

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 November 5, 2020 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
Scott MacPherson, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated October 23, 2020.

List of Board Engineer vouchers dated November 5, 2020.

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

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

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

Mr. Utsch made a motion to approve the minutes from the October 1, 2020 meeting. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Sweeten made a motion to approve the resolutions from the October 1, 2020 meeting. The motion was seconded by Mr. Brand. Motion carried.

6. Extension of hardship variance approval, submitted by Howard & Lizabeth Nathan for the location known Block 512.12, Lot 2949, 3702 Shore Drive.

Mr. Frank Corrado, Esq., represented the applicants.

Mr. Corrado explained there was a variance previously granted for this property. He explained his client is seeking an extension of that approval and asking for the standard three-year extension.

Chairman Hanson read a section from Mr. Corrado's letter and explained the extension would be until September 2023.

Mr. Kennedy made a motion to approve a three (3) year extension to expire September 2023. The motion was seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	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.

7. Hardship variance application to construct a 20' x 13.5' addition encroaching into the rear yard setback, submitted by Susan FitzPatrick for the location known as Block 538, Lots 32 & 33, 21 Beverly Road.

Ms. Susan FitzPatrick, applicant, was sworn in by Chairman Hanson.

Ms. FitzPatrick explained she would like to construct an addition encroaching into the rear yard setback. She explained her and her husband will be moving here full time next year. She explained the proposed addition is for a bedroom and bathroom.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	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.

8. Hardship variance application to construct a single family dwelling encroaching into the front yard setback, submitted by John Lipari for the location known as Block 560, Lots 3 & 4 and Block 557.01, Lot 57, 77 Beach Drive.

Mr. Frank Corrado, Esq., represented the applicant.

Mr. Corrado explained his client was before the Board a couple months ago and was

granted a variance for a front yard setback and a building footprint. The proposal was for the porch to have a 5' front yard setback and a 15' setback to the house. He explained there is a large Township right-of-way in front of the property so the proposed addition would be approximately 55' from the paved road.

Ms. Catherine Lorentz, Licensed Architect and Mr. John Lipari, applicant, were sworn in by Chairman Hanson.

Ms. Lorentz explained this property consists of two lots. She explained they are proposing a single family dwelling and a detached garage. She explained the property is very oddly shaped so the detached garage would be even with the house. She explained they lined the garage and house up because they feel it will look better with the neighborhood. She explained they are proposing a 40' rear yard setback for the house and they feel this is a positive for the neighbors to the rear of the proposed house.

The Board asked if the garage was going to be two-story? Ms. Lorentz explained it would be two-story? The Board asked if this was going to be an apartment? Ms. Lorentz explained it would not be an apartment. It was discussed that there would be toilet and sink. The Board asked if there would be a separate sewer connection? Ms. Lorentz explained there would not be. It would be tied into the house. It was discussion there would be sheetrock, carpet and it would be insulated, but there would not be a kitchen. Mr. Lipari explained it would not be used for living quarters. The Board explained the plans show there will be a shower. It was explained there would be a full bathroom in the garage.

This portion of the hearing was opened to the public.

Mr. James Young was sworn in by Chairman Hanson.

Mr. Young explained he lives behind the proposed. He explained the property is a detriment to the neighborhood having the house so close to the front property line. He explained in the summer, there are a lot of people using the beach in this area and the proposed reduces the visibility and look of the neighborhood.

Mr. Young explained the property has been built up and they are experiencing a lot of dirt and mud run-off onto their property and under their house. Mr. Young shared screen showing photos of the run-off. He showed pictures of the fence and explained the fence is 9' in height.

Mr. Corrado explained the drainage will be addressed and remediated when the house is built.

This portion of the hearing was closed to the public.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	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.

10. Hardship variance application to construct a front porch encroaching into the front yard setback, submitted by Susan Rich & Steve Welch for the location known as Block 641, Lot 11, 1501 Franklin Avenue.

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

Mr. Gelzunas explained his client would like to construct a front porch approximately 7' x 34'. He explained the proposed front yard setback on Franklin Avenue will be 14.7' and 15' from Arctic Avenue. He explained with the way the house is placed on the property it's only a portion on both corners that encroach.

Ms. Susan Rich and Mr. Steve Welch, applicants were sworn in by Chairman Hanson.

Mr. Welch explained they purchased the property six years ago. He explained they love this area. Ms. Rich explained they have looked around the neighborhood to see what others had for a front porch because they didn't want something that was out of character for the neighborhood. She explained the proposed porch would have a roof, but would be open with a railing. She explained there would not be a sight issue as this would be able to be seen through.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	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. Use variance application to allow a self-storage facility, submitted by Cape May Storage, LLC for the location known as Block 749, Lots 1.07 & 6, 1024 Shunpike Road.

Ms. Sara Werner, Esq., represented the applicant.

