

TOWNSHIP OF LOWER

2600 Bayshore Road
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.

LOWER TOWNSHIP PLANNING BOARD

A regularly scheduled meeting of the Lower Township Planning Board was held on October 17, 2019 at the Lower Township Municipal Building. The meeting was called to order at 6:00 P.M. by Chairman Robert Crompton. 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 Robert Crompton
Andrew Bulakowski
Chris McDuell
Daniel J. Senico
Christopher Vassar
Scott Supplee

MEMBERS EXCUSED: Erik Simonsen
Michael Rosenberg (Mayor's Designee)
Roland Roy
James Hemingway

MEMBERS ABSENT: Jennifer Dowe

STAFF PRESENT: Avery S. Teitler, Board Solicitor
Scott MacPherson, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handout:

List of Board Engineer vouchers dated October 17, 2018.

1. Minor subdivision & hardship variance applications for the creation of three (3) newly described lots. Hardship variances needed for lot area, frontage, width and the existing structure encroaching into the front and side yard setbacks, submitted by Lone Palm, LLC for the location known as Block 168, Lots 13-18, 15, 17 & 19 Matthews Avenue.

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

Mr. Michael Popdan, applicant and Mr. Dan Guzzi, PE, were sworn in.

Mr. Gelzunas explained the property is 150 x 100 with a single family dwelling and a detached cottage. He explained the applicant would like to demolish the cottage and remodel the house. He explained they are seeking a three-lot minor subdivision and hardship variances. He explained the existing house currently encroaches into the front yard setback and this will not change. He explained with the proposed subdivision, a side yard setback variance would be needed for the house.

Mr. Guzzi explained there is also a shed on the eastern point of the property that would also be removed. He explained they would like to create three lots. He explained the existing house currently encroaches into the front yard. He explained the proposed new lot line would require a variance for side yard setback. He explained the majority of the area is single story single family dwellings.

Submitted into evidence as A-1 was an aerial overlay photo of the area.

Mr. Guzzi explained there are 16 lots that are 50' or less, 9 lots less than 75' and the majority of the lots are 60'. He explained what is proposed would fit into the neighborhood.

The Board explained if the existing house was demolished, a conforming subdivision could be done. It was explained it would be a financial hardship to demolish the house. Also, with bigger lots, there are bigger houses. It was explained having three houses provides for more light, air and open space and would not be a detriment to the zone or zone plan.

Marked into evidence at A-2 was a photo of a proposed house. It was explained the proposed house would be a single story, approximately 30 x 40 and there would be off street parking for each house.

The Board explained there would probably be two cars per house and if three houses, there would be six cars. With two houses, there would be four cars. Mr. Guzzi explained with

larger houses, there would be more bedrooms and more cars.

Mr. Galestok explained the houses shouldn't be limited to one story. He explained the Ordinance allows a height of 35'. He explained if a zoning permit was submitted that was conforming, it would be issued and no one would remember this condition.

There was a discussion that the houses would be single story and 1,200 square feet.

Mr. MacPherson summarized Engineer's comments dated September 13, 2019.

Mr. MacPherson read Cape May County Planning Board comments dated September 12, 2019 in which they waived the application.

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. Gelzunas explained larger lots allow for larger houses. He explained larger houses would be out of character for the area. He explained what is proposed would keep more in character with the surrounding area.

Mr. McDuell made a motion to conditionally approve this application. The motion was seconded by Mr. Bulakowski.

VOTE:	Mr. Bulakowski	YES	Mr. McDuell	NO
	Mr. Senico	NO	Mr. Vassar	YES
	Mr. Supplee	YES	Chairman Crompton	YES

Motion carried.

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

2. Revised site plan & hardship variance applications to remove the existing pool and spa and construct a second floor deck with an infinity pool and an area for a temporary event tent. Variances needed for number of parking spaces and number, height & size of signs, submitted by Achristavest Pier 6600, LLC for the location known as Block 710.01, Lot 1, 9601 Atlantic Avenue.

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

Mr. Al Gryga, Landscape Architect and Mr. Steven Tomassetti, Architect, were sworn in.

Mr. Corrado explained he feels what is before the Board tonight would be an enhancement to the Icona. He explained they are seeking a revised site plan to remove the

existing pool and spa, construct an elevated deck with an infinity pool, parking under the elevated deck and remove one of the event tents from the beach and move it to the third floor. He explained they are also seeking final approval for the construction of the sixth floor which previously received preliminary approval. He explained they are seeking variances for building coverage, number of parking space, number, height & size of signs.

Mr. Corrado explained they sat down with the people of The Grand and SeaPointe Village and addressed a lot of their concerns.

