

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 21, 2016 at the Lower Township Municipal Building. The meeting was called to order at 7:00 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
Brian Sullivan
Jennifer Dowe
Andrew Bulakowski
Christopher Vassar

MEMBERS EXCUSED: Jay Young
David Perry
Johnnie Walker (Mayor's Designee)
Daniel J. Senico
John McNulty
Michael Beck
Chris McDuell

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

CORRESPONDENCE:

Handouts:

List of Board Engineer vouchers dated January 20, 2016.

The New Jersey Planner: November/December 2015 - Vol. 76, No. 6.

Mr. Sullivan made a motion to approve Resolution #16-1, nominating Robert Crompton as Chairman. The motion was seconded by Ms. Dowe. Motion carried.

Mr. Crompton made a motion to approve Resolution #16-2, nominating Jay Young as Vice-Chairman. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Crompton made a motion to approve Resolution #16-3, nominating William Galestok as Board Secretary. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Sullivan made a motion to approve Resolution #16-4, nominating Lisa Schubert as Recording Secretary. The motion was seconded by Mr. Bulakowski. Motion carried.

Mr. Crompton made a motion to approve Resolution #16-5, nominating Avery Teitler as Board Solicitor. The motion was seconded by Mr. Vassar. Motion carried.

Mr. Crompton made a motion to approve Resolution #16-6, nominating Hatch Mott MacDonald as Board Engineers. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Crompton made a motion to approve Resolution #16-7, approving the meeting dates for 2016. The motion was seconded by Ms. Dowe. Motion carried.

Mr. Crompton made a motion to approve Resolution #16-8, approving the subdivision committee. The motion was seconded by Mr. Vassar. Motion carried.

2. Preliminary & final subdivision & hardship variance applications for the creation of ten (10) newly described lots. Hardship variance needed for lot frontage, width, depth, setbacks for existing structures (front, gross floor area & accessory side yard), submitted by David Rutherford for the location known as Block 791, Lot 6.01 & 6.06, 619 Seagrove Avenue.

Mr. Teitler explained that the applicant has made a request to have this application continued until the February 18, 2016 meeting with no new notice needed.

4. Minor subdivision & hardship variance applications for the creation of three (3) newly described lots. Hardship variances needed for lot area, frontage & width, submitted by Roslyn Shoemaker for the location known as Block 533.01, Lot 52-55 & Block 533.01, Lots 45-55, 3 & 9 Racetrack Drive.

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

Mr. Gelzunas explained his client is out of the country on vacation and thought it best to request the application be adjourned until the February 18, 2016 meeting. He requested no new notice be needed. He explained he would waive all time constraints.

Mr. Teitler requested Mr. Gelzunas follow up with an email to him with this. Mr. Gelzunas explained he would do that.

3. Minor subdivision application for the creation of two (2) newly described lots, submitted by Rustin & Karen Cassway for the location known as Block 751, Lots 2.01 & 2.06, 710 & 710A New England Road.

Ms. Dowe explained the proposed subdivision meets the requirements for the zone and would be a subdivision committee application.

Ms. Dowe made a motion to conditionally approve this application. The motion was seconded by Mr. Crompton. Motion carried.

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

1. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variances needed for lot area, frontage & width, submitted by Paul Merrick for the location known as Block 806, Lot 3, 14 Shawcrest Road.

Ms. Doreen Corino, Esq., represented the applicant.

Mr. Paul Merrick, applicant, Mr. Joseph Maffei, PE, PP, and Mr. Thomas Pape, Licensed Architect, were sworn in by Chairman Crompton.

Ms. Corino explained the total lot area is 13,268 square foot which includes the land and water area. She explained her client would like to remove the existing structure and subdivision the lot. She explained hardship variances for lot area, frontage and width would be needed. She explained a lot area variance would be needed for only one (1) lot.

Mr. Maffei explained there is a revised survey dated December 23, 2015 and a drainage plan prepared by Engineering Design Associates dated October 7, 2015. He explained they are proposing to remove the existing 8" line and replace it with a 10" and relocate it along the proposed new lot line. He explained the existing 8" line is not functioning anyway. He explained the applicant is willing to pay for the installation of the new line.

Mr. Maffei explained to the Board the proposed lot sizes. He explained the proposed lot sizes are consistent with the area. He explained that there are only three lots that comply with the lot area requirement for the zone. He explained all setbacks and building coverage would be met with both proposed houses.

Submitted into evidence were seven photographs. Mr. Maffei explained he used google street view for some of the photos. He reviewed the photos with the Board.

Mr. Maffei explained this is the second largest lot in the area. He explained the lot is unique because it has a bulkhead in the center of the property.

Mr. Galestok asked if there would be something in place to prevent the high tide flow? Mr. Maffei explained a check valve could be installed.

Mr. Galestok explained he is not sure of the flood zone for this area, but explained in other area of the Township that flood, the Board has asked that the parking area be above the flood level.

Mr. Pape explained his client is going to build his house on the north side of the property. He explained there are six boat slips on this side and two boat slips on the south side.

Mr. Pape reviewed the proposed floor plan and elevations with the Board. He explained the proposed house would meet the setback and coverage for the upland portion of the lot. He explained there would be approximately 2,300 to 2,600 square foot of living space not including the garage.

Marked into evidence were the proposed floor plan, elevation, proposed plot plan and photos of the site.

Mr. Pape explained the parking will be above the flood level for a king tide.

Mr. Carr read Engineer's comments dated October 8, 2015.

