

# TOWNSHIP OF LOWER

2500 Bayshore Road  
Villa, New Jersey 08257



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.

## LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on January 9, 2025, 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  
Vice Chairman Michael Kennedy  
Joseph P. Baker  
Robert Basco, Sr.  
David F. Brand, Jr.  
George Doherty  
Robert Sweeten  
Ernest Utsch III  
Geoffrey Bostard

MEMBERS EXCUSED: Thomas Doherty

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor  
William J. Galestok, Board Secretary  
Patrick Wood, Recording Secretary  
William Cathcart, Board Engineer  
Kathryn M. Steiger, Zoning Clerk

## CORRESPONDENCE:

### Handouts:

- List of Board Engineer Vouchers, dated January 8, 2025
- List of Board Solicitor Vouchers, dated January 8, 2025

Chairman Hanson 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.

Chairman Hanson advised the public this is the Annual Reorganization Meeting, and proceeded with the following resolutions for the year of 2025:

Mr. Kennedy made a motion to nominate Mr. Hanson as the Board Chairman for the calendar year of 2025, seconded by Mr. Sweeten. Motion carried.

Mr. Basco made a motion to nominate Mr. Kennedy as the Board Vice-Chairman for the calendar year of 2025, seconded by Mr. Kennedy. Motion carried.

Chairman Hanson made a motion to approve of the resolution that would nominate Mr. William Galestok, PP, AICP, as the Board Secretary for the calendar year of 2025. Motion carried.

Chairman Hanson made a motion to approve of the resolution that would nominate Mr. Patrick Wood as the Board Recording Secretary for the calendar year of 2025. Motion carried.

Chairman Hanson made a motion to approve of the resolution that would nominate Mr. Anthony Harvatt II, Esq., as the Board Solicitor for the calendar year of 2025. Motion carried.

Chairman Hanson made a motion to approve of the resolution that would nominate DeBlasio & Associates, PC as the Board Engineer for the calendar year of 2025. Motion carried.

Chairman Hanson made a motion to approve of the schedule of Board meetings and dates for the calendar year of 2025. Motion carried.

Mr. Galestok presented the 2024 Variance Report, which was expanded to include visual charts. He stated that, based on this comprehensive report, prepared by Mr. Wood, that includes Planning Board actions, the results of analysis show no irregularities, nor any need for changes to be made to the ordinance.

Mr. Brand made a motion to accept the Variance Report, as presented by Mr. Galestok, with no recommendations for change, and seconded by Mr. Kennedy.

Chairman Hanson read the agenda aloud for the benefit of the public. Chairman Hanson advised that, at the request of the applicant, the following application has been continued until the meeting of February 6, 2025:

Hardship variance application for the creation of a detached garage that would be built in front of the principal structure, submitted by George & Peggy Foster for the location known as Block 35, Lot 4, 33 Delaware Avenue

Use variance, hardship variance, and minor site plan waiver application for the creation of an attached dwelling unit and 2<sup>nd</sup> floor garage addition within the GB-1 (General Business 1) zone. Hardship variance relief requested for side yard setback, minimum off-street parking, and sign setback. Submitted by Mid Atlantic Properties, LLC for the location known as Block 673, Lot 15, 3846 Bayshore Road

Use variance, hardship variance, preliminary and final site place application for the creation four duplexes within the GB-1 (General Business 1) zone. Hardship variance relief requested for front yard setback and maximum principal lot coverage. Submitted by Lawrence McKnight for the location known as Block 717, Lot(s) 1-5+30, 9900 Pacific Avenue

Use variance, hardship variance, preliminary and final site place application for the creation two triplexes within the GB-1 (General Business 1) zone. Hardship variance relief requested for front yard and side yard setbacks. Submitted by Lawrence McKnight for the location known as Block 707, Lot 1, 9700 Pacific Avenue

Mr. Kennedy made a motion to approve minutes from the December 5, 2024 meeting, seconded by Mr. Utsch. Motion carried.

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

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

Mr. Kennedy made a motion to approve all other resolutions from the meeting of December 5, 2024, seconded by Mr. Sweeten. Motion carried.

1. 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

Mr. Anthony P. Monzo, Esq., is representing the applicant.

Mr. Monzo stated the purpose of this application was to obtain a Use Variance and distributed several aerial photographs into evidence.

