

TOWNSHIP OF LOWER

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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 July 16, 2015 at the Lower Township Municipal Building. The meeting was called to order at 7:03 P.M. by Vice-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: Vice-Chairman Jay Dilworth
Johnnie Walker (Mayor's Designee)
Daniel J. Senico
Jay Young
Robert Crompton

MEMBERS EXCUSED: Chairman Paul St. John
Michael Beck
John McNulty
Brian Sullivan
Chris McDuell

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 Engineer vouchers dated July 16, 2015.

List of Engineering Design Associates dated July 16, 2015.

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

1. Informal discussion regarding adding retail space to the front of the property, submitted by Storage Quest for the location known as Block 410.01, Lot 85, 340 Fulling Mill Road.

Mr. Scott Ream and Ms. Julie Leeds were present for the discussion.

Mr. Ream explained they were thinking about possibly doing like a retail outlet. Ms. Leeds explained maybe a retail strip store with a laundromat and maybe a dollar store.

Mr. Galestok explained he wasn't sure what was being planned. He explained a use variance may be needed so they would have to go to the Zoning Board with a use variance and site plan. He explained there is some retail that would be permitted in the Industrial Zone. He explained the front of the property may be located in the Airport Hazard Zone.

Mr. Ream and Ms. Leeds explained site plans are currently being drawn. Mr. Galestok explained when they are further along, to contact him.

2. Preliminary & final site plan & hardship variance applications for Phase I - to modify approved site plan for an existing marina and restaurant, to clarify the approved outside "service" bar and to add more seating and update the site plan approval to be consistent with as-built conditions regarding previous approval. Phase II - modification to dock configuration only. Hardship variances needed for more than one (1) enterprise sign and larger than permitted informational sign greater than two (2) sq. ft., submitted by Cape Harbor Enterprises, Inc., for the location known as Block 822.03, Lot 8, 954 Ocean Drive.

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

Mr. Corrado explained they are requesting a sign and parking variance. He explained 226 parking spaces are required and 221 parking spaces are proposed. He explained there is a question as to whether transient boat slips require parking spaces.

Captain Fred Ascoli, applicant, Mr. Brian Murphy, PE, PP, and Mr. Nathan Mosley, PE, Traffic Engineer, was sworn in by Chairman Dilworth.

Mr. Mosley's resume was marked into evidence.

Mr. Mosley explained he has looked into the parking area and a parking analysis of the site has shown sufficient parking for the different on-site uses. He explained there is sufficient traffic flow. He explained he doesn't think paving is needed or the spaces to be delineated.

Marked into evidence was Mr. Mosley's parking assessment.

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

Mr. Dwyer explained his clients, H & H Fisheries, have an issue with the parking report being offered at this junction of the meeting. He explained this doesn't give his professional time to review the findings. Mr. Teitler disagreed with Mr. Dwyer. He explained the parking variance they are requesting is for five parking spaces.

Mr. Mosley explained there is no party boat operation on-site just the restaurant. He explained they did a study July 10th, 11th and 12th. He explained they did a count every 15 minutes. He explained they did observe seven cars from the adjacent lot on this lot. He explained on average there were 184 vehicles on Friday, 196 vehicles on Saturday and 170 vehicles on Sunday. He described where the people park around the perimeter and interior. He explained some more cars could have been parked because there were gaps between some of the cars. There were no parking attendants on site this weekend. He explained on busy weekends the applicant tries to have attendants. He explained the marina and restaurant work well together. He explained generally fishing is early in the morning and back in the afternoon before the restaurant really starts.

Marked into evidence were photos from July 11th, which Mr. Mosley reviewed with the Board.

Mr. Mosley explained he feels the existing parking is sufficient and when parking attendants are present along with the cones, this further helps to further sufficient parking. He explained there is sufficient circulation and there are no safety concerns.

Mr. Mosley explained there is no deterrent to granting the parking variance. He explained he feels this application advances the purpose of the zone. He explained transient boat slips help with parking. He explained granting the variance wouldn't cause a deterrent to adjacent properties.

The Board asked if the lot was paved and delineated for parking, would this give the five parking spaces so the variance would not be needed? Mr. Mosley explained with the attendants and valet parking, it helps with parking.

The Board asked if emergency vehicles could circulate on site with all the cars? Mr. Mosley explained they could get the majority of the vehicles on-site and get them close to the restaurant.

Mr. Dwyer asked Mr. Mosley why the study was only one weekend? Mr. Mosley explained they were contracted 10-12 days ago. He explained the study was done a single weekend with a band playing that weekend.

Mr. Dwyer explained this is a large commercial use and feels it should be paved and parking delineated especially for emergency vehicles.

Mr. Dwyer asked if there is a fire on the deck if a fire truck could get close to the deck and would they be able to turn around or would they have to back up? Mr. Mosley explained he was not sure. It was explained there are no measurements on the drive aisles. Mr. Mosley read Bureau of Fire Safety comments dated July 13, 2015.

