

# 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 January 19, 2012 at the Lower Township Municipal Building. The meeting was called to order at 7:00 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  
Charles Hewitt, Jr.  
Daniel J. Senico  
Brian Sullivan  
John McNulty  
Chris McDuell  
Frank Zeigler

**MEMBERS EXCUSED:** Michael Beck  
Johnnie Walker (Mayor's Designee)  
Kevin Lare  
Paul St. John

**STAFF PRESENT:** Avery S. Teitler, Board Solicitor  
Thomas Thornton, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Letters:

TO: Mayor Michael Beck & Council Members

FROM: William J. Galestok, PP, AICP  
Director of Planning  
Secretary, Planning Board

DATE: December 9, 2011

RE: Water Quality Management Plan Map;  
Proposed sewer service area

TO: Municipal Clerk

FROM: Gerry Scharfenberger, PH.D.  
Director

DATE: January 5, 2012

RE: Six public hearings for the draft final State Strategic State Plan:  
New Jersey's State Development and Redevelopment Plan

Handouts:

List of Board Solicitor voucher dated January 18, 2012.

List of Board Engineer voucher dated January 19, 2012.

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

Mr. Senico made a motion to approve Resolution #12-1, nominating Jay Dilworth as Chairman. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Sullivan made a motion to approve Resolution #12-2, Charles Hewitt, Vice-Chairman, Resolution #12-3, William Galestok, Board Secretary, Resolution #12-4, Lisa Schubert, Recording Secretary, Resolution #12-5, Avery Teitler, Esq., Board Solicitor, Resolution #12-6, Hatch Mott MacDonald, Board Engineer, Resolution #12-7, meeting dates and

Resolution #12-8, Subdivision Committee. The motion was seconded by Mr. Hewitt. Motion carried.

4. Courtesy review for solar power purchase agreement: R., V. & W. Engineers.

Mr. Galestok explained to the Board that an array would be located on the corner of Seashore and Ferry Roads where the school buses used to park. Another array would be located in a soccer field. The soccer field would be eliminated. There would be a six (6) foot chainlink fence around the arrays.

Mr. Hewitt made a motion finding the proposed acceptable. The motion was seconded by Mr. McDuell. Motion carried.

8. Minor subdivision application for the creation of two (2) newly described lots, submitted by Herbert Payne for the location known as Block 238, Lots 1-5, Rose Lane.

Mr. Paul Baldini, Esq., represented the applicant.

The application was reviewed by the subdivision committee and found it met the requirements for the zone.

Mr. Senico made a motion to conditionally approve the application. The motion was seconded by Mr. Hewitt. Motion carried.

6. Minor subdivision application for the creation of three (3) newly described lots, submitted by Bernard Dera for the location known as Block 79, Lots 24-31, Ocean Avenue.
7. Minor subdivision application for the creation of three (3) newly described lots, submitted by Bernard Dera for the location known as Block 80, Lots 16-23, Hudson Avenue.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Mr. Bernard Dera, applicant, and Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Dilworth.

Mr. Sweeney explained the applications are for separate streets. He explained that each application is for three lots. He explained that they will consolidate the lots to have the rectory and garage on one lot. He explained that this lot would be retained by the Church. Mr. Dwyer explained that lots will be merged once the subdivision is filed.

Mr. Sweeney explained that on the Block 79 subdivision, the garage on Lot 24 will be merged with Lots 22 and 23. He explained that they had to angle the lot line to have the lot area.

Mr. Dwyer explained they didn't have any problems with the Engineer comments.

Mr. Teitler explained that he is okay with a condition that the lots be merged. He explained that he can get together with Mr. Dwyer for the wording on the consolidation.

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. Hewitt made a motion to conditionally approve the subdivision application for Block 79, Lots 24-31. The motion was seconded by Mr. Senico.

VOTE:	Mr. Hewitt	YES	Mr. McNulty	YES
	Mr. Senico	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Mr. Zeigler	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.

