

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 March 21, 2013 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 Jay Dilworth
Johnnie Walker (Mayor's Designee)
Paul St. John
Brian Sullivan
John McNulty

MEMBERS EXCUSED: Charles Hewitt, Jr.
Michael Beck
Norris Clark
Daniel J. Senico
Chris McDuell
Frank Zeigler

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated March 19, 2013.

List of Board Engineer vouchers dated March 21, 2013.

2012 Planning Board Variance Report.

The New Jersey Planner: January/February 2013; Vol. 74, No. 1.

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

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

Mr. McNulty made a motion to approve the resolutions from the February 21, 2013 meeting. The motion was seconded by Mr. St. John. Motion carried.

1. Discussion of Annual Variance Report.

Mr. Galestok explained the Municipal Land Use Law requires an annual variance report be prepared and the Zoning Board has to approve a resolution to be submitted to Township Council. He explained that what he generally does is look at the use variances approved and to see if there is a lot the same type of hardship variances granted.

Mr. Galestok reviewed the report with the Board.

3. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variance needed for failure to abut a street, submitted by Ryan & Amy Litton for the location known as Block 498, Lot 10, 720 Shunpike Road.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicants.

Mr. Ryan Litton, applicant, and Mr. Vincent Orlando, PE, were sworn in by Chairman Dilworth.

Mr. Dwyer submitted into evidence a reduced size plan of the proposed minor subdivision.

Mr. Orlando explained they are proposing a two-lot subdivision. One lot would be 1.8 acres and the other 13.82 acres. He explained the driveway would service both lots and would be constructed to handle emergency vehicles. He explained the Bureau of Fire Safety has approved the application.

Mr. Orlando explained the property is in the R-2 zone. He explained what is proposed would keep within the development scheme of the area. He explained there would be no impact to the adjacent properties. He explained it would be a hardship to the applicants to install a street for two lots.

The Board asked Mr. Orlando how the driveway would be constructed? Mr. Orlando explained it would be a gravel base with crushed stone.

Mr. Litton explained the proposed subdivision would be for his children to build their own homes.

Mr. Thornton summarized Engineer's comments dated March 15, 2013.

Mr. Galestok read Cape May County Planning Board comments dated February 13, 2013.

Mr. Galestok read Bureau of Fire Safety comments dated January 10, 2013 in which they found this application acceptable.

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. Sullivan made a motion to conditionally approve this application. The motion was seconded by Mr. McNulty. Motion carried.

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

4. Preliminary & final site plan and hardship variance applications to create a solar farm. Hardship variance application needed for lot frontage & front yard setback, submitted by Cape Atlantic Energy, LLC, for the location known as Block 410.01, Lots 83 & 87.01, 470 Shunpike Road, (45 Mimosa Drive, Rio Grande.) (SP 13-3)

Mr. Louis Dwyer, Jr., Esq., represented the applicant.

Mr. Paul Burgin and Mr. John Kornick, PE, were sworn in by Chairman Dilworth.

Mr. Dwyer explained they are proposing a solar farm in the industrial zone.

Mr. Kornick explained the proposed solar farm is to harvest the sun for energy. He explained what is proposed would have no negative impact to the area or Township. He explained the property is landlocked with the only access through Mimosa Drive in Middle Township. He explained an access easement would be needed. He explained they feel all setbacks are met. He explained they don't feel a front yard setback variance would be needed because the property is landlocked and there is a parcel of land in Middle Township that fronts on a street.

Mr. Dwyer explained this is an unusual piece of land. He explained the property does have frontage, but through another municipality.

Mr. Galestok explained the conditional use section is vague. He explained he feels there is frontage to the property, just in a different municipality.

Mr. Thornton read Engineer comments dated March 14, 2013.

Mr. Kornick explained they would provide the stormwater calculations to the Engineer. He explained the electric poles and lines on the property would be relocated to construct the array. He explained the property would be fenced with an 8' black vinyl chainlink fence. He explained some of the panels would face north and some south. He explained the arrays are non-glare.

Mr. Galestok read Bureau of Fire Safety comments dated February 6, 2013 in which they found the application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated February 6, 2013.

This portion of the hearing was opened to the public.

Mr. Craig Bretz was sworn in by Chairman Dilworth.

Mr. Bretz explained he owns the adjacent property and has received preliminary subdivision approval for residential use. He asked what the noise level would be and how the property would be screened? Mr. Kornick explained the State allows 65 decibels for this type of use. He explained there would only be noise during the day. He explained the inverter will be 50 feet from the property line and can only be 65 decibels. He explained there should be little impact to Mr. Bretz property. He explained they are also proposing evergreen landscaping along the fence line.

This portion of the hearing was closed to the public.

Mr. Sullivan made a motion to conditionally approve the hardship variance. The motion was seconded by Mr. McNulty.

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

Motion carried.

Mr. Sullivan made a motion to conditionally approve the site plan application. The motion was seconded by Mr. St. John. Motion carried.

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

Chairman Dilworth called for a short recess at 8:04 P.M. The meeting was called back to order at 8:10 P.M.

The meeting was adjourned at 8:10 P.M. to enter into closed session. The regular meeting was called back to order at 8:20 P.M.

2. Discussion of height of structures in the response to the new Advisory Base Flood Elevations (ABFE's)

There was a discussion that some municipalities have increased their overall height. Some have changed to the height is measured at the base flood elevation. Both the FIRM (Flood Insurance Rate Map), and ABFE maps are used. In some zones there is a +1 and +2 based to the finished structural member.

There was a discussion of may be waiting to see what other towns are doing for their height before looking into changing the height here.

Mr. Thornton explained that some towns are allowing residents to build to 37 foot if they are in a zone that is a +2.

Mr. McNulty made a motion to adjourn at 8:44 P.M. The motion was seconded by Mr. Sullivan. 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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