

# 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 January 16, 2020 at the Lower Township Municipal Building. The meeting was called to order at 6:17 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  
Michael Rosenberg (Mayor's Designee)  
Roland Roy  
Scott Supplee

MEMBERS EXCUSED: Daniel J. Senico  
Christopher Vassar  
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:

Handouts:

Planning Board Reorganization resolutions #20-1 thru #20-8.

2019 Planning Board Variance report.

The New Jersey Planner: November/December 2019 - Vol. 80, No. 6.

List of Board Engineer vouchers dated January 16, 2020.

List of Board Solicitor vouchers dated January 14, 2020.

Mr. Rosenberg made a motion to nominate Robert Crompton as Chairman and approve Resolution #20-1. The motion was seconded by Mr. Roy. Motion carried.

Mr. McDuell made a motion to nominate Andy Bulakowski as Vice-Chairman and approve Resolution #20-2. The motion was seconded by Mr. Rosenberg. Motion carried.

Mr. Bulakowski made a motion to nominate William Galestok as Board Secretary and approve Resolution #20-3. The motion was seconded by Mr. McDuell. Motion carried.

Mr. McDuell made a motion to nominate Lisa Schubert as Recording Secretary and approve Resolution #20-4. The motion was seconded by Mr. Bulakowski. Motion carried.

Mr. Bulakowski made a motion to nominate Avery Teitler, Esq., as Board Solicitor and approve Resolution #20-5. The motion was seconded by Mr. Roy. Motion carried.

Mr. Rosenberg made a motion to nominate Mott MacDonald Engineers as Board Engineers and approve Resolution #20-6. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Roy made a motion to approve Resolution #20-7, meeting dates for 2020. The

motion was seconded by Mr. Bulakowski. Motion carried.

Mr. Bulakowski made a motion to approve Resolution #20-8, appointing a minor subdivision committee. The motion was seconded by Mr. Roy. Motion carried.

1. Discussion of Annual Variance Report.

Mr. Galestok explained he presented the report to the Zoning Board which they approved. He explained he reviews the report to see if there are any areas that need to be reviewed. He explained there was nothing unusual that needs review.

2. Review and approval of a Minor Site Plan Waiver to correct deficiencies in the Lower Township Land Development Ordinance.

Mr. Galestok explained he is presenting the Board with a change to minor site plans. He explained that unfortunately with the way the Ordinance is written, the applicant has to provide all the site plan requirements and it is costly to them.

Mr. Galestok explained the change would be the applicant would submit a letter, survey and drawings and present that to the Board. The Board would then make the determination if it's a waiver or a site plan would be needed.

Mr. Galestok explained this would only be for existing structures. Not vacant parcels of land.

Mr. Galestok explained the other problem is the Board Engineer has to review minor site plans as full site plans because there isn't anything in the Ordinance under minor site plan for them to apply.

Mr. McDuell made a motion to recommend to Township Council a minor site plan waiver. The motion was seconded by Mr. Rosenberg. Motion carried.

3. Discussion of Cape May County Airport as a redevelopment area: Lou Joyce.

Mr. Jeff Lindsey, Esq., County Counsel & Mr. Lou Joyce, was present.

Mr. Lindsey explained the Planning Board had previously held a public meeting for an area of redevelopment in the area of the old Everlon Building for a tech-village and that's almost complete. He explained they are requesting another public meeting for the entire non-aviation land in the airport.

Mr. Joyce explained the report is done and will submit a copy to Mr. Galestok.

Mr. Joyce explained the Planning Board has to have a public hearing. He explained he has to advertise this at least three times.

Mr. Bulakowski made a motion to place this on the next available agenda for a public hearing. The motion was seconded by Mr. Rosenberg. Motion carried.

4. 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. Teitler explained the application was heard at the October 17, 2019 meeting. He explained it was a lengthy hearing where Mr. Corrado and his professionals presented the application. The objecting attorneys and their professionals presented their testimony. The public portion was opened and closed. He explained tonight will be summations from the applicant's attorney and objecting attorney's. He explained the public portion of the hearing is closed.