Mr. Gary Thomas, PLS, PP, CFM, was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. William Hoff, principal member of the applicant, Cape May Inlet Marina, Inc., was sworn in by Chairman Hanson.

Mr. Monzo provided an overview of the request by summarizing the MD-2 Zone and restrictions, and referencing the submitted aerial photographs of said Zone, identifying Lund's Fisheries (one-quarter mile from subject property), Bree-Zee-Lee Marina, Canyon Club.

He continued that the purpose of the application is to develop 10 townhouses, approximately 250 feet from the water, with 20 boat slips allotted for the units, and four (4) parking spaces per unit. An additional 18 boat slips will be available for the public. He noted there would be no impact to surrounding marinas or businesses, due to distances between each location.

Mr. Monzo cited approvals such as Wilson Drive, with two (2) residential units next to a marina, where the Resolutions included verbiage acknowledging noise issues and noted the co-existence of areas between Cape May and Lower Township of mixed use.

At the request of Mr. Monzo, Mr. Thomas provided his overview of the project, as follows:

- This is an isolated property, with no neighbors
- Project consists of two (2) buildings of five (5) units each, with four (4) parking spaces each
- Public parking will allow for one (1) space per boat slip
- NJDEP (New Jersey Department of Environmental Protection) and State of New Jersey approvals to be obtained
- CAFRA (Coastal Area Facility Review Act) may reduce the number of units, due to wetlands
- Appropriate location for residential, as other residential are nearby
- Open space, light, air, is more than adequate
- Modest sized development is planned on 20-acre parcel, with a lot coverage of 7.0%
- Desirable environment, with visually acceptable structures, views, and landscaping
- No detriments to the public or environment, as nothing else is around
- Noted that the approved use would cause an increase to traffic than the proposal.

Mr. Monzo commented that Canyon Club is a successful development, with no issues nor negative impact to the fishing industry.

The Board responded to Mr. Monzo's comments, as follows:

- Yacht Avenue has no bearing on this application, as it is in Cape May; and
- Canyon Club was approved prior to the Ordinance governing this Zone

Mr. Galestok stated recently, a bar and restaurant came in, which was testified against by a developer. Although language was included in the deeds, complaints are still made.

This portion of the meeting was opened to the public.

Mr. Wayne Reichel, President of Lund's Fisheries, was sworn in by Chairman Hanson.

Mr. Reichel submitted "Cape May Fishing Industry: Economic breakdown" into evidence. A recap of his public comments are as follows:

- Lund's Fisheries consists of approximately 22 vessels
- Employs approximately 145 employees, increasing to approximately 200 in season
- The company has invested millions in fishing research to continue business stability
- Cape May accommodates for large vessels
- A planned new facility in Bridgeton, NJ, during 2025
- Cannot proceed if Cape May production is hindered
- For above reasons, there is incompatibility with residential occupancy
- MD-2 Zone does not allow residential use
- Does not support the application

- If approved, this sets a dangerous precedent

Replying to Mr. Monzo's question about a zoning change, Mr. Reichel stated yes, he would be concerned if the zone was changed. Mr. Reichel concerns focus on impact to businesses, large ship navigations, equipment, tractor trailers with freezing system with ammonia, emergencies. Mr. Monzo questioned the impact, since it is approximately a mile in distance, and asked whether Lund's tractor trailers utilized the Diamond Beach route. Mr. Reichel clarified no truck traffic travels through the Diamond Beach area. Mr. Reichel stated he does not know how many residential units are in the surrounding marinas; it is limited. His concern is setting a precedent for residential development in this zone.

Mr. Barry Cohen, President of Atlantic Cape Fisheries, was sworn in by Chairman Hanson.

Mr. Cohen made the following comments:

- Does not object to the application
- The location is on the far side of the water
- Concerns can be addressed in deed restrictions or deed notices, due to the vicinity of the industry
- Many environmental factors impact the marine district, however, this is an isolated property

Ms. Rachel Hansen, owner of Two-Mile Landing and Snug Harbor, LLC, was sworn in by Chairman Hanson.

Ms. Hansen made the following comments:

- No issues with development of the condominiums
- Proposed deed restrictions are acceptable
- MD-2 Zone needs to be reviewed
- Businesses are not impacted by fishing
- Costs of marine properties on the water are high and does not justify the expense of maintaining

This portion of the meeting was closed to the public.

