

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 August 17, 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
Chris McDuell
Erik Simonsen
Michael Rosenberg (Mayor's Designee)
Daniel J. Senico
Frank Sippel
John McNulty
Andrew Bulakowski

MEMBERS EXCUSED: Brian Sullivan
Christopher Vassar

MEMBERS ABSENT: Jennifer Dowe

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

STAFF EXCUSED: Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handout:

List of Board Engineer voucher dated August 8, 2017.

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

4. Minor site plan & hardship variance applications for additional signage and two (2) outdoor display areas, hardship variances needed for number of signs and sign area, submitted by Acme Markets, Inc., for the location known as Block 741.01, Lot 28.01, 3845 Bayshore Road.

Mr. Teitler stated that this application would be continued until the September 21, 2017 Planning Board agenda. No new notice would be provided.

1. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variances needed for lot area, frontage & width, submitted by Michael DiStefano for the location known as Block 237, Lots 23-25, 28 & 30 Frances Avenue.

Mr. Senico excused himself from this application due to a conflict of interest.

Mr. Bruce Conwell, Jr., Esq., represented the applicant.

Mr. William P. Sweeney, Licensed Land Surveyor, was sworn in and accepted as an expert witness by the Board.

Mr. Young was found not to be in conflict on this application.

Mr. Conwell described the application to the Board.

Mr. Conwell explained the applicant acquired the property in two (2) separate transactions.

Mr. Conwell explained that each of the three (3) lots in question, measuring 50 x 100 in size, may have merged into the one lot, because they do not meet the minimum lot size for the R-3 with sewer Zoning District.

Mr. Conwell explained the purpose of this application is to legitimize the subdivision and sale of lots 23 & 24, Block 237 to Patricia A. Leaf. Mr. DiStefano would retain the balance of the lot as new lot 25. New lot 25, 50 x 100 is vacant at the present time.

Mr. Conwell explained there is an existing garage on the property that would have to be demolished if two conforming lots were created.

Mr. Sweeney testified as to the need for the variance. He stated that the original subdivision of "Skills Beach," was subdivided into 50 x 100 lots. Most of them, 90%, are still 50 x 100 lots today. The existing single family home conforms to all the required setbacks for the R-3 Zoning District.

Conclusion: Mr. Conwell stated that the applicant has satisfied the negative and positive criteria and not approving the application would be an exceptional and undo hardship upon the applicant. No variances for setbacks would be requested for the 50 x 100 lot.

The Planning Board members asked if the 100 x 100 lot could be subdivided in the future. The Board asked if the 50 x 100 lot could be made larger? The Board stated that other owners have consolidated their lots into 100 x 100 size lots.

The Board Engineer gave his report to the Planning Board and asked the applicant several questions about the variances requested. Mr. Carr asked about the location of the chainlink fence.

Mr. Galestok read the Bureau of Fire Safety and Cape May County Planning Board comments into the record.

The meeting was opened to the public. Objections were heard from the public.

Mr. Young made a motion to approve the application as presented with conditions. The motion was seconded by Mr. McDuell.

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Mr. McNulty	YES	Mr. McDuell	YES
	Mr. Sippel	NO	Mr. Bulakowski	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.

- Minor site plan application to construct a 18 x 28 building for a wharf tub washing facility, submitted by Lund's Fisheries, Inc., for the location known as Block 793, Lot 15.01, 997 Ocean Drive.

The applicant was represented by Mr. Christopher Gillin-Schwartz, Esq.

Mr. Lewis Conley, P.L.S. & PP, of Van Note Harvey Associates, and Mr. Matt Viall, was present to answer questions for the applicant as a representative of Lund's Fisheries, were sworn in.

The applicant's representative explained the minor site plan project in detail. It was explained that the current tub washing system is a manual operation that wastes a significant amount of water. The building will be 18 x 20 to house a tub washing machine. The reduction in water use is from 1710 gph to 210 gph with the appropriate amount of soap. No variances are required.

The Board Engineer gave his report to the Board and all of his comments have been addressed by the applicant.

The Planning Director read the Bureau of Fire Safety and Cape May County Planning Board comments.

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

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Mr. McNulty	YES	Mr. McDuell	YES
	Mr. Senico	YES	Mr. Sippel	YES
	Mr. Bulakowski	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.

- Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variance needed for lot area for an existing duplex, submitted by Robert & Janice Olivio for the location known as Block 291, Lots 1 & 2 and Block 299, Lots 1-3, 300 Woodland Avenue and 1001 Delaware Avenue.

Mr. Robert Olivio represented himself for the application.

Mr. Olivio explained that Mr. Michael Gruccio, Esq., prepared his application but could not attend tonight's meeting. He gave a brief history of the property. He explained the property location.

Mr. Olivio entered a photograph into evidence, of the existing buildings and it was marked as A-1. The photo was the property between the 2-story dwelling and the 3-story dwelling.

The applicant is planning to adjust the center lot line and therefore needs a subdivision.

Mr. Teitler explained that the property fronted on three streets and that the applicant owns the entire property.

Mr. Olivio explained why he chose to place the lot line in the position proposed.

Mr. Senico noted that the applicant, by virtue of his plan, is creating a duplex on an undersized lot. He requested testimony on the variance created and the notice and application requirements.

Mr. Olivio stated that he applied for and noticed for all variances required.

There ensued a general discussion of the duplex lot and variances required amongst the Board members and the applicant.

Mr. Olivio said he is not looking to build any new units but only to add more space to his existing single family dwelling.

The Board Engineer answered questions from the Board and gave his Engineering report.

The Board Engineer explained that the applicant has an existing 6' fence in the front yard that is in violation of the fence height Ordinance. The fence requires a variance.

The applicant took issue with the Engineer's report regarding the revised plan and the requirement of mylars for filing by plat.

The Board Solicitor took issue with the lack of professional testimony presented by the applicant. The plan has significant deficiencies and the applicant should consider delaying the application until he can return with professionals, who could give testimony pertinent to the relief.

The Board Engineer stated that a zoning chart is required on the plan and is an integral part of the subdivision plan.

The Board discussed and stated that the Engineer's report and conditions shall be a condition of approval.

The Board discussed the non-conforming 6' fence and if proper notice was given. It was determined by the Solicitor that proper notice was given after examining the notice in detail.

Mr. Sippel made a motion to conditionally approve the application. The motion was seconded by Mr. Senico.

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Mr. McNulty	YES	Mr. McDuell	YES
	Mr. Senico	YES	Mr. Sippel	YES
	Mr. Bulakowski	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.

A motion was made and seconded to approve the Board Solicitor and Board Engineer's vouchers. Motion carried.

A motion was made and seconded to approve the Scott Peter resolution from the July 20, 2017 meeting. Motion carried.

A motion was made and seconded to adjourn the meeting. Motion carried.

Respectfully submitted,

William Galestok,
Board Secretary

A verbatim recording of said meeting is on file in Township Hall.

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