

# 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.

**DUE TO COVID-19 AND SOCIAL DISTANCING REQUIREMENTS, THE MEETING WAS CONDUCTED THRU THE GO TO MEETING FORMAT AND WAS VIDEO AND AUDIO**

## LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on June 3, 2021 at the Lower Township Municipal Building. The meeting was called to order at 6:00 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  
Michael Kennedy  
David F. Brand, Jr.  
Ernest Utsch III  
Robert Sweeten  
George Doherty  
Robert Basco, Sr.

MEMBERS EXCUSED: Bruce Waterman

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 June 2, 2021.

List of Mott MacDonald vouchers dated June 3, 2021.

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

Mr. Utsch made a motion to approve the minutes from the May 6, 2021 meeting. The motion was seconded by Mr. Kennedy. Motion carried.

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

Mr. Brand made a motion to approve the Mott MacDonald vouchers. The motion was seconded by Mr. Utsch. Motion carried.

Mr. Kennedy made a motion to approve the resolutions from the May 6, 2021 meeting. The motion was seconded by Mr. Utsch. Motion carried.

1. Hardship variance application to construct a 12 x 13 sunroom encroaching into the rear yard setback and exceeding the allowed building coverage, submitted by Elizabeth Whalen for the location known as Block 334.06, Lot 2.02, 5 Union Lane.

Mr. Mike Whalen and Mrs. Elizabeth Whalen, applicants, were sworn in by Chairman Hanson.

Chairman Hanson explained this application was continued from last months meeting.

Mr. Whalen explained they would like to construct a 12 x 13 sunroom. He explained they moved to this location last August. He explained they have a dining room table that has been in the family for a long time that does not fit in the house and they would like to put the table in the proposed addition. He explained the proposed rear yard setback would be 18' and the side yard setbacks would remain the same.

Chairman Hanson explained the reason it was continued from last month was due to lack

of information on the plan. He explained revised plans were submitted with the information needed.

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. Whalen explained they are looking forward to doing this addition. He explained he doesn't think what is proposed has any impact on any of the neighbors.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	ABSTAIN
	Mr. Utsch	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	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.

2. Hardship variance application to roof over an 11 x 20 section of deck encroaching into the side yard setback, submitted by Thomas Moore for the location known as Block 54, Lot 3, 602 East St. Johns Avenue.

Mr. Thomas Moore and Ms Kathy Moore, applicants, were sworn in by Chairman Hanson.

Mr. Moore explained he would like to construct a roof over a portion of his deck. He explained the deck was built in 2006 and had all the variances to do this. He explained what is proposed is an aesthetic improvement and would be replacing a retractable awning. He explained what is proposed would be open air permanently.

Mr. Moore explained he received a stop work order from the Township and this project is about 75% completed.

The Board explained there is a four-foot setback and asked if there was an overhang? Mr. Moore explained there is no overhang. He explained the deck would not be enclosed.

This portion of the hearing was opened to the public.

Mr. Wayne Gibson was sworn in by Chairman Hanson.

Mr. Gibson explained he lives next door to this property, but on the opposite side of what is proposed. He explained he has lived there since Mr. Moore purchased his property and was never notified of a variance and asked how to get copies of this approval?

Mr. Gibson explained there is a one foot soffit extension. He explained it was not flush with the edge of the deck. He explained his concerns are combustible materials were used. He explained he does not know if this roof was constructed properly because a building permit was not obtained and no inspections were made.

Mr. Moore explained he can provide the Township with the documentation that a variance was approved.

The Board explained there was no need for a variance when the deck was built because the deck met the allowed setbacks.

This portion of the hearing was closed to the public.

The Board asked about the one foot overhang? Mr. Moore explained the overhang was 4" so it would not drain onto the deck. Mr. Galestok explained if approved, the applicant would have to meet the fire code for the building permit.

Mrs. Moore took her device outside and live streamed for the Board the deck and overhang. There was a discussion that the overhang appeared to be more than 4".

Mr. Kennedy made a motion to conditionally approve this application. The motion was seconded by Mr. Basco.

VOTE:	Mr. Kennedy	YES	Mr. Brand	NO
	Mr. Utsch	NO	Mr. Sweeten	NO
	Mr. Doherty	YES	Mr. Basco	NO
	Chairman Hanson	YES		

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. Basco made a motion to adjourn at 6:26 P.M. The motion was seconded by Mr. Brand. 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.