

# 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 22, 2015 at the Lower Township Municipal Building. The meeting was called to order at 7:05 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 Paul St. John  
Jay Dilworth  
Johnnie Walker (Mayor's Designee)  
Daniel J. Senico  
Brian Sullivan  
John McNulty  
Chris McDuell  
Fred Long

MEMBERS EXCUSED: Charles Hewitt, Jr.  
Michael Beck

STAFF PRESENT: Avery S. Teitler, Board Solicitor  
Shawn Carr, Board Engineer  
Joseph Maffei, Board Engineer for Storage Quest app.  
Cindy Chemerys, Conflict Engineer (Achristavest)  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated January 21, 2015.

List of Engineer Design Associates vouchers dated January 22, 2015.

List of Hatch Mott MacDonald vouchers dated January 22, 2015.

The New Jersey Planner: November/December 2014 - Vol. 75, No. 6.

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

Mr. St. John made a motion to approve Resolution #15-8, approving the Minor Subdivision Committee. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. St. John made a motion to approve Resolution #15-7, approving the meeting dates for 2015. The motion was seconded by Mr. McDuell. Motion carried.

Mr. St. John made a motion to approve Resolution #15-6, appointing Hatch Mott MacDonald as Board Engineers. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Senico made a motion to approve Resolution #15-5, appointing Avery Teitler as Board Solicitor. The motion was seconded by Mr. McNulty. Motion carried.

Mr. Walker made a motion to approve Resolution #15-4, appointing Lisa Schubert as Recording Secretary. The motion was seconded by Mr. St. John. Motion carried.

Mr. McNulty made a motion to approve Resolution #15-3, appointing William Galestok as Board Secretary. The motion was seconded by Mr. Walker. Motion carried.

Mr. Walker made a motion to approve Resolution #15-2, nominating Jay Dilworth as Vice-Chairman. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Walker made a motion to nominate Paul St. John as Chairman. The motion was seconded by Mr. Sullivan. Mr. McDuell made a motion to approve Resolution #15-1, appointing Paul St. John as Chairman. The motion was seconded by Mr. Senico. Motion carried.

3. Preliminary & final site plan and hardship variance applications to add additional storage buildings to an existing storage facility. Hardship variance application needed for number of parking, submitted by Storage Quest New Jersey, LP, for the location known as Block 410.01, Lot 85, 340 Fulling Mill Road.

Mr. Jason Tuvel, Esq., represented the applicant.

Mr. Tuvel explained to the Board the current owner has had the property for two years. He explained the storage facility was 100% occupied last year. He explained this application is to expand the facility. He explained they are seeking variances for number of parking, buffer and frontage. He explained the frontage is an existing condition. He explained what is proposed furthers the goals of the Master Plan. He explained what is proposed has no impact to any residential use. He explained the zone allows for 50% coverage and they are at 12%. He explained they have no problems complying with the Board Engineer's comments. He explained there are no changes in hours of operation or how the facility is run.

Mr. Galestok asked about the recreational vehicle parking. Mr. Tuvel explained there currently are RV and boats parking on site. He explained what is proposed will have the parking more organized.

Mr. Andrew Banff, PE, PP, CME, was sworn in by Chairman St. John.

Mr. Banff explained the property is 18 acres with access from Fulling Mill Road. He explained there is a sand parking lot to the rear of the property.

Marked into evidence was an aerial photo of the site.

Mr. Banff explained the storage facility is a low intensity use. He explained they are proposing an additional 39,000 square feet with storage buildings. He explained the RV parking is proposed between the buildings and along the side property line.

Mr. Banff explained this is a light intensity use and feels there is enough on-site parking. He explained fire trucks can turn safely within the site.

Mr. Banff explained what is proposed would not impact the zone or zone plan.

Mr. Banff explained the repair of vehicles are not permitted on-site.

The Board asked how many employees there were? Also, were there U-Haul rentals? Mr. Tuvel explained there were two employees and no U-Haul rentals on site.

Mr. Maffei read Engineer's comments dated January 15, 2015.

Mr. Galestok read Bureau of Fire Safety comments dated December 26, 2014 in which they found the application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated January 21, 2015.

Mr. Tuvel explained in a letter from the State dated December 31, 2014, a State permit is not required for what is proposed.

There was a discussion that what is proposed is an appropriate request.

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

VOTE:	Mr. Dilworth	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Senico	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Long	YES	Chairman St. John	YES

Motion carried.

Mr. Senico made a motion to conditionally approve the preliminary and final site plan applications. The motion was seconded by Mr. Long.

