

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 May 19, 2016 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
Jay Young
Chris McDuell
Andrew Bulakowski
Christopher Vassar

MEMBERS EXCUSED: Michael Beck
Johnnie Walker (Mayor's Designee)
Daniel J. Senico
David Perry
John McNulty
Jennifer Dowe
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 May 19, 2016.

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

1. Final subdivision application for the creation of ten (10) newly described lots. (Preliminary subdivision and hardship variance needed for lot frontage, width, depth, setbacks for existing structures (front, gross floor area & accessory side yard) was approved at the February 18, 2016 meeting), submitted by David Rutherford for the location known as Block 791, Lots 6.01 & 6.06, 619 Seagrove Avenue.

Mr. Galestok explained he spoke with the Board Solicitor regarding this application and the application will be continued until next months meeting.

Mr. Teitler explained he will reach out to the attorney for this application to find out the status. He explained the Board may have to deny the application without prejudice.

2. Preliminary & final site plan and hardship variance applications to construct a 26 space parking lot. Hardship variance needed for lot frontage, submitted by The Nature Conservancy for the location known as Block 753.01, Lot 25.02, East of Railroad.

Mr. Jon Batastini, Esq., represented the applicant.

Mr. Batastini explained his client would like to construct a 26 space parking lot.

Mr. Michael Fralinger, PE, and Mr. Joseph Alessandri, of The Nature Conservancy, were sworn in by Chairman Crompton.

Mr. Alessandri explained The Nature Conservancy has been operating in New Jersey since the early 1960's. He explained this site would be for birdwatching, passive recreation and an area for art. He explained the access is from Wilson Avenue. He explained there are two easements which they have permission to cross from NJ Transit and Atlantic City Electric. He explained a previous application that was before the Board was for eight parking spaces and at that time was told to come back with eight additional spots. He explained the proposed parking lot would be at least 150' from the nearest residential use. He explained there is already a row of trees between the proposed parking lot and residential use. He explained if need be, they could plant additional trees.

Marked into evidence were five photographs of the proposed signage.

Mr. Alessandri explained they are proposing a 18 square foot sign along with additional smaller informative signs.

Mr. Alessandri explained the site would be open from dusk to dawn. He explained when closed the area would be gated and will provide keys for emergency access.

Mr. Alessandri explained no trash receptacles are proposed for this site. He explained it is carry-in/carry-out.

The Board asked if there were still cars in the lot after dusk how would they get out? Mr. Alessandri explained the gate is automatic with a sensor. He explained when a vehicle approaches the gate, the sensor is tripped and the gate opens.

There was a discussion about if there were more vehicles than the number of parking spots. Mr. Alessandri explained there is ample space for overflow parking.

Mr. Fralinger explained the property is located in the Conservation zone where these type parks are permitted as well as the parking lot.

Marked into evidence was an aerial photo.

Mr. Fralinger described the site to the Board explaining there is a need for parking. He explained currently there is parking on the street. He explained there are no wetlands in the area where the parking lot is proposed. He explained there is a 50' wide access easement over Atlantic City Electric and NJ Transit property to gain access to this lot. He explained there would be a 25' wide gate and they are proposing a four foot split rail fence that will connect to the existing fence on Wilson Street. He explained there are two existing gates North and South for the easement.

Mr. Fralinger explained once over the railroad tracks they are proposing a 18 square foot sign. He explained the parking lot would be stone with concrete stops to help delineate the spaces and there would be two handicap parking spaces. He explained they are also proposing six informational signs on site.

Mr. Fralinger explained there is approximately a 150' buffer to the nearest lot with two wooded areas between the lots and 16 additional trees are proposed.

Mr. Fralinger explained they are not proposing any lights on site.

Mr. Fralinger explained a lot frontage variance is required because the lot does not abut a street. He explained sign variances are needed. He explained what is proposed would enhance the zone and zone plan. He explained this application promotes safety and conservation.

Mr. Fralinger explained they are requesting a waiver for the parking coverage to allow stone. They are also requesting a waiver from installing curbs.

The Board asked if the handicap spaces would be solid? Mr. Fralinger explained they would be concrete and van accessible. He explained the site itself is not handicap accessible.

It was explained an installation of a solar light for emergency purposes maybe beneficial.

Mr. Carr summarized Engineer comments dated April 15, 2016.

Mr. Galestok asked where the bus parking would be? He explained there was previous testimony that buses were brought to this location. Mr. Fralinger explained they don't have designated bus stalls. He explained there is adequate width for a bus to access the site.

Mr. Alessandri explained the only time there would be a lot of people at this site would be during the world series of birding.

Mr. Galestok read Cape May County Planning Board comments dated April 18, 2016.

Mr. Galestok read Bureau of Fire Safety comments dated April 11, 2016 in which they found this application acceptable.

This portion of the hearing was opened to the public.

Ms. Mary Stewart was sworn in by Chairman Crompton.