Mr. Corrado explained what is proposed is a significant improvement to the property. He explained preliminary approval for the sixth floor was granted in 2015 under Planning Board Resolution #15-11. He explained at the October meeting, it was said that the approval had expired. He explained this is not true. He explained the approval fell under the Permit Extension Act and also The Superstorm Sandy extension. He explained this automatically extended the approval to June 30, 2020. He explained that even though the approval is still valid, he applied for and was granted an extension until June 30, 2022.

Mr. Corrado explained they applied for a parking variance, but he explained he doesn't feel that variance is needed. He explained they are moving the event tent from the beach to the building which doesn't require additional parking.

Mr. Corrado reviewed the exhibits with the Board. He explained the coverage is being reduced.

Mr. Corrado explained with the removal of the event tent from the beach to the building it improves the residents view and has a minimal impact to the neighbors to the north and south.

Mr. Corrado explained what is proposed is totally consistent with the Master Plan and read from the 2001 reexamination.

Mr. Corrado explained two variances are needed for signs. He explained the sign will be on the beach sign of the property and only visible from the beach. He explained there would be no detriment to allowing the sign.

He explained the negative impact would be minimal.

He explained they went to the neighbors to the north and south and have tried to address their concerns.

Mr. Teitler explained Mr. Richard Hluchen, Esq., was the attorney for The Grand. He explained Mr. Hluchen has retired and had passed this case to another attorney in the firm. He asked if there was an attorney present from Hyland Leven? No attorney was present.

The Board discussed the event tent will be removed from the beach permanently. What is proposed will create more jobs. What is proposed would not impinge on The Grand or SeaPointe Village.

Mr. MacPherson read Bureau of Fire Safety comments dated October 1, 2019. Mr. Corrado explained they have addressed their concerns since the October 17, 2019 meeting.

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

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Roy	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 scheduled meeting.

NOTE: The large board evidence was taken by the applicant and smaller sized copies would be submitted.

5. Minor subdivision application for the creation of two (2) newly described lots, submitted by Neva Sachar for the location known as Block 792, Lot 2.01, 656 Sunset Blvd.

Mr. John Sachar, Esq., represented the applicant.

Mrs. Neva Sachar, applicant, was sworn in.

Mr. Sachar explained they are proposing a two-lot subdivision. He explained the zoning is R-1 and flaglots are a permitted use. He explained the lots exceed the required lot area. He

explained the plan shows a proposed lot 2.02. He explained there already is a lot 2.02 so this lot number will be changed to 2.05. He explained the Engineer's report had two possible variances. One for driveway setback and the other for not meeting the minimum gross floor area. He explained the driveway would meet the 6' setback required and the structures are 2 stories.

Mr. Sachar had marked into evidence as A-1 a photo of the house that sits on proposed lot 2.01 and marked as A-2 a photo of the house that is on proposed lot 2.05.

Mr. MacPherson read Engineer comments dated January 10, 2020.

Mr. Sachar showed the Board on the plan how the driveway current is and how the new driveway would conform. He explained the change would be made to the plans.

Mr. Galestok read Bureau of Fire Safety comments dated December 6, 2019 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated January 6, 2020 in which they approved this 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. Rosenberg made a motion to conditionally approve this application. The motion was seconded by Mr. Roy.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Roy	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 scheduled meeting.

6. Preliminary & final site plan & hardship variance applications to construct a new hardware store with a garden center. Hardship variances needed for freestanding sign area, sign height, sign setback from street and from adjacent property, building mount and fence height, submitted by Bayshore Mall 1A, LLC for the location known as Block 741.01, Lot 28.01, 3845 Bayshore Road.

Mr. Christopher Baylinson, Esq., represented the applicant.

Mr. Baylinson explained to the Board they would like to construct a hardware store with a garden center that would be detached from the mall structure. He explained the original mall

approval was approved for a store in this location. He explained everything would conform except for signs and fencing. He explained they would like to upgrade the pylon signs and the fence would exceed the allowed height. He explained when the mall was approved, the parking and stormwater were designed for 200,000 square feet.

