

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 16, 2017 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
Jay Young
Chris McDuell
Michael Rosenberg (Mayor's Designee)
Daniel J. Senico
Frank Sippel
Brian Sullivan
Jennifer Dowe
Andrew Bulakowski
Christopher Vassar

MEMBERS EXCUSED: Erik Simonsen

MEMBERS ABSENT: John McNulty

STAFF PRESENT: Jon Batastini, Acting Board Solicitor
Shawn Carr, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

STAFF EXCUSED: Avery S. Teitler, Board Solicitor

CORRESPONDENCE:

Handout:

List of Board Solicitor voucher dated March 9, 2017.

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

1. Discussion of subdivision approval: SUB 1432, Scott Peter, 14 & 16 Racetrack Drive; Block 535, Lots 54-60. Notice of Application has been questioned by residents within 200 feet of property.

Mr. Batastini explained he understands there is public here tonight regarding a previous subdivision application for Mr. Peter. He asked if there was a spokesperson for the group.

Mrs. Penny Becica Kraus was sworn in by Chairman Crompton.

Mrs. Kraus explained they knew nothing of this application. She explained in October they received a certified letter, but in the envelope was an ad for a Creative Landscaping company which she later learned is a business the applicant has. She explained she feels this was done fraudulently. She explained that she is not aware of anyone receiving a traditional notice. She explained that she has been in contact with 12 people from the certified property owner's list and they all received this same landscaping advertisement.

Mrs. Kraus explained she went to the Planning & Zoning Office and was told to file an appeal in Superior Court. She explained she doesn't think they should spend their money on this.

There was a discussion that based on tonight's testimony, the Board could have Mr. Peter come in and testify.

The Board asked if they requested Mr. Peter to come before the Board, would they be hearing the application? Mr. Batastini explained the Board would not be hearing the case. It becomes jurisdictional.

Mr. Sippel made a motion to have Mr. Peter come before the Board to explain his side. The motion was seconded by Mr. Bulakowski.

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Ms Dowe	YES
	Mr. Senico	YES	Mr. Sippel	YES
	Mr. Sullivan	YES	Mr. Bulakowski	YES
	Mr. Vassar	YES	Chairman Crompton	YES

Motion carried.

Mr. Galestok explained this was the notice that there would be public hearing on April 13, 2017.

Mr. Batastini explained to the public that Mr. Peter could continue to build. Explaining he would be building at his own risk. He explained this is not a hearing where he can be stopped.

Mr. Galestok asked Mrs. Kraus if she had hired Counsel? Mrs. Kraus explained she did. Mr. Galestok explained that was recommended by the Board Solicitor that they obtain legal Counsel. He asked if they obtained Mr. Keywood? Mrs. Kraus explained they did. Mr. Galestok explained he has spoken with Mr. Keywood. Mr. Galestok explained to Mrs. Kraus his office told them to file in Superior Court because at this point, the Board cannot stop Mr. Peter from building.

2. Discussion of request from the Governing Body directing the Lower Township Planning Board to conduct an "Area in Need of Redevelopment Study" for the Cape May County Airport. (Resolution attached)

Mr. Louis Joyce, PP, was sworn in by Chairman Crompton.

Mr. Joyce explained the Everlon Building was constructed in 1971. He explained this is the proposed redevelopment area. He explained the Planning Board would conduct a study and have a public hearing to receive input from the public. He explained the County is working on a Master Plan.

Marked into evidence was a colorized map of the County properties in the airport. Mr. Joyce explained the map was attached to the resolution.

Mr. Joyce explained this process helps the County with grant funding. He explained this would be non-condemnation redevelopment area. He explained the declaration has to state it's a non-condemnation redevelopment area.

Mr. Joyce explained the process to the Board. He explained Township Council has to declare an area of redevelopment with input from the Planning Board.

Mr. Joyce explained they would like to have a public hearing on April 13, 2017.

Mr. Vassar made a motion to hold the public hearing on April 13, 2017. The motion was seconded by Mr. Bulakowski. Motion carried.

4. Dune site plan review & hardship variance application to construct a single family dwelling exceeding the allowed height, submitted by Henry & Jami Stronski for the location known as Block 16, Lot 7, 19 Delaware Avenue.

