

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.

LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on March 5, 2020 at the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Vice-Chairman Michael Kennedy. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Vice-Chairman Michael Kennedy
David F. Brand, Jr.
Ernest Utsch III
Bruce Waterman
Robert Sweeten
George Doherty
Robert Basco, Sr.

MEMBERS EXCUSED: Chairman James Hanson

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

CORRESPONDENCE:

Letter:

TO: Mayor & Council

FROM: Pary Tell, Chair
For the Lower Township Historic
Preservation Commission

DATE: February 11, 2020

RE: 1017 & 1019 Batts Lane

Handouts:

List of Board Solicitor vouchers dated March 2, 2020.

List of Board Engineer vouchers dated March 5, 2020.

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

5. 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.

Chairman Kennedy explained this application was continued until the April 2, 2020 meeting and no new notice would be given.

Mr. Utsch made a motion to approve the minutes from the February 6, 2020 meeting. The motion was seconded by Mr. Brand. Motion carried.

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

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

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

3. Hardship variance application to construct a 4 x 14 front deck encroaching into the front yard setback, submitted by Susan Purcell for the location known as Block 81.02, Lots 21-24, 143 E. Hudson Avenue.

Ms. Susan Purcell, applicant, was sworn in by Chairman Kennedy.

Ms. Purcell explained to the Board she recently purchased this property. She explained the house currently has a front yard setback of 12' which is not in compliance with the required setbacks. She explained that she would like to construct a front porch to allow easier access to her home. The front porch would be 4 x 14 and the proposed front yard setback would be 8'.

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. Utsch.

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

Chairman Kennedy called for a short recess at 6:07 P.M. The meeting was called back to order at 6:16 P.M.

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

Mr. Edmond Shinn, Esq., represented himself.

Mr. Vince Orlando, PE, PP, Licensed Landscape Architect, was sworn in by Chairman Kennedy.

Mr. Shinn explained to the Board they purchased this property several years ago. He explained the property is located adjacent to Lucky Bones restaurant and the public boat ramp. He explained he has a large family and they spend a lot of time here. He explained the current single family dwelling is not large enough to accommodate the family. He explained they are proposing to demolish the existing single family dwelling and construct a side by side duplex that would serve his family and parents. He explained they like this area because it is within walking distance to quite a few restaurants.

Marked into evidence as A-1 was a testimony exhibit.

Mr. Shinn explained they are requesting a use variance for residential use and hardship variances for front and side yard setbacks and building height.

Mr. Shinn explained they are proposing parking underneath of the structure. He explained Lucky Bones has additional parking next to his property.

Mr. Shinn explained he has three children and they are planning on having a fourth child. He explained there would be parking under the structure with three stories above. He explained they are planning on making the units handicap accessible with wide hallways and an elevator.

Marked into evidence as A-2 was a rendering of the proposed.

Mr. Shinn explained the neighbor to the rear of his property has a tri-plex. He explained that neighbor has sent a letter of support for this application. Mr. Harvatt explained the letter is inadmissible. He explained it's considered hearsay.

Mr. Edmond Shinn, father of the applicant, was sworn in by Chairman Kennedy.

Mr. Shinn explained they love the property and location. He explained they intend to retire here. He explained it is crucial to them to have an elevator. He explained Lucky Bones has never been a burden to them for parking. He explained this is a nice area with all of the surrounding amenities.

Mr. Orlando explained the property is located in the MGB zoning district. He reviewed A-1 with the Board explaining there is a mixture of residential units and older single family dwellings. He explained those are very close to one another. He explained what is proposed advances the purposes of zoning, this is an appropriate use of the land, promotes the general welfare of the community, would have a desirable visual improvement and blends with the community. He explained the allowed MGB uses would not be conducive to this property due to the size of the lot. He explained what is proposed would have no detriment to the zone, zone plan or ordinance. He explained what is proposed would not be a detriment to the neighborhood. He explained they recognize the need for parking and they have provided for this with parking

under the building. He explained Mr. Shinn does not have a problem with a deed restriction about noise in the area.

