

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 September 19, 2013 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by 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: Chairman Jay Dilworth
Charles Hewitt, Jr.
Johnnie Walker (Mayor's Designee)
Norris Clark
Paul St. John
John McNulty
Fred Long

MEMBERS EXCUSED: Michael Beck
Daniel J. Senico
Brian Sullivan
Chris McDuell

STAFF PRESENT: Avery S. Teitler, Board Solicitor
George A. Curvan, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:Memorandum:

TO: Lower Township Planning Board

FROM: Bill Galestok, PP, AICP
Director of Planning
Planning Board Secretary

DATE: September 11, 2013

RE: Adoption, by referenced, N.J. State Law,
P.L. 2013, Chapter 107, approved
August 7, 2013. "An Act concerning
certain flood elevation standards and
development regulations and supplementing
P.L. 1975, c.291 (C40:55D-1 et seq.)

Handouts:

List of Hatch Mott MacDonald voucher dated September 19, 2013.

List of Board Engineer vouchers dated September 19, 2013.

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

2. Discussion of proposed Wildwood Water Utility elevated water tank storage facility in Diamond Beach. Recommendation request from Lower Township Mayor & Council.

Mr. Gary Zeigler, PE, PP, Director of the Wildwood Water Utility Authority, was present for this discussion.

Mr. Zeigler submitted a report he prepared and photos of what the tower would look like. He said the tower would hold 500,000 gallons and would be 126' in height. He explained overflow would be elevation 128'. He explained the height matches the tower on Garfield Avenue in Wildwood that is 1,000,000 gallons.

Mr. Zeigler explained he was before the Board several years that a water tower was needed in this area. He explained that when The Grand was before the Board, he came and testified there was adequate water supply for that, but if additional construction were proposed in

Diamond Beach, additional water tower would be needed not only for supply, but for fire protection.

Mr. Galestok showed the Board an aerial photo of the area they would like the tower. Mr. Zeigler reviewed the aerial with the Board. He explained this the best location they could find and they would also run additional lines to street ends and loop the water supply.

Mr. Galestok explained that if Township Council endorses the tower, an application would have to be made before the Board.

The Board asked if the construction of the tower would be subbed out to local contractors? Mr. Zeigler explained the foundation, painting and landscaping would be subbed out to local contractors, but the tower itself would be the company who constructs the towers.

There was a discussion about the overflow.

Mr. Senico made a motion to recommend to Township Council to endorse a water tower in the Diamond Beach area. The motion was seconded by Mr. Walker. Motion carried.

4. Preliminary & final site plan & hardship variance application for a commercial marina, seafood sales & kayak rentals (approval of existing site conditions.) Hardship variances needed for lot area, lot width & frontage, minimum storage; signage, maximum number, area, height and location & front yard setback, submitted by H & H Fisheries, LLC, for the location known as Block 822.03, Lot 7.02, 956A Ocean Drive.
0. Discussion of Alternate Public Hearing Date for H & H Fisheries, LLC; suggest alternative date, Thursday, October 24, 2013.

Mr. Dwyer explained he understood that the application was continued until October.

There was a discussion about having a meeting October 24th. Chairman Dilworth asked the Board members to check their schedules and notify the office if they can attend that meeting.

Chairman Dilworth explained the H & H Fisheries, LLC, application has been continued until the October 24, 2013 meeting with no new notice needed.

5. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variances needed for lot frontage, width & side yard setbacks, submitted by Raymond & Barbara Hober & Dennis & Pamela Cluff for the location known as Block 750, Lots 3.01 & 4, 692 & 694 Socs Lane.

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

Mr. Louis C. Dwyer, Jr., Esq., represented the applicants.

Mr. Ray Hober, applicant, and Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Dilworth.

Mr. Sweeney explained the proposed subdivision would eliminate encroachments. He explained that the proposed new lot line would follow the tree line. He explained the lots would still be over an acre but a variance for lot frontage is still needed.

Mr. Sweeney explained what is proposed would have no detriment to the zone, zone plan or area if approved.

Mr. Curvan summarized Engineer comments dated September 17, 2013.

Mr. Galestok read Cape May County Planning Board comments dated August 12, 2013 in which they waived the application.

Mr. Galestok read Bureau of Fire Safety comments dated July 31, 2013 in which they found this application acceptable.

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

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Clark	YES
	Mr. Senico	YES	Mr. St. John	YES
	Chairman Dilworth	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.

- 6. Minor subdivision application for the creation of two (2) newly described lots, submitted by Southern Shore Development, LLC, for the location known as Block 494.01, Lot 1.06, 1A Shawmount Avenue.

Chairman Dilworth explained the application was reviewed by the subdivision committee and found to meet the requirements.

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

seconded by Mr. Senico. Motion carried.

7. Minor subdivision & hardship variance applications for the creation of three (3) newly described lots. Hardship variances needed for flag lot area, frontage, width & depth, submitted by Darrell & Linda Kopp for the location known as Block 751, Lots 11.01 & 11.04, 1022 & 1028 Batts Lane.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicants.

Mr. Darrell Kopp, applicant, chose to make his formal declaration by affirmation which being substituted for taking an oath.

