

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 December 1, 2022 at the Lower Township Municipal Building. The meeting was called to order at 6:02 P.M. by Acting Chairman Ernest Utsch III. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Acting Chairman Ernest Utsch III
 David F. Brand, Jr.
 Robert Sweeten
 George Doherty
 Robert Basco, Sr.
 Joseph P. Baker

EXCUSED MEMBERS: Chairman James Hanson
Michael Kennedy
Bruce Waterman
Ryan Clary

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor
William Cathcart, Board Engineer
William J. Galestok, Board Secretary
Patrick Wood, Recording Secretary

CORRESPONDENCE:

Handouts:

- List of Board Engineer Vouchers dated November 9th, 2022
- List of Board Solicitor Vouchers dated November 22nd, 2022

Mr. Brand made a motion to approve of the November 3rd minutes, seconded by Mr. Sweeten. Motion passed.

Mr. Brand made a motion to approve of the Board Engineer and Board Solicitor Vouchers, seconded by Mr. Basco. Motion passed.

Mr. Sweeten made a motion to approve of the resolutions of the November 3rd meeting, seconded by Mr. Brand. Motion passed.

1. Discussion to have Mr. Tony Harvatt II, esq. reappointed as Board Solicitor for 2023.

Mr. Galestok explained in an informal discussion as to have Mr. Harvatt reappointed to the position of Board Solicitor in 2023.

Mr. Harvatt read out the agenda for the benefit of the public.

2. Use & hardship variance application for the construction of a second detached dwelling unit on a single lot. Hardship variance needed for lot area, front yard setback, side yard setback, gross floor area, and max coverage of accessory, submitted by Shelley Rhoads for the location known as Block 224, Lot 1+2, 301 Cardinal Ave

Ms. Lyndsy Newcomb, esq., represented the applicant.

Ms. Shelley Rhoads, applicant, was sworn in by Acting Chairman Utsch.

Ms. Newcomb explained that the property was owned by the applicant and was before the Board to request that a two-family dwelling be approved. Ms. Newcomb stated that the original application had been revised from a use variance.

Mr. Galestok stated that after reviewing the proposed plans, a breezeway would not be allowed to act as a connection between the two structures. Ms. Newcomb explained that the connector would be a living area and was incorrectly labeled as a breezeway on the plans.

Ms. Newcomb explained that a portion of the current dwelling would be kept and the other portion would be demolished so that the connector between the two structures may be built.

Ms. Newcomb submitted the renders of the floor plan and apartment to evidence.

Ms. Rhoads explained that the structure was a two-story home with an above-ground pool. Ms. Rhoads stated that a portion of the house would be demolished in order to construct a new residence. Ms. Rhoads stated that the primary structure would be connected to the garage. Ms. Rhoads stated that Delaware Bay Drive dead ends to the property. Ms. Rhoads stated that two units on the lot would be consistent with the block. Ms. Rhoads stated that the structure dates back to the 1950s and is in decline. Ms. Rhoads stated that by renovating the property, it would be brought up to code and that the area that would act as a connector between the structures would be a living area.

Mr. Louis Scheidt, PE, was sworn in by Acting Chairman Utsch.

Mr. Scheidt gave his credentials for the benefit of the Board and the public.

Mr. Scheidt submitted the revised plan to evidence.

Mr. Scheidt explained that the breezeway was an enclosed space mislabeled by the architectural plans and acts as a connection to the garage unit and apartment. Mr. Scheidt stated that the plans would meet the 650 square foot gross floor area. Mr. Scheidt stated that the site would be an improvement and that the plans are self-evident. Mr. Scheidt stated that the new structure would maintain setbacks and would provide adequate for open air and light space.

The Board inquired if the property would be a rental. Ms. Rhoads stated that the apartment would but the main portion would act as her primary residence.

Mr. Scheidt submitted a neighborhood plan to evidence.

Mr. Scheidt showed the relative size of properties within 200 feet. Mr. Scheidt stated that four adjacent lots have an average size of 5500 square feet. Mr. Scheidt stated that eleven of the twenty properties are less than 7500 square feet. Mr. Scheidt stated that the proposal is a permitted use and consistent with the neighborhood. Mr. Scheidt explained that they have fulfilled 89% of what is required for the 15000 square foot area required for a duplex, and that this would not be a density issue.

