

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 May 7, 2015 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
Bruce Waterman
Robert Sweeten
Michael DiStefano
Dianne Kelly

MEMBERS EXCUSED: John Armbruster

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 April 24, 2015.

List of Engineering Design Associate vouchers dated May 7, 2015.

The New Jersey Planner: March/April 2015 - Vol. 76, No. 2.

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

Mr. Utsch made a motion to approve the April 2, 2015 minutes. The motion was seconded by Mr. Waterman. Motion carried.

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

Mr. Brand made a motion to approve Engineering Design Associate vouchers. The motion was seconded by Mr. Waterman. Motion carried.

Mr. Waterman made a motion to approve the Resolutions from the April 2, 2015 meeting. The motion was seconded by Mr. Brand. Motion carried.

1. Hardship variance application to construct an addition encroaching into the front yard setback submitted by Richard & Lana Thompson for the location known as Block 611, Lot 10, 201 Eldredge Avenue.

Mr. Richard Thompson and Mrs. Lana Thompson, applicants, were sworn in by Chairman Hanson.

Mr. Thompson explained to the Board that they would like to construct a three-season room encroaching into the front yard setback. He explained the existing setback is 25' and with what is proposed the front yard setback would be 10'.

The Board asked if the addition could be placed on the other side of the house? Mrs. Thompson explained they have health issues and if the addition was placed on that side, they

would lose the driveway. She also explained because of the flow of the existing house, the proposed location is the best location for the sunroom.

Mr. Thompson submitted into evidence photographs of the area. He explained there are a couple of houses with similar setbacks.

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. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Hanson	NO		

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 detached garage encroaching into the front yard setback and total accessory use square footage exceeding principal square footage, submitted by Joseph & Deborah Saeger for the location known as Block 746, Lot 6, 632 Jonathan Hoffman Road.

Mr. Joseph Saeger and Mrs. Deborah Saeger, applicants, were sworn in by Chairman Hanson.

Mr. Saeger explained he would like to construct a detached garage. He explained it is a corner property that is odd shaped. Mrs. Saeger explained the house sits closer to the road than the garage will.

The Board asked if a use variance was needed? Mr. Galestok explained a use variance is not needed. He explained the garage is a permitted use in the zone, but the accessory uses have to be subordinate to the house and meet setbacks. He explained the total accessory use square footage exceeds the square footage of the house. He explained the total building coverage would be 4.6% where 10% is allowed.

The Board explained the survey shows there are already one garage and two sheds. Mr. Saeger explained once this garage is built, the two sheds would be removed.

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. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	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.

2. Use and hardship variance, conditional use & minor site plan applications to construct an eight (8) foot high PVC fence for a trash enclosure attached to the building, submitted by Wawa, Inc. (Villas Store), for the location known as Block 216, Lot 5, 1515 Bayshore Road.

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

Mr. Daniel Dougherty, PE, Ms. Kate Keller, PP and Ms. Kristen Ritz, Project Manager were sworn in by Chairman Hanson.

Mr. Prime explained to the Board that the original approval for the Wawa included an internal trash room. He explained they are not seeking approval for an exterior trash enclosure. He explained the enclosure would have a white eight foot vinyl fence. He explained the system they are proposing is more efficient with trash pick ups only a couple times a week where as now they are almost daily. He explained there would be a compactor within the enclosure.

Mr. Dougherty submitted into evidence a colorized version of the site plan.

Mr. Dougherty explained the enclosure would be 14 x 36 and contain a compactor, recycle container and a shed for yard tools.

Mr. Dougherty explained the compactor is virtually quiet. He explained when compacting, it emits 62 decibels. He explained during normal conversation, the decibel level is higher. He explained there is an odor control system on the compactor, so it is almost odorless. He explained they could have done a six-foot fence, but the compactor is 84 ½" tall and the shed is 84" tall. They wanted to make the fence tall enough that it would shield the compactor and shed from the neighbor's to the rear.

The Board asked how the unit was cleaned and where the run-off would go? Mr.

Dougherty explained the unit is self-contained. The Board explained that it would have to be hosed out. Mr. Dougherty explained it is hosed down once a day and the run-off would go into the storm drains. There was a discussion that with the current indoor location, when hosed down, the run-off goes into the sewer drain, but a sewer drain is illegal outside.

Mr. Dougherty explained the compactor is an improvement because there is less traffic, virtually no odor and a reduction in noise. Mr. Galestok asked if there was thought about enclosing this area to the building? There was a discussion that this is the best location for the enclosure and not enclosed. Mr. Dougherty explained the trash pick-ups could be limited to two to three times a week.

Ms. Keller explained the proposed trash enclosure is approximately 500 square feet which she feels is diminimus on a three-acre lot. She explained there are residential uses to the rear and there is a landscape buffer and a fence. She explained no variances are needed for setbacks. The drive aisle would remain two-way and trash enclosure is not visible from the road.

Mr. Carr read Engineer comments dated May 1, 2015.

There was a discussion by the Board and they felt it should remain a minor site plan application especially that the traffic flow will remain two-way to the rear of the building.

Mr. Galestok read Bureau of Fire Safety comments dated April 28, 2015 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated February 23, 2015.

This portion of the hearing was opened to the public.

Mr. Walter Miller was sworn in by Chairman Hanson.

Mr. Miller explained there is an existing white vinyl fence and he would prefer if the fence was not white because of the sun glare. He explained there is a smell when the trash is emptied now. He explained that they would like if Wawa could give Title 39 powers like CVS has done. He explained that CVS has a compactor and it is very noisy. Mr. Dougherty explained the proposed compactor would have less odors then what is currently there. Ms. Ritz explained they have a contract for white vinyl fencing, but for this store only they would do a beige fence.

This portion of the hearing was closed to the public.

The Board explained they are not convinced this is an odor free system, but after hearing testimony that there is an odor now at pick-up, the proposed compactor would probably have less of an odor.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Hanson	YES		

Motion carried.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion conditionally approve the minor site plan application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	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.

- Use and hardship variance, conditional use & minor site plan applications to construct an eight (8) foot high PVC fence for a trash enclosure attached to the building, submitted by Wawa, Inc. (North Cape May Store) for the location known as Block 499.02, Lot 33.13, 3719 Bayshore Road.

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

Mr. Daniel Dougherty, PE, Ms. Kate Keller, PP and Ms. Kristen Ritz, Project Manager were sworn in by Chairman Hanson.

Mr. Prime explained to the Board it is the same compactor as the Villas Store.

Mr. Dougherty submitted into evidence a colorized version of the site plan.

Mr. Dougherty explained there would be a compactor and recycle container in the enclosure. He explained a shed is not needed at this location. He explained they would be leaving the traffic flow two-way.

Mr. Prime explained they would prefer a white vinyl fence at this location.

Mr. Carr read Engineer comments dated May 1, 2015.

Mr. Galestok read Bureau of Fire Safety comments dated April 28, 2015 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated May 7, 2015 in which they disapproved this application.

Ms. Keller explained what is proposed would be no detriment to the zone or zone plan.

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 the conditional use variance application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Hanson	YES		

Motion carried.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the minor site plan application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	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. Brand made a motion to adjourn at 8:27 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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