

TOWNSHIP OF LOWER

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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 March 15, 2018 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
Andrew Bulakowski
Chris McDuell
Michael Rosenberg (Mayor's Designee)
Roland Roy
John McNulty
Jennifer Dowe
Christopher Vassar

MEMBERS EXCUSED: Erik Simonsen
Daniel J. Senico
Brian Sullivan

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

CORRESPONDENCE:Handout:

List of Board Engineer vouchers dated March 15, 2018.

The agenda was read into the record.

Mr. Teitler explained there is an extension on the agenda that the Board would hear first.

2. Extension of site plan approval for the continued use of the concession trailer, submitted by William E. Bright for the location known as Block 795, Lot 154.01, 1044 W. Rio Grande Avenue.

No one was present for the application.

Mr. Teitler explained because no one was present for the application, the Board would hear the old business first.

1. Revised preliminary & final site plan & hardship variance applications to construct a 26 (40 with lockouts) unit condominium apartments with an indoor pool and outdoor pool and with a multi-use first floor. Hardship variances needed for lot frontage, encroaching into the side yard setback, coverage, number of signs, sign area and sign height, submitted by Achristavest, LLC for the location known as Block 699, Lots 3-15.01, 9600 Atlantic Avenue.

Ms. Dowe excused herself from this application due to a conflict of interest.

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

Mr. Eustace Mita, applicant, Mr. Al Gryga, Licensed Landscape Architect, Mr. Joel DeFreytas, PE, and Mr. Andrew Bechtold, Architect, were sworn in.

Mr. Corrado explained to the Board the application is for preliminary and final site plan and variances for frontage, side yard setback and coverage. He explained the application conforms to the number of parking spaces required and the building height.

Mr. Corrado explained what is proposed with what Lower Township wants in this area is in accordance to the Master Plan and Ordinance.

Mr. Corrado explained sign variances are also needed for number of signs, sign area and sign height.

Mr. Corrado explained Mr. Carr's Engineer's comments raises a possible parking variance. If going by the Ordinance, the parking would be deficient by .4. He explained under the RSIS standards section §5:21-4.14, a fraction is rounded down, not up, therefore, he feels a parking variance is not needed.

Mr. Corrado read section 400-16E, minimum off-street parking, from the Lower Township Land Development.

Mr. Corrado marked into evidence as A-1 the New Jersey Administrative Code, Title 5, Section §5:21-4.14, Parking: number of spaces. Mr. Carr reviewed this information and agreed a parking variance is not needed.

Marked into evidence as A-2 was Mr. Gryga's resume.

Marked into evidence as A-3 was Mr. DeFreytas resume

Marked into evidence as A-4 was a comparison site plan of the previously approved plan from 2007, the application that was submitted and withdrawn and the application before the Board tonight.

Marked into evidence as A-5 was a variance analysis of the 2007 approved application, the application that was submitted and withdrawn and the application before the Board tonight.

Marked into evidence as A-6 was a comparison architectural renderings from the 2007 approved application, the application that was submitted and withdrawn and the application before the Board tonight.

Mr. Mita explained to the Board that he met with the people at the Diamond View Condos and they are happy with what is proposed. He explained the building has been reduced in size. He explained all parking is on site. He explained they are proposing 26 units with a potential of 40 lockout units. He explained Diamond View's concern was with off-site parking. He explained the application is proposing 76 on-site parking spaces.

Mr. Gryga explained the proposed building is 299' and 43' wide and 69' to the tallest point. The building has a proposed side yard setback to the property line along Wildwood Crest of 15'. The proposed side yard setback to the porte-cochere is 15' on the Diamond View side and is 47' from the building to the property line.

Mr. Bechtold explained the architecture of the building. He explained the building would have a metal roof, dormers with metal features and keeping the roof line low. He explained he feels the building is aesthetically pleasing.

Mr. Bechtold explained the first floor is all the amenities. He explained there would be a lobby, club room, laundry area, catering kitchen, spa, indoor/outdoor pool. He explained the spa is available to the residents of the building only.

Mr. Gryga explained evergreens will be planted along the Wildwood Crest property line along with a fence for buffering. He explained the trash enclosure is in the front yard on Seaview Avenue where a 6' fence is proposed around it. He explained visibility will not be obstructed and it would not be unsightly.

