

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, 2009 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
Dianne Kelly
Kristine Trusiak
Stephen Komar

MEMBERS EXCUSED: Bruce Waterman

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 April 17, 2009.

List of Board Engineer vouchers dated May 7, 2009.

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

Mr. Utsch made a motion to approve the minutes from the April 2, 2009 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

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

Mr. Armbruster made a motion to approve the resolution from the April 2, 2009 meeting. The motion was seconded by Mr. Utsch. Motion carried.

2. Use variance & preliminary & final site plan applications to convert an existing structure to 1st floor office & sales facility (garden center) and 2nd floor office for Bowman Builders & their realty company, submitted by John E. Bowman for the location known as Block 752.01, Lot 18.05, 1080 Seashore Road.

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

Mr. John Bowman and Mrs. Patricia Bowman, applicants, and Mr. Gary Thomas, PP and Licensed Land Surveyor, were sworn in by Chairman Hanson.

Mr. Dwyer explained that the property is located in the R-1 zone. He explained that this area does have some commercial uses.

Mr. Dwyer explained that the building exists and what they are proposing is to have a small construction office for their business and a real estate office that would be used strictly for

the sales of their homes. He explained that currently the main office is located in Middle Township.

Mr. Bowman explained that he has been in Lower Township for 45 years. He explained that they would conduct small business meetings at this location.

Mr. Bowman explained that his wife grows flowers on-site. He explained that there is a possibility that they may bring in flowers from off-site.

Mr. Bowman explained that directly across the street is the Masonic Lodge. He explained that the Verizon building is two doors down. He explained that there is a dance studio, vineyard, produce stand, a church and riding stable in the area.

Mr. Thomas explained to the Board that the property was previously used for a commercial use. He explained that there are quite a few commercial uses in the area. He explained that there wouldn't be a negative effect to the area if approved. He explained that Seashore Road is a County Road and widely used by people.

Mr. Thomas explained that they are proposing a 4 x 8 sign. He explained that the sign would be smaller than the Masonic Lodge.

Mr. Thomas explained that they would increase the width of the driveway to 25 feet. He explained that they are asking for a stone driveway instead of asphalt. He explained that this is not major retail and feels stone is sufficient. He explained that the parking is to be aligned in the rear of the building. He explained that they are proposing plantings along the property lines and swale.

The Board asked if commercial trucks would be parked at this location? Mr. Bowman explained that commercial trucks would not be stored on site. He explained that trucks may be parked here on occasion if there were business meetings.

Mr. Bowman explained that there was a subdivision of the property several months back. He explained that the property with the structure is a much better property for growing. He explained that the other lot has wetlands, but there are also area's to grow flowers.

Mr. Sray read Engineer comment's dated April 23, 2009.

Mr. Thomas explained that they could curve the driveway to meet the six-foot setback.

The Board explained that other commercial uses have a 20-foot buffer and this is proposing ten feet. Mr. Thomas explained that the parking would have to be moved. Mr. Dwyer explained only one parking space would have to be moved. There was a discussion that the handicap space would be moved to the front of the building.

This portion of the hearing was opened to the public.

Mr. Joe Winters was sworn in by Chairman Hanson.

Mr. Winters asked if pavers or stone would be sold at this location? Mr. Bowman explained that they would not be selling pavers or stone.

This portion of the hearing was closed to the public.

Mr. Dwyer explained that the proposed uses are low impact.

Mr. Galestok explained that if the application is approved, it should be subject to Cape May County Planning Board and Bureau of Fire Safety approvals. Mr. Dwyer explained that they have Bureau of Fire Safety approval. He read the letter into the record.

The Board explained that if this application is approved, there would be three uses on this site. They asked what happens if sold? More intense uses could be proposed. Mr. Dwyer explained the application could be limited to the uses for the building.

There was a discussion that no commercial vehicles can be stored on site. Only farming equipment. There would be no sale of pavers or stones, just plants, plant food, soil and other related gardening supplies.

Mr. Brand made a motion to conditionally approve the use variance. 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	ABSTAIN		

Motion carried.

Mr. Brand made a motion to conditionally approve the hardship variance for the sign and the preliminary and final site plan applications. 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	ABSTAIN		

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. Hardship variance application to construct a second floor addition over the existing building footprint, hardship variances sought for lot area, frontage, width, and side yard setback submitted by Kurt B. Haywood for the location known as Block 500.01, Lot 51, 609 Shunpike Road.

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

Mr. Kurt Haywood and Mrs. Denise Haywood, applicants, and Mr. Joseph Courter, Licensed Architect, were sworn in by Chairman Hanson.

Mr. Dwyer explained that there is an existing single family dwelling on the lot. He explained that the lot itself is undersized for the zone. He explained that there is an existing setback of ten feet. He explained that the application does not increase the footprint of the house. He explained that they wouldn't be here except the proposed second floor addition is also included over the section of the house that is ten foot from the property. He explained that there is case law that a second floor addition wouldn't require a variance, but also case law that a variance would be needed. He explained that they decided to apply for the variance.

Mr. Dwyer explained that his clients came before the Board before for a first floor addition. He explained that variance was denied. He explained that his client's listened to what the Board had to say.

Mr. Courter explained to the Board that the design of the house fits into the neighborhood better.

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. Kobik.

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.

- 4. Hardship variance application to demolish an existing screen room and construct an addition in the footprint, submitted by Richard Milstead for the location known as Block 334.07, Lot 9, 213 Arizona Avenue.

Mr. Richard Milstead and Mrs. Amanda Milstead, applicants, were sworn in by Chairman Hanson.

Mr. Milstead explained to the Board that there is an existing metal structure. He explained that they would like to demolish this structure, leave the foundation and construct an addition for year round living space.

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. 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. Armbruster explained that next month's meeting maybe lengthy. He explained that the Board Engineer has done a good job thus far and would like to make a motion to appoint Hatch Mott MacDonald as Board Engineer's for the remainder of the 2009 calendar year. The motion was seconded by Mr. Brand. Motion carried.

There was a discussion about forwarding a letter to Township Council supporting the reappointment of Board members, Mr. Armbruster, Mrs. Kelly and Mr. Komar.

Ms. Elizabeth McGuidwin explained to the Board that she has a house that was always a two family. She explained that there was a fire and now she is not allowed to use the house as a two family. She explained that the Bureau of Fire Safety made her sign an affidavit that it was a one family dwelling and could not be used as a two-family dwelling.

The Board explained that it sounds like she would have to have a certification. They explained that there is nothing that they could do tonight without an application. Mr. Harvatt explained that it is a jurisdictional matter and an application would be needed.

Mr. Galestok explained that the zoning is GB and an application for certification/use variance would be needed.

Ms. McGuidwin explained that the application requires a sealed survey, which she doesn't have. She explained that the application is very expensive and she doesn't understand why she can't rent her place as a two family when she is paying taxes for a two family.

The Board explained that they understand her frustration, but there was nothing they could do without a formal application.

Mr. Brand made a motion to adjourn at 7:47 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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