Ms. Werner explained they are before the Board tonight for the use variance only. She explained that in 2006, the Board had approved a self-storage facility for this property. She explained it was extended under the Permit Extension Act, but has expired.

Mr. Andrew Schaeffer, PE, PP and Mr. Keegan Gosik, partner in the project, were sworn in by Chairman Hanson.

Mr. Schaeffer explained the property is four acres of usable land. He read the permitted uses for the zone. He explained the self storage has a financial benefit to the area. He explained they have the ability to clean up the site. Whereas, the financial burden to clean up the site for four residential uses is not there. He explained it currently is a junk yard and there really isn't a buffer for the adjacent residential uses. He explained what is proposed would have buffers and meet setback requirements. He explained there would be no outdoor storage or businesses being conduct in the units.

Mr. Schaeffer explained the traffic widely varies. He explained they have not done a formal traffic study, that would be done at site plan if this application is approved. He did explain the trips per day would be roughly the same as if two to three houses were built and they would be approximately 25 trips per day.

Mr. Schaeffer reviewed the positive for approval. He explained the junk yard would be removed and the site cleaned up. He explained self storage would be a quiet business for the area and they would make sure no businesses were run on the site.

Mr. Gosik explained the hours of operation would be from 6:00 A.M. to 10:00 P.M. seven days a week. He explained there would be three employees. He explained there would be no businesses run out of the units, not auto storage or repairs or any living within the units. He explained he feels there is a need for this for people to storage bikes, surf boards and summer furniture. He explained other businesses could store their seasonal decorations and paper storage. He explained there would be no boat storage on site. There would be no water provided. The only electric would be a light on the inside of the unit. He explained there would be a security system and a scanable code would be required.

Mr. Galestok asked if there would be UPS and FedEx at this location? Mr. Gosik explained there would not be UPS and FedEx. He explained the office is just for the employees. He explained there would be a kiosk that would sell locks for the units.

Submitted into evidence was A-1, an aerial of the property. A-2 was an existing conditions photo. A-3 was a proposed conceptual photo. A-4 was a photo of the right side of the property. A-5 was a revised street view. A-6 was a proposed gate entrance view.

This portion of the hearing was opened to the public.

Mr. Peter McBurney was sworn in by Chairman Hanson.

Mr. McBurney explained he lived across the street from the proposed. He asked who would be responsible for the clean-up? Ms. Werner explained this would be addressed under site plan, but they would follow the Department of Environmental Protection and the State regulations. Mr. McBurney explained there are plenty of commercial property available that this can be built.

Ms. Suzanne Schumann was sworn in by Chairman Hanson.

Ms. Schumann explained to the Board she has lived in this area for eight years and has no problem with the junk yard. She explained traffic is her main concern. She explained the property would have to be lighted at night time and had concerns with this. She explained the hours are 6:00 A.M. to 10:00 P.M. and they neighbor's would have to listen to the gates opening and closing between those hours. She explained the wall in front is not high enough that someone couldn't jump over to get to their unit. She explained she has concerns with businesses being run out of the units. She explained she opposes this application.

Mr. Fred Long was sworn in by Chairman Hanson.

Mr. Long explained this is an unacceptable use in the R-1 zone. He explained there will be 24-hour access, night lighting and truck rentals. He explained he opposes this application.

Mrs. Diane Carson was sworn in by Chairman Hanson.

Mrs. Carson explained she has lived on the corner of Shunpike Road and Hannah Drive for 30 years. She explained that she opposes this application. She explained there will be noise and nighttime lighting. She explained for the reasons MAC wasn't approve last month are the same reasons this shouldn't be allowed.

Mr. Todd Shoffer was sworn in by Chairman Hanson.

Mr. Shoffer explained he was opposed to this application. He explained that there is already an increase in traffic in this area. He explained there will be noise generated from this. He explained it was said that businesses would not be run from here, but business will be. He explained off-site businesses would use this for their storage of merchandise and they'll be coming back and forth to stock their stores. He explained that is a business.

Ms. Stacy Hutchinson was sworn in by Chairman Hanson.

Ms. Hutchinson explained she has lived on Hannah Drive for seven years. She explained she opposes this application. She explained the kids in the area bike ride and with the increase in traffic, this is a safety issue for the kids. She explained there will be night time lighting. She

explained this is a rural area and this would be disruptive.

Mr. Mark Krobatsch was sworn in by Chairman Hanson.

Mr. Krobatsch explained has lived in the area for 23 years. He explained he opposes this application. He explained this is a quiet area and agrees with what has already been said. He explained this property is better suited for homes and does not serve the neighborhood.

Ms. Lisa Tung was sworn in by Chairman Hanson.

Ms. Tung explained if this is approved, it would set a bad precedence. She explained the Board denied the application for MAC and that was a non-profit organization. She explained this is a for profit business. She explained she feels this project would create light pollution. She explained she would like to see the junk yard cleaned up, but doesn't feel what is proposed is the way to clean it up.

