

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 February 5, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:03 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
Ernest Utsch III
Robert Sweeten
Michael DiStefano
Dianne Kelly
Kristine Trusiak

MEMBERS EXCUSED: David F. Brand, Jr.
Bruce Waterman
Christopher Kobik

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated February 2, 2009.

List of Remington, Vernick & Walberg Engineer vouchers dated February 5, 2009.

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

Mr. Utsch made a motion to approve the minutes from the January 8, 2009 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

There was a discussion regarding the MetroPCS Pennsylvania resolution and whether or not the Board had required the applicant to turn the compound 90 degrees. There was a discussion that if it were turned it would be closer to the residential neighbor. The Board explained that their recollection was the compound was to be turned 90 degrees.

Mr. Armbruster made a motion to approve the resolutions from the January 8, 2009 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Armbruster made a motion to approve the Remington, Vernick & Walberg Engineer vouchers. The motion was seconded by Mr. Utsch. Motion carried.

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

1. Hardship variance application to construct an addition to an existing attached garage encroaching into the front yard setback, submitted by Carl & Charlotte Wolfe for the location known as Block 733, Lots 7 & 8, 221 East Madison Avenue.

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

Mr. Carl Wolfe, applicant, was sworn in by Chairman Hanson.

Mr. Dwyer explained that his client has the only single family dwelling on the street. He

explained that all the others are duplexes.

Mr. Dwyer explained that the present garage is not deep enough to park a car and his client would like to extend the garage, but it would encroach into the front yard setback 1'10". He explained that there would be no impact on the neighborhood or sight lines.

There was a discussion as to what the proposed front yard setback would be. Mr. Dwyer explained the front yard setback would be 18'2". Mr. Galestok explained that proposed addition to the garage is 9'4".

The Board asked if the garage would be one or two stories? Mr. Dwyer explained it would be one story.

There was a discussion that the house sits further back then most of the duplexes.

The Board asked if a car could be parked in the driveway without hanging over the sidewalk? It was explained that a car would fit in the driveway without over hanging the sidewalk.

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. Utsch.

VOTE:	Mr. Armbruster	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mrs. Trusiak	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 & hardship variances & preliminary & final site plan applications to construct a 1st floor addition to expand an existing medical supply building, an another 1st floor addition for a two-car garage and a 2nd floor addition for two separate living facilities, relocate sign, hardship variance needed for parking within the buffer, submitted by FLCH, LLC for the location known as Block 259, Lots 3-5, 1638 Bayshore Road.

Mr. Glenn Callahan, Esq., represented the applicant.

Mr. Steve Ritondo, owner/applicant, Mr. Mark Lovell, Architect, and Mr. Seth Davis,

sign consultant, were sworn in by Chairman Hanson.

Mr. Callahan had marked into evidence a colored sign rendering.

Mr. Callahan explained to the Board there is an existing medical facility that his client's would like to expand. He explained that they would like to construct a second floor and have two apartments. They would like to do a first floor addition toward Bayshore Road for the medical supply store and an addition to the rear of the building for a garage. He explained the parking would be upgraded. He explained that he went before the Cape May County Planning Board and there may be a site triangle issue.

Mr. Ritondo explained to the Board that he and his brother purchased the property in 2006. He explained that the building is set back far on the lot and people have a hard time seeing them. He explained that there wasn't any lighting on the building and the sign wasn't lit. He explained that they have lit the building and sign. He reviewed a picture board with the Board. He explained that new dumpsters were added. He explained that there was a drainage problem to the rear of the property. He explained that this was corrected. He explained that they would like one unit for a rental income, but would like the second unit for their use and the use of the employees. He explained that the propane tank would be removed when natural gas becomes available. The proposed parking area would be gravel and used mostly by them and employees. He explained that the customer parking is already a hard surface. He explained that the proposed sign would be a steady burn with a small L.E.D. area for messages.

Mr. Ritondo explained that he doesn't feel what is proposed would have an adverse impact on the zone or zone plan.

Mr. Lovell explained that all of the bulk requirements conform. He explained that they would reduce the garage by five foot and extend it from 21' to 24 or 25' toward Wilde Avenue. He explained this change would not change the building coverage.

Mr. Lovell explained that the sign plan that was submitted tonight will be what is constructed.

Mr. Lovell explained that because of the site triangle issue, they could take a 5 x 5 section off the corners of the building, but would request a variance for the encroachment into the site triangle. Mr. Ritondo explained that they don't want to take too much from the building as this area is for display of products and so people can navigate freely.

There was a discussion about the placement of the sign.

Mr. Callahan explained that they would like the planting plan as a condition of approval. He explained that they would also like the drainage plan as a condition of approval. He explained that the proposed parking area would be partially asphalt and partially gravel. They would like that the plan be submitted to the Board Engineer. If he feels there is a problem, they would come back before the Board.