The following were marked into evidence:

- A-1 historical photos
- A-2 present day photos
- A-3 aerial of existing conditions
- A-4 site plan
- A-5 visual of improvements
- A-6 & A-7 View effects of the improvements from The Grand
- A-8 list of variances
- A-9 list of topics discussed with The Grand and Seapointe Village

Mr. Mita reviewed A-1 & A-2 and explained the changes. He explained what currently is there is an improvement to the area. He explained these changes have brought a lot of money to the area and to Cape May County. He explained he has agreed to a lot of the request from The Grand and Seapointe Village.

Mr. Gryga reviewed A-3. He explained the trash enclosures will be moved to an enclosed area. He explained they would construct the sixth floor which already received preliminary approval. He explained the temporary tent is canvas with roll up plastic windows. He explained they would like to move the temporary tent to the third floor, but instead of canvas, they would like to do a hard roof and walls. He explained there have been complaints about noise and by having a hard roof and windows, this would reduce the amount of noise. He explained the glass sides of the event tent can be unbolted and removed.

Mr. Gryga explained one of the signs they are proposing would only be visible from the beach.

Mr. Gryga explained there would be parking under the elevated deck.

Mr. Gryga reviewed A-6 explaining on Memphis Avenue, a lot of the view of the amenities would be blocked.

Mr. Gryga reviewed A-7 explained the view would be from the 7th floor of The Grand and not much of the view would change.

Mr. Gryga explained there are 124 parking spaces now and additional spaces would be provided.

Mr. Gryga explained they are proposing one-way in from Memphis Avenue with the exit on Rochester Avenue.

Mr. Gryga explained what is proposed would not have a deterrent to the area, zone or zone plan. He explained what is proposed would meet the standards of the R-6/H Zone.

Mr. Corrado explained they are in receipt of Bureau of Fire Safety comments dated October 1, 2019. Mr. Gryga explained he has tried to reach out several times to speak with Mrs. Blackley, and haven't been able to speak with her. He explained if more radius is needed, they could provide that. He explained they will comply with the Board Engineer comments. He explained they have received letters from the Lower Township Municipal Utility Authority and Wildwood Utility and both have capacity for what is proposed.

Marked into evidence as A-11 was a letter dated October 3, 2019 from Michael McIntyre, Wildwood Utility.

Marked into evidence as A-10 was a letter dated October 15, 2019 from Craig Loper, Lower Township MUA.

Mr. MacPherson read Engineer's comments dated October 11, 2019.

Mr. Galestok read Cape May County Planning Board comments dated September 10, 2019.

This portion of the hearing was opened to the public.

Mr. Rich Hluchen, Esq., represented The Grand Homeowner's Association.

Mr. Hluchen asked Mr. Gryga if he was a Professional Planner or a Professional Engineer? Mr. Gryga explained he was a Landscape Architect. Mr. Hluchen asked Mr. Gryga if he prepared the plans before the Board tonight? Mr. Gryga explained he did.

Mr. Hluchen questioned Mr. Gryga regarding the number of seating in the event tent and the 108 units and if there was enough parking for this? It was explained there is already off-site parking for the event tent.

Mr. Hluchen explained there are 20 units for final approval tonight. He explained that preliminary had parking on the beach. He explained the plan before the Board tonight has a new parking area that doesn't have preliminary approval.

Mr. Lewis Conley, PP, and Licensed Land Surveyor, was sworn in.

Mr. Conley explained he doesn't find the application through and complete. He explained the lots were consolidated. He explained the site plan needs to show from Atlantic Avenue to the Beach. He explained there was no notice for the remote parking lot. He explained

he feels the preliminary site plan approval has expired as to the Ordinance. He explained if the number of units were reduced a new application would be needed. He explained if the parking area is revised a new application is needed. He explained he feels the number of parking spaces under the pool deck may not be accurate. Explaining when you have fencing and the supports for the deck, this has to be taken into account for location and size of parking spaces and the room needed to enter and exit the spaces.

Mr. Corrado questioned Mr. Conley about previously working for Mr. Mita.

Mr. Tim McKenna, Director of the Homeowner's Association for The Grand, was sworn in.

Mr. McKenna explained they have concerns with the noise. He explained the County has come out to do a noise measurement. He explained they also have concerns with the smoke from the firepits. He explained the smoke gets sucked into their ventilation system and the units smell of smoke. He explained they feel the event tent closer to the building is a safety issue. He explained they did not walk out of the meeting agreeing to anything.

Mr. Corrado questioned Mr. McKenna how this application before the Board tonight would affect the smoke or noise issue? Mr. Corrado explained the Township has a noise Ordinance. Mr. McKenna explained switching to gas firepits would alleviate the smoke issue.

Mr. Conley explained he doesn't feel this is a complete application. He explained the applicant is requesting final when they do not have preliminary approval. He explained he feels more parking is needed.