Mr. Stan Tees was sworn in by Chairman Hanson.

Mr. Tees explained he opposes this application. He explained he has concerns with traffic.

Mr. Barry Squier was sworn in by Chairman Hanson.

Mr. Squier explained he agrees with what everyone has said. He explained the allowed building coverage is 10% and this would be 18%. He explained they purchased in the area because it was a quiet area. He explained noise will be an issue. He explained if this is allowed, it opens the door to allow more business uses in this area.

Mrs. Debbie Squier was sworn in by Chairman Hanson.

Mrs. Squier explained the plan is showing multiple buildings and it is possible there could be close to 300 units. She explained the woods along her property would be clear cut and they would lose their buffer.

Mr. Charles Dick was sworn in by Chairman Hanson.

Mr. Dick explained there are a variety of homes and styles in the area. He explained this is an enjoyable residential area and what is proposed is not suited for this site or area. He explained there are a number of storage facilities around Lower Township. He explained what his other concern is there is a lot of wildlife in the area.

5. Use variance application to expand a duplex, submitted by Linda & Fenton Breithaupt for the location known as Block 227, Lots 15-17, 129 Cardinal Avenue.

Mr. Robert Fineberg, Esq., represented the applicants.

Mr. Fineberg explained that due to the hour, he would like to postpone this application until the December 3, 2020 meeting. He explained they agree to waive time constraints.

2. Use variance application to allow a self-storage facility, submitted by Cape May Storage, LLC for the location known as Block 749, Lots 1.07 & 6, 1024 Shunpike Road.

Mr. Walter Stiefel was sworn in by Chairman Hanson.

Mr. Stiefel explained he agrees with what everyone has said. He explained this is a residential area and a storage facility does not belong. He explained this area is a country living area.

Mr. Paul Farnan was sworn in by Chairman Hanson.

Mr. Farnan explained this area does not have city water or sewer. He explained there are four storage facilities within a two-mile radius of this property. He explained that a couple months ago, the Board denied a storage facility on Bayshore Road in Villas. He explained this is not a commercial zone.

This portion of the hearing was closed to the public.

Ms. Werner explained she understands the neighbor's concerns. She explained they are only seeking a use variance tonight. Some of the neighbor's concerns were pertaining to site plan. She explained traffic, lighting, fencing, etc. would be addressed under site plan. She explained a neighbor stated the number of units. She explained the number of units are not set in stone at this point.

The Board explained they feel the best use of this property is residential. The junk yard existed before there was zoning. A traffic study should have been done even though this is only a use variance application.

Ms. Werner explained she can see where this was going and requested the application be continued and they could provide a traffic study for the next meeting. Mr. Harvatt explained we're at the deliberation portion of the hearing and to continue the application to bring in a traffic study would open it back up for public comments. The Board agreed with Mr. Harvatt to not continue the application.

The Board explained that they disagreed with some of the presentation. They explained that this property could be sold to Open Space or it could be residential uses. They explained that this is a quiet area.

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

VOTE:	Mr. Kennedy	NO	Mr. Brand	NO
	Mr. Utsch	NO	Mr. Sweeten	NO
	Mr. Doherty	NO	Mr. Basco	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.

3. Use & variance application to construct a 60 x 27 addition to an existing clubhouse on a lot deficient in lot frontage, submitted by Bayshore Sportsman Club, Inc., for the location known as Block 410.01, Lots 67 & 65.04, 315 Arizona Avenue.

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

Chairman Hanson explained that he would have to excuse himself from this application as he is a member of this club. He explained that he doesn't know if any other Board member is a member and asked if they were. Mr. Utsch explained he was also a member of the club. Mr. Gelzunas explained he had sent information to Mr. Harvatt regarding this and as long as the conflict was made clear, those members could be a sitting Board member. There was a brief discussion regarding this. Chairman Hanson explained himself and Mr. Utsch were in conflict and there were not enough Board members to proceed.

4. Use variance & preliminary and final site plan applications to construct a 145' tall wireless communication monopole with a 5' lightning rod and an equipment compound and equipment, not meeting the height requirement, submitted by New Cingular Wireless PCS, LLC d/b/a AT & T Mobility for the location known as Block 410.01, Lot 36.01, Breakwater Road.

Mr. Warren Stilwell, Esq., represented the applicant.

Mr. Stilwell explained that he would like to proceed with this application. It was explained that due to the hour, the application would be continued until month's agenda.

1. Discussion of the MLUL Notice Requirements, 40:55D-14, Effect of Mailing notice; applicant challenges in mailing the required notice, in this new digital post office era. Specifically postal zip code compliance.

Mr. Galestok explained there have been problems with the notices. He explained the applicant takes the mailing to the post office or uses a mailing service and if the zip code is incorrect, they change it. He explained he doesn't feel this is the applicant's fault. There was a discussion.

Mr. Utsch made a motion to adjourn at 8:49 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.

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