

TOWNSHIP OF LOWER

2600 Bayshore Road
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 June 15, 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
Michael Rosenberg (Mayor's Designee)
Frank Sippel
Jennifer Dowe

MEMBERS EXCUSED: Erik Simonsen
Daniel J. Senico
Chris McDuell
Brian Sullivan
Christopher Vassar
Andrew Bulakowski

MEMBERS ABSENT: John McNulty

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

STAFF EXCUSED: William J. Galestok, Board Secretary

CORRESPONDENCE:Handouts:

List of Board Solicitor vouchers dated June 14, 2017.

List of Board Engineer vouchers dated June 15, 2017.

The agenda for read 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 & depth, submitted by Scott Peter for the location known as Block 535, Lots 54-60, 14-16 Racetrack Drive.

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

Mr. Gelzunas explained two of the notices were not sent and therefore requesting an adjournment until next month. He asked that no new notice be required except for the two that were not sent.

Mr. Teitler gave some background on this property. He explained last year an application was submitted and there was an issue with the notice. The Board doesn't have jurisdiction to hear an application with deficient notice. He explained the applicant withdrew that application.

Mr. Teitler explained he spoke with Mr. Gelzunas' office and was told two notices were not mailed, therefore the notice is deficient. He explained Mr. Gelzunas is requesting the tabling of the application until next months meeting. He explained it is not out of the ordinary to ask for a continuance.

This portion of the hearing was opened to the public.

Ms. Nancy Koch was sworn in.

Ms. Koch explained this is an impact to everyone that is present tonight. She explained she took the day off from work and drove 3 ½ hours to bring her mom to this meeting. She asked why a notice is sent for a meeting if it's not going to be heard. Also, it seems like even if the neighborhood is against an application they are approved anyway.

Mr. Teitler explained when there is a variance, it is required notice be sent to the neighbors and the public can voice their opinion. He explained to send notice is tedious with having to make sure notice is correct and names and addresses are correct. He explained it is

routine not just for this Board, but with other Board to grant an applicant a continuance.

Ms. Andrea Malaney was sworn in.

Ms. Malaney asked when the application would be heard? It was explained the application will be heard at the July 20, 2017 meeting. She asked if the application was going to be renoticed? Mr. Gelzunas explained no notice would be sent.

Mrs. Penny Becica-Kraus was sworn in.

Mrs. Becica-Kraus asked how many times this can be continued? She explained that the applicant has come to their house asking what their problem with the application was. She explained she feels they have been intimidated by the applicant.

Ms. Kathy Reeves was sworn in.

Ms. Reeves explained she has concerns with due process. She explained the mailing the applicant did for the other application was a landscaping ad for his business. She explained there is something wrong with the internal process. She explained the last mailing was fraudulent. She explained she has concerns that the Board keeps approving variances. She explained she felt threatened at the meeting in 2005. Mr. Gelzunas explained he is not aware of any fraud. He explained he was not aware of any intimidation.

Mr. Jim Neville was sworn in.

Mr. Neville explained the attorney that represented the Board a couple months ago used the word fraud a couple of times. He explained this is the third time this property has tried to be subdivided. He explained there are too many undersized lots. He explained his property is "L" shaped like this one. Mr. Teitler explained he did not want to get into testimony on the application. He explained the applicant has requested an adjournment until next month.

Mr. Becica-Kraus read a memo from Mr. Galestok dated March 17, 2017 that stated 'misrepresentation, fraud, perjury, mistake in general.' Mr. Teitler explained Mr. Galestok quoted the section from the Municipal Land Use Law.

Mr. Young made a motion to approve the adjournment to the July 20, 2017 meeting. The motion was seconded by Mr. Sippel.

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Ms. Dowe	YES	Mr. Sippel	YES
	Chairman Crompton	NO		

Motion carried.

1. The Lower Township Planning Board will hold a public hearing on the adoption of a proposed "Area in Need of Redevelopment" pursuant to N.J.S.A. 40A:12A-1 et. seq. The area is generally located at the Cape May County Airport Industrial Park at Hornet and Ranger Roads, commonly known as the Everlon Property, being Block 410.01, part of Lot 36 and to be considered a non-condemnation redevelopment area.

Mr. Jim Arsenault, Esq., was present for this application.

Mr. Louis Joyce, PP, was sworn in.

Mr. Arsenault explained Township Council passed a resolution to have the Planning Board look into redevelopment at the Airport, specifically the Everlon Building.

Mr. Arsenault submitted the affidavit of publication.

Mr. Arsenault explained the process under the Housing & Development Act.

Mr. Arsenault explained the Everlon Building is a four-acre building. He explained between the County and the DRBA, they are trying to redevelop the airport and bring businesses to this area. He explained the DRBA has constructed a building and looking for tenants. He explained the County is in the process of doing the same. He explained there are many improvements happening. He explained the Brewery has really established itself there and now there is a taco restaurant.

Mr. Arsenault explained they would like the Everlon Building designated as an area for redevelopment.

Mr. Arsenault explained they are not sure what types of businesses as of yet will be in this area. It was explained the proposed buildings would be similar to the ones being constructed now. He explained if a business goes in there, it would be a permitted use under the Zoning Ordinance.

Mr. Joyce explained the area of the Everlon Building is 15 acres. He explained the Everlon Building was in business from 1971 to 1990. He explained it is no longer in use and hasn't been for some time. He explained the County has done numerous studies of this site. He explained there is some contamination and it would have to be remediated. He explained through the studies, it has been determined it is cheaper to demolish the building and rebuild.

The criteria for redevelopment were read and it is the Board's decision if this area qualifies under the Housing and Development Act. This building has not been used in over 25 years. If this Board determines this is a redevelopment area, a resolution is passed and it goes to Township Council then to the DCA for approval.

The Board asked who has jurisdiction over the uses for this area? Mr. Arsenault explained any business is subject to the local Land Use Ordinance. Mr. Teitler explained any

proposed business would be subject to the local Ordinance and the permitted uses.

The Board asked who would pay for all of this? Mr. Arsenault explained they would pursue grant money and would bond for some too.

Mr. Arsenault explained the County would be looking to do multi-tenant buildings.

The Board explained the building is in very bad inside and asked if the five million for the project would be a fixed number? Mr. Arsenault explained they are quite confident the five million would be correct. He explained they believe the concrete floor may be holding the contamination for seeping into the ground. He explained the building would be covered during demolition.

This portion of the hearing was opened to the public.

Mrs. Penny Becica-Kraus was sworn in.

Mrs. Becica-Kraus explained she is in favor of the proposal. She explained the Everlon Building is an eyesore to the Township.

This portion of the hearing was closed to the public.

Mr. Arsenault explained there is an inspection company that has to be present for demolition. He explained the demolition has to be supervised.

Mr. Teitler explained he spoke with Mr. Arsenault today about the resolution. He explained Mr. Galestok has reviewed the resolution and found it acceptable. He explained the Board has to adopt the resolution and then it would be forwarded to Township Council.

Mr. Rosenberg made a motion to accept the report and adopt resolution #17-22. The motion was seconded by Ms. Dowe. Motion carried.

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

Ms. Dowe made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. Young. Motion carried.

Mr. Rosenberg made a motion to approve resolutions from the May 18, 2017 meeting. The motion was seconded by Mr. Young. Motion carried.

Mr. Young made a motion to approve the minutes from the May 18, 2017 meeting. The motion was seconded by Ms. Dowe. Motion carried.

Mr. Rosenberg made a motion to adjourn at 7:49 P.M. The motion was seconded by Mr. Sippel. 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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