Mr. Gryga explained the lot fronts on two streets with 105' frontage. He explained there is development on both sides of the lot. He explained the building coverage was reduced from the previous approval. He explained a variance is needed for lot coverage based on on-site parking. He explained because of the narrowness of the lot variances are needed and having all the parking on-site causes the variances. He explained having all parking on-site serves the purpose of zoning. He explained the side yard setback variance request is because the lot is narrow. He explained the request for the side yard variance on the Diamond View side is to the porte-cochere. The setback to the building conforms. He explained there is no detriment to the zone or zone plan and promotes light, air and open space.

Mr. Mita explained they designed this building based on previous comments from the residents of Jefferson Avenue. He explained they didn't like the height of the previously approved building, so they are proposing this building to conform with height and the building is smaller than what was previously approved.

Submitted into evidence as A-7 was an aerial view of the 2007 approval.

Submitted into evidence as A-8 was an aerial of the 2018 proposal.

Mr. Gryga explained they are proposing eight signs. He explained two are freestanding signs that comply with the allowed height, but encroach into the setbacks. He reviewed the other signs with the Board, their location and size.

Mr. Mita explained the signs would be lit in a halo effect as too not be intrusive to the neighbors.

The Board asked why the building couldn't be shifted toward Diamond View away from the Jefferson Avenue residents? Mr. Mita explained at the 2007 meeting, the people in Wildwood Crest didn't want the driveway on their side because of car lights and noise. He explained by shifting the building, it eliminates the lights and noise from them.

Mr. Carr summarized Engineer's comments dated March 7, 2018.

Mr. Corrado explained he didn't think CAFRA would be required, but they still have to look into that.

Mr. Bechtold explained the building would be fully suppressed for fire protection.

Mr. Galestok read Cape May County Planning Board comments dated February 28, 2018.

Mr. Galestok read Bureau of Fire Safety comments dated March 8, 2018 in which they found this application acceptable.

Mr. Galestok read Wildwood Water Utility letter dated March 14, 2018.

This portion of the hearing was opened to the public.

Mr. Ron Gelzunas, Esq., Solicitor for the Borough of Wildwood Crest.

Mr. Gelzunas asked Mr. Gryga if he was an Engineer? Mr. Gryga explained he was not and Engineer, he was a landscape architect.

Mr. Gelzunas questioned Mr. Gryga on the height of the building and side yard setback variances.

Mr. Gelzunas explained there is no building on the lot so the building could be placed to avoid the need for variances.

Mr. Gelzunas questioned Mr. Gryga on the 2007 approval and that building was away from the residents in Wildwood Crest and there was a 28' buffer/setback and now the application before the Board is placing the building 15' from the residents of Wildwood Crest. Mr. Gryga explained a lot of the houses in Wildwood Crest do not comply with the rear yard setbacks.

Mr. Gelzunas asked Mr. Mita why the parking was moved to the Diamond View side? Mr. Mita explained the residents of Wildwood Crest at the 2007 meeting did not like the parking on their side of the property because of noise and headlights.

Mr. Gelzunas explained the applicant has a clean canvas and a proposal could be made to avoid the need for variances.

Mr. Corrado explained they are asking for a variance for the 25' side yard setback under the C.1 & C.2 criteria. He explained he feels the request is justified.

A recess was called at 8:27 P.M. The meeting was called back to order at 8:42 P.M.

Mr. Phil Petrone was sworn in.

Mr. Petrone explained since the Grand was built and the Icona was renovated, parking has become a problem. He explained employees park in front of the houses in Wildwood Crest. He explained some people who live or rent from one of those buildings has parked in front of their house for weeks at a time. He questioned where employees for this building would park? He explained between the parking problem caused by employees and tenants, there is also a parking problem because Wildwood Crest has free beaches. He explained a lot of people from all over come over to use the beaches causing even more of a parking problem.

Mr. Petrone asked if there was a fire, how it would be fought? He explained there isn't enough room for firemen or equipment to be able to get down the side of the building to fight the fire.

Mr. Petrone explained they weren't against the 2007 approval with the driveway next to them. He explained they weren't asked their opinion, but Diamond View was.

Mr. Petrone explained they suggested townhouses. This would keep more in line with the area.

Mr. Petrone explained the balconies for this building will face there back yards. He explained if the building was switched to the other side of the property, the balconies would face Diamond View's balconies.

Mr. Petrone explained when the Grand was building, the driving of the pilings caused damage in their home. He explained one of his neighbor's foundation cracked that was caused by the driving of the pilings. He explained what is proposed would be 15' from the property line and who will pay for the property damage that this would cause.

Mr. Petrone explained the Grand caused shadowing of his property. Now with this proposal, his house will further be shadowed.