The Board explained that they would think that to have the new parking area with an asphalt drive and gravel parking would be a safety issue. Mr. Ritondo explained the asphalt parking area on Wilde Avenue would remain. He explained that there are currently five spaces and they have never needed more than that. He explained that the proposed parking area would be for him and his brother and employees.

There was a discussion that with the parking currently available and the proposed new parking, 13 spaces are proposed. The Board asked if there was enough? Mr. Callahan explained that as per the Ordinance, this is enough parking.

There was a discussion about the handicap parking space. Mr. Sray explained that the space would be within the site triangle. There was a discussion about possibly moving the handicap space, keeping it van accessible.

Mr. Sray summarized Engineer's comments dated January 30, 2009.

There was a discussion about having some type of turn around in the proposed parking area. Mr. Sray explained that the concern with what is proposed is one car backing out while another car is trying to turn in. The Board explained that it appears that the proposed garage is causing the problem and the applicant may want to think about eliminating the garage. This may allow for better vehicular flow.

There was a discussion that with so many changes happening on the plan, the Board would be uncomfortable with voting tonight. Mr. Callahan explained that they would like Mr. Davis to explain the sign detail and then they would probably continue the application, make the revisions to the plan and come back before the Board at a later date.

Mr. Davis explained that the top of the sign would be internally illuminated. He explained that the L.E.D. portion of the sign would display what the owner wants. He explained that the L.E.D. portion is programmable and can be changed. Mr. Galestok explained that under 400-37.A(1) of the Lower Township Land Development Ordinance, animated, flashing and illusionary signs are prohibited. He explained that L.E.D. signs have been approved with text messages only. Mr. Ritondo explained that it would be text message only. Mr. Sray explained that the architect's plan does indicate time and temperature only. Mr. Ritondo explained that it would be more than time and temperature, but not flashing. There was a discussion that the height and square footage meets the requirements.

Mr. Galestok explained that for the site triangle issue, in the past they have went with the County's requirements. The Board explained that there is a single family dwelling across Wilde Avenue that is closer to Bayshore Road than what is proposed. The Board explained that they don't feel the building needs to be reduced and is fine with using the County site triangle requirements.

There was a discussion about another curb-cut on Bayshore Road to allow people to exit instead of backing out onto Wilde Avenue. It was explained that the County probably wouldn't

allow another access onto Bayshore Road. Mr. Galestok explained that in the past the Boards have allowed a paved drive aisle with stone parking.

Mr. Callahan explained that he would like to continue this application until the March 5, 2009 meeting agreeing to waive time constraints.

Chairman Hanson called for a short recess at 8:25 P.M. The meeting was called back to order at 8:30 P.M.

- 3. 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 458, Lots 11 & 12, 318 Park Lane.

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

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

Mr. Dwyer explained that this is an isolated undersized lot in the R-3 unsewered zone. He explained the lot is 10,000 square feet and lacks the required lot area and depth. He explained that vacant land is adjacent this lot. He submitted a hand written letter received from that property owner who is not interest in selling their lot or purchasing this lot.

Mr. Dwyer explained that the proposed single family dwelling would meet the allowed setbacks and building coverage.

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. Sweeten.

VOTE:	Mr. Armbruster	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mrs. Trusiak	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 single family dwelling on a lot deficient in lot area, frontage & width, submitted by Commercial Services, Inc., for the location known as Block 52, Lots 10 & 11, 420 East St. John's Avenue.

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

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

Mr. Dwyer explained that the property is 60 x 100. He explained that no available vacant land is available. He explained that the proposed single family dwelling would meet all setbacks and building coverage.

The Board asked if this was under an agreement of sale? Mr. Dwyer explained that it was. He submitted into evidence a copy of the agreement of sale.

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. Sweeten.

VOTE:	Mr. Armbruster	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mrs. Trusiak	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.

- 5. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage, width & encroaching into the side yard setbacks, submitted by Commercial Services, Inc., for the location known as Block 97, Lot 28, 154 East Atlantic Avenue.

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

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

Mr. Dwyer explained to the Board that the property is located in the R-3 with sewer zone. He explained that vacant land is available. He explained that a certified letter was sent to that property owner, but there was no response. He submitted the letter into evidence.

Mr. Dwyer explained that there have been several 25-foot lots before the Board in the past which the Board approved. He explained that the proposed single family dwelling would meet the front and rear yard setbacks as well as building coverage. He explained that because of the narrowness of the lot, side yard setbacks cannot be met. He explained that the proposed house would be 17 feet wide and met fire codes.

The Board explained that there was a 25-foot lot on Pennsylvania Avenue approved by the Board. That house was three stories with the garage under the house. Mr. Dera explained that what he proposes would be one story with parking in front of the house on the driveway.

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

VOTE:	Mr. Armbruster	NO	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mrs. Kelly	NO	Mrs. Trusiak	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 8:41 P.M. The motion was seconded by Mr. Utsch. Motion carried.

A verbatim recording of said meeting is on file in Township Hall.

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.