

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08257



Incorporated 1794

(609) 856-2005

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 OF ADJUSTMENT

A regularly scheduled meeting of the Zoning Board of Adjustment was held on December 5, 2024, at the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Chairman 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 Robert Basco, Sr. Michael Kennedy Robert Sweeten Ernest Utsch III Joseph P. Baker Geoffrey Bostard
MEMBERS EXCUSED:	David F. Brand, Jr. George Doherty Thomas Doherty
STAFF PRESENT:	Anthony J. Harvatt, II, Board Solicitor William J. Galestok, Board Secretary Patrick Wood, Recording Secretary William Cathcart, Board Engineer
STAFF EXCUSED:	Kathryn Steiger, Zoning Clerk

CORRESPONDENCE:

Handouts:

- List of Board Solicitor Vouchers, dated December 3, 2024
- List of Board Engineer Vouchers, dated December 3, 2024
- List of Mott McDonald Vouchers, dated December 3, 2024

Chairman Hanson read the agenda aloud for the benefit of the public. Chairman Hanson then reviewed the opening procedure to the public in attendance. This explains the process for how public comments are heard and conducted. He informed the public there would be a three-minute time limit to address the Board, to allow for all public comments.

At the request of the applicants, Chairman Hanson reported the following:
Application has been continued:

Use variance application to construct and establish 10 townhome residential units and a marina to consist of 38 boat slips within the Marine Development II (MD-2) Zone, submitted by Cape May Inlet Marina, Inc. for the location known as Block 820, Lot 8.02, 1001 Ocean Drive

Applications have been withdrawn:

Hardship variance application for the creation of a new single-family dwelling that would exceed the maximum height, submitted by The Reginald Lewis Group, LLC for the location known as Block 195, Lot(s) 23+24, 221 E. New York Avenue

Hardship variance application for the creation of a new single-family dwelling that would exceed the maximum height on a lot that is deficient in lot area, frontage, and width, submitted by The Reginald Lewis Group, LLC for the location known as Block 512.07, Lot 2902, 505 Baywyn Road

Hardship variance application for the creation of a new single-family dwelling that would exceed the maximum height on a lot that is deficient in lot area, frontage, and width, submitted by The Reginald Lewis Group, LLC for the location known as Block 512.07, Lot 2911, 508 Hollywood Road

Mr. Kennedy made a motion to approve the Board Engineer Vouchers, seconded by Mr. Sweeten. Motion carried.

Mr. Kennedy made a motion to approve Mott McDonald Vouchers, seconded by Mr. Utsch. Motion carried.

Mr. Kennedy made a motion to approve the Solicitor Vouchers, seconded by Mr. Utsch. Motion carried.

Mr. Utsch made a motion to approve all other resolutions from the meeting of November 7, 2024, seconded by Mr. Baker. Motion carried.

Mr. Utsch made a motion to approve minutes from the meeting of November 7, 2024, seconded by Mr. Sweeten. Motion carried.

1. Discussion regarding the application from Mr. Anthony J. Harvatt II, Esq., to be considered as the Zoning Board of Adjustment Solicitor for the 2025 Calendar Year.

The Board discussed the reappointment of Zoning Board Solicitor, Anthony J. Harvatt, Esq., and accepted his application.

Mr. Kennedy made a motion to approve the application and reappointment of Mr. Harvatt as Solicitor for the Zoning Board for the calendar year of 2025, seconded by Mr. Utsch.

Motion was approved.

This motion will be forwarded to include on the agenda of January 2025 Reorganization Meeting.

2. Chairman Hanson announced a date change for the January 2025 Zoning Board Meeting from January 2, 2025, to the following Thursday, January 9, 2025. This change will be published in the Cape May Star and Wave, Cape May County Herald, and posted on the Lower Township's Bulletin Board at 2600 Bayshore Road, Villas, NJ.
3. Extension for a previously approved Use Variance application submitted by Robert & Michael Penza and PM Properties for the property known as Block 764, Lot(s) 46-49, 1200-1202 Wilson Drive

Ms. Lyndsy M. Newcomb, Esq., is representing the applicant.

Ms. Newcomb explained the purpose of the application is to request an extension for this construction project, which consists of two (2) duplexes to be built in the Marine General Business (MGB) Zone. Bulk head work and clearing the lot have occurred, enabling the owners to proceed with construction. For reference, Ms. Newcomb read the original resolutions.

