

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 December 11, 2014 at the Lower Township Municipal Building. The meeting was called to order at 7:07 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
Janet Pitts (Mayor's Designee)
Daniel J. Senico
John McNulty
Chris McDuell
Fred Long

MEMBERS EXCUSED: Charles Hewitt, Jr.
Michael Beck
Norris Clark
Johnnie Walker (Mayor's Designee)
Paul St. John
Brian Sullivan

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

CORRESPONDENCE:

Handouts:

List of Board Engineer vouchers dated December 11, 2014.

The New Jersey Planner: September/October 2014, Vol. 75, No. 5.

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

1. Re-examination of the Master Plan.

Mr. Galestok explained to the Board the Master Plan with all the changes was emailed to the Board for their review.

Mr. McNulty made a motion to approve the Master Plan. The motion was seconded by Mr. McDuell. Motion carried.

5. Dune review site plan & hardship variance applications to construct a single family dwelling encroaching into the front yard setback, submitted by Kathleen Arena for the location known as Block 319, Lot 1.02, 7 Beach Drive.

Mr. Richard Hluchan, Esq., represented the applicant.

Ms. Kathleen Arena, applicant, Ms. Kristin Wildman, from Lomax, and Mr. Adam Crossland, Architect, were sworn in by Chairman Dilworth.

Mr. Hluchan explained his client is proposing a single family dwelling that would encroach into the front yard setback. He explained they finally have approval from the DEP and this is the footprint they approved. He explained the DEP wanted the house as far forward as possible away from the dune.

Ms. Arena explained she has owned the property since the 1990's. She explained there are homes on either side of her lot. She explained she applied to DEP in 2010 and they denied the application. She explained their decision was appealed and it has taken this long to get approval from DEP with a 4'3" setback from the front property line.

Ms. Wildman described the plan of site conditions with the Board. She explained what is proposed is above the Flood Hazard Area. The Board explained there has been some erosion to the dune in this area. Ms. Wildman explained there has been and they are staying out of the primary dune and no development can happen on the primary dune.

Marked into evidence was an aerial photo of the area.

Ms. Wildman explained DEP has required planting and a deed restriction. There is no development in the primary dune and beachward. She explained it is 22 feet from the property line to the paved street and the house will have a setback of four feet, so the proposed house would be 26' from the paved road. She explained there would be no grading or sand removal. She explained there would be no impact to the area with the proposed house. She explained what is proposed is a beneficial use of the property. She explained what is proposed would have no detriment to the zone or zone plan.

Mr. Crossland explained the proposed house would be three stories with the first floor a garage, storage and a game room. He explained the second floor would be bedrooms and family room and the third floor would be the living room, kitchen, master bedroom and decks. He explained the total height of the house would be 35'.

Mr. Hluchan explained the DEP appeal process to the Board. He explained they still don't have the permit yet, but it would be coming.

Marked into evidence was a letter from DEP dated October 29, 2014.

There was a discussion about the topography of the lot.

Mr. Maffei read Engineer's comments dated December 4, 2014.

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.

The Board asked Ms. Arena if this was going to be her primary home? She explained it would be. She explained she does own four properties in the Township.

The Board explained they had concerns with the elevation. Mr. Crossland explained there wouldn't be a problem with the elevation and they would maintain the 35' height.

Mr. Senico made a motion to conditionally approve the hardship variance application. The motion was seconded by Mr. McNulty.

VOTE:	Mrs. Pitts	YES	Mr. McNulty	YES
	Mr. Senico	YES	Mr. McDuell	YES
	Mr. Long	YES	Chairman Dilworth	YES

Motion carried.

Mr. Senico made a motion to conditionally approve the dune review application. The motion was seconded by Mr. McNulty. 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 & permit where lot does not abut a street applications for a parking lot, an entrance structure with kiosk and a picnic gazebo. Hardship variance needed for driveway setback, submitted by The Nature Conservancy for the location known as Block 753.01, Lot 25.01, 25.02, 26, 34.02 & 40, Seashore Road.

Mr. James Pickering, Esq., represented the applicant.

Ms. Andriana Zito-Livingston, from the Nature Conservancy and Mr. Mike Frailinger, PE, were sworn in by Chairman Dilworth.

Mr. Pickering explained they are proposing an eight-car parking lot, an informational kiosk and a gazebo.

Mr. Frailinger had submitted into evidence an aerial photo, enlarged aerial photo, site plan and grading plan.

Ms. Zito-Livingston explained the property is 183 acres and they've owned the property since 1999. She explained it was previously approved for 24 houses. She explained their other site on Sunset Blvd., has had 90,000 visitors a year. She explained they do not expect this number of people at this location. She explained the Nature Conservancy has an easement from Atlantic City Electric. She explained they have an agreement with New Jersey Transit there can be pedestrian access, but no vehicle traffic. She explained there is a gate blocking the New Jersey Transit's property from crossing. She explained they are proposing eight parking spaces with one handicap space. There will be a concrete walkway and a gazebo with picnic tables.