In conclusion, Mr. Monzo thanked everyone for their comments/concerns and understands the concerns. He stated this property is far enough away, truck traffic would have no impact, this is a depressed marina, with limited use, which will be ideal for this type of development.

During the vote, the following Members gave findings of fact along with their decisions:

Mr. Brand: The Township Planning designated Ocean Highway and the MD-2 Zone to preserve the fishing industry. Residential development is not permitted. The new replacement bridge planned for causeway will also bring changes to this area – e.g.: possibly expansion of Lund's Fisheries. The Township's governing body specifically called for this ordinance to protect what was there.

Mr. Utsch: Noted the amount of thought incorporated into this presentation; however, this application acts directly against the Ordinance to preserve the fishing industry. The commercial development areas of Wilson Drive, Lobster House and portions of Wildwood have surrendered to residential, which

once opened, is difficult to maintain and unable to reclaim. Residential housing is limited in this area. Does not see how the application can be supported. Considerations for possible expansion by Lund's Fisheries should be considered, based on the new bridge. Permits process is very difficult.

Mr. Baker: Currently resides in the MD-2 Zone, and purchased the property with full knowledge of zoning requirements. He has experienced pressure to move for residential housing vs commercial fishing.

Mr. Sweeten: In response to his question regarding the new bridge design and location, Mr. Bostard stated the exact location is not yet determined, then noted the proposed structure is not a drawbridge. Mr. Bostard commented this will bring residential occupancy closer to bars/restaurants, increasing pedestrian traffic. Mr. Sweeten stated although the project is in the distant future, logical points have been expressed on sound, boats, traffic. There are valid concerns to preserve the commercial industry, as once the door is opened for residential, others will follow. The ordinance was enacted to prevent residential development in that area.

Mr. Kennedy: Although tonight's application is improved from the original presentation, less boats slips and parking are of concern. He agrees with Board Members this application goes against the Ordinance. Possibly the governing body should regulate the request.

Mr. Basco: The Township established this Zone for a reason. Leave well enough alone. Residential occupancy would not be a good fit.

Chairman

Hanson: Parking was an issue on the previous application. Citing the collapse of Two-Mile deck, the prior owners requested to rebuild condos. This Board denied that request, due to noise from the fisheries and restaurants.

Mr. Galestok stated reducing boat slips is going in the wrong direction. For example, Canyon Club Development was originally locals, and has mostly transitioned to secondary residences owners who act as their own city/state. Tranquility Park was originally planned as a marina. NJDEP is another issue.

Mr. Brand reminded the Board that Canyon Club was approved to be built in phases prior to enactment of the Ordinance, circa 1986, which started in 1988.

Mr. Hoff addressed the Board and advised he owns six (6) commercial fishing boats, plus a packing dock in Wildwood. He has done everything the Board has requested and is asking for consideration.

Mr. Monzo commented that use variances always stray from the Ordinance, with each application standing on its own merit. He noted this is not a heavily industrial zone, with only three (3) properties – the marina, a small dock for boat repairs, and Two Mile. The proposed townhouses are small scale, not high-rise buildings.

Mr. Harvatt stated a deed notice for noise nuisance and smell will be required for the purchase of the properties.

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

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

Motion was denied.

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

2. Preliminary and final site plan application for the creation of two twelve-unit garden apartment complexes. 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

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

Ms. Newcomb advised that Variances have already been approved. Tonight's presentation is for approval of the preliminary and final site plans.

Mr. Robert Henning, member of the applicant's LLC, was sworn in by Chairman Hanson.

Mr. Joseph H. Maffei, P.E., P.P., C.M.E., was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Maffei recapped the following:

The drainage was approved; the Zoning Chart will be corrected. The property is 85% open space, on a parcel over six (6) acres where only one (1) acre is being used, and is on a County Road. A response from the County has not been received, based on these same plans, although the County has approved the location of the one (1) driveway. There will be some clearing to the east of the proposed basin. No signage is planned. Each unit will have its own storage space. Lights will be added in rear and sidewalk and will include stripping and directional arrows.

In reply to the Board's question on a Homeownership Association, Ms. Newcomb advised a property management company will be contracted. The parking lot will be privately maintained.