Ms. Stewart explained she works for the Mid-Atlantic Center of Art & Humanities and read a letter of support from the Center. She explained MAC works with The Nature Conservatory with using trolleys to drop off and pick-up people from this location.

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

Mr. LaPuma read a letter of support into the record.

Mr. Steve Stegar was sworn in by Chairman Crompton.

Mr. Stegar explained he was there for Mr. Ronald Goldstein, the President of the Chamber of Commerce, who supports the application.

Mr. David Pron was sworn in by Chairman Crompton.

Mr. Pron explained he thought this area was going to remain undeveloped from the last application that was presented to the Board. He explained he has the same concerns as the last application with having all the traffic on a 25' wide road.

Mrs. Barbara Pron was sworn in by Chairman Crompton.

Mrs. Pron explained there was an application before the Board last year and the parking lot was not supposed to happen. She explained she is against the application. She explained there are children on the street. She explained people speed down the street now. She explained that the railroad may work again one day. She explained there is a transformer in the right-of-way and it had taken several days before they could work on it because they had to find the key to the gate.

Mr. Avery explained that the applicant was before the Board before with an application for a parking area, kiosk and gazebo. He explained the kiosk and gazebo were approved and the parking area was withdrawn.

Mr. Pron explained he is against the application. He explained this will bring a lot of people to this area and he doesn't want to see the street become a busy street.

Ms. Donna Mako-Fister was sworn in by Chairman Crompton.

Ms. Mako-Fister showed the Board a photo from her laptop of Wilson Street. She explained Wilson Street doesn't allow for two-way traffic if cars are parked on one side of the street. She explained the street will not accommodate the additional traffic. She explained maybe an alternative could be to approach businesses in the area that adjoins this property to use their parking lot and create a path to this facility. The Board explained that this would then be taking away from the business. Ms. Mako-Fister explained it was just a suggestion.

The Board asked if there was a problem now with parking on Wilson Street? Ms. Mako-Fister explained there isn't a problem now, but if there's an event or a bird sighting, there is. She explained she feels this is a liability to the Township. The Board explained there is already a problem there and this could help.

The Board asked how many houses were on the street? They also asked where they parked? Ms. Mako-Fister explained there are five houses and they park in the driveway.

Mr. Michael Pron was sworn in by Chairman Crompton.

Mr. Pron explained Wilson Street is a narrow street that dead ends. He explained there are safety concerns with this application. He explained he doesn't understand their hardship and wonders what this would do to the property values in the area.

Mr. Teitler explained a variance was granted with the previous application. He explained the parking area is a permitted use.

This portion of the hearing was closed to the public.

Mr. Batastini explained most of the concerns are with parking on the street and traffic. He explained the County Planning Board and Bureau of Fire Safety have no problems with the application. He explained he saw the photo that was shown on the laptop and the idea of this

application is to remove that problem.

The Board asked about having a turn around for larger vehicles.

Chairman Crompton called for a short recess at 8:31 P.M. The meeting was called back to order at 8:40 P.M.

Mr. Batastini explained they can create a 15 x 45 deep turn around. Mr. Fralinger explained it would be by the woods line with the same surface material as the parking area. Mr. Carr explained if it's only a turn around, what's to prevent parking in the area? Mr. Fralinger explained they could place some type of signage. There was a discussion about the variance needed for sign area and number of signs. Mr. Galestok explained four square foot is allowed in the residential zone. Mr. Teitler read section 400-37A(5) from the Land Use Ordinance.

There was a discussion the change to the plan has not been on file for ten days. Mr. Batastini explained this can be done here because it's been at the Board's request and the applicant is trying to accommodate concerns that have arisen tonight.

There was a discussion of the applicant requesting to Council to have residential parking only on the street. Mr. Alessandri explained if the neighbors would want this, then The Nature Conservatory would support them. He explained he doesn't feel this is something The Nature Conservatory should initiate, but would fully support.

Submitted into evidence was the marked up site plan.

Mr. Bulakowski made a motion to conditionally approve the site plan application. The motion was seconded by Mr. Vassar.

VOTE:	Mr. Young	YES	Mr. McDuell	YES
	Mr. Bulakowski	YES	Mr. Vassar	YES
	Chairman Crompton	YES		

Motion carried.

Mr. McDuell made a motion to conditionally approve the hardship variances for lot frontage, lot that doesn't abut a street and sign area. The motion was seconded by Mr. Young.

VOTE:	Mr. Young	YES	Mr. McDuell	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.

3. Minor site plan & hardship variance applications to renovate an existing restaurant, hardship variances needed for front yard setback, exceeding building coverage, sign size and location, submitted by JED Enterprises, LLC for the location known as Block 655, Lots 6, 9 & 23-27, 3832 Bayshore Road.

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

Mr. Lewis Conley, PP and Mr. Jim Linnington, applicant, were sworn in by Chairman Crompton.

Submitted into evidence was a Google earth photo of the site.