Mr. Corrado asked Captain Ascoli how long he has owned the property? Captain Ascoli explained he has owned the property for 20 years explaining the current conditions have been the same for the past 10 years. He explained the weekend Mr. Mosley conducted the study was as busy a weekend as ever. He explained he has attendants and cones. He explained he did not use the attendants and cones this weekend to show that it still works even without the attendants and cones. He explained he has had emergency vehicles on site and they had no problems traveling the site. He explained that boat owners will come work on their boat and then go have lunch.

Mr. Corrado asked Captain Ascoli about the additional seats on the deck. Captain Ascoli explained they had about ten tables on the deck. He explained they had people standing and eating, so they added additional tables.

Mr. Corrado asked Captain Ascoli if some of the buildings are in the same location as the approved plan? Captain Ascoli explained some of the buildings are not in the same location. He explained the Construction Official at the time told him to move the buildings to the existing location. He explained the handicap pads, coolers, ice machine and dumpsters were moved.

Captain Ascoli explained he was given a waiver for the clamshell parking.

Mr. Dwyer had marked into evidence two photos of the parking.

Mr. Dwyer asked Captain Ascoli what size building the Board had approved? Captain Ascoli explained an 800 square foot building was approved. There was a discussion that there is a 29 x 49 building. There was discussion that the building is 800 square feet, but the awning is 29 x 49.

Mr. Dwyer asked Captain Ascoli if the shed was approved? Captain Ascoli explained it was. Mr. Dwyer explained it was not referenced in the Resolutions or on the site plan. He had marked into evidence the 2001 and 2005 resolutions.

Mr. Dwyer asked Captain Ascoli if he had a CAFRA permit for the kitchen/bar? Captain Ascoli explained he did not have a CAFRA permit for that, but there is a current application before the DEP.

Mr. Dwyer asked Captain Ascoli if he was approved for 220 seats and if he currently have 331 seats? He explained he did and 331 seats have worked for ten years.

Mr. Corrado asked Captain Ascoli if his intension was to have a service bar/kitchen on the deck? Captain Ascoli explained it was. He explained he believes it was a labeling mistake. He explained at the meeting, it was understood it was a service bar/kitchen.

Submitted into evidence was an aerial photo.

The Board asked what the definition of a service bar was? Mr. Dwyer explained he understood it to be an area where servers get drinks made. Mr. Corrado explained he understood it to be drinks and snacks.

The Board had a discussion that a previous application in Diamond Beach had went from a service bar to a full kitchen. Mr. Corrado explained that with this application it was always intended to be a kitchen and building permits were obtained.

Mr. Dwyer had marked into evidence the 2005 site plan.

The Board asked if the parking study was done based on the number of seats? Mr. Corrado explained the parking study was based on 331 seats.

The Board asked if the shed was in that location when the parking study was done? Mr. Mosley explained the shed was there.

Chairman Dilworth called for a short recess at 8:50 P.M. The meeting was called back to order at 8:57 P.M.

Mr. Corrado asked Mr. Murphy about the size of the bar on the deck. Mr. Murphy explained the building is the size that was approved in 2005. He explained the aerial photo does make the building look larger, but what is shown on the aerial is the awning that makes it look bigger than what the actually building really is. He explained the service bar/kitchen was approved and no variances were needed.

Mr. Murphy explained what's there now is what has been there for the last ten years.

There was a discussion that the parking was changed. Captain Ascoli explained that what is there works. He explained the turn around for emergency vehicles is adequate. He explained the site lighting is adequate.

Mr. Murphy listed other similar businesses that have clamshell parking. He explained the DEP prefers clamshells.

Mr. Murphy explained the number and location of the signs. He explained there is a portable sign by Ocean Drive, directional signs, approximately 15-Harborview parking signs, two building signs on the restaurant and two signs on the bait building. He explained there would be no negative impact or deterrent for granting the sign variance.

Mr. Carr summarized Engineer's comments dated July 10, 2015.

Mr. Dwyer questioned Mr. Murphy. Mr. Murphy explained liquor is not served from the service bar. He explained he is not sure if the lighting was installed per plan, but it does meet the standard. He explained he feels the site is safe and the traffic flow is adequate. He explained the turnaround meet the RSIS standards.

Mr. Dwyer asked about the parking allotted for the bait & tackle shop. Explaining it is retail and requires parking. Also, about the parking for the charter boat. It was said there are no charter boats there nor have there ever been.

Ms. Rachel Hansen was sworn in by Chairman Dilworth.

Ms. Hansen explained there was a charter boat, fishing boat or a commercial fishing boat on the site.

It was explained a plan had been submitted with a plan for 18 parking spaces for party boats. Mr. Murphy explained there are no party boats on site. Captain Ascoli explained there is a 36' boat there for conch fishing.

There was a discussion about the parking study being done the week after July 4th.

Chairman Dilworth explained that the policy of the Board is no new testimony after 10:00 P.M.. He explained that because of the hour, the application would be continued until the August 20, 2015 meeting.

Mr. Crompton made a motion to approve Board Engineer and Engineering Design Associates vouchers. The motion was seconded by Mr. Senico. Motion carried.

Mr. Senico made a motion to adjourn at 9:53 P.M. The motion was seconded by Mr. Walker. 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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