

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 June 19, 2014 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Vice-Chairman Charles Hewitt, Jr. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Vice-Chairman Charles Hewitt, Jr.
Johnnie Walker (Mayor's Designee)
Norris Clark
Chris McDuell
Fred Long

MEMBERS EXCUSED: Chairman Jay Dilworth
Michael Beck
Daniel J. Senico
John McNulty
Brian Sullivan
Paul St. John

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

CORRESPONDENCE:

Letter:

TO: Township Manager - Michael J. Voll

FROM: Paul M. Diefenbach, Realty Specialist 2
NJDOT/ROW

DATE: June 12, 2014

RE: State House Commission meeting for lease of part of Lot 11.01 of
Block 793, Township of Lower, Cape May County

Handouts:

List of Board Solicitor voucher dated June 12, 2014.

List of Board Engineer vouchers dated June 19, 2014.

List of Hatch Mott MacDonald voucher dated June 19, 2014.

The New Jersey Planner: March/April 2014; Vol. 75, No. 2.

Mr. Walker made a motion to approve the May 15, 2014 minutes. The motion was seconded by Mr. Hewitt. Motion carried.

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

Mr. Hewitt made a motion to approve Hatch Mott MacDonald voucher. The motion was seconded by Mr. Long. Motion carried.

Mr. Hewitt made a motion to approve Board Engineer voucher. The motion was seconded by Mr. Walker. Motion carried.

Mr. Hewitt made a motion to approve Board Solicitor voucher. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Hewitt made a motion to approve the Resolution from the May 15, 2014 meeting. The motion was seconded by Mr. Walker. Motion carried.

Mr. Galestok read the agenda for the benefit of the public.

- 4. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variance needed for lot area, frontage & width, submitted by Scott Peter for the location known as Block 535, Lots 36-42, 2, 2A & 4 Racetrack Drive.

Mr. Jeffrey Barnes, Esq., represented the applicant.

Mr. Scott Peter, applicant, was sworn in by Chairman Hewitt.

Mr. Barnes explained that at last month's meeting, his client had a three-lot subdivision before the Board. He explained that after hearing the Board comments and public comment, they asked for a continuance and have revised the plan for a two-lot subdivision. He explained the same variances are needed, but the lots are better suited for the area than three lots.

Mr. Maffei read Engineer comments dated June 10, 2014.

Mr. Galestok read Bureau of Fire Safety comments dated May 14, 2014 in which they found the application acceptable.

It was asked if the application was submitted to the Cape May County Planning Board? Mr. Barnes explained it wasn't submitted. He explained they wait until the outcome of this meeting before submitting.

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. Clark.

VOTE:	Mr. Walker	YES	Mr. Clark	YES
	Mr. McDuell	YES	Mr. Long	YES
	Chairman Hewitt	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. Dune review & minor site plan applications to have a seasonal beach bar consisting of a 8 x 36 deck, a 2 x 36 shed, a 2 x 36 fabric canopy, a 35 square foot deck and a 60' wide rollout walkway, submitted by Achristavest Pier 6600, LLC for the location known as Block 710.01, Lots 1-12.02 & Block 710.01, Lots 1.01-1.03, 9701 Atlantic Avenue.

Mr. Maffei excused himself from this application due to a conflict of interest. Mr. Thornton stepped in as Acting Board Engineer.

Mr. Frank Corrado, Esq., represented the applicant.

Mr. Josh McCallen, from Achristavest Pier 6600, and Mr. Al Gryga, Landscape Architect, were sworn in by Chairman Hewitt.

Mr. Corrado explained they are before the Board for a temporary beach bar. He explained no variances are needed. He explained there would be 30-40 bar stools and a tent if there are any events. He explained there will be a walkway from the parking lot to the beach bar. He explained they have no problems with Mr. Thornton's comments.

Mr. Gryga explained this would be a temporary structure that would be removed at the end of the season. He explained there would be electric and water under the deck area that would also be removed at seasons end. He explained there are two bars in the building that are ADA accessible. He explained that because of this, they don't think this one has to be ADA accessible. He explained that if the Board wants, they could provide a ramp to make the bar ADA accessible.

Mr. McCallen explained they have to seek DEP approval every year to have the temporary structures on the beach.

Mr. Gryga explained there really isn't any dune. He explained it is all flat there.

Mr. McCallen explained they would like to do snow fencing around this area. He explained if the Board would rather, they could do a post and rope fence.

There was a discussion regarding the survey. Mr. Gryga explained the survey is from 2000. He explained the topography hasn't really changed.

The Board asked what impact the Hereford Inlet project would have on this? Mr. McCallen explained that if need be, they would move the beach bar closer toward the ocean.

There was a discussion the beach bar would be there from May 1 to the end of September.

Mr. Galestok read Bureau of Fire Safety comments dated June 3, 2014.

Mr. Thornton read Engineer's comments dated June 18, 2014.

Mr. Galestok asked if this was opened to the public? Mr. Corrado explained it was. Mr. Galestok explained it should have ADA access. Mr. Corrado explained they don't have a problem with installing the ramp.

This portion of the hearing was opened to the public.

Mr. Jim Yost, from SeaPointe Village, was sworn in by Chairman Hewitt.

Mr. Yost explained that he has concerns with noise, ie - music, speakers, etc. He asked that if speakers could face away from SeaPointe Village to help reduce noise for those residents. Mr. Corrado explained he has no problem with that as a condition of approval. Mr. Galestok explained he has a problem with this type of condition. He explained if there is a noise complaint, the police will be called and if it is too loud, they owners will receive a ticket. He explained this falls under the noise ordinance. Mr. Teitler explained he agrees with Mr. Galestok. There was a discussion that this shouldn't be a condition of approval, but a maybe a finding-of-fact.

This portion of the hearing was closed to the public.

Mr. Walker made a motion to conditionally approve this application. The motion was seconded by Mr. Hewitt.

VOTE:	Mr. Walker	YES	Mr. Clark	YES
	Mr. McDuell	YES	Mr. Long	YES
	Chairman Hewitt	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.

2. The Lower Township Solicitor has requested that the Planning Board consider the NJDOT letter, dated June 12, 2014, offering the first option to purchase part of the Route 109 State R.O.W; east side of the end of the Garden State Parkway close to the intersection with Ocean Drive.

Mr. Galestok read the letter from NJDOT and showed the Board from an aerial photograph where he believes the NJDOT is referring to.

There was a discussion that the Township is involved with the litigation between the two

property owners there.

Mr. Teitler explained he is hesitant to have the Board involved because of the litigation between the two property owners and with the pending application before the Board. He explained that he would reach out to the Township Solicitor with his concerns.

There was a general discussion of Board member Fred Long's submitted two (2) page proposal for procedural changes to Planning Board and various Township Officials Department operations. The Board's professionals reviewed the proposal in detail, discussed it with the Board and at the end of the discussion the members of the Board found that the policies and procedures embodied in the Land Development Ordinance of the Township are appropriate to advance the goals and objectives of the Master Plan, the Municipal Land Use Law and protect the Coastal Resources through site plan review by the Board. No further action is required.

Mr. Long made a motion to adjourn at 8:28 P.M. The motion was seconded by Mr. Hewitt. 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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