Ms. Newcomb reiterated that they required variance relief for front yard setback, lot area, side yard setback for assessor structure. Ms. Newcomb stated that the proposal would not be a detriment to the public good.

Mr. Scheidt stated that the proposal called for taking an existing home, enlarging it and building a higher priced home that would be up to current code.

Mr. Galestok explained that necessary for the demolition and continuation of the project, a dune review would be required if the proposal is approved by the Board.

Mr. Scheidt stated that the structure would look like a large, attractive single-family dwelling from the outside and would elevate the street view.

The Board inquired into how many duplexes were within the zone. Mr. Scheidt stated that he hadn't checked within the 200 feet from the property.

The Board asked if a double set of utilities would be required for both the main residence and the apartment unit. Mr. Scheidt stated that the ordinance required separated living areas, bathrooms, and kitchens but not separate utility services. Mt Scheidt added that they would adhere to whatever was required by the MUA.

Ms. Newcomb read the definition of a duplex under the ordinance and stated that there was no intent to condo the property.

The Board inquired if the property would be a year-round or a seasonal rental. Ms. Rhoads stated that either would be fine.

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

Ms. Newcomb thanked the Board for their time and stated that the current plan is better than what was previously applied. Ms. Newcomb stated that the application was a permitted use in the zone.

A member of the Board shared his opinion of being unhappy with rental properties.

Acting Chairman Utsch made a motion to conditionally approve of the use and hardship variance applications, seconded by Mr. Sweeten.

VOTE:	Mr. Brand	YES	Mr. Sweeten	YES	Mr. Doherty	YES
	Mr. Basco	YES	Mr. Baker	YES	Acting Chairman Utsch	YES

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for to review and approve at the next scheduled meeting.

3. Use variance application for a residential single-family dwelling to be built and utilized within a General Business zone, submitted by Dennis Elia for the location known as Block 775, Lot 16, 900-906 Wissahickon Avenue

Mr. John Kornick, P.E., represented the applicant.

Mr. Dennis Elia, applicant, was sworn in by Acting Chairman Utsch.

Mr. Kornick explained that property was heard in a previous use variance and subdivision application in 2019 by Van Mourik Trust. Mr. Kornick explained that the use was to allow a residential property in a General Business zone. Mr. Kornick explained that the subdivision plats have been filed and the lots were created. Mr. Kornick stated the application was to allow the house to be rotated so that axis would be different from the footprint on the original filed plat. Mr. Kornick explained that the General Business zone has changed and the plan brought forward previously utilized the ordinance of the R-3 Zone.

Mr. Galestok stated that the application would not require a use variance. The use was granted previously and it was reviewed under the annual review, changing the zone in the process.

The Board explained that normally during a subdivision, a footprint is set in the newly described lots. The Board stated that the building envelope that was set in the previously approved subdivision plans were an exception and not the rule. The Board stated that though the house would be rotated slightly out of the envelope, it adhered to all setbacks and requirements.

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

Mr. Brand made a motion to conditionally approve of the use variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Brand	YES	Mr. Sweeten	YES	Mr. Doherty	YES
	Mr. Basco	YES	Mr. Baker	YES	Acting Chairman Utsch	YES

Motion carried.

Mr. Galestok explained that due to time constraints for the applicant, a draft resolution was prepared ahead of time. Mr. Galestok read out the resolution for the possibility of voting and approving the resolution prior to the January 5th meeting.

Mr. Brand made a motion to approve of the resolution, seconded by Mr. Basco.

VOTE:	Mr. Brand	YES	Mr. Sweeten	YES	Mr. Doherty	YES
	Mr. Basco	YES	Mr. Baker	YES	Acting Chairman Utsch	YES

Motion carried and resolution approved.

6. Hardship variance application for the construction of an addition to the principal structure that would encroach into the front and side yards, and exceed building coverage, submitted by Gail Slimm for the location known as Block 112, Lot 6, 200A Millman Lane.