Mr. Matt Hender, PE, was sworn in by Chairman Dilworth.

Mr. Hender explained the property is over seven acres. He explained they are proposing two one-acre lots and the remaining lot would be five acres. He explained each lot would have sufficient means of ingress & egress. He explained they could do a major subdivision with six lots, but thought this was a better use of the land and would fit more with the neighborhood. He explained this is estate planning and the lots would be for his children.

Mr. Dwyer had marked into evidence an aerial photograph showing the lots in the area.

Mr. Hender explained what is proposed is consistent with the area and there would be no detriment to the area if approved. He also explained the proposed density is consistent with the density in the area.

Mr. Curvan summarized Engineer comments dated September 17, 2013.

There was a discussion about creating more than one flag lot. Mr. Teitler explained he believes it would be a waiver or a variance to approve more than one flag lot.

The Board explained they have a concern with setting a precedent approving multiple flag lots. Mr. Dwyer explained a major subdivision could be done, but they are proposing this subdivision in keeping with the area.

Mr. Galestok read section 40:55D-2 from the Municipal Land Use Law.

The Board asked if the flag portion of the lots were one acre in accordance with the Ordinance? It was explained the flag portion does not have one acre lot area. There was a discussion about moving the rear lot lines back to create the acre in area.

Mr. Dwyer asked if there could be a short recess so he could confer with his client? Chairman Dilworth called for a short recess at 7:40 P.M. The meeting was called back to order at 7:45 P.M.

Mr. Dwyer explained his client has agreed to extend the lines back to increase the lots to one acre in the flag portion. He requested the plan be reviewed by the Board Engineer so the applicant doesn't have to come back before the Board. The Board agreed to this.

Mr. Dwyer also explained the horse fence will remain as this area is the pasture for the horses.

Mr. Galestok read Cape May County Planning Board comments dated September 10, 2013 in which they waived this application.

Mr. Galestok read Bureau of Fire Safety comments dated August 21, 2013.

Mr. Hender explained there will be a 20' wide section that would be sufficient to support the weight of fire apparatus.

Mr. Dwyer explained there would be a cross easement for the driveway.

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.

The Board explained the proposed building envelope is narrow and asked if that was sufficient to construct a single family dwelling? Mr. Dwyer explained it is 38' wide. He explained that would be sufficient for a single family dwelling.

Mr. Galestok asked when the large lot was created? Mr. Kopp explained the house was built in 1975. He thinks the lot was created in the early 70's. Mr. Galestok explained he sees this as a two-flag lot subdivision and not three.

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

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Clark	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Long	YES	Chairman Dilworth	YES

Motion carried.

Mr. Hewitt made a motion to conditionally approve the subdivision application. The motion was seconded by Mr. McNulty.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Clark	YES
	Mr. Senico	YES	Mr. St. John	YES
	Mr. Long	YES	Chairman Dilworth	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.

8. Minor subdivision & hardship variance application for the creation of two (2) newly described lots. Hardship variances needed for lot area, frontage & width, submitted by Randall & Janet Bevan & Daniel Meissler, Sr., for the location known as Block 708, Lots 31 & 32, 224 & 226 E. Rochester Avenue.

Mr. Michael Stanton, Esq., represented the applicants.

Mr. Randall Bevan, applicant, was sworn in by Chairman Dilworth.

Mr. Stanton explained this is an 80 x 80 lot in the Diamond Beach section of the Township. He explained that when the duplex was constructed, it was not centered on the lot line and because of this, the owners cannot own their unit fee simple. He explained they would like to move the lot line three feet to align the center wall with lot line.

The Board asked if parking would be effected? Mr. Bevan explained it would not. He explained each unit has a garage and driveway. He explained some are also adding another driveway.

Mr. Galestok explained he believes the reason this happened was because of the setbacks for the zone. He explained the side yard setbacks are 4' and 10'. He explained he doesn't have a problem with this application.

Mr. Curvan explained his comments were addressed.

Mr. Galestok read Cape May County Planning Board comments dated September 10, 2013 in which they waived this application.

Mr. Galestok read Bureau of Fire Safety comments dated August 20, 2013 in which they found this application acceptable.

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. Senico made a motion to conditionally approve this application. The motion was

seconded by Mr. St. John. Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

1. Discussion and approval of Senate and General Assembly State Law allowing the elevation of structures to the minimum FEMA Base Flood Elevations without variances.

Mr. Galestok explained the State has passed legislature that would allow houses to be raised to meet the base flood elevation without needing a height variance from the Township. He explained that new homes being built would have to meet the base flood elevation and the building height in the zone.

Mr. Galestok explained that if the Board sees fit, to recommend to Township Council to adopt by reference the legislature.

Mr. Hewitt made a motion to send a recommendation to Township Council to adopt this legislature. The motion was seconded by Mr. Long. Motion carried.

Mr. Hewitt made a motion to approve the Engineer vouchers. The motion was seconded by Mr. Long. Motion carried.

Mr. Hewitt made a motion to adjourn at 8:13 P.M. The motion was seconded by Mr. Long. 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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