In response to the Board's proposal of a one (1) year extension, Ms. Newcomb confirmed that would be acceptable.

Per the Board's question, Mr. Harvatt stated it would be permissible for a three (3) year extension, and suggested February 4, 2027. Ms. Newcomb advised the applicant would be fine with this date.

Mr. Kennedy made a motion to approve the extension date, seconded by Mr. Utsch.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

4. Hardship variance application for the construction of a front, covered porch that would exceed maximum lot coverage and encroach into the front yard setback, submitted by Denise Hickey for the location known as Block 213, Lot(s) 5+6, 209 Maryland Avenue

Mr. Ronald J. Gelzunas, Jr., Esq., is representing the applicant.

Mr. Gelzunas submitted colored renderings into evidence. He explained the purpose of the application is to renovate the home by adding a wrap-around porch to the front and side of the dwelling.

Mr. Paul C. Farnan, AIA, NCARB, Architect, was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Ms. Denise A. Hickey, applicant, was sworn in by Chairman Hanson.

Mr. Farnan testified the lot conforms to all but lot area. The wrap around, covered porch addition to the existing structure will encroach into the front yard. Although it exceeds the 15-foot requirement, it does not exceed coverage or encroach on any other setbacks. After speaking with Mr. Wood, Mr. Farnan realized the shed was erroneously added into the principal coverage percentage, and will be corrected via amended plans. He noted that five (5) feet of porch space is unusable. Since there is no vertical construction, views will not be blocked. The proposed addition design is a benefit and promotes a desirable visual environment. Other than an increase to the lot coverage, there are no detriments to the neighborhood.

Mr. Galestok clarified stairs are not included into setback calculation. Mr. Farnan responded that the steps will be pushed back to 15 feet, rather than 14.7.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Gelzunas summarized the addition advances the residential character of the neighborhood, with minimal change, and creates a clear benefit.

Mr. Harvatt advised of the condition that the porch will be at the 15-foot setback.

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

5. Hardship variance application for the creation of a second-floor deck that would encroach into the side and rear yard setbacks, submitted by Daniel McDevitt, for the location known as Block 654, Lot 10, 200 Holmes Avenue.

Mr. Daniel McDevitt, applicant, was sworn in by Chairman Hanson.

Mr. McDevitt explained the second (2nd) floor landing is 4.7 feet, exceeding the side yard setback.

Mr. McDevitt attempted to submit letters of support from neighbors, however, was advised that only direct testimony is permitted. He then presented photographs of similar properties, which were accepted into evidence.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Utsch.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

6. Use variance, hardship variance, preliminary and final site plan application for the creation of two twelve-unit garden apartment complexes that exceed height of a structure by over 10% of the zone maximum. Hardship variance relief requested for maximum number of stories and separation of the buildings. Submitted by H and H Construction Services NJ, LLC, for the location known as Block 409, Lot(s) 5.02,6+7, 301 Fulling Mill Road

Mr. John P. Amenhauser, Esq., is representing the applicant.

Mr. Amenhauser explained the application is a two (2) building, 24-unit apartment development.

Mr. Robert Henning, Managing Member of H and H Construction Services NJ, LLC, was sworn in by Chairman Hanson.

Mr. Vincent L. Orlando, L.L.A., P.E., P.P., C.M.E., was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Henning stated H&H Construction Services is a long-established construction company, and has been active in the Township of Lower for 15 years. After demolition of the Button Factory over ten years ago, discussions continued for the best use of the property. Approvals have been obtained from the Municipal Utility Authority (MUA), Department of Environment Protection (DEP), and Cape May County have been obtained.

Mr. Orlando clarified this application is before the Board for variance approvals and, if approved, will return for site plan approvals.

Mr. Amenhauser advised he had noticed for all approvals, however, due to issues, a decision was made to bifurcate the application. The variance application is presented at this evening's meeting, with the site plan scheduled for the next meeting.

Mr. Orlando restated that the site is where the Button Factory was located and testified:

- All environment concerns have been addressed and clean up conducted.
- Application to DEP is being prepared for a transitionary waiver buffer.

- Everything to the west is within the Mainland Residential (R-3) Zone
- The residential component is more in keeping with the character of the neighborhood.
- Each building will be three (3) stories, creating 24, two (2) bedroom apartments, with two (2) parking spaces allotted for each unit.
- Project provides much needed rental units to general public of Cape May County
- The County stipulated only one means of egress is required
- A generous landscaping plan is proposed and a full site investigation was completed

He noted that in addition to the use variance, a hardship variance for height is requested.

