

# 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 September 3, 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  
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:

### Handouts:

List of Board Solicitor vouchers dated September 2, 2020.

List of Board Engineer vouchers dated September 3, 2020.

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

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

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

Mr. Waterman made a motion to approve the resolutions from the August 6, 2020 meeting. The motion was seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to approve the August 6, 2020 minutes. The motion was seconded by Mr. Waterman. Motion carried.

1. Use variance and preliminary & final subdivision applications for the creation of six (6) newly described lots with a two-unit residential dwelling unit, submitted by Cape Real Estate Developers, LLC for the location known as Block 765, Lots 10, 12, 14-25, 878-894 1<sup>st</sup> Avenue & Wilson Drive.

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

There was a discussion that at last months meeting, the public portion was closed, final comments were given and we are now at Board member comments.

The Board discussed this area has many single family dwellings and duplexes. This area is an area that floods and what is proposed is not going to change that. It was previously testified to that restaurants are a permitted use. This is not a practical location for a restaurant. It was testified to that traffic is an issue, but some traffic lights, you have a longer wait. The proposed use is less intensive than a permitted use to the area. There are other duplexes in the area that have boat slips. This property is not adjacent to the water so there isn't a need for additional

parking spaces for boat slips.

Mr. John Amenhauser, Esq., representing objectors explained he doesn't feel what is proposed is consistent with the Master Plan. He also would like the Board members polled as to whether they have discussed this application with each other after the last meeting. Mr. Harvatt explained they were given instructions not to do so at the last meeting.

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

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

Motion carried.

Mr. Brand made a motion to conditionally approve the C.1 variance 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
	Chairman Hanson	YES		

Motion carried.

Mr. Brand made a motion to conditionally approve the preliminary & final subdivision applications. 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
	Chairman Hanson	YES		

Motion carried.

There was a discussion a drainage plan would be done administratively.

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

2. Use & hardship variances and preliminary & final site plan applications to construct six (6) townhouse units - three (3) buildings with two (2) units each. Hardship variances needed for lot area and encroaching into the front yard setback, submitted by Island West Development, LLC for the location known as Block 697, Lots 3-7, 9510 Pacific Avenue.

Mr. Doreen Corino, Esq., represented the applicant.

Mr. Joseph Maffei, PE, PP, and Mr. Brian Newswanger, Licensed Architect, were sworn in by Chairman Hanson.

Ms. Corino apologized to the Board for having to hear this application again. Explaining the residents in Wildwood Crest were not notice.

Mr. Brian Chewcaskie, Esq., resident of Wildwood Crest, explained he had no objection with the application moving forward.

Ms. Corino explained there is an existing restaurant and any structures on the lot would be demolished and her client would like to construct three buildings with two units each. She explained the plans have been revised from the previous meeting. She explained this is a split zone with a portion of the property being in the General Business Zone and a portion in the R-4 Zone. She explained they are requesting a front yard setback encroachment variance.

Mr. Maffei explained there was an objection as to the location of the front doors on the building closest to Wildwood Crest. He explained the building is not changing except the doors would be relocated.

Mr. Newswanger explained the exterior of the building is not changing but there would be a change to the interior configuration.

Ms. Corino explained the architectural plans would be revised with this change.

The Board asked if there were no architectural drawings showing this change? Mr. Newswanger explained he does not have plans as he just found out about this change today.

Mr. Maffei explained what is proposed would not impact the area, zone or zone plan. He explained the density is minimal for the area. He explained the buildings would face Richmond Avenue and all the driveways would be on Richmond Avenue. He explained a front yard setback variance is needed for the General Business lots. He explained the setback for General Business is 25' and 20' for the R-4 Zone.

Mr. Newswanger explained there would be no change to the buildings, but there would be a change to the elevations.

Mr. MacPherson summarized Engineer comments dated August 31, 2020.

Ms. Corino explained there would be either a Homeowner's or Condo Association.

Mr. Chewcaskie asked Mr. Newswanger about the architecture plans. Mr. Newswanger explained the plans would be revised to correspond to the changes voiced tonight.