Mr. Petrone explained what is proposed would reduce the value of their home.

Mr. Petrone explained he drove the streets of Wildwood Crest and there was only one other situation where there was a single family dwelling next to a multi-story building.

Mrs. Ann Petrone was sworn in.

Mrs. Petrone explained her and her husband live year round in their house in Wildwood Crest. She explained having the building this close to their property will create an alley. She asked where the people who live there will be going to the beach? She asked who will pay for damages to her house when construction begins.

Ms. Kathleen Popper was sworn in.

Ms. Popper explained Mr. Mita never met with her. She explained when she has friends visit, there is no parking for them. She explained they have to park at the meters.

Mr. Jim Yost, managing agent for Sea Pointe Village and Diamond View was sworn in.

Mr. Yost had marked into evidence as O-1, an agreement between Diamond View and Achristavest.

Mr. Yost read the restrictions from the agreement. Mr. Yost explained Diamond View objects to the south facing sign. He explained they also want to make sure the drainage is proper.

Mr. Corrado explained the building will be 6 stories and have a 15' side yard setback. He also explained the trash enclosure is not on the south side of the property.

Mr. Carr explained he had comments regarding the signage. He explained there is double the amount of drainage for the site.

Ms. Kathleen Popper asked where the run-off would go? Mr. DeFreytas explained there are inlets and pipes on site and run-off would go under the parking area.

Mr. Gerald MacDonald was sworn in.

Mr. MacDonald explained he lives in the Diamond View Condos. He explained Diamond View has had a signed agreement with Achristavest since 2004. He explained in the agreement any building would not be up against them and had to have at least a 15' setback from the Jefferson Avenue properties.

Mr. MacDonald explained the testimony is the units will be condos and if this is the case, they don't need a sign advertising the spa. It was agreed upon to remove the word 'spa' from the sign.

Ms. Nancy Hollingsworth was sworn in.

Mr. Hollingsworth explained this building is not good for the neighborhood. She explained it's only good for ratables and making money. She explained this building will dwarf the homes in Wildwood Crest. She explained she feels something that is in proportion with the neighborhood would be preferable.

Mr. Petrone objected to the agreement between Diamond View and Achristavest and asked how an agreement can be made to push a building to the Jefferson Avenue side?

Mrs. Petrone objected to the agreement between Diamond View and Achristavest. She explained because of this agreement, Wildwood Crest residents have to live with the agreement.

This portion of the hearing was closed to the public.

There was a discussion that the 2007 approval could be built. Mr. Corrado explained they may need to renew the variances. He explained they could come in with a 6-story hotel with minimal variances, but thought condos would have less of an impact to the area.

Mr. Teitler reviewed the requested variances and waivers with the Board.

Mr. Rosenberg made a motion to conditionally approve the requested variances and

waivers. The motion was seconded by Mr. Vassar.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McNulty	YES	Mr. McDuell	YES
	Mr. Roy	YES	Mr. Vassar	YES
	Chairman Crompton	NO		

Motion carried.

Mr. McNulty made a motion to conditionally approve the preliminary & final site plan. The motion was seconded by Mr. Bulakowski.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McNulty	YES	Mr. McDuell	YES
	Mr. Roy	YES	Mr. Vassar	YES
	Chairman Crompton	NO		

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 subdivision & hardship variance applications for the creation of two newly described lots. Hardship variance request for an existing side yard setback encroachment, submitted by Blair Hansen & Harold & Bonnie Matthews for the location known as Block 500.01, Lots 21.02 & 21.06, 614 Seashore Road & 6 Ernest Winfield Drive.
4. Minor site plan application to remove three sheds, a portion of deck, a masonry building and two-story framed buildings and construct a 647 square foot addition and 2,390 square foot building and relocate existing cooler, submitted by H & H Two Mile, LLC for the location known as Block 820, Lots 2.01 & 4.02, 1 Fish Dock Road.

Mr. Teitler explained that due to the hour, the two applications would be continued until the April 19, 2018 meeting. No new notice would be required.

Mr. Vassar made a motion to approve the resolutions from the January 18, 2018 meeting. The motion was seconded by Mr. Rosenberg. Motion carried.

Mr. Bulakowski made a motion to approve the minutes from the January 18, 2018 meeting. The motion was seconded by Mr. McDuell. Motion carried.

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

Mr. McNulty made a motion to adjourn at 10:04 P.M. The motion was seconded by Mr. Rosenberg. 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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