Mr. Henning explained a slated roof is planned, rather than a flat roof, since it is ascetically pleasing and more modern.

Mr. Amenhauser summarized as follows:

- The entire rear portion of the property is Wetlands; therefore, the proposed locations of the buildings are the only areas available to build.
- The proposal is better suited for residential use than commercial use
- Overall benefit to general welfare of the community by:
 - Providing reasonable rental units and appropriate use
 - Positive impact on the environment
 - Promotes desirable visual environment
 - Encourages the shaping of land development with an efficient use
- No detriments to the Zoning Plan nor neighborhood
- A better alternative than the General business (GB) uses, which could be used

Mr. Amenhauser concluded the project is, in general, under C(2) criteria and creating a nice community for the township.

The Board inquired whether units would be offered at market rent or if a percentage would be designated for affordable housing? Mr. Henner responded that, at the moment, the units would be offered at market rates.

Mr. Galestok advised that on our fifth iteration of the Affordable Housing Plan, fees collected under Coalition of Affordable Housing (COAH), are only commercial properties.

Mr. Amenhauser advised the applicant will return with the Preliminary and Final Site Plan at the meeting in January 2025.

Mr. Orlando reconfirmed for the Board there are two (2) parking spaces per unit, or a total of 49, located in the front portion of the project, with a turnaround located on the east side. The Board inquired about employee parking availability. Mr. Orlando responded the project will be handled by a management company, with no staff on site.

This portion of the meeting was opened to the public.

Mr. Boyd Lafferty, resident of 1606 Star Avenue, was sworn in by Chairman Hanson.

Mr. Lafferty made the following comments/concerns:

- The Button Factory was always an environmental hazard
- He is worried about exposure
- 48 parking spaces creates a lot of traffic, going in/out

- Fulling Mill Road is dangerous

This portion of the meeting was closed to the public.

The Board asked for Mr. Orlando's explanation as to why the County did not require two (2) entrances. Mr. Orlando explained the County did not like it because of the curve, and wanted the proposed configuration, due to jurisdiction over Fulling Mill Road. Mr. Orlando stated this should have no impact on Fulling Mill Road, since it is not a heavy traffic generator.

Mr. Henning testified to his experience with building on contaminated lots, the subsequent clean up, and containment of such. He noted the contamination is farther back in the wetland and will need monitoring by DEP. The areas under the building will have a passive vapor mitigation system, which has been completed to secure financing.

The Board commented that although there is concern regarding the height of the buildings, it is very encouraging to see development of this property. Possible reconsideration of the roof design would make the height conforming. This is a positive change to the site and additional rental units to the township are welcomed.

Mr. Kennedy made a motion to conditionally approve the two (2) buildings use variance application, seconded by Mr. Baker.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

Chairman Hanson asked Mr. Henning if the pitch of the roof could be decreased. Mr. Henning agreed and can reduce the height to the 35 feet. The Board then stated a height of 36 feet would be acceptable. Per Mr. Harvatt, D(6) is withdrawn and replaced by C(2) requirements.

Mr. Sweeten made a motion to conditionally approve the 36-foot height maximum hardship variance, seconded by Mr. Utsch.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved

Mr. Kennedy made a motion to conditionally approve the number of stories hardship variance, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved

Mr. Kennedy made a motion to conditionally approve separate buildings hardship variance, seconded by Mr. Baker.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved

Resolutions will be prepared by the Board Solicitor to review and approve at the next scheduled meeting.

7. Hardship variance application for the creation of an addition to an existing garage that would become taller than the principal structure, submitted by LDC Design & Construction for the location known as Block 495.01, Lot 10.02, 166 Fishing Creek Road

Ms. Lauren Lythgoe, sole proprietor of the applicant LLC, was sworn in by Chairman Hanson.

Mr. & Mrs. Edward and Colleen McConnell, owners, were sworn in by Chairman Hanson.

Ms. Lythgoe stated this request is to construct a new garage that will exceed the height of the principal residence. The original garage structure was removed, due to condition.

In response to the Board's question, Ms. Lythgoe confirmed the height is exceeded by 5.87 feet to the principal residence's height of 14.75 feet. Ms. Lythgoe then submitted four (4) photographs of the property into evidence.

