

CORRESPONDENCE:

Handout:

List of Board Engineer vouchers dated October 15, 2015.

The New Jersey Planner: July/August 2015, Vol. 76, No. 4.

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

1. Courtesy application to discuss a new field house at the Lower Township Regional High School, 687 Route 9, Cape May.

Mr. Bret Gorman, Esq., was present for this discussion.

Mr. Robert Harris, Architect, Mr. Joseph Maffei, PE, and Mr. Christopher Kobik, Superintendent, were sworn in by Chairman Senico.

Mr. Harris explained that the High School would like to remove the tennis courts and construction a building that would house three batting cages and two wrestling areas. He explained they will add some green space and also some additional parking.

The Board asked if the tennis courts would be relocated? Mr. Kobik explained they are in agreement with the Township Recreation Department to use the courts at the Freeman Douglass, Jr., Memorial Park.

The Board explained they appreciate them coming in with this discussion.

Mr. Galestok explained the School District needs to receive comments from the Board and he has already prepared a letter.

Mr. Crompton made a motion to endorse this project. The motion was seconded by Mr. Walker. Motion carried.

2. Preliminary & final site plan & hardship variance applications for Phase I - to modify approved site plan for an existing marina and restaurant, to clarify the approved outside "service" bar and to add more seating and update the site plan approval to be consistent with as-built conditions regarding previous approval. Phase II - modification to dock configuration only. Hardship variances needed for more than one (1) enterprise sign and larger than permitted informational sign greater than two (2) sq. ft., submitted by Cape Harbor Enterprises, Inc., for the location known as Block 822.03, Lot 8, 954 Ocean Drive

Mr. Frank Corrado, Esq., represented the applicant.

Mr. Brian Murphy, PE, PP, was sworn in by Chairman Senico.

Mr. Corrado explained that at the last meeting the Board was allowing Mr. Dwyer to cross-examine Mr. Murphy. There is additional testimony that Mr. Dwyer wants to provide. He explained this should be resolved now. He explained he understands the objector has presented and rested and he put Mr. Murphy back on as rebuttal. He read Mr. Teitler's email allowing the continuance of this application last month. He explained that additional testimony is unreasonable.

Mr. Dwyer explained that maybe Mr. Corrado's perception is they rested, but they did not. He explained he has Ms. Hansen still to testify as well as a fire expert.

Mr. Corrado explained he objected to this. He explained that Mr. Dwyer rested his case. He explained he has two opportunities to present his case.

Mr. Teitler explained Mr. Dwyer was to cross-examine Mr. Murphy tonight. He explained that Mr. Dwyer has three witnesses and his opinion was both sides were done except for the cross examination of Mr. Murphy.

Mr. Dwyer explained they have found out there are some severe fire issues that the Board needs to hear before the vote on the application. He explained that they have their fire expert present tonight to testify.

Mr. Teitler explained he had read the transcript and if Mr. Corrado hadn't call Mr. Murphy to rebut Mr. Orlando's testimony, there would have been a vote at the last meeting.

There was a discussion about whether to allow the fire expert to testify. Mr. Corrado objected to the fire expert testifying.

Mr. Louis Giansante, Esq., for the objectors, was present and spoke.

Mr. Giansante explained he wanted to note for the record that his office did send a letter out about rebuttal phase. Mr. Teitler explained he did not believe any letter was sent after his email. Mr. Giansante explained he did not send a letter after the email.

Mr. Teitler asked Mr. Dwyer who the fire expert was? Mr. Dwyer explained it was James Foley.

Mr. Teitler explained there are new Board members and wanted to make sure they listened to the recordings of the past meetings. Ms. Schubert explained they have and they have signed certification to that effect.

There was a discussion that the Board should have a roll call vote to determine if the

objector can present new evidence and have their fire expert testify.

VOTE:	Mr. Walker	NO	Mr. Crompton	YES
	Mr. Young	NO	Ms. Dowe	NO
	Mr. Bulakowski	NO	Mr. Vassar	NO
	Chairman Senico	NO		

Motion denied.

Mr. Dwyer questioned Mr. Murphy about the size of the tiki bar and canopy. Mr. Dwyer had submitted into evidence a scaled portion of survey which graphically show the bar and canopy portion. Mr. Dwyer explained it had been testified the square footage was 1,648 sq. ft. and the total area is 3,069 sq. ft.

Mr. Dwyer explained there isn't a lighting design and not sure if what is out there meets code. Mr. Murphy explained he didn't care if it meets code. He explained what is present is sufficient.

