworn in by Chairman Hanson.

Mr. Dwyer explained years ago a use variance was approved for a real estate office and construction office. He explained they want to abandon those uses and revert back to the residential use.

The Board asked if any additions were proposed? Mrs. Bowman explained a small shed in the rear approximately 22 x 30.

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 applicant has agreed to remove the sign.

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

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| VOTE: | Mr. Armbruster | YES | 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.

- Hardship variance application to construct a 3-season room encroaching into the front yard setback, submitted by Richard McCandless for the location known as Block 500.07, Lot 13, 667 Weeks Landing Road.

Mr. Richard McCandless, applicant, was sworn in by Chairman Hanson.

Mr. McCandless explained they would like to construct a 3-season room that would encroach into the front yard setback. He explained the proposed front yard setback would be 18'.

The Board asked if there would be heat and electric? Mr. McCandless explained there would be electric for some outlets, but no heat or plumbing.

Mr. Galestok explained that even though the proposed setback is 18', it would be approximately 40' from the paved surface.

The Board explained that the proposed sunroom would be set back even further 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. Armbruster made a motion to conditionally approve this application. The motion was seconded by Mr. Brand.

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| VOTE: | Mr. Armbruster | YES | 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 next scheduled meeting.

- 4. Hardship variance application to construct a single family dwelling on a lot deficient in lot area & depth, submitted by Bernard Dera for the location known as Block 415, Lots 4 & 5, 236 Lennox Avenue.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Mr. Bernard Dera, applicant and Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Hanson.

Mr. Sweeney explained the lot is 100 x 150. He explained it is double the size of the other lots in the area. He explained out of the 35 surrounding lots, 33 are non-conforming with two lots being conforming. He explained what is proposed would fit with the neighborhood. He explained no adjacent vacant land is available.

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

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| VOTE: | Mr. Armbruster | YES | 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 resolution. The motion was seconded by Mr. Armbruster. Motion carried.

There was a discussion regarding the status of the Amusement Partnership USA compliance. A letter had been sent by Mr. Curvan, but there hasn't been a follow up.

Mr. Maffei explained he would look into it.

Mr. Brand made a motion to adjourn at 7:47 P.M. The motion was seconded by Mr. Collins. 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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