The Board asked about use for the second floor of the proposed garage. Ms. Lythgoe responded the height will be seven (7) feet and will be utilized for storage purposes only, not any living spaces, with some electricity. The overall height will be approximately one (1) foot less than the original structure, and will, in general, be in the same location.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

8. Hardship variance application for the installation of a new pool that would encroach into the rear yard setback, submitted by Mark Bigelow & Mary Davis for the location known as Block 512.09, Lot 3068, 3804 Bybrook Drive

Mr. Mark Bigelow, applicant, was sworn in by Chairman Hanson.

Ms. Mary Davis, applicant, was sworn in by Chairman Hanson.

Mr. Bigelow explained the original pool was built between 1970-1980. The purpose of the application is to replace with a fiberglass pool, that will be partially inground, and now requires setback variance to do so.

The Board inquired about the rear yard setback, which is only one (1) foot from the property line, 16 feet from the fence line. Mr. Galestok provided information that this was originally located in the “Beer World” section, with the fence on the Beer World property. The new pool will be located solely on the applicant’s property.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

9. Hardship variance application for the creation of an addition on an existing garage that would result in the accessory structure being taller than the principal, submitted by Joseph McMenamin for the location known as Block 533.01, Lot(s) 86+87, 12 Folsom Road

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

Mr. McMenamin submitted a sketch packet of the proposed project into evidence. The purpose of the application is to add an additional story to the existing one (1) story garage. The principal dwelling is 14 feet, with a proposed height of 18.5 feet for the garage (current garage height is 11.3 feet). This will be utilized for general storage and drywalled for tools, with electricity, however, no plumbing or heat.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Sweeten made a motion to conditionally approve the hardship variance application, seconded by Mr. Kennedy

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

10. Hardship variance application for the creation of a front covered porch that would encroach into the front yard setback, submitted by Scott & Claudia Benekam for the location known as Block 606, Lot 8, 405 Miller Avenue

Mr. Ronald J. Gelzunas, Jr., Esq., is representing the applicant.

Ms. Pamela Fine, was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Ms. Fine stated the existed deck footprint will be used, as the dwelling sits on an undersized lot, which creates a hardship. A roof extension is proposed for cover, and will be no farther than the what is there now. The structure is very reminiscent of a “Millman” style home, where the attached garage was converted into a family room. The proposed project will enhance the home, provide a welcoming appeal consistent with the neighborhood that causes no visual blocking. This will be under the height maximum and principal lot coverage.

Ms. Fine opined there are no negative impacts to the neighborhood.

At 7:31 P.M, Mr. Galestok recused himself from the meeting. At 7:32 P.M., Mr. Galestok rejoined the meeting.

Ms. Fine concluded that houses without a front porch feel like something is missing. All the benefits outweigh any detriments.

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Gelzunas advised this is a transformation which will tie the whole property together.

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

At 7:26 P.M., the Board took a five (5) minute recess. At 7:36 P.M., the meeting was resumed.

11. Use variance, hardship variance, preliminary and final site plan application for the creation of a tool shed and hot tubs to a non-conforming property. Hardship variance relief required for the minimum distance between structures. Submitted by Kevin Owens for the location known as Block 235, Lot(s) 20+21, 220 Frances Avenue

Mr. Ronald J. Gelzunas, Jr., Esq., is representing the applicant.

Mr. Gelzunas submitted a copy of the electrical permit technical card into evidence and reminded the Board this application had been presented and approved at a previous meeting, conditioned on approval of the final site plan.

Mr. Vincent L. Orlando, L.L.A., P.E., P.P., C.M.E., was previously sworn in by Chairman Hanson, with credentials previously accepted by the Board.

Mr. John Ryan, General Contractor for R. Ryan Construction, was sworn in by Chairman Hanson.

Mr. Ryan stated that all permits have been submitted, including the shed and hot tubs, prior to this meeting. A rough inspection for electric has passed.

Mr. Orlando reviewed that the original quad was reconfigured, the garage was approved on the condition of a site plan review and approval, an increase to impervious coverage does not require drainage, as this is all concrete and will drain to the front and street, hot tubs were found to be part of the site plan and a slight expansion of the nonconforming use, as well as the minimum distance between structures. This is an appropriate type of use for this location, providing an aesthetic enhancement, causing no adverse or detriments to the neighborhood nor zoning plan or ordinances. It includes five (5) parking spaces for the facility, with accessory coverage is at 6.0%. This site plan makes up for all the missing components from the previous approval. In conclusion, this renovation has had a positive impact on the neighborhood, recognizing the Mainland Residential (R-3) standards.

