

TOWNSHIP OF LOWER

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Villas, New Jersey 08251



Incorporated 1798

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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 4, 2020 at the Lower Township Municipal Building. The meeting was called to order at 6:07 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
Bruce Waterman
Robert Sweeten
George Doherty
Robert Basco, Sr.

STAFF PRESENT:

Anthony J. Harvatt, II, Board Solicitor
Scott MacPherson, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handout:

List of Board Engineer vouchers dated June 4, 2020.

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

Mr. Utsch made a motion to approve the minutes from the May 7, 2020 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

Chairman Hanson explained how the meeting would proceed.

1. Use & hardship variance applications to demolish an existing single family dwelling and construct a 64 x 44 duplex in the MGB zone. Use and/or hardship variance needed for building height. Hardship variances needed for front and side yard setbacks and building height, submitted by Edmond Shinn for the location known as Block 769, Lots 19 & 20, 1181-1183 Wissahickon Avenue.

Mr. Galestok read a certification signed by Chairman James Hanson that he listened to the recording of this application heard March 5, 2020. (Original certification in minute book)

Mr. Utsch excused himself from this application due to a conflict of interest.

Mr. Shinn explained he is seeking a use variance and hardship variance to demolish the existing house and construct a new single family dwelling. He explained this application was presented to the Board at the March 5, 2020 meeting. He explained after some testimony, a request was made for a continuance to modify the plan. He explained the original request was for a 64 x 44 duplex. He explained they have scaled that back to a 40 x 60 duplex. He explained they moved the garage back to accommodate two cars parking in front of the garage. He explained the setback was increased to five feet.

Mr. Jerry Naples, Jr., was sworn in by Chairman Hanson.

Mr. Naples explained this is a periodically busy intersection. He explained he has seen the proposal and doesn't feel there would be a detriment to his property or the surrounding properties. He explained what is proposed is consistent with the area and the scaled down

version makes sense.

Mr. Vince Orlando, PE, PP, was sworn in by Chairman Hanson.

Mr. Orlando read the permitted uses in the zone. He explained with the size of this lot, a residential use is an appropriate use. He listed the advancements to the zone and explained what is proposed would have no detriment to the zone, zone plan or Ordinance. He explained the plan before the Board tonight is a better alternative to a permitted use. He explained the footprint of the house was reduced and the setbacks increased. He explained they have enough space to park 10 cars. He explained there would be six outside spaces and four spaces in the garage.

It was explained with previous residential uses in the area, there was a condition of approval of a deed restricting about the uses in the area and the possible noise. Mr. Shinn explained he had no problem with a deed restricting.

The Board voiced concerns with the proposal. It was explained all the other duplexes that were approved in the area meet the setbacks and height requirements. It was explained the proposed change from the previous is better, but what is proposed is a big place for a small lot. There are still requested variances for setbacks, building height and coverage are still an issue.

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. Shinn explained they would maintain the allowed setbacks. Mr. Orlando explained they would revise the plan to make the building narrower and meet all the setbacks.

Mr. Shinn explained he would really like to keep the proposed at the requested height. He explained he has a large family and really needs the bedrooms. He explained that he's close to 7' tall so he really needs the height. He explained they are proposing 9' ceilings in the living area and 8' ceilings in the bedrooms.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the height variance. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	NO
	Mr. Waterman	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.

5. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Marcello Mogavero for the location known as Block 358.02, Lots 44 & 45, 1 Redwood Avenue.

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

Mr. Marcello Mogavero, applicant, was sworn in by Chairman Hanson.

Mr. Stagliano explained the property is on the corner of Redwood & Poplarwood Avenues. He explained the total square footage of the lot is 5,400 square feet with 60' frontage on Redwood Avenue and 90' depth on Poplarwood Avenue. He explained this is an existing undersized lot and variances for lot area, frontage and width are needed. He explained the proposed single family dwelling would meet the setback and coverage requirements for the zone.

Mr. Mogavero explained no vacant available property is available. He explained the lot next to this is 3 Redwood Avenue and is a 45' wide lot and developed. He explained the proposed single family dwelling would meet the setback requirements, as well as the height, would have the required number of parking spaces and comply with building coverage.

The Board asked about Lots 42 & 43? Mr. Stagliano explained they are not part of this lot. He explained they are under separate ownership.

This portion of the hearing was opened to the public.

Ms. Susan Winczuk was sworn in by Chairman Hanson.

Ms. Winczuk explained she was against the application. She explained she has concerns with parking. She explained she is opposed to how close to their property the house would be.

Mr. Stagliano explained even if the lot was conforming, it would still be the same setback of 6' from the property. He explained they will conform with the off street parking requirements.

Mr. Mark Kershbaumer was sworn in by Chairman Hanson.

Mr. Kershbaumer explained he was opposed to this application.

Ms. Ruth Watson was sworn in by Chairman Hanson.

Ms. Watson explained she was opposed to this application.

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. Waterman.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	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 16 x 20 addition encroaching into the rear yard setback, submitted by Joseph & Debra Finnegan for the location known as Block 512.15, Lot 10, 3601 Bay Drive.

Mr. Joseph Finnegan, applicant, was sworn in by Chairman Hanson.

Mr. Finnegan explained to the Board that he would like to construct an addition encroaching into the rear yard setback. He explained they are proposing a 10' rear yard setback. He explained what is proposed would not interfere with fire safety. He explained he has spoken with his neighbors and no one has a problem with what they are proposing.

The Board asked about the existing shed? Mr. Finnegan explained the shed would be removed.

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. Waterman 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. Waterman	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. Use variance & minor site plan waiver applications to connect an existing detached living unit with an existing garage via a 2nd floor for additional living space, submitted by Richard & Ann Degener, Elizabeth Degener & Joshua Andrewson for the location known as Block 748, Lot 26.01, 613 Sunset Blvd.

Mr. Bruce Conwell, Esq., represented the applicants.

Mr. Conwell explained to the Board the applicants were previously before the Board to convert the detached garage into an apartment. He explained all the setback requirements were met. He explained Ms. Degener has her bread baking business at this location also. He explained that will continue. He explained Ms. Degener has gotten married and has had a baby. He explained they need more room than just a studio apartment. He explained they would like to attach the studio/garage to the other garage with a second story. He explained the first floor of the garage is the prepping area for the bread making.

Mr. Conwell explained they are also requesting a waiver of site plan. He explained the property is over 20 acres in size and what is proposed would have 1 ½% of building coverage. He explained no other variances are needed.

This portion of the hearing was opened to the public.

Mr. David Blum was sworn in by Chairman Hanson.

Mr. Blum explained he is the next door neighbor and has no objections to this application.

This portion of the hearing was closed to the public.

Mr. Waterman made a motion to conditionally approve the use variance application. The motion was seconded by Mr. Kennedy.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mr. Doherty	YES
	Mr. Basco	YES	Chairman Hanson	YES

Motion carried.

Mr. Waterman made a motion to approve the minor site plan waiver application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	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.

Mr. Brand made a motion to adjourn at 7:25 P.M. The motion was seconded by Mr. Waterman. 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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