

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 January 7, 2010 at the Lower Township Municipal Building. The meeting was called to order at 7:06 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:

Memorandum:

TO: Jim Hanson,
Zoning Board Chairman

FROM: Bill Galestok, PP, AICP
Director of Planning

DATE: January 7, 2010

RE: Vacation; Secretary of Lower
Township Zoning Board of Adjustment

Handout:

List of Board Solicitor vouchers dated December 14, 2009.

List of Board Engineer vouchers dated January 7, 2010.

The New Jersey Planner: December 2009/January 2010; Vol. 70, No. 6.

Mr. Brand made a motion to approve Resolutions #10-1-ZBA through #10-4-ZBA. 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.

Mr. Brand made a motion to approve Resolution #10-5-ZBA, appointing Anthony Harvatt, Esq., as Board Solicitor. 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.

Mr. Armbruster made a motion to approve Resolution #10-6-ZBA, appointing Hatch Mott MacDonald as Board Engineers. 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.

Mr. Armbruster made a motion to approve Resolution #10-7-ZBA, approving the meeting dates for 2010. 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.

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

Mr. Armbruster 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 minutes from the December 3, 2009 meeting. The motion was seconded by Mr. Armbruster. Motion carried.

Mr. Armbruster made a motion to approve the resolution from the December 3, 2009 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

- 1. Hardship variance application to construct a sunroom encroaching into the rear yard setback, submitted by Nelson & Donata Brown for the location known as Block 708, Lot 11, 215 East Memphis Avenue.

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

Mr. Nelson Brown and Mrs. Donata Brown, applicant, were sworn in by Chairman Hanson.

Mr. Dwyer explained to the Board that there is an existing 10 x 16 rear deck. He explained that they would like to replace the deck with a sunroom. He explained that there have been several sunrooms approved in the area in the past.

The Board asked if there would be electric and heat in the sunroom? Mr. Brown explained that there would be electric, but no heat.

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. 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.

- 2. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Bernard Dera for the location known as Block 43, Lots 9 & 10, East Jacksonville Avenue.

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

Mr. Dera explained to the Board that he is the contract purchaser of the property. He explained that he would like to place a single family dwelling on the lot that would meet the setbacks and building height.

Mr. Dera explained that he spoke with an adjacent neighbor and they agreed to switch the side yard setbacks.

The Board asked if any vacant land was available? Mr. Dera explained that there wasn't.

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.

There was a discussion that a revised survey will have to be submitted showing the side yard setbacks reversed.

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.

- 3. Informal discussion regarding the possible subdivision of Block 48, Lot 1, 600 Bayshore Road.

Mr. Bill Herker, explained to the Board that there is an existing building on the lot. He explained that he would like some feedback from the Board about possible subdivision for single family dwellings.

Mr. Galestok explained that there was a previous subdivision of the property. He explained that the single family dwelling was subdivided off this property and the copy of the plan the Board has before them is incorrect. He handed the Board copies of the approved subdivided plan.

Mr. Herker explained that the existing building needs work. He explained that he would either rehab what is there or demolish and rebuild a single family dwelling.

Mr. Galestok explained that the building has been vacant for a lot of years. He explained that the property is unique because it fronts on three streets. He explained that a use variance would be needed for residential. He explained that with residential behind and the shape of the lot, it is hard to have a business compatible with the area. He explained that even a commercial use would require a lot of variances.

The Board explained that even with a subdivision for residential use, variances would be required.

There was a discussion that it is mostly residential along Bayshore Road. If there is a subdivision for residential use, there would have to be a deed restriction for residential only.

4. hardship variance application to demolish the existing single family dwelling and construct a new single family dwelling exceeding allowed building coverage, submitted by Florence Raimondi for the location known as Block 116, Lots 24 & 25, 210 Bay Avenue.

Ms. Florence Raimondi, applicant, and Mr. Dave Erb, friend of the family, were sworn in by Chairman Hanson.

Mr. Erb explained that Ms. Raimondi would like to demolish the existing single family dwelling and construct a new single family dwelling. He explained the new house would meet all setbacks, but would exceed the allowed building coverage.

Mr. Galestok showed the Board the survey of the existing house.

The Board asked if everything on the property would be removed? Mr. Erb explained it would.

Mr. Galestok asked how big the front porch would be? Mr. Erb explained that porch would be 4 x 18. There was a discussion regarding the porch. The Board agreed that they would allow Ms. Raimondi to square the area of the porch if she wanted, but she would not be allowed to go further without coming back to the Board for approval.

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. Brand made a motion to conditionally approve this 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. Sweeten made a motion to adjourn at 7:35 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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