Mr. Baylinson explained they are requesting a height variance for the garden center and would like the fence to be 8' tall. He explained they are requesting to two pylon signs be increased two feet. He explained the existing pylons would remain, but the sign area within the pylons would be increased. He explained the setback of the signs would not change. He explained there would be a standard franchise building-mounted sign.

Mr. Baylinson explained they are also proposing a solar array which would be for the entire mall.

Mr. Matt Hender, PP & Landscaped Architect was sworn in.

Mr. Hender explained the property is in the GB-1 zone. He explained the original approval was for 211,000 square feet of building. He explained 165,000 is currently developed. He explained the hardware store would be 20,000 square feet and the garden center would be 3,000 square feet. He explained there would be 10' between the existing Big Lot store and the proposed hardware store.

Mr. Hender explained 927 parking spaces are required for the mall and what is proposed and there currently is 1,100 parking spaces. He explained the proposed solar array would be over the existing parking so no parking spaces would be lost.

Mr. Hender explained the stormwater was built to what was proposed in the 1980's.

Mr. Hender explained there would be two dumpsters to the rear. He explained there would be a central drop off in the rear area also for a customer pick up.

Mr. Hender explained they are proposing seven building mounted signs. He explained four would be on the front of the store and three would be on the sign of the store. He explained the total square foot for those would be 217.35 square feet. He explained the True Value sign would be internally lit and the other lights would be goose neck lights. He explained the signs are turned off at night time.

Mr. Hender explained they are proposing a 10' open picket fence style fence for the garden area. He explained this area is a seasonal operation.

Mr. Hender explained the building would meet setbacks and height.

The Board asked if the carts would be stored outside? Mr. Baylinson explained the carts are stored inside and they would exceed the ADA requirement of 36".

Mr. Hender explained the existing freestanding pylons would remain. The pylons would be wrapped in a decorative finish. He explained existing signs are 312 square feet each and would increase to 455 square feet each. He explained the sign would be internal lit. He explained the existing sign is 37' in height and they would like to increase this by two feet. He explained the additional height would be architectural.

Mr. Hender explained what is proposed is visually pleasing, it's an efficient use of the land, benefits the zone and zone plan and promotes the public good. He explained there is no negative impact with what is proposed.

Mr. Galestok explained the garden center should not be limited to seasonal items.

Mr. Hender explained there would be sufficient room for circulation to the rear of the property for tracker trailers.

Mr. MacPherson summarized Engineer comments dated January 14, 2020.

This portion of the hearing was opened to the public.

Ms. Gloria Pizza was sworn in.

Ms. Pizza explained she supports this application. She explained she likes the idea of the garden center to the side of the building and not in front. She explained what is proposed will bring jobs to the area.

Ms. Cecilia Cooper was sworn in.

Ms. Cooper explained she has the H & R Block and has been a tenant at the mall for ten years. She explained she welcomes the hardware store and supports the variances for the signs. She explained she hopes to have a spot on sign as she does not now.

Mr. Ryan Sharp was sworn in.

Mr. Sharp explained usually the tracker trailers park to the rear of the mall. He explained he doesn't see a problem with the solar array in the proposed location. He explained he has no problem with the proposed hardware store. He explained it is a family run business.

This portion of the hearing was closed to the public.

The Board explained they have concerns there is a fire hydrant to the rear of the building and that it may be hit. Mr. Hender explained they would have concrete bollards around the hydrant and stripping would be provided to delineate parking.

There was a discussion about a back entrance to the garden center and the parking needed in this area. Mr. Hender explained the parking is a pick up area and a propane tank exchange.

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

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Roy	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 available meeting.

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

Mr. Bulakowski made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Bulakowski made a motion to approve the resolutions from the December 12, 2019 meeting. The motion was seconded by Mr. Roy. Motion carried.

Mr. Bulakowski made a motion to adjourn at 8:13 P.M. The motion was seconded by Mr. McDuell. 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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