

# 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 November 3, 2011 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  
John Armbruster  
David F. Brand, Jr.  
Ernest Utsch III  
Bruce Waterman  
Michael DiStefano  
Dianne Kelly  
Kristine Trusiak

**MEMBERS EXCUSED:** Robert Sweeten  
Christopher Kobik  
Stephen Komar

**STAFF PRESENT:** Anthony J. Harvatt, II, Board Solicitor  
Mark Sray, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handout:

List of Board Solicitor vouchers dated October 26, 2011.

Chairman Hanson read a statement of procedural order to inform the public of how the Board would proceed at tonight's meeting.

Mr. Brand made a motion to approve the October 6, 2011 minutes. The motion was seconded by Mr. Waterman. Motion carried.

Mr. Utsch made a motion to approve the resolutions from the October 6, 2011 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

1. Discussion of Bureau of Fire Safety comments regarding the solid vinyl fence for the Verizon Building, at the location known as Block 252, Lot 18, 41 Locust Road.

Mr. Sray explained that the Board approved an eight-foot security fence. He explained that at the time of approval, Bureau of Fire Safety approval had not been obtained. He explained that when the applicant submitted a revised plan to Fire Safety, they did not approve it. The Fire Safety explained the proposed fence was not fire resistant and a ten foot open area around the tank was needed. He explained that Verizon would like to move the fence out to the setback line and they are now proposing a medal fence in approximately the same color.

Mr. Nicholas Talvacchia, Esq., for Verizon explained the fence would meet setbacks. He explained that they are hoping that they don't have to come back to the Board for approval and it could be done administratively.

Mr. Galestok read a letter from the Bureau of Fire Safety comments dated October 4, 2011 in which they found this application acceptable.

There was a discussion whether this change could be done administratively. Mr. Talvacchia explained they would still have the landscaping as per plan.

There was a discussion that the proposed change can be done administratively.

2. Use & hardship variance & minor site plan applications for a parking area in a residential zone & six foot fence in front yard, submitted by Lower Township Rescue Squad, Inc., for the location known as Block 228, Lots 1-3, Cardinal Avenue.

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

Mr. Vincent Orlando, PE, PP, Mr. Kevin Hart, Chief, and Mr. Anthony Kapurelos, Lieutenant, were sworn in by Chairman Hanson.

Mr. Corrado explained the Rescue Squad would like to create a parking area on their property on Cardinal Avenue. He explained there would be a six-foot security fence around the property. He explained they are requested waivers from design standards for lighting and paving.

Mr. Hart explained the history of the Rescue Squad building on Georgia Avenue. He explained that this building is still manned. He explained there are vacant lots across the street from their squad building that they would like to use for parking vehicles.

Mr. Kapurelos explained they would like to park the vehicles that are currently on Georgia Avenue site. He explained they would also like to keep other equipment such as snow plows and such. He explained this would clean up the area around the current building. He explained that they would have their wheelchair vans on this site at night. He explained the area would be a secured area. He explained that he would estimate that there would be ten vehicles on this site.

Mr. Kapurelos explained that occasionally at night if there were an emergency they would have to go into the area for a vehicle, but 90% of those vehicles would be used during normal business hours. He explained the area would be secured with a double swing gate on Main Street. He explained there would be a keyed lock and key pad.

Mr. Kapurelos explained many years ago the two lots were connected. He explained the Rescue Squad gave the Township a portion of the land for the street.

Mr. Corrado had marked into evidence an aerial photograph of the area. Mr. Kapurelos reviewed the photo with the Board.

Mr. Kapurelos explained four ambulances are at the airport building and the surplus is housed at this building.

Mr. Kapurelos explained that there is a sight triangle issue at the building that this application would elevate.

Mr. Corrado had marked into evidence a colorized site plan.

Mr. Orlando reviewed the site plan with the Board. He explained they are proposing a gravel like parking area. He explained the maximum number of vehicles that could be parked is

16. He explained there is an existing tree that they would like to preserve. He explained that from the street to the parking area is approximately 35 feet. He explained the fence would surround the entire lot and there would be landscaping in front of the fence. He explained the proposed fence would be black fabric fencing. He explained there is an existing tree line they would keep adjacent to the residential dwellings.

Mr. Orlando explained they are requesting a waiver from lighting standards and paving. He explained he feels the lighting would be an impact on the neighborhood. He explained that the proposed paving material would minimize run-off.

Mr. Orlando explained the impact of the fence is minimal being off the property line and with landscaping in front. He explained he feels there would be no detriment to the area if approved. He explained this is a beneficial use. He explained a public purpose use is permitted in the zone. He explained that because there is no principal building proposed, a use variance is needed. He explained the purposes of zoning would be advanced and the site is suited for what is proposed. He explained the application could be granted without any substantial detriment to the zone or zone plan.

The Board asked how tall the landscaping would be at planting? Mr. Orlando explained the trees would be four to five-foot tall. He explained the type of trees they are using are a bit more dense and bush.

Mr. Sray read Engineer's comments dated October 28, 2011.

Mr. Galestok read Bureau of Fire Safety comments dated October 24, 2011 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated August 8, 2011.

This portion of the hearing was opened to the public.

Mr. Walter Miller was sworn in by Chairman Hanson.

