

# 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 February 16, 2012 at the Lower Township Municipal Building. The meeting was called to order at 7:01 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.  
Johnnie Walker (Mayor's Designee)  
Daniel J. Senico  
Paul St. John  
Brian Sullivan  
Chris McDuell  
Frank Zeigler

**MEMBERS EXCUSED:** Michael Beck  
Kevin Lare  
John McNulty

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

CORRESPONDENCE:

Letter:

TO: Mayor Michael Beck & Council Members

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

DATE: January 20, 2012

RE: The Land Development Ordinance of the  
Township of Lower; Subsection 400-40;  
"Chickens," No Change recommended by  
Planning Board

Handouts:

List of Board Solicitor vouchers dated February 15, 2012.

List of Board Engineer vouchers dated February 16, 2012.

The New Jersey Planner; December 2011, Vol. 72, No. 6.

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

2. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variances needed for lot area, frontage & width, submitted by John J. Kilrain by Mary Jane DeSalvo POA, for the location known as Block 26, Lots 15.02, 16 & 17 and Block 26, Lots 14, & 15.01, 15 West Jacksonville Avenue & 17 West Jacksonville Avenue.

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

Mr. Timothy Dwyer, Esq., represented the applicant.

Mr. William Sweeney, Licensed Land Surveyor, was sworn in by Chairman Dilworth.

Mr. Dwyer explained the application is for a two-lot subdivision. He explained that there

are currently two lots and this is a lot line relocation. He explained that the properties are taxed separately. He explained that proposed lot 14.01 would be 65 x 107 and proposed lot 14.02 would be 70 x 107. He explained hardship variances are needed for area, frontage and width for proposed lot 14.01 and frontage & width for proposed lot 14.02.

Mr. Sweeney explained proposed lot 14.01 would be larger than most lots in the area. He explained that if this subdivision were approved, there would be no detriment to the area or zone.

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. Thornton summarized Engineer's comments dated February 11, 2012.

Mr. Galestok read Bureau of Fire Safety comments dated January 23, 2012 in which they found this application acceptable.

The Board asked Mr. Sweeney if he marked up a tax map page reflecting the lot sizes in the area? Mr. Sweeney explained he did not, but he explained there are 36 lots in the area of this property. He explained 22 of those lots are non-conforming with 14 lots being conforming lots.

Mr. Galestok explained the garage should be removed before filing the plat. He explained this should be a condition of approval. Mr. Dwyer explained the garage would be removed prior to filing.

Mr. Hewitt made a motion to conditionally approve this application. The motion was seconded by Mr. St. John.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. St. John	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.

3. Minor site plan & hardship variance applications to operate an auto repair facility and auto dealership. Auto dealership would be interior display for two (2) classic automobiles. Hardship variances needed for front, side & rear yard setbacks, buffer to lot lines, street line & residential, landscape screening in front of building, number of signs, parking & loading area coverage, submitted by Louis Altobelli, Jr., for the location known as Block 92, Lots 1-6 & 61, 1100 Bayshore Road.

Mr. Charles Sandman, Esq., represented the applicant.

Mr. Brian Murphy, PE, was sworn in by Chairman Dilworth.

Mr. Sandman explained that a previous application was approved by the Board. He explained that decision was appealed and the Judge remanded it back to the Board. He explained that an auto service center is a permitted use in the zone. He explained that in 2008 the Board approved a dealership. He explained that his client wants to sell cars with a limited capacity of two classic cars. He explained that they would be inside the building.

Mr. Sandman explained they are proposing a second floor addition for storage only. He explained that this addition is not an issue for parking. He explained they are proposing three bays and what is proposed requires 15 parking spaces and they are proposing 17 parking spaces.

Mr. Sandman explained that almost all the requested variances are existing conditions.

Mr. Murphy reviewed the proposed site plan with the Board. He explained that there would be an entrance/exit on Bayshore Road as well as Delaware Parkway. He explained that there would be tunnel through the building to a parking area. He explained that a customer would pull into the building and a technician would park the car in the side lot. He explained that the proposed second floor addition would be straight up and the setbacks would not change.

Mr. Murphy explained that a variance would be needed for number of signs. He explained they are proposing three signs. He explained there will be a free-standing sign that will encroach into the front yard setback. He explained the sign will not be in the sight-triangle.

He explained that in the front of the building they are proposing grass and a drainage trench. He explained in the area they will not be proposing any landscaping other than grass. He explained if landscaping was proposed, it would cause visibility problems. He explained a fence is proposed around the southerly parking area. He explained there will be a trash enclosure behind the building. He explained there will be exterior stairs to the rear. He explained they won't be able to have a 20' buffer to the residential.