Mr. Cathcart advised this is a very unusual and unique property. Most of the items were discussed previously, with the applicant showing intent in all parts.

Mr. Galestok reported Fire Safety comments, dated November 26, 2024, were acceptable

This portion of the meeting was opened to the public. No comments were made from the public. This portion of the meeting was closed to the public.

Mr. Kennedy made a motion to conditionally approve the use variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

Mr. Kennedy made a motion to conditionally approve the hardship variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved

Mr. Kennedy made a motion to approve the site plan, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved

Resolutions will be prepared by the Board Solicitor to review and approve at the next scheduled meeting.

12. Use variance, and preliminary and final site plan application for the creation of a construction office with indoor and outdoor storage of equipment and materials that is not permitted in the zone, submitted by Eric Woodrow for the location known as Block 741.04, Lot 12.02, 900 Shunpike Road

Mr. Brian D. Huen, Esq., is representing the applicant.

Mr. Eric B. Woodrow, applicant, was sworn in by Chairman Hanson.

Mr. Vincent L. Orlando, L.L.A., P.E., P.P., C.M.E., was previously sworn in by Chairman Hanson, with credentials previously accepted by the Board.

Mr. Heun explained the purpose of the application is for the applicant, Mr. Woodrow, who is a local contactor, to operate his business at this site. Materials will be stored outside, making this more a transitory placement.

Mr. Woodrow testified the business is site work and landscape construction. The site will be a home base for an office, not retail purposes, and used for storage and maintenance equipment. A small retail space for a farm stand will be located down the street for sale of organic products.

Mr. Heun noted the lot is uniquely shaped but designed to avoid any bulk variances.

Mr. Orlando testified that the purpose of tonight's application is to seek use variance only. The application will return next month for the site plan approval. This is in a General Business (GB) Zone, with a 7200 square foot warehouse, 620 square feet for retail space, 300 square feet for office space, and includes 21 parking spaces. Everything flows to the basin, with a very extensive landscaping plan, creating a nice visual environment. This project provides a less intense use of the land than what is currently permitted in the zone. The benefits outweigh the detriments, promotes the general welfare, provides sufficient space and a desirable visual environment, resulting in an efficient use of the land. There is no substantial detriment to the Zoning Plan or ordinances, nor the neighborhood.

In response to the Board question regarding type of products sold at the retail store, Mr. Woodrow advised it would be a farm store, with organic items currently available at Naughty Spirits.

This portion of the meeting was opened to the public.

Mr. Ryan Douglass, resident of 682 Petticoat Creek Lane, was sworn in by Chairman Hanson.

Mr. Douglass offered the following comments:

- Likes the Plans

- Will be good for the neighborhood
- Noted the acreage listed on the plan is different than what is calculated by the township

Mr. Orlando clarified the property had been resurveyed by Cape Land Surveying to show the 1.7 Acres, rather than he 1.2 Acres. The discrepancies are from the Tax Map.

Mr. Galestok advised this is a conceptual plan, and noted the final building may not look exactly like what is shown.

Mr. Robert Richman, resident of 690 Petticoat Creek Lane, was sworn in by Chairman Hanson.

Mr. Richard offered the following comments:

- Thinks this will be nice
- Requested the buffer of trees remain on Ferry Road

This portion of the meeting was closed to the public.

Mr. Heun inquired if the notice can be continued for the site plan. Mr. Galestok advised no further notice would be required.

Mr. Harvatt stated a condition would be added for no permanent outside storage.

Mr. Kennedy made a motion to conditionally approve the use variance application, seconded by Mr. Sweeten.

VOTE:	Mr. Basco	YES	Mr. Sweeten	YES	Mr. Baker	YES
	Mr. Kennedy	YES	Mr. Utsch	YES	Mr. Bostard	YES
	Chairman Hanson	YES				

Motion was approved.

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

At 8:28 P.M., Mr. Kennedy made a motion to adjourn the meeting, seconded by Mr. Bostard.

Motion carried.

Respectfully submitted,

Patrick L. Wood,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

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.