VOTE:	Mr. Dilworth	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Senico	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Long	YES	Chairman St. John	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, dune review and hardship variance applications to construct a 6<sup>th</sup> floor on an existing hotel for 20 hotel units. Two units are proposed to be added to an existing laundry and fitness area for a total of 22 hotel units. A 693 sq. ft. 3<sup>rd</sup> floor addition is proposed to be added to the eastern facade of the building to accommodate laundry, fitness and meeting rooms. The existing bulkhead is proposed to be relocated 70' eastward to accommodate additional parking spaces for the expansion. Hardship variances are needed for number of parking spaces, parking landscaping/buffering & number, height and size of signs, submitted by Achristavest Pier 6600, LLC for the location known as Block 710.01, Lots 1-12.02, 9601 Atlantic Avenue.

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

Mr. Corrado explained they would like to build a sixth floor on the building for an additional 20 units. He explained there will also be a laundry and fitness room. He explained they would also like to extend the bulkhead out approximately 200'.

Mr. Corrado had marked into evidence the site plan, two proposed Army Corps of Engineer drawings, and architectural drawings.

Mr. Eustace Mita, owner, Mr. Victor DePallo, Architect and Mr. Al Gryga, PE, were sworn in by Chairman St. John.

Mr. Mita explained they are proposing 20 rooms on the sixth floor. He explained a previous application before the Board had reduced the number of units from 120 units to 108 units. He explained this application increases the number of units.

Mr. Gryga explained what is proposed would be one bedroom units. He explained there would be a cantilever for the fitness and laundry rooms. He explained additional parking would be adjacent to the existing parking. He explained no height variance is needed. He explained the drive aisle would be narrowed from 22' to 16' because of the columns. He explained this could be done safely because this drive aisle is one way. He explained they would be 68 parking spaces short. He explained they are adding nine parking spaces. He explained there would be no detriment to the zone or zone plan with the proposed nine parking spaces. He explained variances are needed for the number of signs and size of the signs.

Mr. Gryga explained they are proposing moving the bulkhead seaward 130' to accommodate the beach amenities. He explained they are moving the bulkhead because of the Army Corps dune project. He explained the dune would be 16' high and 150' wide and 650' of their land would be excavated from their beach to create the dune. He explained by moving the bulkhead seaward it would preserve the services that are currently offered by Icon.

Mr. DePallo explained the proposed dune would provide significant stormwater protection. He explained moving the bulkhead would not adversely affect the amenities or the Army Corps dune. He explained there is plenty of room for the bulkhead expansion and the dune.

Mr. DePallo reviewed the proposed new signs. He explained they would be pinned medal letters that would be halo lit. He explained he doesn't believe the signs would be visually unpleasing. He explained the proposed signs would be no detriment to the public or public good.

Mr. Gryga explained they had no problems with complying with the Board Engineer comments.

The Board asked if the application was an amended site plan or revised? Mr. Corrado

explained they are asking to amend the previously approved site plan. There was a discussion that it appeared additional parking spaces would be lost.

There was a discussion that it appears that the bulkhead would be 75' from the proposed berm. By moving the bulkhead out 200', it moves the dune seaward. It was explained that through discussions with the Army Corps, they said they would move the dune seaward.

Ms. Chemerys read Engineer's comments dated December 16, 2014.

Mr. Galestok read Bureau of Fire Safety comments dated November 26, 2014 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated December 16, 2014.

This portion of the hearing was opened to the public.

Mr. Karim Kaspar, Esq., represented Seapointe Village and The Grand.

Mr. Kaspar questioned Mr. Gryga about variable dune lines and bulkhead with regards to storm surge. Mr. Gryga explained he did not perform any test with regards to storm surge with variable bulkheads.

Mr. Kaspar questioned Mr. Gryga if he knew the impact of adjacent properties with an inconsistent dune line? Mr. Gryga explained the dune line is not consistent throughout the coastline. Mr. Kaspar also questioned Mr. Gryga about erosion with variable bulkheads and dune lines.

Mr. Kaspar questioned Mr. Mita about parking? Mr. Mita explained he had asked The Grand and Seapointe Village about using their parking and they both refused. He explained they also looked into valet parking.

Mr. Steve Yost, General Manager of Seapointe Village, was sworn in by Chairman St. John.

Mr. Yost explained the Master Association is opposing the bulkhead expansion. He explained there would also be an environmental impact with the bulkhead expansion and to the surrounding properties. He explained he feels if the bulkhead relocation was approved, it could add additional development on the beach. He explained he also feels this could also affect Seapointe's dunes.