Mr. Maffei explained in a previous approval in 1986 it said the road was mentioned as a prescriptive road and it doesn't appear the road was ever dedicated so it may still be owned by Mr. Shaw or his Estate. He explained the applicant doesn't have a problem getting permission and/or approval from Mr. Shaw and/or his Estate for the drainage improvements.

Mr. Galestok read Bureau of Fire Safety comments dated October 14, 2015 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated October 6, 2015 in which they waived this application.

This portion of the hearing was opened to the public.

Mr. Kenneth Oeffler was sworn in by Chairman Crompton.

Mr. Oeffler explained he has concerns that the second structure built would diminish the value of his house. He explained he also has concerns that the boat slips will be rented and has concerns if they are, where those people will park. He explained he has concerns with flooding and drainage.

Mr. Jeff Algard, President of the Lighthouse Pointe Association, was sworn in by Chairman Crompton.

Mr. Algard explained he supports the application. He explained he feels it will help with the values of their homes.

This portion of the hearing was closed to the public.

Mr. Merrick explained there would be no increase in the number of boat slips. He explained he will build a residence for himself. He explained he has several boats. He explained the other lot would remain vacant, but eventually be built for family. He explained it has been a nuisance property and he is not looking to over crowd the area. Mr. Maffei explained the boat slips would have to be approved by the DEP.

Mr. Oeffler explained he has no objection to building one house, but not two. He explained he has a water view and the second house would ruin his view. Mr. Teitler explained the applicant could build one big house and block his view now. Mr. Maffei explained there would be 20 feet between the two houses. Mr. Galestok asked if that would be a condition of approval the proposed new lot line would be the ten-foot side yard setback for each house? Mr. Maffei explained it would. He explained this is where the new drainage line would be.

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

VOTE:	Ms. Dowe	YES	Mr. Sullivan	YES
	Mr. Bulakowski	YES	Mr. Vassar	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.

Chairman Crompton called for a short recess at 8:07 P.M. The meeting was called back to order at 8:15 P.M.

5. Minor subdivision & hardship variance application for the creation of two (2) newly described lots. Hardship variances needed for lot frontage & width, front & side yard setbacks, submitted by Benjamin Burnley for the location known as Block 501, Lot 26.01, 764 Seashore Road.

Mr. Christopher Gillin-Schwartz, Esq., represented the applicant.

Mr. Brian Murphy, PE, PP, and Mr. Bill Sweeney, Licensed Land Surveyor, were sworn in by Chairman Crompton.

Mr. Gillin-Schwartz explained they are proposing a two-lot subdivision needing variances for lot frontage, width, side yard setback and driveway location. He explained the farm house would be on the front lot. He explained the rear of the property is under utilized. He explained the driveway would be moved from one side of the property to the other where this would be a shared driveway.

Mr. Murphy reviewed a colorized subdivision plan with the Board. He explained the property is five acres. He explained the applicant didn't want to do a major subdivision of the property with a road. He explained they could probably get three or four lots with a major subdivision. He explained the applicant wanted to preserve the farmhouse and create a flag lot. He explained the driveway is on the north side of the property and they want to relocate it to the south side. He explained the driveway would be a shared driveway which the County encourages. He explained the proposed subdivision benefits the well fair of the area, preservation to the environment, no negative impact to the zone or zone plan and there are other flag lots in the area.

There was a discussion that even if the property is not subdivided, it still does not conform with frontage and width requirements.

Submitted into evidence were two google earth photos of the existing house.

Mr. Murphy explained the plan for the back lot is for one single family dwelling. He explained a major subdivision with a cul-de-sac road could have been done with four conforming lots. He explained with this application, there would be no noticeable impact to the neighborhood. He explained there is a hedgerow to the north side of the property. He explained there would be an easement for the shared driveway. The wording of the easement will be submitted to the Board Solicitor for approval on the wording.

Mr. Carr summarized Engineer's comments dated January 13, 2016.

This portion of the hearing was opened to the public.

Mr. Thomas Madden was sworn in by Chairman Crompton.

Mr. Madden explained he opposes this application. He explained he feels it would have a negative affect on property values. He explained the property is environmental sensitive and have some endangered species on it. He explained there could be wetlands adjacent to the property. He explained the house was built in 1870 and is historic. He explained he feels this should be a protected area.

Mr. Teitler explained that if this Board approves the application, the applicant would still have to obtain other County, State and Federal approvals. He explained the Planning cannot get involved with other approvals.

Mr. Sweeney explained he doesn't consider this an environmentally sensitive area.

Mr. Jerry Roth was sworn in by Chairman Crompton.

Mr. Roth explained that it appears there have been portions of land taken out of this lot over the years. He explained the problem was created because of all the previous subdivisions. He explained the owner has let the house deteriorate. He explained the area is a lot of Victorian homes.

Mr. Madden explained the property was listed for a long time and asked if he has approached open space? Mr. Sweeney explained they wouldn't be interested in the property because the property is not big enough and it has to be farmed.

This portion of the hearing was closed to the public.

Mr. Murphy explained a by-right subdivision of this property could be created. Mr. Galestok explained in accordance with the RSIS standards they could create a 18' cartway.

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

VOTE:	Ms. Dowe	YES	Mr. Sullivan	YES
	Mr. Bulakowski	YES	Mr. Vassar	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.

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

Mr. Bulakowski made a motion to approve the minutes from the December 10, 2015 meeting. The motion was seconded by Mr. Vassar. Motion carried.

Mr. Sullivan made a motion to adjourn at 9:02 P.M. The motion was seconded by Ms. Dowe. 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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