

# TOWNSHIP OF LOWER

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Incorporated 1798

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## LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on October 1, 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  
David F. Brand, Jr.  
Ernest Utsch III  
Bruce Waterman  
Robert Sweeten  
Michael DiStefano  
Christopher Kobik  
Dianne Kelly  
Kristine Trusiak

**MEMBERS EXCUSED:** John Armbruster  
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:

Letter:

FROM: Patricia Cusella

RE: 31 Trotter Way

Handouts:

The New Jersey Planner: Summer 2009; Vol. 70 No. 3.

List of Board Solicitor vouchers dated September 28, 2009.

List of Board Engineer vouchers dated October 1, 2009.

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

Mr. Utsch made a motion to approve the September 3, 2009 minutes. The motion was seconded by Mr. Waterman. Motion carried.

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

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

Mr. Utsch made a motion to approve the resolutions from the September 3, 2009 meeting. The motion was seconded by Mr. Waterman. Motion carried.

1. Hardship variance application to construct an addition encroaching into the side yard setback and exceeding allowed building coverage, submitted by William & Patricia Cusella for the location known as Block 497.07, Lot 28, 31 Trotter Way.

Chairman Hanson explained that it has come to the Board's attention that the survey that was submitted with the application is incorrect. He explained that a shed and pool are missing

from the survey. There was a discussion about maybe the applicant may want to continue the application and come back next month with a revised survey. There was a discussion that maybe the application could proceed, with the applicant getting a revised survey and reviewed administratively. If it doesn't conform, the pool and shed could be moved or removed, or the applicant would have to come back before the Board.

Mr. Harvatt explained that the applicant is present tonight and maybe the Board would like to hear from her and then decide if they would like to proceed.

Mrs. Patricia Cusella, applicant, was sworn in by Chairman Hanson.

Mrs. Cusella explained that she is the primary care giver for her mom. She explained that she has a hospital bed in her daughter's bedroom for her mom. She explained that she would like this addition for her mom to have her own room.

Mrs. Cusella explained that the shed is still in the same location and would be removed if this application is approved.

Mrs. Cusella explained that the pool would be 21 feet away from the addition. She marked on her survey the location of the pool and submitted the marked up survey into evidence.

The Board asked if there was any reason why the addition couldn't be moved to the deck area and conform to the side yard setback? Mrs. Cusella explained that the deck is off the kitchen and the proposed addition is off the laundry room. She explained that the proposed location provides a better flow through the house.

There was a discussion about whether or not to proceed with the application not knowing where the pool and other shed are located. There was a discussion about whether the application could be approved with a condition that the applicant provide an accurate survey. If the addition is too close to the pool and/or shed, the pool and/or shed would have to be moved or removed. Or the applicant would have to come back to the Board.

There was a discussion about the location of the pool and whether that meets the setbacks. It was discussed that the pool is existing.

There was a discussion that the application was noticed and no one is present tonight either for or against the application.

Mr. Galestok explained that he doesn't have a problem if the application were approved and a new survey provided. Mr. Harvatt explained that if the Board did proceed with the vote and the new survey shows another variance is needed, the applicant would have to come back before the Board or it would have to be removed.

Mrs. Cusella explained that she would get the property re-surveyed and come back next month.

There was a discussion about pools on corner properties. It was explained that with corner properties, the pool would have to meet the front yard setback. In this case, the pool would have to have a 50' front yard setback.

The Board explained that the pool and shed could have been there a long time. No one is present from the neighborhood and they really don't have a problem proceeding with the application. Mr. Galestok explained that his only concern is the distance from the addition to the pool and shed.

The Board asked Mr. Galestok if he would want to address the non-conformity of the pool and address it now? Mr. Galestok explained that there are so many pools in the Township that are non-conforming. Corner properties are appealing to most people, but it is hard to place anything on the property with the requirements.

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	Mr. Kobik	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.

Mr. Brand made a motion to adjourn at 7:33 P.M. The motion was seconded by Mr. Kobik. 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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