This portion of the hearing was opened to the public.

Mr. Chester Jankowski was sworn in by Chairman Hanson.

Mr. Jankowski asked what the advantage of the proposed is and to whom it benefits. He explained there are eight to ten trees on the lot and asked if they were being removed. Mr. Maffei explained the current restaurant parking area trees will be removed. That area will be regraded and new drainage will be installed.

This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve the use variance 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
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditional approve the C.1 variance 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
	Chairman Hanson	YES		

Motion carried.

Mr. Brand made a motion to conditionally approve the preliminary & final site plan applications. The motion was seconded by Mr. Sweeten.

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

3. Use variance application to allow self-storage buildings and 140 square foot office space, variances needed for front yard setback, lot coverage, buffer from residential use and driveway access points from intersection, submitted by Lawrence & Barbara Wind for the location known as Block 27, Lot 27, 401 Bayshore Road.

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

Mr. Joseph Maffei, PE, PP and Mr. Lawrence Wind, applicant, were sworn in by Chairman Hanson.

Mr. Gelzunas explained this property is the former location of The Inn restaurant. He explained Mr. Wind had previously had an informal discussion with the Board for self-storage at this location. He explained they are before the Board tonight with a formal application for a use variance as self-storage facilities are not permitted in this zone.

Mr. Maffei explained the property is located at the corner of Bayshore Road and Florida Avenue. He explained the entrance and exit to the facility would be from Florida Avenue with one way in and one way out. The drive aisles would be 20' wide. He explained the proposed use would be a less intense use than a permitted use which he listed. He explained the proposed building would meet the side yard setback, but would require a variance for a buffer along the residential use. He explained the configuration of the building would only have vehicle access in the center portion of the building. There would be no vehicle access to the side and rear of the property. He explained there will be adequate buffering and the lighting for each unit would be down lit so there would be no intrusion to the residential properties. He explained the backout parking on Bayshore Road would be eliminated. The existing sign would be removed and a smaller sign is proposed which would be 10' from the property line and on a slight angle of Bayshore Road. He explained the site triangle would be opened up making for safer exiting of Florida Avenue.

Mr. Wind explained about four years ago, he came before the Board for an informal discussion and took direction from the Board. He explained he feels this use is less intense than a permitted use. He explained there are no self-storage facilities in Villas and feels there is a need for it. He explained no boats, RV's or bulky items will be stored here. He explained there would not be electric in the units. He explained there would however be outlets for tools for maintenance of the building. He explained there would be security cameras. The hours of operation would be 6:00 A.M. to 11:00 P.M. and this facility would not be a 24-hour facility.

The Board asked if there would be a fence with an access gate and keypad? Without this,

it would be hard to keep people out. Mr. Wind explained he could do a coded access only.

Mr. Galestok asked if activities would be allowed in the units? He explained there have been some other facilities where auto repairs and such being conducted in the units. Mr. Gelzunas explained the units would be used for storage only. No business or repairs would be conducted within the units.

Mr. Galestok asked if there would be a living unit at this facility? Mr. Wind explained there would not be a living unit.

Mr. Galestok asked if there would be a FedEx and UPS hub? Mr. Wind explained there would be something like that.

Mr. Galestok asked if vehicles would be stored in the units or outside? Mr. Wind explained there would be no storage of vehicles either inside or outside the units.

This portion of hearing was opened to the public.

Ms. Margaret Sleght was sworn in by Chairman Hanson.

Ms. Sleght explained there are five storage facilities within five miles of this. She explained both of her children bedrooms are facing this and she has concerns with noise and smells. She explained her concerns are traffic and emissions and what if hazardous materials will be storage there. She explained she knows people live in these units as well and some sell and use drugs in them.

Ms. Tracy McDonald was sworn in by Chairman Hanson.

Ms. McDonald explained this would be a hazard to the neighborhood.

Mr. Dave Quimby was sworn in by Chairman Hanson.

Mr. Quimby explained he opposes this application. He explained he is in real estate and has never said to anyone there's a wonderful storage facility on the corner. He explained as a rule storage facility buildings are not beautiful. He explained he feels this would bring a lot of traffic to the area and would bring property values down.

