

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 April 1, 2010 at the Lower Township Municipal Building. The meeting was called to order at 7:03 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
Robert Sweeten
Michael DiStefano
Dianne Kelly
Kristine Trusiak
Stephen Komar

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

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor
Thomas Thornton, Acting Board Engineer
Colleen Horwath, Assistant Township Clerk
Lisa A. Schubert, Recording Secretary

STAFF EXCUSED: Mark Sray, Board Engineer
William J. Galestok, Board Secretary

CORRESPONDENCE:

Memorandum:

TO: Tony Harvatt, II, Esq.
Zoning Board Solicitor

FROM: Bill Galestok, PP,AICP
Director of Planning
Zoning Board Secretary

DATE: March 26, 2010

RE: CJ's Bar Resolution

Letter:

TO: Mr. & Mrs. John Bowman

FROM: William J. Galestok, PP,AICP
Director of Planning

DATE: March 23, 2010

RE: Preliminary & Final site plan and
Use variance for Block 752.01, Lot
18.05; ZBA 3149

Handouts:

List of Board Solicitor vouchers dated March 25, 2010.

List of Board Engineer vouchers dated March 31, 2010.

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

Mrs. Kelly made a motion to approve the resolutions from the March 4, 2010 meeting.
The motion was seconded by Mr. Sweeten. Motion carried.

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

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

Mrs. Kelly made a motion to approve the minutes from the March 4, 2010 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

3. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, submitted by Robert Polis for the location known as Block 468, Lots 1, 2 & 16, 948 Fay Avenue.

Mr. Robert Polis, applicant, was sworn in by Chairman Armbruster.

Mr. Polis explained to the Board that he is seeking a lot area variance for a single family dwelling. He explained that they would like to sell the lot. He explained that many years ago this area was subdivision into this size lots. He explained that many of the existing single family dwellings on lots of equal size or smaller than this lot. He explained that a single family dwelling would be consistent with the area.

This portion of the hearing was opened to the public.

Mr. James Pena was sworn in by Chairman Armbruster.

Mr. Pena explained that he believes there is a vernal pond on this lot. He explained that he has concerns when a house is built, where the water would go. There was a discussion that a drainage plan would be needed. Mr. Harvatt explained that with a hardship variance for a single family dwelling, a drainage plan is not needed. Miss. Schubert explained that the Construction Office would make the determination if a State permit would be needed. If so, the owner would have to proceed with a State permit.

This portion of the hearing was closed to the public.

The Board explained that this lot is of similar size as the surrounding area. It was discussed that the single family dwelling would meet all the requirements for the zone. The Board asked if this was a well and septic area? Mr. Polis explained that it is.

Mr. Harvatt asked Mr. Polis if he knew when the area was subdivided? Mr. Polis explained it was subdivision in the 1960's. Mr. Harvatt asked when he purchased the property? Mr. Polis explained he has owned the lot since 1992.

The Board asked if adjacent vacate land was available? Mr. Polis explained there was.

Mr. Sweeten made a motion to conditionally approve this application. The motion was seconded by Mrs. Kelly.

VOTE:	Mr. DiStefano	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Mrs. Trusiak	YES
	Mr. Komar	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.

- 4. Extension of filing time for minor subdivision approval, submitted by Neva & Leonard Sachar for the location known as Block 792, Lot 1.04, 656 Sunset Blvd.

Mr. Leonard Sachar, applicant, was sworn in by Chairman Armbruster.

Mr. Sachar explained that they received approval for a minor subdivision. He explained that it took some time to receive DEP approval. He explained that they have received DEP approval but need additional time for filing the subdivision.

There was a discussion as to whether 120 days was enough time. Mr. Sachar explained it was.

Mr. Utsch made a motion to approve the extension. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Mrs. Trusiak	YES	Mr. Komar	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 & hardship variances & minor subdivision applications for the creation of two (2) newly described lots. Use variance needed for residential uses. Hardship variances needed for lot area, frontage, width & depth, submitted by William Herker for the location known as Block 48, Lot 1, 600 Bayshore Road.

Mr. Peter Tourison, Esq., represented the applicant.

Mr. William Herker, applicant, was sworn in by Chairman Armbruster.

Mr. Tourison explained that his client is seeking a two-lot minor subdivision and use variance. He explained that his client is the contract purchaser. He explained that the property is currently being used to park plumbing trucks. He submitted into evidence photos of the property. He explained that his client would like to construct one new single family dwelling within the building envelope. He explained that he would keep the existing building and renovate it into a single family dwelling.

The Board asked if the existing building could be renovated? Mr. Herker explained that it is structurally sound. Mr. Tourison explained there are some fire violations that must be corrected. Mr. Tourison explained that if the building comes down, they would come back before the Board.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing closed to the public.

Mr. Thornton read Engineer comments dated March 18, 2010.

There was a discussion regarding the County comment letter. Mr. Tourison explained that the County does not want a right-of-way. They want an easement. Mr. Tourison explained they have the wording prepared for the easement and submitted the wording.

Mr. Tourison explained there is a chainlink fence which would be removed. He explained that they could put a buffer up on new lot 1.01, but it would be right up to the building. He explained that if this is the case, he wouldn't be able to have any parking for this lot.

There was a discussion regarding a buffer. Mr. Tourison asked Mr. Herker what the area was like behind the proposed subdivision? Mr. Herker explained there is residential behind and across the street from this property. Miss. Schubert explained there was a similar application a couple months ago and there was a discussion regarding a buffer. It had been explained that because this was a residential use with another residential use behind, there wasn't a need for a buffer. Also, in the past, the Board has required a deed restriction for single family only. If the owner of the property wanted to have a commercial use, they would have to come back to the Board.

The Board explained that there hasn't been a demand for commercial uses along Bayshore Road.

Mrs. Kelly made a motion to conditionally approve this application. The motion was seconded by Mr. DiStefano.

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

Mr. Utsch made a motion to adjourn at 7:37 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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