Mr. Miller explained he was before the Board for the Wawa and CVS applications. He explained that the Board approved both those applications because of ratables. He explained that if the Board were to approve this application it would be a loss of ratables because the Rescue Squad is tax exempt. He explained that there should be a substation, but not here. He explained the Rescue Squad has property on Townbank Road that could be used. He explained that Main Street cannot handle more traffic. He explained the Rescue Squad is not a good neighbor.

Mr. John O'Rourke was sworn in by Chairman Hanson.

Mr. O'Rourke explained the Rescue Squad is supposed to be a non-profit organization. He explained that there are other rescue companies that are interested in serving Lower Township. He explained that he feels no one is looking out for the neighborhood's best interest.

Mr. Bob Weber was sworn in by Chairman Hanson.

Mr. Weber explained there is no need for the Rescue Squad to have a parking lot. He explained the vehicles could be stored anywhere. He explained that if taxes were paid by the Rescue Squad it would be about \$6,000.00 a year in ratables. He explained the trailers take up about six spaces. He submitted into evidence photos of the trailers on the Rescue Squad property and the adjacent houses. He also expressed concerns about the added traffic. The Board asked how the traffic would increase if there are already vehicles present? He just feels that this would be an eyesore to the neighborhood.

Mr. Corrado asked Mr. Weber when he purchased his house? Mr. Weber explained he purchased the house in 2005.

Ms. Maureen Cerrato was sworn in by Chairman Hanson.

Ms. Cerrato explained the Rescue Squad does not need additional parking areas. She explained this would be a loss of ratable to the Township. It would decrease property values in the area. The property owners should get a decrease in their property taxes. She asked if Cape Atlantic Soil had approved the plan? Mr. Orlando explained that if the application were approved tonight, they would proceed with the application to Cape Atlantic Soil. Ms. Cerrato explained the lot was totally wooded and then all the trees were removed. She explained she would be happier if the lot were to remain empty.

Mr. Ed McKinstry was sworn in by Chairman Hanson.

Mr. McKinstry explained that his property is up against the Wawa property. He explained that they have a six-foot fence. He explained that a six-foot fence is not going to stop people from jumping it. Mr. McKinstry asked about the notice he received. He asked what 'any and all variances' needed met? Mr. Corrado explained that he noticed for all the variances they needed, but sometimes during the presentation and discussion of an application, a variance may be determined that was not noticed. He explained that wording covers for such an occurrence.

Ms. Kathy DiSpentza was sworn in by Chairman Hanson.

Ms. DiSpentza was going to read a letter from a neighbor. The Board explained that she could not do that. The person who wrote the letter would have to be present.

Ms. DiSpentza explained that they pay taxes on the property now, but if this application were approved, they would then be tax exempt. Mr. Corrado explained that it is up to the Township Assessor if taxes are required on a property. He explained that the issue about property taxes are not relevant to this application.

This portion of the hearing was closed to the public.

Mr. Kapurelos explained the building on Townbank Road is a garage building. He

explained they do house an ambulance in the building if needed. He explained three ambulances are housed at the airport. He explained that they cannot move all the ambulances there because there isn't enough parking. He explained the building houses the Police, Bureau of Fire Safety and Courts. He explained with all the personal vehicles and on court day, parking is limited.

The Board asked Mr. Kapurelos how big the property on Townbank Road was? Mr. Kapurelos explained he didn't know the size of that property.

There was a discussion that it doesn't seem the Rescue Squad has been a good neighbor. Mr. Kapurelos explained that they have tried to adapt to the concerns of the neighbors. He explained that they have met several times with the neighbor to try to resolve their issues. He explained they have changed the plan multiple times to try and help the neighbors.

The Board discussed that they found the neighbors testimony very compelling. They explained that increased traffic to the neighborhood is a concern. They explained that maybe the plan was not presented very well. They explained they understand the Rescue Squad needs the additional area but there is land elsewhere they could use to house their non-emergency vehicles. There are open areas at the airport that can be used.

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

VOTE:	Mr. Armbruster	NO	Mr. Brand	NO
	Mr. DiStefano	NO	Mr. Utsch	NO
	Mr. Waterman	YES	Mrs. Kelly	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.

- Hardship variance application to construct an attached garage encroaching into the front, side & rear yard setbacks and exceeding allowed building coverage, submitted by Donna Macko-Fister for the location known as Block 761, Lot 17-21, 809 Wilson Drive.

Ms. Donna Macko-Fister, applicant, was sworn in by Chairman Hanson.

Ms. Macko-Fister explained to the Board that she would like to construct an attached garage. She explained that hardship variances are needed for front, side and rear yard setbacks.

The Board asked if the garage could be placed elsewhere on the lot? Ms. Macko-Fister explained that she could not place the garage on the other side because of the raised septic system.

Ms. Macko-Fister explained that garage would be 20.8 x 22 and in line with the existing driveway.

There was a discussion that the side yard setback would be nine feet, front yard setback 37 feet and rear yard 29 feet.

Ms. Macko-Fister explained there isn't any adjoining vacant land available.

There was a discussion that the Board had previously approved the demo of the existing house and construction of a new house with a proposed side yard setback of nine feet.

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.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mrs. Kelly	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. Armbruster made a motion to adjourn at 8:37 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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