

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

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 PLANNING BOARD

A regularly scheduled meeting of the Lower Township Planning Board was held on October 24, 2013 at the Lower Township Municipal Building. The meeting was called to order at 7:08 P.M. by Chairman Jay Dilworth. 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 Jay Dilworth
Johnnie Walker (Mayor's Designee)
Daniel J. Senico
Paul St. John
Brian Sullivan
John McNulty
Chris McDuell
Fred Long

MEMBERS EXCUSED: Charles Hewitt, Jr.
Michael Beck
Norris Clark

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

CORRESPONDENCE:

Letter:

TO: William Galestok, PP, AICP
Director of Planning
Board Secretary

FROM: Avery S. Teitler, Esq.

DATE: October 22, 2013

Handouts:

List of Board Solicitor vouchers dated October 15, 2013.

List of Board Engineer voucher dated October 24, 2013.

List of Board Engineer vouchers dated October 24, 2013.

The New Jersey Planner: July/August 2013, Vol. 74, No. 4.

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

2. Preliminary & final site plan & hardship variance application for a commercial marina, seafood sales & kayak rental (approval of existing site conditions.) Hardship variances needed for lot area, lot width & frontage, minimum storage; signage, maximum number, area, height and location & front yard setback, submitted by H & H Fisheries, LLC for the location known as Block 822.03, Lot 7.02, 956A Ocean Drive.

Mr. Louis Giansante, Esq., was present.

Mr. Giansante explained Mr. Dwyer cannot be present for tonight's application and he is asking for a continuance. He explained Mr. Dwyer did submit a letter dated October 21, 2013 requesting the continuance. He explained that he is requesting the postponement because there is a time sensitive matter Mr. Dwyer needed to attend.

Mr. Giansante explained that in Mr. Dwyer's October letter, he cited case law that would allow the Board to grant the continuance.

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

Mr. Corrado explained his client and professionals are here tonight to proceed with this application. He explained that it appears that the Board is in a terrible position. He explained that they can either grant the continuance or deny the application. He explained that when the application was heard a couple months ago, this date was agreed upon by all parties to hear this application.

Mr. Teitler explained he agrees with Mr. Corrado that the Board can either grant the continuance or dismiss the application. He explained it is hard for a solo practitioner sometimes with scheduling. He explained that it is up to the Board whether grant the continuance or dismiss the application. He explained that if the application is dismissed, it delays hearing the application even more.

There was a discussion that if the application is dismissed without prejudice, they could bring back the same application.

Mr. Corrado explained if the Board dismissed without prejudice, he would ask the Judge to change it to with prejudice.

The Board discussed whether to grant continuance or dismiss without prejudice.

Mr. St. John made a motion to approve the continuance until next month. The motion was seconded by Mr. Walker. Motion carried.

There was a discussion about the meeting date in November. It was requested that the other applications be heard so Mr. Giansante could contact Mr. Dwyer regarding a date.

4. Dune review application to construct a single family dwelling, submitted by Lou DeLosso for the location known as Block 390, Lot 1.02, 2687 Bay Drive.

Mr. Senico excused himself from this application due to a conflict of interest.

Mr. Lou DeLosso, applicant, and Mr. Joseph Maffei, PE, PP, were sworn in by Chairman Dilworth.

Mr. Maffei explained the application to the Board.

Mr. Curvan read Engineer comments dated October 23, 2013.

Mr. Galestok explained there isn't any Bureau of Fire Safety or Cape May County Planning Board comments.

There was a discussion regarding the new FEMA flood zone and the new elevation the

house has to be.

The Board asked about the driveway? Mr. Maffei explained there is a recorded easement with the property owner in the back. He explained that it is part of the subdivision.

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. Maffei explained they would maintain as much of the natural plantings as possible. He explained they will provide a line of disturbance on the plan.

Mr. Walker made a motion to conditionally approve this application. The motion was seconded by Mr. St. John.

VOTE:	Mr. Walker	YES	Mr. McNulty	YES
	Mr. St. John	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Mr. Long	YES
	Chairman Dilworth	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. Preliminary & final site plan & hardship variance application for a commercial marina, seafood sales & kayak rental (approval of existing site conditions.) Hardship variances needed for lot area, lot width & frontage, minimum storage; signage, maximum number, area, height and location & front yard setback, submitted by H & H Fisheries, LLC for the location known as Block 822.03, Lot 7.02, 956A Ocean Drive.

Mr. Giansante explained he has contacted Mr. Dwyer and he is fine with the meeting on November 21, 2013.

Mr. St. John made a motion to approve the Board Solicitor vouchers. The motion was seconded by Mr. Senico. Motion carried.

Mr. Sullivan made a motion to approve the resolutions from the September 19, 2013 meeting. The motion was seconded by Mr. Walker. Motion carried.

- 1. Re-examination of Master Plan.

Mr. Galestok explained some of the things he has for the Board to consider. He explained for a farm animal, one (1) acre is required and the shelter has to be 100 feet from the property lines and house. He explained that on a one (1) acre lot it's almost impossible to do. He explained that for a farmer to house tractors and framing equipment, the setback is 40 feet. He explained that the Board may want to consider a setback less than 100 feet for housing a farm animal.

Mr. Galestok explained there is no setback for signs in the RB zone. He explained he would like the Board to consider a setback for signs in this zone.

3. Minor subdivision application for the creation of two newly described lots, submitted by David & Ruth Church for the location known as Block 410.01, Lots 29.03, 24.03 & 27, Seashore Road.

Mr. Paul Church was sworn in by Chairman Dilworth.

The Board asked Mr. Church if Mr. Sweeney was coming tonight? Mr. Church explained he wasn't. Mr. Teitler explained he feels he should be present.

Mr. Church explained that he apologizes to the Board. He explained he received a letter from the County and thought the application was denied.

The Board explained to Mr. Church they could proceed tonight or he could ask for a continuance until next month.

Mr. Church explained he would like if the application could be continued until next month.

Mr. Senico made a motion to continue the application until next month. The motion was seconded by Mr. St. John. Motion carried.

Mr. Senico made a motion to adjourn at 7:52 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.