Ms. Victoria Seigel, esq., represented the applicant.

Ms. Gail Slimm, applicant, was sworn in by Acting Chairman Utsch.

Ms. Seigel stated that they were seeking variance relief to renovate the above reference property to enable a more accessible structure due to limited mobility from age and health issues of the applicant. Ms. Seigel explained that the relief was for exceeding the lot coverage percentage at 35.9%, rather than 30%, and encroachment into the side yard setback.

Ms. Seigel submitted an aerial view, a street view, overall concept plan, existing conditions, proposed floor plan, and building elevations to evidence.

Ms. Slimm stated that she had purchased the property in 2000 and had come before the Board in 2005. Ms. Slimm stated that she was now asking for hardship variance relief. Ms. Slimm stated that she uses the property as a vacation home for herself, but cannot use the property for longer than a day due to the inability to access the shower and bathroom. Ms. Slimm explained that the proposal would make the property handicap accessible.

The Board asked if the property would be used as a rental and if the applicant opposed deed restriction. Ms. Slimm stated that it would not be used as a rental and in no opposition to deed restrict.

Ms. Ruth Barreiro, architect, was sworn in by Acting Chairman Utsch and gave her credentials for the benefit of the Board and the public.

Ms. Barreiro explained that the property was a small residence and materials would be required for improvement. Ms. Barreiro stated that the structure was only accessible from the front covered porch, and that the current layout of entry is very difficult for the applicant. Ms. Barreiro stated that there is a very small, non-accessible restroom at the front of the dwelling. Ms. Barreiro stated that every design is to make the space more accessible. Ms. Barreiro explained that they would add a garage to pull into the house and be out of the weather. Ms. Barreiro stated that a new laundry room would be constructed along with an ADA compliant bathroom with a shower. Ms. Barreiro stated that they would extend the bedrooms to allow wheelchair accessibility. Ms. Barreiro stated that the staircase would be relocated from the front of the dwelling to the side. Ms. Barreiro stated that the renovations would be an improvement to the neighborhood, by improving the aesthetics of the exterior.

Mr. Galestok stated that during the renovation, if the property is demolished, a dune review and new variances would be required.

The Board asked if there would be second story additions. Ms. Barreiro stated that there would be by improving the unfinished second floor.

The Board asked if future utilities would be needed for the currently unfinished second floor. Ms. Barreiro stated that there was no intent.

Ms. Barreiro stated that they were being modest with the request.

The Board asked for clarification that one would have to migrate through a bedroom to get from the front to the back of the house. Ms. Barreiro stated that it was true as part of the current conditions.

The Board inquired if the garage was new as well. Ms. Barreiro stated that it would be new and connected to the building.

Mr. Joe Mancini, P.P., was sworn in by Acting Chairman Utsch.

Mr. Mancini explained that the improvements were for the making the property more accessible. Mr. Mancini stated that they were requesting variance relief for maximum building coverage and side yard setbacks. Mr. Mancini explained that a case could be made that the particular shape of the lot makes it very difficult to improve without variance relief. Mr. Mancini stated that the proposed improvements outweigh any detriments and would improve the aesthetic in line with other homes in the community. Mr. Mancini stated that improving the property increase the desirability and would make it more consistent with the neighborhood. Mr. Mancini explained that despite deviations, the proposal leaves adequate open-air space and would be no detriment to the public good. Mr. Mancini stated that the property would accommodate the non-conformities and that the building overall is consistent with the neighborhood by staying as a single-family dwelling. Mr. Mancini closed by stating that it would be reasonable for the Board to approve of the requested variance relief.

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

Mr. Doherty made a motion to conditionally approve of the hardship variance application, seconded by Acting Chairman Utsch.

VOTE:	Mr. Brand	YES	Mr. Sweeten	YES	Mr. Doherty	YES
	Mr. Basco	YES	Mr. Baker	YES	Acting Chairman Utsch	YES

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for to review and approve at the next scheduled meeting.

