

# 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 July 1, 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  
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:

Handout:

List of Board Solicitor vouchers dated June 29, 2021.

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. Utsch made a motion to approve the minutes from the June 3, 2021 meeting. The motion was seconded by Mr. Brand. Motion carried.

Mr. Kennedy made a motion to approve the resolutions from the June 3, 2021 meeting. The motion was seconded by Mr. Utsch. Motion carried.

1. Minor site plan waiver application to install a new LED sign, submitted by J. Richard Jones for the location known as Block 409, Lot 19.01, 29 Fulling Mill Road.

Mr. J. Richard Jones, applicant, was sworn in by Chairman Hanson.

Mr. Jones explained that he would like to install a LED sign that is a bit bigger and higher than what was previously approved. He explained the sign would be in a different location, but out of the site triangle. He explained the sign would be 35.2 square feet and 10' in height.

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. Sweeten.

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	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 office space in an existing building of a former church property, submitted by Marcello Mogavero for the location known as Block 497.01, Lot 5.02, 616 Shunpike Road.

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

Mr. Mogavero was having trouble with his audio. Chairman Hanson called for a short recess at 6:10 P.M. until Mr. Mogavero could get to a location for audio. The meeting was called back to order at 6:17 P.M.

Mr. Mogavero explained to the Board that he purchased the church property adjacent his personal property. He explained he purchased the church property because he wanted to control what was being done next door to his home. He explained he does not want high volume of traffic or machinery there.

Mr. Mogavero explained he would like the front building to have four offices for professionals and not work space. He explained the church building had interior offices. He explained there are two to three separate meters. He explained there already are handicap parking spaces, parking and parking bollards on-site. He explained he has no intentions of using the property for storage of building equipment or storage of any kind, unlike what is existing across the street. He explained he would deed restrict that no storage of heavy equipment or machinery would be allowed.

Mr. Mogavero explained there would be no increase in the footprint.

The Board asked about the second building on the property? Mr. Mogavero explained the offices would be in the front building only. He explained the rear building is an existing house that is being rented out.

Mr. Galestok explained this was a use variance application only and if granted, the applicant would have to come back for a minor site plan waiver. The Board asked if the front building is not changing, does he have to come back? Mr. Galestok explained he would. He explained it was a church and now he is adding additional office space.

There was a discussion that this is a mixed use property. Mr. Galestok explained what is proposed is not permitted in the zone. All the uses across the street were done with a use variance.

This portion of the hearing was opened to the public.

Mr. Marcello Fusco and Mrs. Kelley Fusco were sworn in by Chairman Hanson.

Mr. Fusco explained he has lived next door to the church since 2006. He explained there was one little office in the church that was used by the church and never rented out. He

explained the Pastor of the church lived in the house to the rear, but he hasn't lived there for about 8 to 10 years. He explained he has concerns with the septic system being shallow. He explained he has concerns with the proposed four offices and the traffic and noise this could generate. He explained it was never zoned for office use.

Mr. Tom Beeby was sworn in by Chairman Hanson.

Mr. Beeby explained he is the owner of the property on the other side of the church. He explained he is not opposed to the use proposed, but what if the property is sold down the road and it is used for storage, storage of equipment, etc. He explained he would like the deed restriction in place for future owners of the property.

There was a discussion regarding the zoning of this property. Mr. Galestok explained this property is not being rezoned. He explained it is a use variance for the use proposed. He explained any changes would have to come back to the Board. He explained the commercial uses across the street were approved by use variance for those uses only. He explained they cannot spot zone.

Mr. Beeby explained some of the neighbors had heard a dance studio and daycare center were proposed. Mr. Mogavero explained absolutely not for those uses. He explained his intentions are for low traffic uses.

Mrs. Fusco explained she has no problems with office use, but there is not a lot of parking on-site. She explained that she does not want parking in front of her house and up on the grass.

Mrs. Fusco asked if the property was going to be subdivided? It was explained there is no knowledge of a subdivision, but that would need approval. It was explained this application is for a use variance only.

Mr. Mike Wilson was sworn in by Chairman Hanson.

Mr. Wilson explained everyone has the same goal for a low intensity use. He explained he has no problem with the application.

Mr. Mogavero explained he doesn't want to disrupt the neighbors or neighborhood.

This portion of the hearing was closed to the public.

The Board and Mr. Harvatt discussed the wording of the deed restriction. It was explained it should include no construction equipment stored on-site or commercial vehicles stored on-site.

Mr. Galestok explained there will be a need for a site plan and deed restriction to delineate the site for parking, etc.

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

VOTE:	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Sweeten	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 6:54 P.M. The motion was seconded by Mr. Utsch. 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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