

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 August 6, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Vice-Chairman John Armbruster. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Vice-Chairman John Armbruster
Ernest Utsch III
Bruce Waterman
Robert Sweeten
Michael DiStefano
Dianne Kelly
Kristine Trusiak

MEMBERS EXCUSED: Chairman James Hanson
David F. Brand, Jr.
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:

Handouts:

List of Board Solicitor vouchers dated July 20, 2009.

List of Board Engineer vouchers dated August 6, 2009.

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

Mr. Utsch made a motion to approve the resolutions from the July 2, 2009 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

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

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

Mr. Utsch made a motion to approve the minutes for the July 2, 2009 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

4. Minor site plan & hardship variance applications to increase the size of the free standing sign from 35 square feet to 42 square feet, submitted by FLCH, LLC (AABA Medical Supply) for the location known as Block 259, Lots 3-5, 1638 Bayshore Road.

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

Mr. Steve Ritondo, applicant, was sworn in by Chairman Armbruster.

Mr. Callahan explained that the applicant was continued from last month's meeting. He explained that the applicant has been before the Board several times for site plan and hardship variance approval. He explained that this Board did approve an application for a first and second floor addition, with the second floor containing a living unit and the office space unit.

Mr. Callahan explained that after the Board Engineer reviewed the application, it was determined that a variance for sign area was not needed. However, he would like to amend the application for hardship variance approval for the setback of the sign. He explained that a 21-

foot front yard setback would be required and they are proposing 16 feet.

Mr. Callahan explained that they would like to add two small signs under the LED sign. He explained that one sign would have the address and the other would be for the upstairs office. He explained that the height of the sign would remain the same.

The Board explained that with the previous application, the sign was relocated because of the site triangle.

Mr. Sray summarized Engineer comments dated June 25, 2009.

Mr. Callahan explained that the LED sign would not only have time and temperature, but would contain messages. He explained that the messages would not scroll.

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. Galestok explained that he prefers that each business has its own sign. He explained that this would prevent signs from being placed on the front lawn of the business.

Mr. Waterman made a motion to conditionally approve the application. The motion was seconded by Mr. Utsch.

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|-------|---------------------|-----|--------------|-----|
| VOTE: | Mr. DiStefano | YES | Mr. Utsch | YES |
| | Mr. Waterman | YES | Mr. Sweeten | YES |
| | Mrs. Kelly | YES | Mrs. Trusiak | YES |
| | Chairman Armbruster | 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. Use variance application to allow an in-law's quarters in a detached garage, submitted by Jon Jacoby for the location known as Block 752.01, Lot 5.08, 8 Bridge Lane.

Mr. Jon Jacoby, applicant, was sworn in by Chairman Armbruster.

Mr. Jacoby explained to the Board that he would like a use variance to have an in-law suite in his detached garage. He explained that this would be used by his parents.

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 asked if they would be living upstairs? Mr. Jacoby explained that they would. The Board asked if cars would be parked in the downstairs of the garage? Mr. Jacoby explained that they probably wouldn't. He explained that they don't park there now, but in the driveway.

There was a discussion that it would be a financial hardship to construct an addition to the house. They would like to utilize what is already existing.

The Board explained that several detached in-laws quarters have been approved by the Board. Mr. Galestok explained that several have been approved in this area. He explained that they have been deed restricted against using it as a rental apartment. Mr. Harvatt explained to Mr. Jacoby that he would have to go to an attorney to have the deed restriction made up and it would have to be filed in the County Clerk's office.

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

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|-------|---------------------|-----|--------------|-----|
| VOTE: | Mr. DiStefano | YES | Mr. Utsch | YES |
| | Mr. Waterman | YES | Mr. Sweeten | YES |
| | Mrs. Kelly | YES | Mrs. Trusiak | YES |
| | Chairman Armbruster | 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.

- 6. Hardship variance application to construct a 12 x 24 sunroom encroaching into the front & side yard setbacks and exceeding the allowed building coverage, submitted by Patricia Demnisky-Green for the location known as Block 752.01, Lot 28, 765 Stimpson Lane.

Ms. Patricia Demnisky-Green, applicant, was sworn in by Chairman Armbruster.

Ms. Demnisky-Green explained to the Board that she would like to construct a sunroom on the back of the house that would encroach into the front yard setback.