Mr. Galestok commented that signage should be included to show the property location.

Mr. Cathcart stated that if the applicant satisfies all outstanding, it should be in good shape.

Mr. Galestok advised there are no County or Fire Safety comments.

Per Mr. Harvatt, the application will be approved and is contingent on applicable bureau approvals. Mr. Henning replied that approvals will be submitted, based on the Board's approval.

Mr. Kennedy made a motion to conditionally approve the site plan application, seconded by Mr. Brand.

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

Motion was approved.

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

3. Preliminary and final site plan application for the creation of a construction office with indoor and outdoor storage of equipment and materials, submitted by Eric Woodrow for the location known as Block 741.04, Lot 12.02, 900 Shunpike Road

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

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

Mr. Joseph H. Maffei, P.E., P.P., C.M.E., was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Mr. Heun recapped to the Board this application was presented at the previous meeting and had variances approved.

Mr. Maffei explained the lot depth is actually 80 feet and is non-conforming. A response from the County has not been received. Some of the trees will be cleared, with new ones to be added, and will retain the back tree line. A site triangle will be added. Waivers are requested to partially include a stone parking lot, with the other half paved, and waive curbing, as it is a detriment to the stormwater management.

Mr. Cathcart stated the ordinance does require curbing and a paved parking lot, which is usually meant for high trafficked businesses. In this instance, it may be allowed and is not detrimental. The waivers are reasonable requests.

Mr. Galestok advised there are no Fire or County comments. Previously, there was a question about lot area; however, the applicant has since submitted an updated survey confirming the lot area as 1.7 Acres, rather than the tax map of 1.2 Acres. The confirmation was necessary due to the size of the building and lot coverage.

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. Heun thanked the Board and is hopeful for an approval.

Mr. Sweeten made a motion to conditionally approve the site plan application, with waivers for the paved parking lot and curbing, seconded by Mr. Kennedy.

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

Motion was approved.

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

4. Hardship variance application for the creation of an addition to the existing Dwelling that would encroach into the side yard setback, submitted by Diane Pelli for the location known as Block 410.17, Lot 5, 304 East Wilde Avenue

Ms. Diane Pelli, applicant, was sworn in by Chairman Hanson.

Ms. Pelli explained it is her future intent to occupy the property as a year-round resident. Currently, the house is too small and is requesting to enlarge the building to improve the living space.

Chairman Hanson stated it will reduce the side yard setback from nine (9) feet to four (4) feet.

In response to the Board's question, Ms. Pelli confirmed that the whole length of the building will be pushed out for the expansion.

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. Brand.

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

Motion was approved.

A memorializing 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 front porch that would encroach into the front yard setback, submitted by Joseph A. Petrellis for the location known as Block 306, Lot(s) 5+6, 111 Walnut Avenue

At 7:33 P.M., due to a conflict of interest, Mr. Basco recused himself from the meeting.

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

Mr. Petrellis explained the purpose of the application is to expand the existing front porch, which is currently 13.3 feet to a 9.5 front setback. A 15-foot setback is required. The new deck will enable wheelchair access.

In response to the Board’s question regarding a roof, Mr. Petrellis confirmed the roof will not be covered.

Mr. Galestok confirmed to the Board that if a roof is added, Mr. Petrellis would need to return to the Board for approval.

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. Baker	YES	Mr. Kennedy	YES	Mr. Brand	YES
	Mr. Sweeten	YES	Mr. Doherty	YES	Mr. Utsch	YES
	Chairman Hanson	YES				

Motion was approved.

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

At 7:38 P.M., Mr. Basco rejoined the meeting.

6. Hardship variance application for the creation of a third-floor addition that would encroach into the side yard setback, submitted by Larry Wittig for the location known as Block 377.01, Lot 31, 502 Beechwood Avenue

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

Mr. Larry Wittig, applicant, was sworn in by Chairman Hanson.

Mr. Gerald S. Blackman, Jr., AIA, P.P., NCARB, was sworn in by Chairman Hanson, and provided credentials, which were accepted by the Board.

Ms. Newcomb advised the property is a single-family dwelling in the Mainland Residential (R-3) Zone. The applicant is preparing to renovate, with a proposed third floor deck, which will encroach in the side yard setback.