Mr. Sandman had marked into evidence two photographs of the existing site which Mr. Murphy reviewed with the Board.

Mr. Murphy explained to the Board there are a number of vacant structures in the area. He explained that nothing about this application would be contrary to the zone, zone plan or area. He explained that what is proposed would be a benefit to this area of town.

Mr. Thornton summarized Engineer's comment dated February 11, 2012.

Mr. Galestok read Cape May County Planning Board comments dated February 8, 2012 in which they disapproved this application.

Mr. Galestok read Bureau of Fire Safety comments dated January 23, 2012 in which they approved this application.

The Board asked Mr. Murphy if five parking spaces were sufficient for the auto sales portion of the application? Mr. Murphy explained he feels five parking spaces are more than sufficient.

The Board asked if the second floor would have a sprinkler system? Mr. Murphy explained that he was not qualified to answer that question. He explained that if the construction code requires it, then one would be installed.

The Board asked if notice was proper? Mr. Sandman explained that everyone on the certified property owners list was noticed with everything that was requested.

Mr. Sandman explained that what is proposed can only improve the area. He explained that this will be a first class operation.

There was a discussion about needing a variance for the freestanding sign. Mr. Teitler explained that when notice is given, all variances are requested, but there is additional wording in the notice, for any and all other variances that may be necessary. He explained that during the application, it may be determined that a variance would be needed for something that wasn't noticed. He explained that he doesn't see anything wrong with proceeding. Mr. Galestok explained that a finding-of-fact could be the variance is diminimus.

This portion of the hearing is opened to the public.

Mr. Joe Kremp was sworn in by Chairman Dilworth.

Mr. Kremp questioned whether there was enough parking spaces? Also, how many employees there would be? Mr. Murphy explained there would be a total of 17 parking spaces.

Mr. Louis Altobelli, applicant, was sworn in by Chairman Dilworth.

Mr. Altobelli explained there would be three to four employees. He explained the amount of parking provided is sufficient. He explained that most work performed at this facility would be service work. He explained that cars would be in and out.

Mr. Kremp asked where the fence would be located? Mr. Murphy showed Mr. Kremp where the fence would be located on the plan. He explained the fence would be a six-foot chainlink fence with slats. Mr. Murphy explained he feels there won't be a problem getting in and out of the site.

This portion of the hearing was closed to the public.

Mr. Sandman explained his opinion is the requested relief is minimal.

Mr. Hewitt made a motion to conditionally approve the front, side & rear yard setback variances. The motion was seconded by Mr. Senico.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

Mr. Walker made a motion to conditionally approve the sign area and sign setback variance. The motion was seconded by Mr. Hewitt.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

Mr. Hewitt made a motion to conditionally approve the buffer variance to the street line. The motion was seconded by Mr. St. John.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

Mr. Hewitt made a motion to conditionally approve the buffer variance to the adjacent property. The motion was seconded by Mr. Walker.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

Mr. Hewitt made a motion to conditionally approve the landscape buffer variance. The motion was seconded by Mr. Sullivan.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

Mr. Hewitt made a motion to approve the design waivers. The motion was seconded by Mr. McDuell.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Zeigler	YES	Chairman Dilworth	YES

Motion carried.

Findings-of-fact were as follows: automotive service center and vehicular sales agencies are permitted uses, number of uses permitted, off street parking, sight triangle are met. The lot is unusually shaped.

Mr. Hewitt made a motion to approve the findings-of-fact. The motion was seconded by Mr. St. John. Motion carried.

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

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Senico	YES	Mr. St. John	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.

There was a discussion regarding the sink hole. Mr. Murphy explained they thought it

was fixed. He explained that machinery will have to be brought in to find out exactly what the problem is and fix it.

1. Joint courtesy application for State & County Emergency Management antenna upgrades at the Cape May County Airport; MUA Water Tower, Block 410.01, Lot 36.

Mr. Galestok explained to the Board that the existing shed will be removed and a new 12 x 30 shed will be installed. He explained that this would be to upgrade the system. He explained that the system would be used for Home Land Security, County and State Police.

Mr. Sullivan made a motion to approve the resolutions from the January 19, 2012 meeting. The motion was seconded by Mr. Hewitt. Motion carried.

Mr. Hewitt made a motion to approve Board Engineer and Board Solicitor vouchers. The motion seconded by Mr. Sullivan. Motion carried.

Mr. Galestok explained to the Board that there were copies of financial disclosure forms on the table and reminded the Board that they must fill them out and return to the Clerk's office. If they did not fill out the forms, they could face a \$100.00 fine from the State.

The meeting was adjourned to enter into closed session at 8:09 P.M. The meeting was called back to order at 8:12 P.M.

Mr. Hewitt made a motion to adjourn at 8:12 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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