

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

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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 5, 2010 at the Lower Township Municipal Building. The meeting was called to order at 7:02 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
David F. Brand, Jr.
Ernest Utsch III
Bruce Waterman
Robert Sweeten
Michael DiStefano
Dianne Kelly
Kristine Trusiak

MEMBERS EXCUSED: Chairman James Hanson
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 29, 2010.

List of Board Engineer vouchers dated August 5, 2010.

The New Jersey Planner: July-August 2010; Vol. 71, No. 3.

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

Mr. Waterman made a motion to approve the minutes from the July 8, 2010 meeting. The motion was seconded by Mr. Brand. Motion carried.

Mr. Utsch made a motion to approve the resolution from the July 8, 2010 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

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

3. Use variance application to construct a new duplex, submitted by Amen Associates, LLC, for the location known as block 763, Lots 1, 2 & 13.02, 1280 Wilson Drive.

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

Mr. Thomas Brodesser, applicant, and Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Armbruster.

Mr. Dwyer explained that years ago the zoning was changed to MGB (Marine General Business). He explained that this area has not been successful for marine type uses. He explained that this Board has approved several applications for single family dwellings and duplexes.

Mr. Dwyer explained that there was a two story framed dwelling that collapsed due to storms. He explained that his client would like to replace this with a two family dwelling unit. He explained that what is proposed is more in compliance with bulk requirements. He explained that adequate on-site parking is proposed.

Mr. Sweeney explained that most of the buildings in the general area are residential uses. He explained that this application provides enough parking for the units. He explained that the lot size is too small for any type of MGB use.

The Board asked Mr. Galestok what side yard setbacks would be appropriate? Mr. Galestok explained an R-3 setback would be appropriate, but in the R-3 zone 15,000 square foot lot area is required for a duplex. He explained that the Board has allowed six foot setbacks in the past.

The Board explained that it appears that the structure is six feet from the property line, but it looks like there is a platform for the a/c unit. Mr. Dwyer explained that there isn't a platform. He explained that this is a grassy area.

The Board explained that the plan indicates the height would be 35 feet. They asked where the height is measured from? Mr. Galestok explained that the height is taken from the finished grade at the street line. There was a discussion that the garage floor should be elevated so that during an extreme high tide or flooding, cars can be parked in the garage.

Mr. Steven Fenwick, Licensed Architect, was sworn in by Chairman Armbruster.

Mr. Fenwick explained that he has designed houses in the area and this is similar to those. He explained that finished floor of the garage would be eight feet. He explained that there would be a gradual slope from the street to the garage. There was a discussion that if the height is measured from the street, the height would be 37'5". Mr. Galestok read the definition for building height.

Mr. Fenwick showed the Board colorized elevations of the structure. This was marked into evidence.

The Board asked how run-off would be contained to this property? Mr. Brodesser explained that they would have a retaining wall like the other properties in the area.

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. Dwyer explained that the plan was designed to meet all the requirements and to fit into the neighborhood.

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

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	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. Hardship variance application to allow addition to encroach into the front yard setback, submitted by Maria Brewster for the location known as Block 296, Lot 12, 24 Magnolia Avenue.

Mrs. Maria Brewster, applicant, was sworn in by Chairman Armbruster.

Mrs. Brewster explained to the Board that they put a front enclosed porch onto their house. She explained that the builder was supposed to apply for a building permit, but didn't. She explained that there is a six-foot encroachment. She explained that when they purchased the house, there was a front porch which was approximately 6 x 11.

The Board asked why the addition wasn't proposed for the rear of the house? Mrs. Brewster explained that in the future, they will construct a rear addition, but didn't have enough money for that at this time. She explained that they did the front addition for added room.

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. Waterman.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	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. Use variance & preliminary & final site plan applications to expand the existing custom automobile repair shop and to create a self-storage facility, submitted by James Hemingway for the location known as Block 334.01, Lot 3, 2010 Bayshore Road.

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

Mr. James Hemingway, applicant, and Mr. Brian Murphy, PE, PP, were sworn in by Chairman Armbruster.

Mr. Murphy explained that this property was formally a concrete facility and now is Garden State Dredging. He explained that there is a garage on the property where Mr. Hemingway works on his hot rods. He explained that it is fair to say that the previous uses have been of an industrial type use.

Mr. Murphy explained the lot is slightly over five acres. He explained that the entire parcel is zoned GB-II. He explained that the rear of the property would be for a self-storage facility.

Mr. Murphy explained that there will be a six-foot fence along the side and rear property lines of the self-storage facility with evergreen trees planted on the inside of the fence. He explained that the time of planting, the evergreen trees would be six feet. This would act as a visual and noise buffer to the adjacent residential properties.

Mr. Murphy explained that there will be a drainage swale along the rear of the property. He explained that the buffer from the east property line to the building would be 70 to 75 feet, 30 feet to the south and 25 feet to the north.