Mr. Robert Baranowski, Jr., Esq., represented the applicants.

Mr. Baranowski explained to the Board his clients own a corner lot and they would like to demolish and construct a new single family dwelling that would exceed the allowed height. He explained the proposed single family dwelling would be 38.4' in height. He explained his client would like to install vehicle lifts because flooding purposes. He explained they did receive a DEP permit on April 11, 2016. He explained what is proposed reduces the need for on street parking. He explained what is proposed provides ample light, air and open space.

Mr. Joseph Lomax, PE, Mr. Stephen Fenwick, Licensed Architect, and Mr. Shawn Carr, Planning Board Engineer were sworn in by Chairman Crompton.

Mr. Lomax explained there is an existing concrete wall between the site and the Delaware Bay. He explained the Stronski's would like to construct a single family dwelling. He explained the property is in the VE Flood Zone and there is a +13 base flood elevation. He explained DEP review was needed and it was determined this property was in a flood hazard area and the new house would have to meet the flood requirements. He explained DEP considers everything bayward from the masonry wall dune. He explained the existing house is substandard for the current flood rules. He explained nothing from the masonry wall bayward would be disturbed. He explained what is proposed would not have an adverse impact to the dune, zone, zone plan or surrounding area.

The Board asked if the masonry wall was to be removed? Mr. Lomax explained the masonry wall would remain as is. It was explained they cannot touch that according to the DEP.

Mr. Fenwick explained the first floor of the building has to have break away walls. He reviewed the architectural renderings with the Board. He explained the slab will be elevation 8.5 explaining they can't go any lower than that. He explained Mr. Stronski collects cars would have to lift them 4 ½ feet about flood level. He explained they are asking for the height variance to be able to lift the cars above the height of possible flooding.

The Board asked what the roof pitch was? It was explained the pitch was a 7/12. It was explained the high part of the house is away from the road.

The Board asked what the ceiling heights were? Mr. Fenwick explained the ceiling height on the first floor is 10', and 8' on the second floor, explaining the floor heights do vary.

Mr. Carr summarized Engineer comments dated March 10, 2017.

Mr. Baranowski explained they would like to waive the stormwater management plan explained the site is mostly sand. He explained they would do permeable pavers. Mr. Fenwick

explained water will not drain onto the neighboring properties. He explained the utility pole would be relocated.

The Board asked if there were other houses in the area this height?

Mr. Henry Stronski, applicant, was sworn in by Chairman Crompton.

Mr. Stronski explained there is a corner house close by that is tall.

Mr. Galestok explained September 30, 2013 a letter was sent to Township Council where houses could be raised three (3) feet to meet the flood elevation.

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

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Ms. Dowe	YES
	Mr. Senico	YES	Mr. Sippel	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.

5. Major subdivision application for the creation of six (6) newly described lots, submitted by Clark DeGroff for the location known as Block 792, Lots 6.01, 6.02, 9 & 22-25, 638 Sea Grove Avenue.

Mr. Jonathan Sachar, Esq., represented the applicant.

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

Mr. Sachar explained they are seeking a six-lot subdivision without variances. He explained they are all one acre or larger lots that would comply with all bulk requirements.

Mr. Murphy explained the subdivision is six lots with one lot being a flag lot. He explained Lot 8 exists today and would still exist if the application is approved. He explained lot 8 is owned by the State. He explained an easement would be provided to Lot 8. He explained no improvements are required because all the lots front on an improved street.

The Board asked if Lot 8 was part of Lot 6.02? Mr. Sachar explained Lot 8 was within Lot 6.02. He explained they are not altering Lot 8. He explained there are no provisions that indicate a subdivision cannot be done with a landlocked parcel. He explained there would be a 10' wide easement from the States property to Lot 8.

Mr. Carr summarized Engineer comments dated March 10, 2017.

Mr. Sachar explained the applicant is the owner of the property. He submitted into evidence a letter from the Township Clerk pertaining to the paper streets which was marked A-1. Mr. Batastini read the letter into the record. Also marked into evidence was a title commitment which was marked as A-2.

Mr. Sachar reviewed the history of the land and explained the streets were never dedicated or accepted.

Mr. Galestok read Cape May County Planning Board comments dated March 1, 2017 in which they waived this application.

