

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 March 3, 2011 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
Ernest Utsch III
Bruce Waterman
Michael DiStefano
Christopher Kobik
Kristine Trusiak

MEMBERS EXCUSED:

John Armbruster
David F. Brand, Jr.
Robert Sweeten
Dianne Kelly
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:

Handout:

List of Board Engineer vouchers dated March 2, 2011.

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

Mr. Utsch made a motion to approve the February 3, 2011 minutes. The motion was seconded by Mr. Kobik. Motion carried.

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

1. Discussion of allowing the applicant to apply for an extension of approval due to the fact that the State of New Jersey and Army Corps of Engineers has not granted approval since 1991. The applicant is basing this request upon the "tolling of the time," for the location known as Block 775, Lots 1-5 & 20-23, 913-931 Osage Avenue.

Mr. Galestok explained that he spoke with a representative for the applicant. He explained that they would like to go for an extension of the approval. He explained that the application was approved in 1991, but they have not been able to receive approval from the State and Army Corps.

Mr. Galestok handed the Board aerial photos of the site. He explained this is a General Business zone and they received use variance approval.

The Board asked what "tolling of the time" meant. Mr. Galestok read section 40:55D-21 from the Municipal Land Use book.

Mr. Galestok explained that he doesn't know if DEP approval has been granted, but they may be close. He explained that the area is primarily residential with only several businesses in the area.

The Board explained they didn't have a problem with the applicant applying for an extension.

3. Extension for use variance approval, submitted by Amusement Partnership USA for the location known as Block 510, Lots 18 & 8.01, 705 Route 9.

No one was present for the application. The Board explained they would wait until the after the other applications have been addressed and come back to this one.

Mr. Kobik explained that he would have to excuse himself from this application due to a conflict of interest.

- 4. Hardship variance application to construct a covered porch encroaching into the side yard setback, submitted by Sheri Waide for the location known as Block 753.04, Lot 10.01, 941 Seashore Road.

Mrs. Sheri Waide and Mr. Kenneth Waide, applicants, were sworn in by Chairman Hanson.

Mrs. Waide explained they would like a hardship variance to construct a porch encroaching into the side yard setback. She explained the current porch is six foot and they would like a nine-foot porch. She explained that the side yard setback currently is 25.3 feet and would remain 25.3 if the porch is built.

The Board explained the previous application did not have dimensions on it. They explained that the dimensions have been shown on this plan.

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. DiStefano.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Kobik	YES
	Mrs. Trusiak	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.

- 6. Use variance application to allow the existing single family dwelling to remain until the new single family dwelling is constructed, submitted by Joan Flood & Jerry Hatch for the location known as Block 742.01, Lot 22, 933 Shunpike Road.

Ms. Joan Flood and Mr. Jerry Hatch, applicants, were sworn in by Chairman Hanson.

Ms. Flood explained the current house is old and in disrepair. She explained that they

would like to construct a new single family dwelling on the lot while living in the current house. The Board explained that if approved, a bond would be required and they would have a time period to demolish the existing single family dwelling after the certificate of occupancy was issued. The Board explained that with a similar application, the applicant was given six months to demolish the old house after the certificate was issued. The applicants explained that they understood and did not have a problem with this.

Mr. Hatch explained that there is some stuff in the existing house that they would recycle. He explained that the six-month time period should be fine.

This portion of the hearing was opened to the public.

Mr. Robert Keirsej was sworn in by Chairman Hanson.

Mr. Keirsej explained he had no problem with this application.

Mrs. Karen Keirsej was sworn in by Chairman Hanson.

Mrs. Keirsej explained her concern is that the asbestos is removed properly. The Board explained that the Construction Office will make sure the applicant's disposed of it properly.

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. Utsch.

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Kobik	YES
	Mrs. Trusiak	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.

5. Hardship variance application to demolish the existing single family dwelling and construct a new single family dwelling on a lot deficient in lot area, frontage, width, encroaching into the front & side yard setbacks and exceeding allowed building coverage, submitted by James & Kelly Hanson for the location known as Block 36, Lot 17, 125 West St. Johns Avenue.

Chairman Hanson excused himself from this application due to a conflict of interest.

Mr. James Hanson, applicant, was sworn in by Acting Chairman Waterman.

Mr. Hanson explained this is an existing single family dwelling on the lot. He explained it is in disrepair. He explained that a builder told him the house was constructed poorly. He explained that the property is in a flood zone and because the house isn't constructed properly, they cannot raise the house. He explained that last option was to demolish the house and reconstruct a new house.

Mr. Hanson explained no vacant land is available. He explained the proposed house would encroach into the front and side yard setbacks. He explained because of the size of the lot, a variance for building coverage would be needed.

Mr. Hanson explained that first level would be garage/basement with one living story above that. He explained at most, the building height would be 25 feet.

Mr. Hanson submitted photographs of the existing house.

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 explained that the side yard setbacks with this application would be improved.

Mr. Galestok explained that he had received a letter from a neighbor. He explained the letter was marked as inadmissible.

The Board asked if the shed would stay or be removed? Mr. Hanson explained the shed would be removed.

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

VOTE:	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Kobik	YES	Mrs. Trusiak	YES
	Acting Chairman Waterman	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. Extension for use variance approval, submitted by Amusement Partnership USA for the location known as Block 510, Lots 18 & 8.01, 705 Route 9.

Mr. Kobik and Mr. Galestok excused themselves from this application due to a conflict of interest.

Mr. Raymond Went, Esq., represented the applicant.

Mr. Went explained to the Board that in 2005 his client obtained use variance approval for residential use. He explained in 2008 they received a three-year extension of that approval. He explained that more recently the Board granted approval for a solar farm. He explained that they are set to move forward with the solar farm, but if the solar farm cannot be completed, they would like the three-year extension for the residential use.

The Board explained that they were under the understanding that once the solar farm application was approved, the residential use was abandoned. They explained that the solar farm is also a less intense use with the school next door.

There was a discussion as to whether both uses can be in place at the same time beings both received use variance approval. Mr. Harvatt explained he does not think one can have multiple use variances on one property. There was a discussion that both applications were use variances. It was explained that someone could have looked at the plans for the solar farm, not come to the meeting and next thing, townhouses are built.

The Board explained that it should have been mentioned at the meeting that there was still interest in the townhouses.

There was a discussion that at the solar farm application, it was never asked of the applicant whether they were abandoning the housing application.

Chairman Hanson read from the October 7, 2010 minutes, "Mr. Dwyer explained that the site was previously approved for townhouses. He explained that they are no longer interested in townhouses and now proposing a solar farm."

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. Utsch made a motion to approve a three-year extension. The motion was seconded by Mr. Waterman.

VOTE:	Mr. DiStefano	NO	Mr. Utsch	YES
	Mr. Waterman	NO	Mrs. Trusiak	NO
	Chairman Hanson	NO		

Motion denied.

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 7:45 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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