

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 April 18, 2019 at the Lower Township Municipal Building. The meeting was called to order at 7:01 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
Chris McDuell
Michael Rosenberg (Mayor's Designee)
Daniel J. Senico
Roland Roy

MEMBERS EXCUSED: Andrew Bulakowski
Erik Simonsen
James Hemingway
Christopher Vassar

MEMBERS ABSENT: John McNulty
Jennifer Dowe

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

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated April 17, 2019.

List of Board Engineer vouchers dated April 18, 2019.

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

3. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots, hardship variances needed for lot area, frontage & width, submitted by Charles & Sarah Foulkrod for the location known as Block 535, Lots 43-49, 6-8 Racetrack Drive.

Mr. Ron Gelzunas, Esq., represented the applicants.

Mr. Gelzunas explained his clients property is 140' along Racetrack Drive. He explained the lots are almost 100' deep. He explained his clients would like to create two lots. He explained there is an existing house on Lots 47 & 48. He explained his clients would like to construct a new house on the vacant lot for themselves and sell the existing house.

Mr. Charles Foulkrod, applicant, and Mr. Hal Noon, Licensed Land Surveyor and PP, were sworn in.

Mr. Noon explained this property is east of Shore Drive with 140' of frontage. He explained they are proposing two lots with 70' frontage and an average depth of 97'. Both lots would have a little bit less than 6,800 square feet each.

Marked into evidence as A-1 is a color coded tax map page of the area.

Mr. Noon reviewed the map with the Board explaining 6 of the 14 properties are undersized on the same block and 10 of the 26 across the street are undersized. He explained he feels what is proposed is a reasonable request. He explained the existing lot is considerably larger than the area.

Mr. Noon explained the lot depth is met, but would be deficient in lot area, frontage and width. He explained he does not see a detriment to the area if this was approved. He explained all setbacks would be met. He explained he feels with what is proposed, there would be more open space provided then if one big house was built.

Mr. Foulkrod explained this has been a summer house for his family. He explained he

has been coming to this house since he was five years old. He explained he would like to construct a new house to live in. He explained they are looking to build a house similar to what has been constructed recently in the area. He explained they would sell the existing house, but it would be up to the new owners if they wanted to renovate the house or build a new house.

Mr. Carr summarized Engineer comments dated April 10, 2019.

Mr. Galestok read Bureau of Fire Safety comments dated March 12, 2019 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated March 19, 2019 in which they waived this application.

This portion of the hearing was opened to the public.

Mr. Steven Locke was sworn in.

Mr. Locke explained he is a neighbor to this property. He explained there are a lot of mature trees on the vacant lot and would like to see them remain. He explained that most of the area is consistent with setbacks to make it look like the surrounding area.

This portion of the hearing was closed to the public.

Mr. Foulkrod explained all the trees across the street were removed when those houses were being built. He explained that some trees will have to come down on the vacant lot, but he is planning on keeping the ones he can. He explained five of the trees will remain and he can plant new trees. He explained as far as the setbacks, there would be quite a bit of land to work with as he is not planning on building a big house. The Board explained the proposed lot would be 70' wide and if a 40' wide house was built, it would still leave 15' each side yard setback. Mr. Foulkrod explained he is not going to build a 40' wide house. Mr. Galestok explained the approval will run with the land. He explained the building envelope is shown on the plan. He explained a subdivision should not be conditioned upon certain setbacks and trees on a lot. He explained the next person to buy the property may want to build out to the allowed setbacks and remove all the trees.

Mr. Teitler explained to the Board the application before them tonight is for a minor subdivision for two lots with hardship variances for lot area, frontage and width.

Mr. Roy made a motion to conditionally approve this application. The motion was seconded by Mr. Rosenberg.

VOTE:	Mr. Rosenberg	YES	Mr. McDuell	YES
	Mr. Senico	YES	Mr. Roy	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.

4. Dune site plan & hardship variance applications to demolish the existing single family dwelling and construct a new single family dwelling on a lot deficient in lot frontage & width and encroaching into the side yard setbacks, submitted by Timothy & Carol Daly for the location known as Block 138, Lot 7, 310 Millman Lane.

Mr. Ron Gelzunas, Esq., represented the applicants.

Mr. Timothy Daly, applicant, and Mr. Vincent Orlando, PE & Licensed Landscape Architect, were sworn in.

Mr. Gelzunas explained his clients have recently purchased the property and they would like to demolish the existing single family dwelling and construct a reasonably sized house. He explained the property is next to the Fishing Club.

Mr. Orlando explained the property is 25' wide with an existing single family dwelling. He explained currently the existing side yard setback is 1.6' to the south and 4' to the north. He explained the proposed side yard setbacks will be 5.4' each. He explained the variance can be approved under the C.1 criteria for the narrowness of the lot. He explained what is proposed would have no detriment to the public good or the area. He explained what is proposed would be an aesthetic improvement to the area. He explained they are asking to have a 6' fence in the front yard for privacy. He explained there would be two parking spaces in the front of the fence and additional parking in the garage. He explained they would have gravel in front. He explained they have no problem with Mr. Carr's comments. He explained the proposed front yard setback for the house is 46' and the 6' fence would be set back to about 20-25' from Millman Lane, with double driveway gates to the garage.

Mr. Orlando explained there would be no impact to the area and would meet the flood elevation.

Mr. Galestok explained with any application along the bay, they are asking for an easement for a berm. He explained the Army Corp. of Engineers is designing a berm for flood protection along the bay. Mr. Daly explained he didn't have a problem with doing an easement.

Mr. Orlando explained there wouldn't be any damage to the dune system with the proposed house.

Mr. Carr summarized Engineer's comments dated April 10, 2019.

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.

The Board asked if the applicant's property goes out into the Delaware Bay? It was explained it does and they do have riparian rights.

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

VOTE:	Mr. Rosenberg	YES	Mr. McDuell	YES
	Mr. Senico	YES	Mr. Roy	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.

There was a discussion that Township Council has moved their summer meetings to 5:00 P.M. It was discussed that the Board think about possibly changing the meeting time to 6:00 P.M. year round. This would be discussed at a future meeting.

Mr. Roy made a motion to approve the resolutions from the March 21, 2019 meeting. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Rosenberg made a motion to approve the minutes from the March 21, 2019 meeting, Board Engineer and Board Solicitor vouchers. The motion was seconded by Mr. McDuell. Motion carried.

1. Discussion of farm accessory uses; accessory uses for barns for farms and animals, proposed change to make the setbacks distances more appropriate and consistent with each type of use.

Mr. Galestok explained to the Board a building for farm equipment can be 40' from the property lines. A building for farm animals has to be 100' from the property lines. He explained one acre is required for farm animals, but on one acre the setbacks can't be met.

Mr. Galestok explained maybe the building for a farm animal should be changed to 40'. He explained the Board should think about it and it would be discussed at a future meeting.

2. Discussion of Bayshore Mall 1A LLC v. Township of Lower Planning Board and Acme; Court Order.

Mr. Teitler explained the Court ruled in the Boards favor. He explained in the ruling, the Judge sited the Resolution and in the transcript the Boards reasons for the way the voted.

Mr. Senico made a motion to adjourn at 8:03 P.M. The motion was seconded by Mr. Roy. 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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