Ms. Patricia Brown-Engstrom was sworn in by Chairman Hanson.

Ms. Brown-Engstrom explained her property backs up to the proposed. She explained what is proposed would block sunlight and air to her property. She explained she has health issues and stone and pebble drive aisles create dust that is harmful to her. She explained she has concerns that the security lighting will spill over onto her property. She also has concerns with parking and noise.

Ms. Yvonne Stolnis was sworn in by Chairman Hanson.

Ms. Stolnis explained the doors to these units are basically garage doors that are very noisy. She explained there could be people coming early in the morning and late a night. She explained this is a residential area and this area is not the area for this type of business.

Mr. Robert Hannold was sworn in by Chairman Hanson.

Mr. Hannold explained storage facilities are meant to be in an industrial area not a residential area. He explained not only the traffic, but type of vehicle that would be coming there. He explained he is strongly against this application.

Ms. Maria Hannold was sworn in by Chairman Hanson.

Ms. Hannold explained she agrees with everything her husband stated. She explained she has concerns with what will be stored in the units and what will be happening in the units.

Mr. Robert Inverso was sworn in by Chairman Hanson.

Mr. Inverso explained he was opposed to this application. He explained he has concerns with traffic and what this would do to the property values.

Mr. Tom Conrad was sworn in by Chairman Hanson.

Mr. Conrad explained this is not a permitted use in the zone. He explained there is no buffer for the residential uses.

Mr. Joseph Kremp was sworn in by Chairman Hanson.

Mr. Kremp explained he opposes this application. He explained when he backs out of his driveway, he's half way in the street. He explained with the restaurant and with what is proposed, it could be very dangerous. He explained there are also handicap children in the area, and what is proposed would increase the traffic in the area.

Mr. Bill Adams was sworn in by Chairman Hanson.

Mr. Adams explained he opposes this application. He explained storage facilities are cheap tin cans and no matter how you try and made it compatible to the area, they're still ugly. He asked who controls the hours to the facility? He explained there could be large box trucks coming. He explained what is proposed would drop real estate values in the area.

Mr. Tom Congleton was sworn in by Chairman Hanson.

Mr. Congleton explained he opposed the application.

Mr. Michael Power was sworn in by Chairman Hanson.

Mr. Power explained he was opposed to the application. He explained this would increase traffic to the area and lower property values.

Ms. Eileen Goessel was sworn in by Chairman Hanson.

Ms. Goessel explained she opposes this application.

Ms. Marie Stefanides was sworn in by Chairman Hanson.

Ms. Stefanides explained she spends a lot of time in her backyard and what is proposed would be very disruptive. She explained it would cause an increase in traffic and lower property values.

Ms. Christine Congleton was sworn in by Chairman Hanson.

Ms. Congleton explained what is proposed does not belong at this location. She explained the site cannot be monitored 24/7. She explained she has concerns with parking on the street.

This portion of the hearing was closed to the public.

Mr. Gelzunas explained he understands some of the concerns. He explained this is a commercial zone and not a residential zone.

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

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

6. Minor site plan waiver application, submitted by Steven & Catherine Wilson/Behr Brewing for the location known as Block 450, Lot 36.01, 513 Seashore Road.

Mr. Paul Farnan, Licensed Architect, was sworn in by Chairman Hanson.

Mr. Farnan explained the applicant previously received use variance approval for a brewery. He explained they are before the Board tonight for a minor site plan waiver. He explained they will be eliminating the gravel parking area and constructing a new gravel parking area. He explained there is a drainage easement along the property line of Murphy Fence Company and the proposed parking area would not be in that. He explained ADA parking spaces will be paved. The explained they are also planning on an outdoor beer garden area.

The Board asked how wide the driveway would be? Mr. Farnan explained the drive would be 20' wide. He explained in the parking area, signs are proposed and a 'do not enter' sign is also proposed.

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. Kennedy 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
	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. Kennedy made a motion to adjourn at 8:49 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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