Mr. Blackman explained this is an irregularly shaped lot. The “notch” in the lot is either an easement or right-of-way, but is used for public access. The current residence is two and half stories, with a proposed addition to the east and south sides of the building, including the decks on the east and south sides. A third flood deck will be created that will encroach into the side yard setback (1x26 foot encroachment) and will be directly above an existing deck.

Due to the shape of the property, with no neighbors, a variance can be permitted, causing no impacts to the surrounding areas or Zoning Plan. The improvements promote a desirable visual environment.

The Board inquired about the safety and/or standards of a large wooden deck. Mr. Galestok advised this would be under the jurisdiction of the Construction Department.

The Board discussed that there are only four (4) houses on this street, with this being the newest. High dunes are in the area.

Mr. Galestok inquired whether the height of the deck was above grade and if the second-floor deck would remain. Mr. Blackman stated height will be 21 feet and confirmed the second-floor deck will remain and be repaired.

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. Doherty	YES	Mr. Utsch	YES	Mr. Basco	YES
	Mr. Kennedy	YES	Mr. Brand	YES	Mr. Sweeten	YES
	Chairman Hanson	YES				

Motion was approved.

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

After the motion was approved, Mr. Wittig requested to address the Board. The purpose was to thank the members for the guidance provided, both at tonight's meeting and, previously, when he originally appeared before the Board several years ago. He wanted to express his appreciation for the time volunteered and sound advice. The Board acknowledged Mr. Wittig's comments and appreciated the feedback.

At 7:52 P.M., the Board took a five (5) minute recess.

At 7:52 P.M., Mr. Hanson recused himself from the remainder of the meeting.

At 8:02 P.M., the meeting resumed.

7. Hardship variance application for the creation of a covered front porch that would encroach into the front yard setback and exceed maximum principal lot coverage, submitted by Stephen & Susan Cubberley for the property known as Block 413, Lot 61, 230 Marshall Road

Ms. Susan Cubberley, applicant, was sworn in by Vice Chairman Kennedy.

Ms. Cubberley explained the purpose is to construct a second floor, and is seeking variance for the front yard setback and lot coverage for a covered porch. Most surrounding properties on this street are 50x100 lots with single family dwellings. The proposed improvements protect the character and adds protection source to the home.

Mr. Galestok stated 16.9 feet is proposed, where 20 is required. This improves the area aesthetics. Ms. Cubberley concurred, adding all the neighbors have decks, which are lovely.

Ms. Cubberley confirmed there will be a small overhang to the Board's question.

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. Brand.

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

Motion was approved.

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

8. Hardship variance applicant for the creation of a new single-family dwelling that would exceed principal lot coverage on a lot that is deficient in area, frontage, and width, submitted by Robert Salasin for the location known as Block 512.08, Lot 3001, 424 Hollywood Road

Mr. Charles W. Sandman, III, Esq., is representing the applicant.

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

Mr. Salasin explained he is the contract purchaser and desires to construct a one and half story house on the lot. This project will be consistent with the other surrounding properties, which are single family dwellings on 50 x 100 lots.

This portion of the meeting was opened to the public.

Mr. Thomas Martin, was sworn in by Vice Chairman Kennedy.

Mr. Martin expressed the following comments/concerns:

- Project creates a large structure inconsistent with the neighborhood
- Requesting a ten-foot setback on each side
- Coverage cannot exceed 30%

Mr. Sandman responded there is no issue with complying for coverage at 30% or less, and will follow the ordinance requirements of six (6) and 10 feet side yard setbacks.

Mr. Harvatt stated the requirements of the ordinance cannot be negotiated.

Mr. Martin restated his request of two 10-foot side yard setbacks. The existing structures in the neighborhood are 10 feet on each side.

This portion of the meeting was closed to the public.

Per the Board's discussion, they do not have the authority to demand greater setbacks than what is required by the ordinance.

Mr. Harvatt stated the approval is conditioned that the 30% coverage will be maintained.

Mr. Sweeten made a motion to conditionally approve the hardship variance application, which includes the 30% coverage maximum, seconded by Mr. Baker.

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

Motion was approved.

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

At 8:13 P.M., Mr. Brand made a motion to adjourn, seconded by Mr. Baker. 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.