The Board explained that there weren't to many choices of location with a lot like this one.

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 asked Ms. Demnisky-Green if the deck would be replaced by the sunroom? Ms. Demnisky-Green explained that the sunroom would be constructed where the deck is located.

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

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|-------|---------------------|-----|--------------|-----|
| VOTE: | Mr. DiStefano | YES | Mr. Utsch | YES |
| | Mr. Waterman | YES | Mr. Sweeten | YES |
| | Mrs. Kelly | YES | Mrs. Trusiak | YES |
| | Chairman Armbruster | 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.

- 7. Hardship variance application to allow covered front deck encroaching into the front and side yard setbacks, submitted by Raymond & Linda Krause for the location known as Block 123, Lots 7 & 27, 237 West Delaware Parkway.

Mr. Raymond Krause, applicant, was sworn in by Chairman Armbruster.

Mr. Krause explained to the Board that he is seeking a hardship variance to replace a front deck that was already there. He explained that it was 4 x 8 and now it is 4 feet by the width of the house.

There was a discussion that it is not any closer to the street then what was there originally.

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. Sweeten.

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|-------|---------------------|-----|--------------|-----|
| VOTE: | Mr. DiStefano | YES | Mr. Utsch | YES |
| | Mr. Waterman | YES | Mr. Sweeten | YES |
| | Mrs. Kelly | YES | Mrs. Trusiak | YES |
| | Chairman Armbruster | 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.

8. Hardship variance application to construct a roof over an existing deck encroaching into the front yard setback, submitted by John Rotella for the location known as Block 512.28, Lot 9, 3103 Bay Drive.

Mr. John Rotella, applicant, was sworn in by Chairman Armbruster.

Mr. Rotella explained to the Board that he would like to construct a roof over an existing deck. He explained that they would like to screen this area in.

The Board explained that there is a lot of foliage on the property and no one would really see the room. There was a discussion that this is an irregular shaped lot.

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. Sweeten.

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|-------|---------------------|-----|--------------|-----|
| VOTE: | Mr. DiStefano | YES | Mr. Utsch | YES |
| | Mr. Waterman | YES | Mr. Sweeten | YES |
| | Mrs. Kelly | YES | Mrs. Trusiak | YES |
| | Chairman Armbruster | 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.

9. Hardship variance application to construct a 15 x 18 patio enclosure encroaching into the side yard setback, submitted by John & Margaret Thornton for the location known as Block 33, Lot 9, 230 East Florida Avenue.

Mr. John Thornton, applicant, and Mr. Dom Workno, Project Manager, were sworn in by Chairman Armbruster.

Mr. Thornton explained that they would like to construct a patio room to the rear of the house.

There was a discussion about this being a 30-foot wide lot and this would be the most logical place for the addition.

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. Sweeten.

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|-------|---------------------|-----|--------------|-----|
| VOTE: | Mr. DiStefano | YES | Mr. Utsch | YES |
| | Mr. Waterman | YES | Mr. Sweeten | YES |
| | Mrs. Kelly | YES | Mrs. Trusiak | YES |
| | Chairman Armbruster | 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. Discussion of Permit Extension Act for 2008.

Mr. Galestok explained to the Board that the Permit Extension Act has extended most approvals until July 1, 2010. He explained that in some cases the approvals could be extended another six months.

Mr. Galestok explained that the Act states that if the property is in an environmentally sensitive area, the approvals are not extended. He explained that he feels that is for DEP permits.

Mr. Galestok explained that he wanted the Board to be aware of the Permit Extension Act just in case they start seeing something being built that received approval more than three years ago.

2. Discussion of "Bulletin Board" for applications; to give to the general public a greater understanding of the process. (Suggested by a Township resident)

There was a discussion that a Township resident made a suggestion that each application be posted on a bulletin board prior to the meetings for public inspection. There was a discussion if there is a bulletin board, it should be in the back of the room so not to disturb the meeting while in process. There was a discussion that if anyone wants to see an application, they can go to the Planning Office to view the application. If they have questions, most can be answered there.

There was a discussion that it would probably be to distracting having the people looking at the applications and probably discussing them while the meeting was taking place.

Mr. Waterman made a motion to adjourn at 7:45 P.M. The motion was seconded by Mr. Sweeten. 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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