5. Use & Hardship variance application for the construction of a second electric sign facing in a westerly direction. Use variance required for having more than one sign on the lot. Hardship variance required for the sign being electric and due to the sign's height, submitted by The Greater Wildwood Hotel & Motel Association for the location known as Block 796, Lot 60; bldg., 1 South State Highway #47

Mr. Ron Gelzunas, esq., represented the applicant.

Mr. James Johnson, treasurer of the Greater Wildwood Hotel & Motel Association, was sworn in by Acting Chairman Utsch.

Mr. Gelzunas explained that the property was located on Route 47, and that the building is the information center located there. Mr. Gelzunas stated that the proposal was to install an illuminated sign on the side of the building, being 25 square feet in area. Mr. Gelzunas explained that the signage would provide the public with information of the Wildwoods and that the sign would be suitable for with that use. Mr. Gelzunas explained that the proposed sign is similar to the one that was approved in 2007, with the only differences being that the sign area is larger and closer to the highway. Mr. Gelzunas explained that the land is leased from the state.

Mr. Johnson explained that the whole purpose of the sign is to promote information and events regarding the Wildwood Island. Mr. Johnson stated that the Information Center was owned by the Association, but the land is leased from the Department of Transportation. Mr. Johnson stated that the original sign was generic at 9000 lumens in brightness with no dimmability. Mr. Johnson explained that the new sign would be set at 7000 lumens, and 2500 lumens at nighttime. Mr. Johnson stated that the sign was not a screen that flashes, but was instead dimmable. Mr. Johnson stated that there are signs everywhere and the proposed would be non-obtrusive. Mr. Johnson explained that the sign would be angled on the side of the building and aimed towards Route 47, and would be dimmable and adjustable. Mr. Johnson stated that if a problem is presented, the right side could be shielded if found obtrusive. Mr. Johnson stated that the Association would work with the Board Engineer to ensure proper implementation. Mr. Johnson explained that the site was selected as the main entrance to the Wildwood Island.

The Board inquired if the sign would ruin 24 hours or be turned off at night. Mr. Johnson answered that they would prefer 24 hours but could set a time clock for it.

Mr. Galestok asked if there was a number available that the neighbors could call if issues occur. Mr. Johnson stated that the number for the Information Center is available for emergencies.

A member of the Board stated that his opinion that the proposal was a traffic hazard, with the high rate of speed on the highway and people trying to read the sign could lead to a dangerous situation.

Mr. Gelzunas stated that there are billboards all over the New Jersey Turnpike, a situation that is drastically more complex and congested. Mr. Gelzunas stated that the location was appropriate, with traffic being backed up by the bridge opening. Mr. Gelzunas stated that they understood the concern for safety, but was a situation that rarely, if ever, happens.

The Board suggested that the sign be limited in its hours of operation and be made available for the public. Mr. Gelzunas asked for a suggestion for a time period to turn the sign off.

Mr. Galestok stated that the original site plan was from 1988.

The Board stated that there was an originally approved free standing sign. Mr. Johnson stated that they were previously approved, but as part of the lease agreement, the signs could not be used to advertise businesses.

Mr. Galestok asked why the originally proposed sign location was not used. Mr. Johnson explained that the Department of Transportation and the Department of Environmental Protection were not happy with the originally proposed location.

Mr. Harvatt clarified that the Board approved the original sign location, but the state later denied it.

Mr. Gelzunas explained that the proposal was to take what was originally approved and attach it to the side of the building.

This portion of the meeting was opened to the public.

Mr. Roger LaMay, resident at 818 West Rio Grande, was sworn in by Acting Chairman Utsch.

Mr. LaMay stated that his residence is directly across the street from the parking lot and building of the Information Center. Mr. LaMay stated that the building was orientated towards the neighborhood. Mr. LaMay explained that the current lights are a problem and the sign would bring that to a whole new level. Mr. LaMay stated that very few cars are in the parking lot at any given time, and that the proposed sign was not suitable and become an unsafe distraction. Mr. LaMay stated that the lightbulbs are already bright enough, let alone what brightness would be added with the new sign. Mr. LaMay expressed that the sign would be intrusive and that there are no businesses in the area with signs like that proposed. Mr. LaMay suggested that a better location for the sign would be across the bridge on the Wildwood Island. Mr. LaMay finished by stating that the proposal was a terrible idea and ill-conceived.

