

2600 Bayshore Road  
Villas, New Jersey 08251



(609) 886-2005

LOWER TOWNSHIP ZONING BOARD

MEMBERS PRESENT: Chairman James Hanson  
Michael Kennedy  
David F. Brand, Jr.  
Ernest Utsch III  
Robert Sweeten  
George Doherty  
Robert Basco, Sr.

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

## CORRESPONDENCE:

### Handouts:

List of Board Solicitor vouchers dated December 9, 2021.

List of Board Engineer vouchers dated January 6, 2022.

List of Mott MacDonald vouchers dated January 6, 2022.

Re-organization resolutions #22-1-ZBA thru #22-7-ZBA.

Resolution #22-8-ZBA and annual variance report.

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

1. Hardship variance to construct a porch encroaching into the front yard setback, submitted by Michael Seaman for the location known as Block 753.03, Lots 6 & 7.01, 809 Cape Avenue.

Chairman Hanson explained the application was continued until the February 3, 2022 meeting due to deficient notice. He explained new notice would be provided.

Mr. Kennedy made a motion to nominate James Hanson as Chairman and approve Resolution #22-1-ZBA. The motion was seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to nominate Michael Kennedy as Vice-Chairman and approve Resolution #22-2-ZBA. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to nominate William Galestok as Board Secretary and approve Resolution #22-3-ZBA. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to nominate Lisa Schubert as Recording Secretary and approve Resolution #22-4-ZBA. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to nominate Anthony Harvatt, II, as Board Solicitor and approve Resolution #22-5-ZBA. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to nominate DeBlasio & Associates as Board Engineer and approve Resolution #22-6-ZBA. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Brand made a motion to approve Resolution #22-07-ZBA, approving the meeting dates for 2022. The motion was seconded by Mr. Sweeten. Motion carried.

Approval of Annual Variance Report and adoption of Resolution #22-8-ZBA subject to MLUL 40:55D-71.1.

Mr. Galestok explained to the Board that he reviewed the report and found no areas in which changes were needed.

Mr. Brand made a motion to approve Resolution #22-8-ZBA, approving the Annual Variance Report. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Kennedy made a motion to approve the minutes from the December 2, 2021 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

Mr. Kennedy made a motion to approve the Board Engineer and Mott MacDonald vouchers. The motion was seconded by Mr. Utsch. Motion carried.

Mr. Kennedy made a motion to approve the resolutions from the December 2, 2021 meeting. The motion was seconded by Mr. Utsch. Motion carried.

2. Use & hardship variance applications to construct a detached cottage encroaching into the side & rear yard setbacks and on a lot deficient in lot area and depth, submitted by Scott & Elizabeth Dare for the location known as Block 606, Lot 6, 905 Holmes Avenue.

Mr. Charles Sandman, Esq., represented the applicants.

Mr. Scott Dare and Mrs. Elizabeth Dare, applicants, were sworn in by Chairman Hanson.



Mr. Sandman explained to the Board there is a mistake on the application. He explained the application is requesting a front yard setback for a covered porch, but they are not seeking this. He explained the notice and agenda are correct. His clients are seeking approval for a cottage.

Mr. Sandman explained to the Board his clients would like to construct a detached cottage that would encroach into the side and rear yard setbacks. He explained the lot is irregularly shaped. He explained there is an existing detached garage and the proposed cottage would have a setback one foot further away from the rear lot line than the garage.

Mr. Dare explained the house is the perfect size for him and his wife. He explained they have two children who now have significant others and grandkids. He explained the house is a one bedroom - one bathroom house. He explained the rooms are small. He explained they have renovated the house and landscaped the property. He explained they could add onto the house, but his wife loves the house the way it is. He explained the proposed cottage would be on the other side of the garage. He explained the garage had termite damage that has since been fixed. He explained they love the garage the way that it is and do not feel it is structural sound to do a second floor. He explained the cottage would be solely for family members. He explained the cottage would be a simple structure that would match the look of the house.

Mrs. Dare explained she loves the little house and would love to keep it as is instead of adding onto it like others have added onto their house.

The Board asked if there would be an objection to a deed restriction this would be for family use only? It was explained there was no problem with that.

The Board asked what would prevent the applicant's from having the house becoming a rental and they live in the cottage. Mr. Galestok explained the deed restriction would be for family use only for the property.

The Board asked if there would be separate sewer to the cottage? Mr. Dare explained there would be.

Mr. & Mrs. Dare explained they have a mercantile license, fire inspections and a real estate company they deal with. Discussions ensued as to why there were a mercantile license and fire inspections. Mr. & Mrs. Dare explained the house was a rental. The Board explained that if the application were approved, the property could not be used as a rental. It would be for family use only.

Chairman Hanson called for a short recess at 6:21 P.M. The meeting was called back to order at 6:28 P.M.

Mr. Sandman suggested that under the deed restriction, the property could only be rented to one family. Mr. Galestok explained that is something that cannot be enforced.

Mr. Harvatt explained when these type of applications come before the Board, it is usually for in-laws. The Board, if approved, require the deed restriction for family use only.

There was a discussion about tabling the application until a decision by the applicant can be made.

Mr. Sandman requested the application be tabled until the March 3, 2022 meeting agreeing to waive time constraints.

Chairman Hanson announced the application was continued until the March 3, 2022 meeting and no new notice would be given.

Mr. Sweeten made a motion to adjourn at 6:34 P.M. The motion was seconded by Mr. Kennedy. Motion carried.

Respectfully submitted,

Lisa A. Schubert,  
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.