

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 September 6, 2018 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
Michael Kennedy
David F. Brand, Jr.
Ernest Utsch III
Bruce Waterman
Robert Sweeten
George Doherty
Robert Basco, Sr.

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 August 17, 2018.

List of Board Engineer vouchers dated September 6, 2018.

The New Jersey Planner: May/June 2018 - Vol. 79. No. 3.

Mr. Brand made a motion to approve the August 2, 2018 minutes. The motion was seconded by Mr. Basco. Motion carried.

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

Mr. Brand made a motion to approve the Board Solicitor voucher. The motion was seconded by Mr. Kennedy. Motion carried.

Mr. Brand made a motion to approve the resolution from the August 2, 2018 meeting. The motion was seconded by Mr. Kennedy. Motion carried.

1. Extension of hardship variance approval, submitted by Bernard Dera for the location known as Block 742.04, Lot 2, 720 Townbank Road.

Mr. Bernard Dera, applicant, was sworn in by Chairman Hanson.

Mr. Dera explained he had previously received approval to construct a single family dwelling on this property. He explained he has received prices for the installation of the sewer and water lines and it's very expensive.

Mr. Dera had marked into evidence a quote from Garden State Dredging.

Mr. Dera explained he could install a septic for less. He explained he has tried twice to work with the MUA.

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 approve a three (3) year extension to expire September 6, 2020. The motion was seconded by Mr. Waterman. Motion carried.

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

- 2. Use variance application to construct a 29 x 29 addition to the existing single family dwelling, submitted by David Tomes, Jr., for the location known as Block 324, Lot 20, 1882 Bayshore Road.

Mr. Charles Sandman, Esq., represented the applicant.

Mr. David Tomes, Jr., applicant, was sworn in by Chairman Hanson.

Mr. Sandman explained to the Board they were before the Board previously for a use variance to construct an addition to the single family dwelling. He explained the application was for a 20 x 25 addition. He explained this was the incorrect size. He explained they are before the Board tonight for a 29 x 29 addition to the house. He explained the setbacks would be met.

Mr. Galestok explained on page 2 of the application, it states a 28 x 29 addition. Mr. Sandman explained the addition would be 29 x 29. Mr. Galestok explained he wanted to have this clarified so there wouldn't be addition problems.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mr. Basco	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. Use variance application to allow six (6) single family dwellings in the GB-1 zone, submitted by Mark Platzer for the location known as Block 820, Lot 2.05, 8100 Bayview Drive.

Mr. Frank Corrado, Esq., represented the applicant.

Mr. Mark Platzer, applicant, and Mr. Vincent Orlando, PE, PP, Licensed Landscape Architect, were sworn in by Chairman Hanson.

Mr. Corrado explained his client is seeking a use variance tonight. He explained they would like to do six single family dwellings. He explained if the use variance is approved, they would come back for minor subdivision approval. He explained they do have a conceptual drawing for the Board to view tonight. He explained the zoning for this property is General Business (GB), but there are residential uses all around this lot. He explained he feels what is proposed fits in better with the area than what currently exists on the property. He explained they are proposing to use the R-4 zoning regulations.

Mr. Orlando submitted into evidence as A-1 an aerial photo of existing conditions except the garage was superimposed on the photo. Also submitted into evidence as A-2, was an aerial photo with the proposed conceptual plans superimposed.

Mr. Orlando explained the property is long and narrow and the existing use was constructed in the early 1960's. He read the permitted uses for the GB zone. He explained they had previously sought approval for 24 condominium units. He explained duplexes are a permitted use in the R-4 zoning district on a 80 x 80 lot, but they are seeking approval for six single family dwellings.

Mr. Corrado explained all the permitted uses Mr. Orlando stated could be built without needing a use variance.

Mr. Orlando explained the site is suited for what is proposed. He explained across the street is Wildwood Crest with all residential uses. He explained their zoning allows single family dwellings on 40 x 90 lots. He explained they are proposing 80 x 80 or greater lots. He explained with the size of the property they could get approximately 10 to 12 single family dwellings if they used Wildwood Crest standards. He explained what they are proposing is well suited for this property and the surrounding areas. He explained the restaurant is no longer suitable for this area.

Mr. Orlando explained the proposed street would be private. He explained the homeowners association would be responsible for the stormwater. He explained the Borough of Wildwood Crest owns the strip of land in front of this property and they have an access easement. He explained trash pick-up would be the responsibility of the Township. He explained the restaurant would be removed and that area would be open space as per DEP regulations and cannot be developed.

Mr. Orlando explained there would be no impact to the zone or zone plan.

Mr. Corrado explained he had received an email from Mr. Ron Gelzunas, Esq., the Borough of Wildwood Crests Solicitor, and explained their concerns are that no more than six single family homes are built, any cost for sewer improvements within their easement would be the responsibility of the applicant and the pole barn is removed as soon as possible. Mr. Platzer explained he would pay for any sewer improvements needed, the fence will be on the property line and the garage would be taken down as soon as possible.

The Board explained they remember the previous application for the townhouses were very close together and three stories. They explained what is proposed would be less dense and provide for a better view.

This portion of the hearing was opened to the public.

Mr. Guy Porter was sworn in by Chairman Hanson.

Mr. Porter explained he wanted to verify there would be no development in the Wildwood Crest right-of-way.