Mr. Mita explained they are proposing 20 additional rooms. He explained the temporary tent does not need additional parking. He explained the County has tested the noise level and they are not over the allowed. He explained the music is stopped at 10:00 P.M. He explained the proposed event tent will have a hard top and this will add to helping with the noise.

A short recess was called at 8:04 P.M. The meeting was called back to order at 8:17 P.M.

Mr. Corrado explained he has yet to see the Board enforce the expiration of a site plan. He explained that generally site plans don't expire. He explained there is a noise ordinance, but it's not this Board's responsibility to enforce that.

Mr. Teitler explained rarely under the MLUL do you see site plans expire. He explained if they added rooms, the applicant would need a revised site plan.

Mr. Karim Kaspar, Esq., represented Seapointe Village.

Mr. Jim Yost, manager of Seapointe Village homeowner's association was sworn in.

Mr. Yost read a statement into the record. He explained Seapointe Village quality of life is affected by the expansion. If approved, one of the event tents would be removed from the beach. He would like if they could change the firepits to natural gas. He explained if the one event tent was moved, it would improve the views for Seapointe Village.

This portion of the hearing was opened to the public.

Mr. Gregory Boris, resident of Diamond View Condominium, was sworn in.

Mr. Boris explained if the event is moved, it would block the views from Diamond View Condos. He explained he doesn't feel the Board should review this application until there is CAFRA approval.

Ms. Margaret Esposito, resident of Seapointe Village, was sworn in.

Ms. Esposito asked Mr. Gryga what the zoning was? Mr. Gryga explained the zoning is R-6/H.

Ms. Esposito explained she has issues with parking & safety. She explained no traffic study was done and no environmental studies.

Mr. Richard Saitta, resident of The Grand, was sworn in.

Mr. Saitta explained he has a problem with the proposed event tent blocking his view. He explained this will cause a sight line issue. He explained noise is another issue.

Mr. David Domzalski, resident of The Grand, was sworn in.

Mr. Domzalski explained he agreed with what the other Grand residents have said.

Ms. Karen Torrente, resident of SeaPointe Village, was sworn in.

Ms. Torrente explained she has owned her unit for 14 years.

Ms. Torrente had marked into evidence as O-1 a photo taken from her patio on Labor Day.

Ms. Torrente explained she doesn't understand how the tent can be temporary when speaking about insulating to reduce the noise.

Ms. Torrente had marked into evidence as O-2 & O-3 photos taken from Seapointe Village at the Icona on Labor Day weekend. She explained the tent is there all summer and not taken down after an event.

Ms. Torrente had marked into evidence as O-4 a photo taken today. She explained when

you give the applicant an inch, he takes a mile.

Ms. Torrente had marked into evidence as O-5 a photo taken today with the tent removed.

Ms. Torrente explained what they are doing at the Icona is not increasing the value of her property.

The Board asked Mr. Torrente if the tent that is proposed to be removed is the one in her photos? Ms. Torrente explained it was.

Mr. Robert Mason, resident of East North Station Avenue, was sworn in.

Mr. Mason asked about the plan with the parking? Mr. Corrado explained that plan was removed.

Mr. Tom Barber, resident of The Grand, was sworn in.

Mr. Barber explained removing the tent from the beach and placing it 30' up is not temporary.

Mrs. Dolores Kulp, resident of The Grand, was sworn in.

Mrs. Kulp explained she lives on the second floor and the event tent will block her view.

Mr. Phil Petrone, resident of Wildwood Crest, was sworn in.

Mr. Petrone explained he did not receive notice of this meeting. He explained that sometimes they have two weddings at a time. He explained that he has concerns with parking.

Ms. Kathleen Byron, resident for Wildwood Crest, was sworn in.

Ms. Byron explained she has been a resident of Wildwood Crest for 23 years and there is more traffic. She explained the beach in Wildwood Crest is crowded. She explained she does not agree with the sixth floor.

Ms. Lorna Noonan, resident of Diamond Beach, was sworn in.

Ms. Noonan discussed the off-site parking. Mr. Teitler explained there is no off-site parking associated with this application.

Mr. Boris explained there are violations from DEP that he doesn't believe have been addressed.

This portion of the hearing was closed to the public.

Mr. Mita explained to Mr. Boris he does have DEP approval.

Mr. Teitler explained the Board will adjourn for tonight and the application would be continued until the November 14, 2019 meeting. He explained no new notice will be required of the applicant.

Mr. Bulakowski made a motion to approve Board Engineer voucher. The motion was seconded by Mr. Supplee. Motion carried.

Mr. Teitler explained because of the time, the applications for Bobik and Cape May Brewing, LLC, will be continued until the November 14, 2019.

Mr. Senico made a motion to adjourn at 9:32 P.M. The motion was seconded by Mr. Vassar. 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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