Mr. Galestok read Bureau of Fire Safety comments dated February 27, 2017.

Mr. Sachar explained an access easement would be provided to Mr. James. He explained the James' driveway and shed cross the lot line. He explained the easement would be for access and maintenance only.

There was a discussion regarding the drainage for the property. Mr. Sachar submitted into evidence a document pertaining to disturbance of less than an acre for drainage. Also, marked into evidence was an aerial view of the area.

Mr. Sachar explained their intension is to preserve as many of the trees as possible. He explained Cape Atlantic Soil is required if there is 5,000 square foot of disturbance. Then they would have to be given a drainage plan. Mr. Carr explained he doesn't know if Cape Atlantic Soil is looking at the stormwater management.

Mr. Galestok explained if the houses are built and someone triggers the RSIS, there is no control from this Board.

Mr. Murphy explained a drainage system could be done on a case by bases basis. Mr. Galestok explained there was a similar situation in the Township and that didn't work. He explained that if a house is expanded, the systems have to be expanded.

There was a discussion that trenches would be installed along the driveway and graded to the street.

Mr. Murphy explained they would comply with the stormwater management for whatever it would be in the future.

Mr. Galestok explained there would have to be some type of deed restriction to let the owner know they would have to install the system.

There was a discussion that bond and escrow would be required for the individual drainage systems.

The Board Engineer suggested the applicant might need a variance from 400-32A Lot configuration. The Board found that it was not practical to require side lot lines to at right angles in this case. Therefore, a variance is not required.

This portion of the hearing was opened to the public.

Mr. Ralph James was sworn in by Chairman Crompton.

Mr. James explained he has fire safety concerns. Mr. Sachar explained the Fire Safety recommended a fire hydrant if water was available. Mr. James explained water is not available. He explained first responders are West Cape May and Cape May Point. Mr. Sachar explained if available, they will connect. Mr. Murphy explained he has looked into this and there is a line dedicated to Cape May Point. He explained the line is the City of Cape May's and they are looking into whether it can be extended. Mr. James explained it is a risk without fire prevention.

Ms. Pat King was sworn in by Chairman Crompton.

Ms. King explained she also has concerns with fire safety. She explained her other concerns are the impact of multiple wells and septic systems being installed and water quality. She explained this area is critical to wildlife and birds. She explained eco-tourism is vital to the area. She explained this area is popular for walkers, joggers and bicyclists. She has concerns with multiple driveways with run-off into the street and possible flooding.

Ms. King read her letter into the record.

Mr. Batastini explained the area is zoned for development and the applicant is not asking for any variances. This is a by-right subdivision.

Mr. David LaPuma, Director of the Cape May Bird Observatory was sworn in by Chairman Crompton.

Mr. LaPuma read a letter into the record.

Mr. John Luedeke was sworn in by Chairman Crompton.

Mr. Luedeke explained he has concerns with the run-off. He explained he is one of the lowest lots on the street. Mr. Murphy explained there would be minimum run-off from the proposed subdivision.

Mrs. Kay Luedeke was sworn in by Chairman Crompton.

Mrs. Luedeke explained she heard the storm of 62 had brought seawater into this area. She explained she had concerns this could happen again.

This portion of the hearing was closed to the public.

Mr. Sachar explained there will be a lot of area on the lots for recharge. He explained the applicant is the owner of the property and not a developer. He explained he would like to preserve the land and has approached Open Space to possibly purchase the land.

Mr. Galestok reread Bureau of Fire Safety comments dated February 27, 2017. There was a discussion regarding the letter. It was explained that the applicant should try and comply with the comments. It was explained there is a water line by Stevens Street, if connections is allowed, the applicant would connect.

Mr. Senico made a motion to conditionally approve the application. The motion was seconded by Ms. Dowe.

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Ms. Dowe	YES
	Mr. Senico	YES	Mr. Sippel	YES
	Mr. Sullivan	YES	Mr. Bulakowski	NO
	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. Vassar made a motion to approve Board Solicitor vouchers and the Resolution from the February 16, 2017 meeting. The motion was seconded by Ms. Dowe. Motion carried.

Mr. Sullivan made a motion to adjourn at 10:11 P.M. The motion was seconded by Mr. Bulakowski. 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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