Mr. Gelzunas explained they are proposing an outdoor seating area and require a front yard setback variance and sign setback & area variances.

Mr. Conley explained there are 84 to 86 parking spaces on site. He explained they would like to construct an enclosed entrance and would need a variance for a two-foot encroachment and also like to construct an arbor in front with a landscaped wall.

Mr. Conley explained they are also proposing a sign that would be ten feet back from the right-of-way and would be over the allowed square foot.

Mr. Conley reviewed the architecture plans with the Board.

Marked into evidence were the architecture plans.

Mr. Gelzunas explained the plans will change to conform with the building signs. He explained the free standing sign will face north and south to be able to see while driving on Bayshore Road.

Mr. Conley explained there will be no change to the parking. The only change is to the front of the building. He explained the outdoor area will increase the number of seats.

Mr. Galestok showed the Board a plan that was approved by the Board in 1987 for outdoor seating and back out parking onto Bayshore Road.

Mr. Conley explained what is proposed doesn't affect the site in any way. He explained they are proposing an outdoor smoking area on the side of the building. Mr. Gelzunas explained the site is already asphalted and what is proposed does not affect any of the parking.

Mr. Conley explained what is proposed is a nice area for dining. He explained there would be no detriment if approved. He explained this business spans the entire block. He

explained if there were two separate lots there could be 140 square feet of signage. He explained what is proposed would not negatively affect the zone or zone plan.

The Board explained if the front entrance was reduced the variance could be avoided. Mr. Conley explained because of ADA requirements, a five-foot turnaround is needed in the inside. He explained if they reduced the front entrance, they would not meet the ADA requirements.

Mr. Carr explained he did not do a report for this application. He explained he could not do a proper review with just an aerial photo. Mr. Teitler explained what was submitted does not comply and it is missing key elements for review.

Mr. Linnington explained they have a vision to improve this site. He explained they want to make this a place Township can be proud of and a nice place to bring family to dine. He explained with the exterior changes, it is becoming more of a restaurant than a bar. He explained the front would not be used in the winter. He explained they can already see the change with the restaurant portion bring in more money than the bar.

Mr. Galestok asked if the outside area would have waitress servers and alcohol? Mr. Linnington explained they do not have permission to serve alcohol in this area. He explained there would be no amplified music outside.

This portion of the hearing was opened to the public.

Mr. James Kenny was sworn in by Chairman Crompton.

Mr. Kenny explained he has lived behind this establishment for 20 years and has no problem with the application.

Ms. Diane Desantis was sworn in by Chairman Crompton.

Ms. Desantis explained she lives to the rear of this property and would like to have a barrier wall along the rear property to stop people from walking over to her property.

There was a discussion about the trash enclosure. Mr. Gelzunas explained they will put slats in the existing chainlink fence.

Mr. Gary Allen was sworn in by Chairman Crompton.

Mr. Allen asked what time the kitchen closed? It was explained the kitchen closes at 10:00 P.M.

Mr. Allen had concerns with people smoking in the smoking area after the kitchen closes.

Ms. Sheri Hemingway, business partner, was sworn in by Chairman Crompton.

Ms. Hemingway explained their main goal is to have a nice family restaurant and have a restaurant with a bar, not a bar with a restaurant. She explained the clientele is improving. She explained it is important to get this project approved. She explained there is adequate parking.

This portion of the hearing was closed to the public.

Mr. Galestok read Bureau of Fire Safety comments dated May 17, 2016 in which they found this application acceptable.

There was a discussion regarding the application that was submitted. Mr. Teitler explained the application could be conditionally approved and the information Mr. Carr needs would have to be submitted to him and if it's not satisfactory to him, the applicant would have to come back to the Board.

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

VOTE:	Mr. Young	YES	Mr. McDuell	YES
	Mr. Bulakowski	YES	Mr. Vassar	YES
	Chairman Crompton	YES		

Motion carried.

Mr. Young made a motion to conditionally approve the hardship variance application. The motion was seconded by Mr. Bulakowski.

VOTE:	Mr. Young	YES	Mr. McDuell	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.

4. Final site plan application for 12 residential units (8 units in Phase 8B & 4 units in Phase 9), submitted by Harbourtown Resort Marina, Inc. (Canyon Club) for the location known as Block 823, Lot 3.01, Ocean Drive.

Ms. Melinda Young, Esq., represented the applicant.

Mr. Lewis Conley, PP, was sworn in by Chairman Crompton.

Mr. Conley reviewed the application with the Board. He explained the applicant is not seeking any waivers or variances.

Mr. Conley explained in Phase 8 there will be eight units and four units in Phase 9. He explained that in these Phases the drainage system and sewer lines. He explained there is adequate parking.

Mr. Carr summarized Engineer comments dated May 12, 2016.

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

VOTE:	Mr. Young	YES	Mr. McDuell	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.

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

Mr. Vassar made a motion to adjourn at 10:55 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.

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.