Mr. Harvatt explained he understands that the application may be held until Chairman Hanson has listened to the recording. He explained if the applicant wishes to proceed with the application, he could do so.

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.

The Board explained they generally approve a building envelope and have been consistent with the height. They explained the proposed parking under the structure will not be used, explaining this area will be used to store boats, kayaks, etc. Mr. Orlando explained they are proposing a 24' setback on Wissahickon Avenue and that is sufficient for two parking spaces plus the proposed three in the garage. Mr. Shinn explained there are also spaces behind him and the neighbor.

Mr. Shinn explained he spoke with all the neighbors and the plan has been modified with most of their concerns.

The Board explained they also have a problem with a 3' front and side yard setback. Mr. Shinn explained this is a unique situation because the property is between Lucky Bones and the boat ramp.

The Board explained this is an undersized corner lot and having concerns with a 3' front yard setback on Third Avenue. Also, 8,700 square foot of building seems a bit much. It was explained they understand the hardship is it's a corner lot, but they just feel the proposed is excessive in size. Mr. Shinn explained he has a very large family and they need the space and bedrooms. The Board explained they have a problem with a 3' setback.

There was a discussion the proposed height is 38'5" and the Board doesn't believe they have granted a height variance in this location.

There was a discussion 6' is the minimum for fire separation.

Mr. Galestok explained in the R-3 zoning district the front and rear yard setbacks are 20' each, 6' & 10' side yard setbacks and 30% building coverage. He explained what is proposed is a 57% building coverage.

Mr. Shinn explained they would propose no parking on Third Avenue. Mr. Shinn explained he would like to compromise. Mr. Harvatt explained the Board could take a short recess so Mr. Shinn and Mr. Orlando could discuss.

A short recess was called at 6:48 P.M. The meeting was called back to order at 6:54 P.M.

Mr. Shinn explained he would amend the application to have 5' front & side yard setbacks. The garage would be moved to have a 36' front yard setback on Wissahickon Avenue and have four parking spaces in front, two spaces in the rear plus the parking in the garage. The units themselves would be 3,600 square feet each.

Mr. Galestok explained this should be on paper so the Board could review the proposed changes. Mr. Orlando explained they could make the revisions to the plan.

Mr. Shinn asked if the Board had any other concerns that could be addressed before making the revisions to the plans? The Board explained they would like to see a larger setback on Third Avenue.

The Board asked if the living portion would be cantilevered over the driveway? Mr. Orlando explained it would.

Mr. Brand made a motion to table the application until the April 2, 2020 meeting. The motion was seconded by Mr. Basco. Motion carried.

2. Use & hardship variance applications to demolish the existing structure and construct a four-unit residential dwelling. Hardship variances needed for lot area, submitted by David Basalyga for the location known as Block 772, Lots 1-4 & 28, 988-994 Route 109 and 981 Wissahickon Avenue.

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

Mr. Kevin Shelly, PE and Mr. David Basalyga, applicant, were sworn in by Chairman Kennedy.

Mr. Gelzunas explained Mr. Basalyga is the contract purchaser of the property. He explained he would like to demolish the existing and construct one building with four living units.

Mr. Shelly explained to the Board this is a corner property approximately 12,000 in lot area. He explained there currently is a single family dwelling that they are proposing to demolish and replace with a two-story four unit building. He explained the property is surrounded by a mix of residential and commercial uses, with what appears to be a couple of the residential uses being used as multi-family. He explained the property is adjacent to the R-3 zone where multi-family uses are a permitted use. He explained the proposed building would be slightly smaller than the existing structure and would meet all setbacks.

Mr. Galestok explained under 400-17D(5), bulk requirements and setbacks for the GB zone are in accordance with the highest residential zone. He explained that would be the R-2 unsewered zone that is a one acre zone with 50' front yard, 30' side yards and 30' rear yard setback requirements and a 10% building coverage.

There was a discussion about the highest adjacent zone. Mr. Galestok showed the zoning map indicating the adjacent R-2 zoning. Mr. Gelzunas explained even though the R-2 zone is the highest, the R-3 zone is a more appropriate standard to use.