Mr. Murphy explained that the storage unit's buildings would not exceed 20 feet in height.

Mr. Hemingway explained that hours of operation for the self-storage would be 6:00 A.M. to 9:00 P.M.

Mr. Murphy explained that there would be a locked security gate. He explained there would be a chainlink fence along the front section of the self-storage facility. He explained that in order to enter the facility, a key code would be needed.

Mr. Murphy explained that there will be lights on the front of the buildings that will be thrown toward the drive aisles and away from the single family dwellings. He explained that the fence and trees will block headlights from the single family dwellings.

There was a discussion that the Board approved a use variance for a self-storage facility in the GB zone in the early 90's. Mr. Dwyer submitted into evidence three resolutions pertaining to this approval.

Mr. Murphy explained that self-storage facility is next to Mr. Sweeney's office. He explained the other side is residential uses. He explained that there is a chainlink fence with vines growing through it as a buffer.

Mr. Murphy explained that for the most part, parking for the storage units will be in front of the unit while the unit is being filled or emptied. He explained that there is one space for every 200 square feet of space for the auto shop. He explained that there is more than adequate parking provided. He explained that handicap spaces are provided as well.

Mr. Murphy explained that what is proposed would be less intense than the previous uses. He explained that he feels permitted uses would be more intense than what is proposed.

Mr. Murphy explained that he feels the purposes of the zone and zone plan would be advanced. He explained that the proposed is more suited for this property. He explained that several years ago, the Board approved a residential subdivision for this property. He explained that there isn't a market today for residential uses. He explained that he feels this use and location is appropriate for the area. He explained that he doesn't feel there would be a detriment to the zone or zone plan if approved.

The Board explained that they have concerns with campers, motor home's, boats, boat trailers, etc. would be stored outside. Mr. Dwyer explained that they would agree that nothing is stored or parked outside the storage units. He explained that no construction equipment would be stored there either.

Mr. Murphy explained that auto repair would be used for custom cars. He explained that Mr. Hemingway currently has and works on his customized cars there. He explained that if approved, this would be used for others with custom cars.

The Board asked if the cars would be painted at this location? Mr. Murphy explained this takes place now. He explained that there will be a certified paint booth.

There was a discussion about whether or not business would be conducted out of a storage unit. Mr. Dwyer explained that there would be no retail sales out of a unit. He explained that they have no problem with this being a condition of approval.

The Board asked if there would be an employee there for storage business? Mr. Dwyer explained that most of the business would be transacted over the internet. He explained that when the auto facility is open, between 8:00 A.M. to 6:00 P.M., someone would take care of the storage facility. He explained that there would be a couple hours in the morning and evening that would be unmanned. Mr. Murphy explained that the gate would not access after 9:00 P.M. He explained that if someone is in the facility after 9:00 P.M., they would be able to exit the property.

Mr. Galestok explained that the auto facility should be defined more. He read the definition of automotive service center for the Municipal Land Use book.

Mr. Murphy explained there would be a maximum of 20 custom cars at this site. He explained that currently, some are displayed outside. He explained that they are brought inside at night. The Board explained that some cars will probably be parked outside at night. They explained that it would be unrealistic to think that all the cars would be kept inside at night.

Mr. Galestok read the permitted uses for the zone. The Board explained that some of the permitted uses are intense uses for the zone.

Mr. Sray read Engineer's comments dated July 29, 2010.

Mr. Dwyer explained they agree to paving the area in front, but asked for a waiver for curbing. He explained that they will provide parking bumpers. He explained that they are also asked for a waiver for paving the storage area. He explained that the feel stone is better for drainage proposes.

There was a discussion that the storage buildings would be constructed in Phases.

Chairman Armbruster called for a short recess at 8:25 P.M. The meeting was called back to order at 8:33 P.M.

The Board asked if there would be a trash enclosure? Mr. Murphy explained that they have provided one by the auto building. They could add another by storage unit 18.

This portion of the hearing was opened to the public.

Ms. Susan Boland was sworn in by Chairman Armbruster.

Ms. Boland asked how many units are proposed? Mr. Murphy explained that there could be 302 units. He explained that it could be less if someone needs a bigger unit, the interior wall separating the two would be removed. He explained that there would be a total of seven buildings.

Ms. Boland explained that she feels this would cause air and noise pollution. She explained that she feels there are environmental, safety and security issues. She expressed concerns with the lighting. Mr. Murphy explained that the back of the buildings will face away from the residential uses. He explained that no lighting is proposed on the back of the units. The lighting will be on front of the units.

Ms. Boland explained she felt insulted the way this application was presented.

Mr. Dwyer explained that they are not asking for a use variance to have the storage units in a residential zone. He explained that his client could have proposed a more intense permitted use for this property then what is being proposed now.