Mr. Corrado asked Mr. Yost if they had any issues with the sixth floor addition? Mr. Yost explained they didn't. He explained the bulkhead was their concern. He explained it may cause a loss of view.

Ms. Judy Cuscillo, Vice President of The Grand Association, was sworn in by Chairman St. John.

Ms. Cuscillo explained The Grand is also objecting to the bulkhead extension. Mr. Corrado asked if they had any objection to the addition? Ms. Cuscillo explained they didn't.

Ms. Kristin Wildman, from Lomax Associates, was sworn in by Chairman St. John.

Mr. Wildman explained DEP approval would be needed. She explained a DEP CAFRA individual permit would also be needed. She explained this is also in a FEMA "V" zone and in her professional opinion, she doesn't think DEP will approve this.

Mr. Corrado asked Ms. Wildman if she has done DEP applications for The Grand and Seapointe for some of their amenities? Ms. Wildman explained she had.

The Board asked if Seapointe Village and The Grand have thought to extend their bulkhead? Mr. Yost explained it has not been contemplated. Ms. Cuscillo explained the same. It has not been contemplated.

Mr. Mita explained everyone should get together and do this. He explained the Army Corps dune project would impact the beach area they own.

The Board asked if there were any lots available that could be used for parking? Mr. Mita explained there are no lots for sale that could be used for parking.

Chairman St. John called for a short recess at 9:30 P.M. The meeting was called back to order at 9:35 P.M.

Mr. Gregory Boris was sworn in by Chairman St. John.

Mr. Boris explained he is a permanent resident at Diamond View Condominiums. He explained Mr. Mita owns the lot across the street a block away that could be used for parking. He explained he feels that if the bulkhead is moved, it could allow him to do an additional addition allowing him to go up another 100'. He explained moving the bulkhead an additional 200' seaward would allow for additional flooding. He explained at least once every year the beach floods. He explained he feels the beach would be destroyed if this is allowed.

Ms. Stephanie Cozak-Allen was sworn in by Chairman St. John.

Ms. Cozak-Allen asked what additional traffic this would bring to the roadway? If the existing building could support the additional floor? If there were plans for future expansion? And if there would be construction during the summer time? Mr. Mita explained he doesn't anticipate additional traffic. This site was approved for a 12-story building, but they have no intension of constructing a seventh floor. He explained this should be finished in June. He explained they wouldn't do any construction in the summer time.

Mr. Paul Cholio was sworn in by Chairman St. John.

Mr. Cholio explained he thinks Seapointe Village and The Grand should join Pier 6600 in extending their bulkheads.

Mr. John McCulley was sworn in by Chairman St. John.

Mr. McCulley asked who was paying for the expansion? It was explained to McCulley Pier 6600 would pay for the bulkhead expansion.

This portion of the hearing was closed to the public.

Mr. Corrado explained he feels they have met all the criteria for preliminary and final approval, but if the Board only approves preliminary approval, they would come back with any CAFRA changes.

There was a discussion that if the bulkhead was not moved, they would lose the beach amenities. Mr. Mita explained if the dune were to be constructed they would lose beach amenities and if the bulkhead was moved seaward, it would save the beach amenities.

Mr. Senico made a motion to conditionally approve the parking variance. The motion was seconded by Mr. Dilworth.

VOTE:	Mr. Dilworth	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Senico	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Long	NO	Chairman St. John	YES

Motion carried.

Mr. Senico made a motion to approve the sign variances. The motion was seconded by Mr. Dilworth.

VOTE:	Mr. Dilworth	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Senico	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Long	YES	Chairman St. John	YES

Motion carried.

Mr. Dilworth made a motion to approve the dune review application. The motion was seconded by Mr. Sullivan.

VOTE:	Mr. Dilworth	NO	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Senico	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Long	NO	Chairman St. John	YES

Motion carried.

Mr. Dilworth made a motion to conditionally approve the preliminary site plan application. The motion was seconded by Mr. McDuell.

VOTE:	Mr. Dilworth	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Senico	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Long	YES	Chairman St. John	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. Dilworth made a motion to approve the resolutions from the December 11, 2014 meeting. The motion was seconded by Mr. Walker. Motion carried.

Mr. Dilworth made a motion to approve Board Solicitor vouchers, Hatch Mott MacDonald vouchers and Engineering Design Associates vouchers. The motion was seconded by Mr. Senico. Motion carried.

Mr. Senico made a motion to adjourn at 10:30 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.

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