Mr. Porter asked if there would be anything built where the restaurant is located? Mr. Orlando explained there will not be anything built in this area. He explained there could be a fence. Mr. Porter explained the turtles do use this area. Mr. Corrado explained he was the attorney for Mr. Morey when he built his house. He explained that approval required a path for the turtles, which he has and has maintained.

Mr. Joseph Grottola was sworn in by Chairman Hanson.

Mr. Grottola asked if there would be bulkheads for all six (6) homes? Mr. Orlando explained there wouldn't be bulkheads.

This portion of the hearing was closed to the public.

The Board discussed that what is proposed is the best use of the property.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mr. Doherty	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.

4. Hardship variance application to construct a 20 x 50 addition to the principal structure encroaching into the side yard setback and a 40 x 80 barn that would be larger and taller than the principal structure, submitted by Glenn & Suzan Mimplitsch for the location known as Block 501, Lots 26 & 27, 764/766 Seashore Road.

Mr. Charles Sandman, Esq., represented the applicants.

Mr. Glenn Mimplitsch, applicant, was sworn in by Chairman Hanson.

Mr. Sandman explained they have been before the Board twice before and the Board denied the application. He explained Mr. Mimplitsch has purchased the house in front of his lot, so it's not a flag lot anymore. He explained they are not seeking a use variance. He explained they are seeking a variance for a 30 x 50 addition to the house which encroaches into the side yard setback. He explained they are also seeking a variance for a barn with a larger footprint and taller than the house. He explained they are proposing a 40 x 80 barn, but could do a 40 x 60 barn and not need a variance for the barn larger than the house. He explained they would like to construct the barn immediately and the addition to the house at a later date because of financial reasons. He explained it would be a financial burden on Mr. Mimplitsch to do both at the same time or to have the addition on the house done before the barn. He explained Mr. Mimplitsch wife is very ill and wants to build the barn and get the horses here as soon as possible. He explained the horses are currently being housed in Marlton and the traveling there is becoming very hard on his wife.

Mr. Sandman explained with the purchase of the house, the total frontage is 75' so the flag goes away.

Mr. Sandman explained he collects and restores antique cars, so a portion of the barn would be used for that.

Mr. Sandman had submitted into evidence as A-1 a floor plan of the proposed barn.

Mr. Sandman explained there would be three stalls, a feed room, wash room and an area for his vehicles.

Mr. Sandman explained if the Board allows the construction of the barn first, a variance for barn height would be needed, but once the addition to the house is done, the addition on the house would be taller than the barn.

The Board asked if a deed of consolidation would be done? Mr. Sandman explained if approved, there would be a deed of consolidation and the easement would be extinguished.

The Board asked if the cesspool would be removed? It was explained it would and a new septic system would be installed.

Mr. Mimlitsch explained the house looks bad, but the exterior just needs a facelift. He explained the house is in pretty good shape.

Submitted into evidence as A-2 was a photo of the barn.

There was a discussion that the deed of consolidation would be done if the Board approves this application and the applicant is requesting the barn be allowed to be built prior to the addition to the house. But what happens if the addition isn't built? Also, isn't this setting a precedent? There was a discussion about whether a bond could be posted.

The Board asked if someone would be living in the house? Mr. Sandman explained someone would be living in the house. He explained the previous owner would rent.

A Board member explained they do not have a problem with the size of the barn. And explained at the previous meeting, there was testimony that there wouldn't be a business at this location and wanted to verify this was the case. Mr. Sandman explained there would be no business at this location. He explained there would be three horses and Mr. Mimlitsch's antique cars. He explained at the previous meetings, residents in the area came out, but were not against the application.

The Board asked if the addition to the house would be equal to the size of the barn? Mr. Sandman explained if the Board approved the barn at 40 x 60, it would, but if they approve the barn at 40 x 80, the barn would be bigger. He explained the barn would be taller than the house, before the addition. Once the addition is done, the addition would be taller.

This portion of the hearing was opened to the public.

Ms. Nancy Rubin was sworn in by Chairman Hanson.

Ms. Rubin explained she lives in the house in front of where the proposed barn would be. She explained she has no problem with a 40 x 80 barn. She explained Mr. Mimlitsch has done a beautiful job of cleaning the property and has done good things to the property. She explained she would have no problem notifying the Township if a business was being run from the property.

Ms. Betsy Gibson was sworn in by Chairman Hanson.

Ms. Gibson explained she doesn't live near this property, but lives in the area where Mr. & Mrs. Mimlitsch's home is. She explained they are kind and reputable people.

This portion of the hearing was closed to the public.

There was a discussion about whether a bond would be needed or not. There was a discussion about deed restricting that there be no business use on the property. Mr. Harvatt explained you cannot deed restrict something that's not permitted in the zone.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	NO
	Mr. Utsch	NO	Mr. Waterman	NO
	Mr. Sweeten	YES	Mr. Doherty	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.

There was a discussion about having an area for the sale of marijuana once it becomes legal. The areas discussed were at the end of Fulling Mill Road or the airport. Discussed was medicinal marijuana approved by the Governor.

Mr. Galestok explained the Zoning Board can suggest this to Township Council and they would then send it to Planning Board for their recommendations. He explained he would draft a letter to Council and bring it before the Board next month.

Mr. Kennedy made a motion to adjourn at 8:20 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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