Mr. McDuell made a motion to conditionally approve the subdivision application for Block 80, Lots 16-23. The motion was seconded by Mr. Senico.

VOTE:	Mr. Hewitt	YES	Mr. McNulty	YES
	Mr. Senico	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Mr. Zeigler	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.

- Minor site plan application to construct a 11.8 x 14.3 food preparation building for the retail sale of seafood, submitted by H & H Fisheries, LLC for the location known as Block 822.03, Lot 7.02, 956A Ocean Drive.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Mr. Blair Hansen, applicant, and Mr. John Halbruner, PE & Licensed Architect, were sworn in by Chairman Dilworth.

Mr. Halbruner explained there are commercial fishing boats, fuel tanks and a bait shop on site. He explained there is also a building that is used for take-out. He explained that the building is 12 x 14 and they would like to include having fried food along with steamed.

Mr. Halbruner explained an application is about to be submitted to DEP.

Mr. Dwyer read Bureau of Fire Safety comments. It was explained that most of the comments pertain to the existing conditions of the site. It was explained that the building will have some type of fire suppression system.

Mr. Dwyer explained that he just received the Fire comments today. The Board asked Mr. Dwyer if he would be able to get together with Fire Safety regarding the comments? Mr. Dwyer explained he would do as directed but feels the comments are overkill.

The Board asked if Harborview has a hydrant? Mr. Hansen explained that he was not sure if they did or not.

There was a discussion that the property is what it is. This application is not changing anything on site.

Mr. Galestok read Cape May County Planning Board comments dated January 14, 2012 in which they approved this application.

Mr. Thornton summarized Engineer comments dated January 12, 2012.

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.

There was a discussion that there could be a finding-of-fact that a fire suppression system be installed as per the Construction Code. This could possibly satisfy the Fire comments.

Mr. Hewitt made a motion to conditionally approve the application. The motion was seconded by Mr. Sullivan.

VOTE:	Mr. Hewitt	YES	Mr. McNulty	YES
	Mr. Senico	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Mr. Zeigler	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.

9. Minor site plan application to construct a 30 x 40 accessory use, submitted by Cape Island Lodge #30 F. & A.M., for the location known as Block 753.01, Lot 27.02, 1105 Seashore Road.

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

Mr. Peter Tourison, Esq., represented the applicant.

Mr. Lewis Conley, PP, was sworn in by Chairman Dilworth.

Mr. Tourison explained this Lodge has merged with another Lodge. He explained that storage is needed and they are proposing the 30 x 40 storage building.

Mr. Thornton summarized Engineer comments dated January 6, 2012.

Mr. Conley submitted into evidence a copy of the building plans. He also submitted into evidence a photo of what the building would look like but it would not be the same color.

Mr. Galestok read Bureau of Fire Safety comments dated January 3, 2012 in which they found this application acceptable.

Mr. Senico made a motion to conditionally approve this application. The motion was seconded by Mr. Sullivan. Motion carried.

2. Discussion of Land Development Ordinance Subsection 400-40; bee keeping on small lots in Lower Township; Seth Belson, President, South Jersey Beekeepers Association; Tim Schuler, State Apiarist, New Jersey Department of Agriculture.

Mr. Seth Belson, President of the South Jersey Beekeepers Association and Mr. Tim Schuler, Apiarist of the State Department of Agriculture were present for this discussion.

Mr. Schuler explained that honeybees need a water source within 25 feet of the hive. He explained a birdbath would do as would wet sand and a pond. He explained that the water source must be maintained. He explained that if it was not, the honeybees would find a water source elsewhere.

Mr. Schuler explained there should be a six-foot solid fence in close proximity to the hive. He explained that when the honeybees exit the hive the fence would force the honeybees to fly upward instead of a straight line.