Ms. Jane Mount was sworn in by Chairman Armbruster.

Ms. Mount explained that several people in the neighborhood have health problems. She explained that she feels the noise and smells will interfere with the area.

Ms. Diane Sherwin was sworn in by Chairman Armbruster.

Ms. Sherwin explained that there currently is someone at this property that revs the engine. She asked what happens if the owners do not comply with what is discussed tonight? The Board explained that the neighbors would have to report the compliance violation to the Township.

Ms. Frances Rauer was sworn in by Chairman Armbruster.

Ms. Rauer explained she lives on Kentucky Avenue and backs up to this property. She explained that right now this is a wooded area. She asked if the trees would be removed? Mr. Murphy explained that this area would be reduced by half. He explained that there would also be a six-foot fence and the back of the building would face her property.

Mr. Bill Muth was sworn in by Chairman Armbruster.

Mr. Muth explained he has concerns with the emergency access points on Capital and Republic Lanes. Mr. Murphy explained that these areas would be used for emergency use only.

Mr. Muth explained that a wooden stockade fence is a lot of maintenance. Mr. Murphy explained that they could use chainlink fence with slats. He explained that chainlink is more durable.

Mr. Muth explained that he feels the size of this facility compared to others in the area is too much. He explained that he is concerned with security. Mr. Dwyer explained that they may add security cameras.

Mrs. Virginia Szychulski was sworn in by Chairman Armbruster.

Mrs. Szychulski explained that no one has maintained the property in the 19 years she has been there. Mr. Hemingway explained the property would be maintained.

Mr. Bill Dunphy was sworn in by Chairman Armbruster.

Mr. Dunphy explained he had pictures of the property where the grass has not been cut. It was asked of Mr. Dunphy when the photos were taken? He explained that his wife took the pictures.

Mrs. Rose Dunphy was sworn in by Chairman Armbruster.

Mrs. Dunphy explained some of the pictures were taken today and within the past four months.

Mr. Dunphy explained that he feels this will increase the mosquito population. He explained that he feels this project would impact the community.

Mr. Murphy explained that the house will be demolished. He explained that the retention area would hold run-off for 72 hours. He explained that some of the trees would have to be removed in front of the Capital Lane emergency access.

Ms. Colleen Hughes was sworn in by Chairman Armbruster.

Ms. Hughes explained to the Board that there was flooding problems this past year. She explained that she witnessed the water flowing past her house down the street to the marshy area.

Ms. Hughes explained that she feels teenagers will climb the fence. She explained that other storage facilities have barbed wire on top of their fence.

Mr. Murphy explained that there isn't any drainage on this site now. He explained that there is run-off from this site, but after construction, there will be no run-off.

This portion of the hearing was closed to the public.

Mr. Dwyer explained that they have heard the concerns of the neighbors. He explained that many would like to see this site remain as it is today. He explained that there is nothing about the proposed use that is industrial in nature. He explained that there is a need for the self-storage.

Mr. Dwyer explained that they are going to provide more than adequate buffers, parking and drainage. He explained that they are proposing evergreen trees of six feet be planted. He explained that what is proposed has no negative impact to the area or zone plan.

The Board asked if there were any elevation drawings of what the building will look like? Mr. Dwyer explained that they do not have them at this time. He explained that if the Board wishes, they will only seek preliminary site plan approval tonight and come back with the elevation drawings at final site plan approval.

The Board explained that they have a problem with stone drive aisles. They explained that they would like asphalt or concrete. There was a discussion that over time, the stone becomes compacted. Mr. Dwyer explained the proposed stone for better drainage. There was a discussion about having crushed concrete instead of stone. Mr. Dwyer explained that they didn't have a problem with that.

The Board explained that consideration should be given to this application as to the Safe-Keeping application. It was explained that was approved with an office that was manned when the facility was open. Mr. Dwyer explained that they agree to have this facility manned when open. The hours of operation would be 7:00 A.M. to 8:00 P.M.

The Board explained that the lighting has been addressed. The auto repair is a permitted use. They explained that they have to look at a property as what is allowed and what would be a good use for this property. It was explained that this is a low impact use for this property and the area.

The Board asked where the office for the storage facility would be located? Mr. Dwyer explained that the location of the office will be shown on the plan for final approval.

Mr. Waterman made a motion to conditionally approve the use variance for the auto repair and paint booth. The motion was seconded by Mr. Brand.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Armbruster	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the use variance for the self-storage facility. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Armbruster	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the preliminary site plan application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Armbruster	YES		

Motion carried.

Mr. Waterman made a motion to approve the waiver of curbing for the auto repair. The motion was seconded by Mr. Brand.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	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. Brand made a motion to adjourn at 9:53 P.M. The motion was seconded by Mr. Waterman. 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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