Mr. Frailinger explained the proposed parking area would be stone. He explained the property is odd shaped and two acres. He explained there are wetlands and there is a 150' buffer. He explained the width of the sidewalk is 3 ½ feet. He explained a hardship variance is needed for frontage. He explained the lot is odd shaped and what is proposed is not an intense use. He explained parking lots are a permitted accessory use. He explained what is proposed would have no detriment to the public good and does not impair the zone or zone plan. He explained the placement of the driveway within the setback does not cause a detriment. He explained the property does not abut a Township street, but it is paved across the easement. He explained the area that is paved is enough for emergency vehicles. He explained it is an existing condition that the property does not have frontage. He explained he believes the front yard setback variance can be granted for the kiosk at 30'.

Mr. Pickering read the Bureau of Fire Safety comments dated October 7, 2014.

Ms. Zito-Livingston explained there is a drainage pipe along Seashore Road and the

Nature Conservancy will give the County an easement. She explained the Church has allowed overflow parking when there are events.

Mr. Maffei read Engineer's comments dated November 3, 2014.

Ms. Zito-Livington explained there is no night time use at this property. She explained the gate is on a timer. She explained sensor's could be added for cars to leave after dusk. She explained trash is carry-in carry-out. She explained there are no trash receptacles on site.

The Board asked Mr. Teitler if the easements that were given to the previous owner continue to the Nature Conservancy? Mr. Teitler explained the easements run with the land and continues with all owners. Mr. Pickering explained the easement is to the Nature Conservancy.

This portion of the hearing was opened to the public.

Mr. David Pron and Mrs. Barbara Pron were sworn in by Chairman Dilworth.

Mr. Pron explained he has owned his property since 1989. He explained the birders flock to the street and sometimes you can't get down the street because cars are parked on both sides. He explained the street is not that wide. He explained that if there is a rare sighting of a bird, they are parked all over, all over Seashore Road and trespassing. He explained this is just going to encourage more people and feel they have to figure out a way to get a bigger parking area.

Mr. Michael Pron was sworn in by Chairman Dilworth.

Mr. Pron explained he went to his parent's house and could barely get out of the driveway. He explained if something happened, emergency vehicles would not be able to get down the street. He explained if this is approved, the traffic would be non-stop.

Ms. Donna Mako-Fister was sworn in by Chairman Dilworth.

Ms. Mako-Fister explained the street is not wide and it is a safety concern with parking on both sides of the street.

Ms. Ann Long was sworn in by Chairman Dilworth.

Ms. Long explained she lives on Cape Avenue. She explained when there was a rare bird sighting, birders were parked on her street and walking through her yard. She explained she couldn't get out of her driveway with all the overflow parking.

Ms. Gretchen Whitman was sworn in by Chairman Dilworth.

Ms. Whitman explained there wouldn't be a lot of activity at this site as there is at Cape May Meadows, but thinks having a parking lot is positive way of getting some cars off the road.

Mr. Pron explained another concern is if buses area allowed. He explained there is no way they would be able to turn around.

This portion of the hearing was closed to the public.

Chairman Dilworth called for a short recess at 9:25 P.M. The meeting was called back to order at 9:35 P.M.

Ms. Zito-Livingston explained buses are prohibited. She explained this area would be more like the preserve they have on Court House/Dennisville Road. She explained there is a parking lot there that there is only 1 or 2 cars parked there at a time.

Mr. Frailinger explained there would be a minimum buffer. He explained some vegetation would be removed. The parking area would be fenced. He explained there aren't any adjacent residential structures to this property. He explained Wilson Street is 21' wide and widens to 30' at the easement.

Ms. Zito-Livingston explained their goal is to try to alleviate the parking problem on Wilson Street. There was a discussion that if this is not enough parking in the future, would there be expansion. Having overflow parking at the church and the lodge is not the answer. Maybe there could be parking on the larger parcel. It was explained the easements wouldn't allow vehicle traffic over it. Even so, a full signaled railroad crossing would have to be installed and there really isn't the money for that.

Mr. Galestok asked Mr. Maffei if under the RSIS standards, would parking be allowed on the street. Mr. Maffei explained RSIS standards wouldn't allow it.

There was a discussion that there could be access from Meldrum Street. Mr. Pickering explained they looked at that, but there are wetlands.

Chairman Dilworth called for a short recess at 10:10 P.M. The meeting was called back to order at 10:21 P.M.

Mr. Pickering asked if they could proceed with a vote on just the kiosk and gazebo application for the one lot and the parking application for the other lot. Mr. Teitler explained he didn't see a problem with that.

There was more discussion regarding the parking lot and the applicant withdrew the parking lot application for Block 753.01, Lot 34.02.

Mr. Pickering explained they would move the kiosk to meet the 50' setback.

Mr. Senico made a motion to conditionally approve the hardship variance application. The motion was seconded by Mr. McDuell.

VOTE:	Mr. McNulty	YES	Mrs. Pitts	YES
	Mr. Senico	YES	Mr. McDuell	YES
	Mr. Long	YES	Chairman Dilworth	YES

Motion carried.

Mr. Senico made a motion to conditionally approve the site plan application. The motion was seconded by Mr. McNulty.

VOTE:	Mr. McNulty	YES	Mrs. Pitts	YES
	Mr. Senico	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.

Mr. Senico made a motion to approve Board Engineer's vouchers. The motion was seconded by Mr. McDuell. Motion carried.

Mr. McDuell made a motion to adjourn at 10:35 P.M. The motion was seconded by Mr. McNulty. 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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