Mr. Shelly explained the property is shy the 15,000 square feet that would be required for a duplex in the R-3 zone. Mr. Galestok explained if using the standard for the R-3 zone the 15,000 square feet should be doubled to 30,000 square feet.

Mr. Shelly explained the footprint would be approximately 1,900 square foot and there are some larger dwellings in the area. He explained each unit would be 900 square feet with two bedrooms.

Mr. Shelly explained there are several commercial uses in the area that have more of an impact to the neighborhood than what is proposed. He explained what is proposed is more suitable to the site. He explained there would be no detriment to the surrounding area and it is an appropriate use for the zone and zone plan. He explained there would be a total of eight parking spaces, possibly side by side or configured in another area of the lot. There was a discussion that a site plan was not submitted and the Board Engineer did not review this application, so the Board will not be voting on parking. Mr. Gelzunas explained they were just letting the Board know there are parking options and the back-out parking could be eliminated and proposed to the rear of the property. Mr. Shelly explained they could do a one-way in with parking to the rear of the lot and would make it look more of a residential look. He explained residential would have less trips per day than a commercial use.

Mr. Basalyga explained he lives close by this property and rides his bike in the area. He explained he saw this property and feels what he is proposing supports this area. He explained he wants to make this blend into the area. He explained this would be for year round rentals.

This portion of the hearing was opened to the public.

Mr. Dave Babore was sworn in by Chairman Kennedy.

Mr. Babore explained he lives across the street from the proposed. He explained he has concerns about the sewer and he doesn't want to see a party house and a bunch of transients in his neighborhood. Mr. Basalyga explained he wants a stable quiet area too. He explained he spoke with the MUA and they are requesting a pumping station be installed.

Mr. John McCormick was sworn in by Chairman Kennedy.

Mr. McCormick explained he wants to see the property cleaned up. He discussed sewer situation with Mr. Basalyga.

This portion of the hearing was closed to the public.

There was a discussion that residential units above two are considered commercial. It

was discussed that four units seem like a lot for this property. It was discussed that area deserves some help.

Mr. Gelzunas explained this is a commercial zone and they could have a permitted use, but this is not a good location for a commercial use and the lot is not large enough for a permitted use.

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

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

Motion carried.

Mr. Waterman made a motion to conditionally approve the hardship variance. The motion was seconded by Mr. Basco.

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

4. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Robert Salasin for the location known as Block 339, Lot 55 & 56, 4 Beach Avenue.

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

Mr. Robert Salasin, applicant, was sworn in by Chairman Kennedy.

Mr. Conwell explained this is an isolated corner lot that is 50 x 109. He explained sewer and water is available. He explained Mr. Salasin is the contract purchaser and would like to construct a single family dwelling approximately 1,589 square feet. He explained the proposed single family dwelling would conform to all setbacks, height and building coverage requirements for the zone. He explained if the Board denied the request, the property would be unusable. He

explained no adjacent vacant land is available and what is proposed has no detriment to the zone, zone plan or surrounding area. Mr. Salasin explained what Mr. Conwell has stated is accurate.

Mr. Harvatt explained a letter was received from a neighbor and it has been marked inadmissible.

This portion of the hearing was opened to the public.

Mr. Frank Victor was sworn in by Chairman Kennedy.

Mr. Victor explained he lives on Cloverdale Avenue and feels this is a small property and once a house is built, there is not a lot of room left on the lot. He asked if there would be a garage for parking? Mr. Salasin explained there would be a one car garage and two parking spaces on site. Mr. Victor explained he didn't know there would be a garage.

Mr. Charles Savage was sworn in by Chairman Kennedy.

Mr. Savage explained he has concerns about a big house on a small lot. Mr. Conwell explained at the time of submission, they did not have elevation drawings because they had to act quickly under the contract. Mr. Galestok explained for isolated undersized lots that the proposed single family dwelling will meet the setback, height and building coverage requirements, elevation drawings are not a requirement because then the applicant is tied into building that structure.

This portion of the hearing was closed to the public.

The Board asked if the garage would be attached to the house or detached? Mr. Salasin explained the garage would be attached.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Doherty	YES	Mr. Basco	YES
	Chairman Kennedy	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 8:01 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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