

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 June 6, 2013 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
Robert Sweeten
Michael DiStefano
Christopher Kobik
Erik Collins
Stephen Komar

MEMBERS EXCUSED: Bruce Waterman
Dianne Kelly

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor
George A. Curvan, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated May 30, 2013.

Township of Lower, County of Cape May, State of New Jersey Resolution 2013:
Resolution authorizing billable rate for engineer

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

Mr. Brand made a motion to approve the May 14, 2013 minutes. The motion was seconded by Mr. DiStefano. Motion carried.

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

Mr. Brand made a motion to approve the resolution from the May 14, 2013 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

2. Extension of use & hardship variance approval granted by the Board September 7, 2006 for an addition to a detached in-law quarters, submitted by Robert & Edie Kopsitz for the location known as Block 649, Lot 2, 703 Washington Blvd.

Mr. Peter Tourison, Esq., represented the applicants.

Mr. Tourison explained the Board approved an addition to a detached in-law quarters. He explained the addition has not been constructed. He explained they would like a one (1) year extension of the approval.

There was a discussion if one (1) year was sufficient and Mr. Tourison explained it would be.

Mr. Armbruster made a motion to approve a one (1) year extension of the approval. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kobik	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.

1. Use variance & minor subdivision applications for the creation of two (2) newly described lots. Minor subdivision application, submitted by Brian Sullivan & James & Cheryl Wallace for the location known as Block 749, Lot 8.18 and Block 749, Lot 14.04, 14 Hannah Drive & 4057 Bayshore Road. Use variance application to have an in-laws quarters over an existing detached garage, submitted by Brian Sullivan for the location known as Block 749, Lot 8.18, 14 Hannah Drive.

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

Mr. Brian Sullivan and Mr. James Wallace, applicants, were sworn in by Chairman Hanson.

Mr. Sullivan explained he has an existing two story detached garage and would like to convert the second floor into an in-law apartment. He explained that he would also like to purchase 50' of land from Mr. Wallace. He explained that with the subdivision, it would provide an extra setback and buffer for the garage/in-law quarters.

Mr. Sullivan submitted into evidence photographs of the garage and a proposed floor plan.

The Board asked about the proposed setback line. Mr. Sullivan explained that the setback would be met.

The Board explained that in the application, it states there wouldn't be a problem deed restricting this would be owner use only and not a rental. Mr. Sullivan explained that was correct. He had no interest in having this as a rental.

Mr. Curvan summarized Engineer's comments dated May 31, 2013.

Mr. Sullivan explained the second floor of the garage is gym area and home office.

Mr. Galestok read Cape May County Planning Board comments dated May 24, 2013 in which they approved the application.

Mr. Galestok read Bureau of Fire Safety comments dated April 26, 2013 in which they found this application acceptable.

Mr. Galestok explained that the Board has approved a few detached in-law quarters in the area.

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

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kobik	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Brand made a motion to conditionally approve the minor subdivision application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kobik	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 & hardship variance applications to construct an accessory use without a principal structure, submitted by Henry Tamagni c/o Jonathan Sachar, Esq., for the location known as Block 753.01, Lot 33, 816 Canning House Lane.

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

Mr. Jonathan Sachar, Esq., represented the applicant.

Mr. Henry Tamagni, applicant, was sworn in by Chairman Hanson.

Mr. Sachar explained to the Board that this lot was previously approved for a single

family dwelling. He explained that his client would like to construct just a garage. He explained the garage would be used for private storage only and not used commercially.

Mr. Sachar explained there are wetlands to the rear of the property. They would like to shift the garage 20' toward the front property line, so a front yard setback variance would be needed.

Mr. Sachar submitted into evidence photographs of the area. He described this lot and the surrounding lots to the Board.

Mr. Tamagni explained he has a home in Vineland that he is selling, but he has a lot of stuff. He explained he has half a duplex on Wilson Drive, in Lower Township, that doesn't have a lot of storage. He explained that he would be using this garage to store his stuff.

Mr. Sachar explained he was not sure whether the use variance was needed. He explained that garages are permitted in the zone. Mr. Galestok explained the use variance was needed because it is not associated with a principal use.

Mr. Galestok explained that this is certainly an area with a lot of industrial uses.

Mr. Sachar explained what is proposed is not a deterrent to the zone or zone plan.

There was a discussion that the proposed building is 50 x 70. The Board asked what the building would look like? Mr. Sachar explained they didn't have elevation drawings with them, but it would look like a typical residential garage.

Mr. Sachar explained what is proposed would be less intense than a single family dwelling. He explained that with a single family dwelling, people are always coming and going.

The Board asked if there was a lighting? Mr. Tamagni explained there would just be a light over the door.

Mr. Sachar explained what is proposed would enhance the neighborhood. He explained there wouldn't be a deterrent to the zone or zone plan. He explained it is consistent with the area. He feels this is the highest and best use for the property.

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 Board explained they would like to see what the building would look like.

There was a discussion of whether it could be deed restricted the garage could not be rented. Mr. Sachar explained they would add wording to the deed that this is a residential garage and would not be used as a commercial use or rented as such.

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

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kobik	YES
	Chairman Hanson	YES		

Motion carried.

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

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kobik	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. Komar made a motion to adjourn at 7:29 P.M. The motion was seconded by Mr. Armbruster. 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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