

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 September 1, 2022 at the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Vice-Chairman Michael Kennedy. 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 Michael Kennedy
David F. Brand, Jr.
Ernest Utsch III
Robert Sweeten
George Doherty

MEMBERS EXCUSED: Chairman James Hanson
Bruce Waterman
Robert Basco, Sr.
Ryan Clary

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor
William Cathcart, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary
Patrick Wood, Assistant to the Recording Secretary

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated August 30th, 2022

Vice-Chairman Kennedy read the agenda for the benefit of the public.

Mr. Utsch made a motion to approve of the August 8th minutes, seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to approve of the Board Solicitor vouchers, seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to approve of the resolutions from the August 8th meeting, seconded by Mr. Sweeten. Motion carried.

1. Use & Hardship variance application to construct an addition to the second-floor of the existing structure that would encroach into the side yard setbacks and be deficient in lot area, submitted by Jake & Stephanie Wiscott for the location known as Block 765, Lot 6, 1242 Route 109.

Mr. Chris Gillin-Schwartz, esq., represented the applicant.

Mrs. Stephanie Wiscott, applicant, was sworn in by Vice-Chairman Kennedy.

Mr. Gillin-Schwartz explained that the property, a two-story, masonry dwelling, was purchased in July of this year, and have had no changes since the purchase. Mr. Gillin-Schwartz explained that the current structure had two bedrooms on the first floor and that they had proposed to expand the second floor to that of the existing footprint. Mr. Gillin-Schwartz stated that with this expansion, no new bedrooms would be added, but rather a new bathroom and kitchen area with a deck.

Mrs. Wiscott explained that her parents live in the neighboring house. Mrs. Wiscott stated that the survey was submitted with the application, and that she wished to build within the existing footprint.

Mr. Gillin-Schwartz stated that the property had existing non-conformities in the MGB (Marine General Business) zone and that they understand the difficulties. Mr. Gillin-Schwartz explained that with the existing conditions on the shape of the lot, neighbors with residential use for their own respective properties, and that they have proposed expanding the structure within its footprint, these reasons should be satisfactory. Mr. Gillin-Schwartz stated that the benefits outweigh any issues and problems.

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.

A member of the Board stated that anything other than condominiums, most properties in the MGB zone are non-conforming and that those that exist have no where else to go but build up.

Mr. Brand made a motion to conditionally approve of the use variance application. The motion was seconded by Mr. Utsch.

VOTE:	Vice-Chairman Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Utsch	YES		

Motion carried.

Mr. Brand made a motion to conditionally approve of the hardship variance application. The motion was seconded by Mr. Utsch.

VOTE:	Vice-Chairman Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Utsch	YES		

Motion carried.

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

2. Hardship variance application for the encroachment of the distance between the principal building and that of an in-ground pool, submitted by Jill M. Willis for the location known as Block 380, Lot 32, 113 Oakdale Ave

Mrs. Jill M. Willis, applicant, was sworn in by Vice-Chairman Kennedy.

Mrs. Willis explained that she wished to have a semi-in-ground pool for health reasons. Mrs. Willis explained that being semi-in-ground pool would help for easy access in and out. Mrs. Willis explained that the pool meets all side yard and rear yard setbacks, but required the variance for the distance between the pool and the principal structure. Mrs. Willis explained that the pool is four feet from the house rather than the required six feet.

Mr. Galestok explained to the Board that the six feet between principal and accessory structures was recommended by the Fire Department.

This portion of the meeting was open to the public.

Mr. Ron Vallone, neighbor, was sworn in by Vice-Chairman Kennedy.

Mr. Vallone explained that his parents live at 109 Broadway, and has no objections to the

pool but wants certainties for how the pool would be discharged due to the previous owner discharging their pool onto his parents' property. Mr. Vallone stated that he would like to see the six-foot fence added to meet code.

The Board explained that property that discharged their pool was not applicant and that everyone within a 200-foot radius receives notice of the meeting as part of the application process.

Mr. Vallone apologized for the confusion.

This portion of the meeting was closed to the public.

Mrs. Willis stated that the pool would not be discharged in the way Mr. Vallone described. Mrs. Willis stated that she has owned the property for over 36 years and has always wanted a pool.

Mr. Galestok stated that the application was complete.

Mr. Brand made a motion to conditionally approve of the hardship variance application. The motion was seconded by Mr. Sweeten.

VOTE:	Vice-Chairman Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Utsch	YES		

Motion carried.

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

Mr. Brand made a motion to adjourn at 6:12 PM, seconded by Mr. Sweeten.

Motion carried.

Respectfully submitted,

Patrick Wood,
Assistant to the Recording Secretary

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

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.