The Board explained that bee stings could be fatal to some people. The Board asked how

aggressive honeybees were? Mr. Schuler explained that honeybees are not aggressive. He explained that they will sting to protect themselves and the hive. He explained that if water is not available to the honeybees within the proximity of the hive, if there is a swimming pool around, they will go to the surrounding of the pool where water has splashed out. If someone were to step on a honeybee, they would sting. He explained that there isn't any data for bee stings.

There was a discussion that a safe lot size to have honeybees on is about a quarter acre. It was explained honeybees fly out of the hive for approximately two to three feet and then fly up. So if the hive is within 25 feet of the property line there should be a solid fence that would get the honeybees to fly upward. If the hive is elevated off the ground, a fence would not be needed.

There was a discussion that the hive is harvested once a year and on rare occasions, twice a year. The hive is about 22" x 18". The start up cost is approximately \$300.00.

There was a discussion if there was someone who wasn't taking proper care of the honeybees or hive, could someone from State inspect and if need be enforced a violation? Mr. Schuler explained that they could inspect, but would only make recommendations.

Mr. Belson explained that there will be a club locally starting up whose purpose would be to mentor beginner honeybee keepers in the proper care.

### 3. Discussion of Land Development Ordinance Subsection 400-40.

Ms. Claire Nagel submitted a revised proposed Ordinance for the Board to review. She explained the change would be that 10,000 square foot lot area is required and for chickens only. No rooster or ducks would be allowed. The chickens must be contained on site in an enclosure. The enclosure would have to be at least 20' from the nearest neighbor's residence. The site must be maintained in a neat and sanitary fashion. All feed containers must be secure. No more than six chickens would be allowed. A permit from the Clerk's office would be required and inspections performed by animal control.

Ms. Suzette Logaman explained she lived within feet of the chickens and there was no noise or odor.

Mr. Keith Conan explained he also lives within feet of the chickens with his teenaged daughter. He explained the chickens never bothered her.

Ms. Diane Carson explained she would visit her sister who lives close to the chickens and she didn't even know the chickens were there.

Mr. George Doherty explained there are issues with public health by allowing chickens on small lots. He explained his friend had a farm with lots of chickens and they were loud and smelled. He explained that if someone wanted chickens on small lots, they should apply for a

variance. This way the neighbors can voice their opinion. He explained there should also be inspections of the property.

Mr. Jim Rose asked if allowed, what about the allowed coverage for the coop and the number of coops.

Ms. Bea Cassario explained chickens are sloppy eaters and they belong on farms not on small lots in residential areas.

Mrs. Joanne Rose explained domestic animals are allowed. This is not the issue.

Mr. Bill Biondi explained when he purchased his property, he knew about seagulls and the noise they make. He explained that he is a neighbor to Ms. Nagel chicken coop and he heard them and smelled them. He explained chickens should not be in residential area on small lots.

Ms. Nagel explained she was at a Chamber of Commerce meeting and it was discussed that people are coming to this area to view the argo-tourism.

Mr. Rose explained there is already tourism for the seashore. He explained it should be left that way. He explained if someone wants chickens on small lots, apply for a variance.

Ms. Carson explained that times have changed and there are children that come to school hungry. She explained that with chickens, they could have eggs for breakfast.

Ms. Cassario explained there are school programs to feed children. She explained that this is a beach community and should be left that way.

The Board discussed there is an Ordinance that says you can have chickens on one acre lots. If someone has a lot smaller than one acre, there is a variance process.

Mr. Senico made a motion to recommend to Council to keep the Ordinance as is. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Hewitt made a motion to approve the Board Solicitor and Board Engineer vouchers. The motion was seconded Mr. McDuell. Motion carried.

Mr. Hewitt made a motion to approve the December 8, 2011 minutes. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Hewitt made a motion that Mr. Galestok prepare wording to allow people to have honeybees. The motion was seconded Mr. McDuell. Motion carried.

Mr. Hewitt made a motion to approve the Resolution from the December 8, 2011 meeting. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Hewitt made a motion to adjourn at 8:47 P.M. The motion was seconded by Mr. Sullivan. 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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