Mr. Dwyer questioned the 221 parking spaces. He had marked into evidence a photo of parking on the westerly portion of the drive. Mr. Murphy explained the parking doesn't measure correct on the plan, but the parking spaces are 9 x 18. There was a discussion about parking by the trash enclosure. Mr. Murphy explained there is no parking in the trash enclosure area.

Chairman Senico called for a short recess at 7:53 P.M. The meeting was called back to order at 7:55 P.M.

Mr. Dwyer had marked into evidence a photo of the trash enclosure area. The Board asked when the photo was taken?

Ms. Rachel Hansen was sworn in by Chairman Senico.

Ms. Hansen explained the photo was taken in the summer of 2015.

Mr. Dwyer had marked into evidence a photo of some of the boats.

Mr. Dwyer explained the site does not have a load/unload zone that meets the Ordinance. He explained there isn't a seating plan and/or a chair count for indoor or outdoor. The fire standpipe is to be relocated, but it is not noted on the plan where it will be relocated. A letter was given from the Bureau of Fire Safety it complies, but they are unsure if it really does comply with the fire regulations. They don't feel crushed clamshell is a satisfactory surface for emergency vehicles. Also, a turnaround is needed for fire apparatus if there is a drive aisle more than 150' in length.

Mr. Vincent Orlando, PE, was sworn in by Chairman Senico.

Mr. Orlando explained the survey does not match the site plan and the parking spaces by the entrance are undersized. He explained in his opinion a fire truck could not turn around by the building with cars parked in the center and with cars parked a different way every day. He explained there is no way for fire truck to turn around on the north side of the property. He explained clam shell does not meet fire code for a fire truck. He explained the drive aisles should be paved at minium.

Mr. Orlando explained he does not believe this plan is adequate enough for the Board to vote upon. He explained the plan should be revised. He explained the Board Engineer has a lot of concerns that should be addressed.

Mr. Orlando explained he doesn't believe there is a seating count for the indoor seating or outdoor seating.

Mr. Orlando explained he feels this is an incomplete site plan.

Chairman Senico called for a recess at 8:35 P.M. The meeting was called back to order at 8:47 P.M.

Mr. Dwyer explained if this site plan was submitted to another Board, it would not be heard because he feels it is an incomplete site plan. He explained he feels a seating plan is needed. He explained it is a violation of the previous approval by adding over 100 seats. He explained the applicant doesn't even have DEP approval. He explained the drive aisles should be paved and there could be more delineated parking and not just having parking cones and attendants. He explained parking is everywhere when busy. He explained a fire truck cannot maneuver on this site without delineated parking. He explained the applicant had violated the previous Board approval.

Mr. Corrado explained this application is to approve the existing conditions. He explained a seating plan would be submitted to the construction department. He explained the parking has been this way for ten years and it works. He explained all parking spaces and drive aisles conforms. He explained they have satisfied the parking variance request. He explained they feel the Board Engineer comments have been addressed. He explained on busy nights, they utilize the parking cones and have parking attendants. He explained they haven't heard any opposition about the signage. He explained that on September 17, 2015 DEP granted a CAFRA permit. Mr. Dwyer explained in the CAFRA permit, three parking spaces are required for public parking and therefore take away from the number of parking for the business uses. Mr. Corrado disagreed that these three spaces take away from the business.

Mr. Teitler questioned the CAFRA permit and that it was not entered into evidence. Mr. Corrado explained he did not enter it into evidence because it would have been a condition of approval.

Mr. Carr reviewed his comments again especially with the parking and circulation on the property. He explained he would like to see a revised plan.

Chairman Senico called for a short recess at 9:17 P.M. The meeting was called back to order at 9:20 P.M.

Mr. Corrado explained that he would like the opportunity to provide a parking plan to the Board Engineer and Board, so he is requesting a continuance of the application until the parking plan can be provided.

Mr. Walker made a motion to approve a continuance of the application. The motion was seconded by Mr. Crompton.

VOTE:	Mr. Walker	YES	Mr. Crompton	YES
	Mr. Young	YES	Ms. Dowe	YES
	Mr. Bulakowski	YES	Mr. Vassar	YES
	Chairman Senico	YES		

Motion carried.

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

There was a discussion about appointing a Chairman and Vice-Chairman.

Mr. Senico made a motion to nominate Robert Crompton, as Chairman. The motion was seconded by Mr. Bulakowski. Motion carried.

Mr. Walker made a motion to nominate Jay Young as Vice-Chairman. The motion was seconded by Ms. Dowe. Motion carried.

Mr. Crompton made a motion to adjourn at 9:30 P.M. The motion was seconded by Mr. Walker. Motion carried.

Respectfully submitted,

Lisa A. Schubert,
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.