Mr. Harry Roecker, resident of 808 West Rio Grande, was sworn in by Acting Chairman Utsch.

Mr. Roecker stated that his residence was located immediately across the street from the Information Center. Mr. Roecker explained that the Marine District Zone has been designated for single-family dwellings, and the neighborhood has remained for 106 years. Mr. Roecker explained that the proposed sign was designed to have ultra-sharp text and videos to catch the attention of onlookers. Mr. Roecker read from the application that stated that there were no immediately adjacent structures from the proposed property, and then argued that his residence should be considered amongst the adjacent. Mr. Roecker read from the regulation and ordinances of the Marine District Zone to clarify that the zone included single-family dwellings. Mr. Roecker argued that the sign changes and impacts the area around. Mr. Roecker explained that the property had an existing sign next to a pipe structure that is also used to hold banners. Mr. Roecker stated that there was already a limitation on signs and the variance brought before the Board is for another sign. Mr. Roecker argued that after reading the zoning ordinance, the proposed area was an entity and not a property. Mr. Roecker stated that the regulations are written to protect the residences, and had three letters from other neighbors sharing their disapproval.

Mr. Gelzunas stated that Mr. Roecker was not only hostile to the sign, but the building itself. Mr. Roecker rebutted by stating that he was friendly with the facility but his only issue was with the proposed signage.

Mr. Gelzunas stated that by the written regulations, the Marine District not only allowed single-family residence but also commercial fishing, seafood processors, and Class-6 cannabis retail.

Mr. Harvatt stated to the public that if the Board decides to approve of the application, they can do so with conditions. Mr. Harvatt explained that the Board listens to the public to adhere and apply conditions.

Mr. Gelzunas stated that the sign would be angled away from the neighborhood and the luminosity will be adjustable and/or turned off at night, a condition to be later discussed by the Board, and additional shielding will be added. Mr. Gelzunas stated that they have heard the concerns brought before them and the Association has taken them into account.

Mr. Roecker stated that the intersection is prone to crashes and accidents, and that a sign to grab the attention of drivers would only be a detriment to the public.

Mr. Galestok stated that there was no engineer report available, and in order to evaluate the application further, a revised site plan would be required. Mr. Galestok stated that the lights have been changed since the original proposal and no angle of the sign was shown on the plans.

Mr. Joseph Salas, resident of 800 West Rio Grande, was sworn in by Acting Chairman Utsch.

Mr. Salas stated that his main concern for the application is that of safety. Mr. Salas stated that despite the speed limit for Route 47 being 50 miles per hour, most people drive at up to 70 miles per hour. Mr. Salas stated that he was a full time resident and has seen many accidents. Mr. Salas stated that a small sign may only cause more problems. Mr. Salas stated that the sign would be shown directly into his bedroom window.

Mr. Salas asked who makes the decision on what is too bright. Mr. Harvatt answered that it would be the responsibility of the Board Engineer.

Mr. Galestok stated that as far as the sign goes, there is no way to evaluate without the engineer being given the information in a scientific matter.

This portion of the meeting was closed to the public.

Mr. Galestok stated that he had previously spoke with the board engineer briefly about complaints of the lights in the past. Mr. Galestok stated that engineer had reviewd the existing site plan from 1988 that showed the original lighting. Mr. Galestok reiterated that the lighting has been changed as stated by the applicant, and furthermore, that there was no shielding on the lights though it is required. Mr. Galestok explained that the sign's angle and illumination must be provided to the engineer.

Mr. Gelzunas requested to adjourn the application and come back to the January 5th meeting with a revised site plan.

Mr. Harvatt explained the adjournment and that the application required more information for the next meeting for the benefit of the public.

Mr. Galestok stated that the engineer report will be made public record when brought to the Township.

The Board asked if there would be another public portion at the next meeting. Mr. Harvatt answered yes.

Mr. Brand made a motion to adjourn the meeting at 7:40 P.M., seconded by Mr. Baker.

Motion carried

Respectfully submitted,

Patrick L. Wood,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

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