

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 September 20, 2018 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
Andrew Bulakowski
Chris McDuell
Michael Rosenberg (Mayor's Designee)
Daniel J. Senico
Christopher Vassar
James Hemingway

MEMBERS EXCUSED: Erik Simonsen
Roland Roy

MEMBERS ABSENT: John McNulty
Jennifer Dowe

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

STAFF EXCUSED: Shawn Carr, Board Engineer

CORRESPONDENCE:

Handout:

List of Board Engineer vouchers dated September 20, 2018.

3. Minor site plan application to remove & replace spas and an elevated deck (recreational amenities and water features), submitted by Seapointe Village Master Association for the location known as Block 719, Lots 1.12 & 3.01, 9901 Seapointe Blvd.

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

Mr. Karim Kaspar, Esq., represented the applicant.

Mr. Jim Yost, Property Manager, Mr. Thomas Thornton, PE, and Mr. Thomas Bauer, Landscape Architect was sworn in.

Mr. Kaspar explained they are before the Board tonight for approval to remove and update the existing pool, spas and amenities. He explained all the work is internal and there are no encroachments.

Mr. Yost explained he has been the property manager for Seapointe Village for 30 years. He explained over the years they have had their engineer's inspect this area. He explained they have made the repairs as necessary, but now is the time for major repairs to be done. He explained the deck would be rebuilt and will be ADA compliant. He explained there is parking under the deck for 300 cars. He explained this has been in the planning stages since 2015. He explained there would be a 16' diameter deck overlooking the pool area, there would be an ocean view lounging area. He explained the gazebo would be removed to give a better site line view. He explained the hot tubs would be larger and will be ADA compliant. He explained there would be a baby pool. He explained they would be replacing the pool mechanical equipment.

Mr. Yost explained the Master Association Board met and voted to approve this plan.

Mr. Thornton had marked into evidence as A-1 a tax map page showing in yellow the approximate area where the project would be.

Mr. Thornton explained there would be no impact to the adjacent properties, no variances are required, they have no problem revising the plans and they are requesting waivers from #2, #6 & #7 of the Engineer comments.

Mr. Bauer had marked into evidence as A-2 a key plan and as A-3 existing condition photo.

Mr. Bauer reviewed the key plan and the areas for improvements.

Marked into evidence as A-4 was a graphic rendering. Mr. Bauer reviewed the rendering explaining the pump room was below the elevated deck. He explained there would be all new waterproofing for the deck.

Marked into evidence as A-5 was a graphic rendering showing a different view from A-4.

Mr. Yost indicated on the rendering where the lifeguard area would be.

The Board asked if the dunes would be disturbed with this project? Mr. Bauer explained there would be no impact to the existing dunes. Mr. Kaspar explained they are working with the Army Corp. of Engineer's on a dune protection plan.

Mr. Maffei summarized Engineer's comments dated September 12, 2018.

Mr. Maffei explained there are no property lines shown on the plans so it cannot be determined if a variance is needed or not. He explained it appears, but cannot be determined that a lot line goes through or is very near to the new spas. He explained the applicant is requesting a waiver of survey, which could be a problem.

There was a discussion if Lot 1.08 was part of this application. It was determined that Lot 1.08 was part of this application and is owned by the Master Association.

This portion of the hearing was opened to the public.

Mr. Anthony DiLouis was sworn in.

Mr. DiLouis explained he is not sure if this is the place to complain about this project or if it was with the association. He explained he is not happy with the plan. He explained what is proposed would cause more noise.

Mr. Andrea DeLouis was sworn in.

Mr. DeLouis explained there was a vote on this plan by the owners. He explained according to the bylaws, 80% vote in the affirmative is needed. He explained he only feels they have 60%.

Mr. Teitler explained that unfortunately, their argument is with SeaPointe and the association.

This portion of the hearing was closed to the public.

Mr. Kaspar explained they have a recorded declaration which he read a section of. He explained they do have Association Board approval for this project.

The Board asked about roof drainage? Mr. Yost explained they have drains on

hardscapes and landscape drains.

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

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Vassar	YES	Mr. Hemingway	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.

1. Extension of filing time for minor subdivision & hardship variance application, submitted by Cape Real Estate Developers, for the location known as Block 373.01, Lots 1-4 & 9-23, 500 Village Road.

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

Mr. Gelzunas explained this Board approved a minor subdivision on November 9, 2017 and the resolution on December 14, 2017. He explained the easement to Lower Township took time because there was a lot of back and forth and the filing time for the plan has expired. He explained they need approval for a short period of time to file the plan.

There was a discussion about a 90-day extension.

Mr. Senico made a motion to approve a 90-day extension. The motion was seconded by Mr. McDuell.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Vassar	YES	Mr. Hemingway	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.

2. Minor subdivision, hardship variance & dune review applications for the creation of two (2) newly described lots. Hardship variances needed for lot area, frontage & width. Dune review application for a new single family dwelling, submitted by Ed Mar Properties, LLC for the location known as Block 244, Lots 2 & 3, 503 Beach Avenue.

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

Mr. John Kornick, PE was sworn in.

Marked into evidence as A-1 was an aerial and google earth street view. Marked into evidence as A-2 was an aerial photo with the lot lines indicated.

Mr. Kornick explained the property is in the R-3 with sewer zone. He explained single family dwellings are permitted with 75' frontage. He explained the property only has 100' of frontage. He explained they do have CAFRA approval to build another single family dwelling. He explained the existing house encroaches into the rear yard setback and this will not change with this application.

Mr. Kornick explained the proposed lot size is consistent with the area. He explained the proposed single family dwelling would meet all the other requirements for the zone. He explained a duplex is permitted in the zone with 15,000 square foot lot area, but the area is made up of single family dwellings.

Mr. Kornick explained what is proposed provides for more light, air and open space than a duplex would. He explained there is no negative impact to the zone, zone plan or adjacent properties.

The Board asked if the access to the second floor on the existing single family dwelling is the exterior steps, is this structure a duplex? Mr. Kornick explained it was not a duplex. He explained there are interior steps to the second floor also.

Mr. MacPherson summarized Engineer's comments dated September 12, 2018.

There was a discussion that architectural were not submitted with the application. Mr. Galestok explained there is normally a cross section on the plans and the dune line must be indicated on the plans. Mr. Kornick explained they have no problem with the Engineer's comments and complying those comments.

Mr. Galestok read Cape May County Planning Board comments dated September 20, 2018 in which they waived this application.

Mr. Galestok read Bureau of Fire Safety comments dated August 29, 2018 in which they found this application acceptable.

This portion of the hearing was opened to the public.

Ms. Eileen Lavin was sworn in.

Ms. Lavin explained she has owned her property for 20+ years and before she purchased she asked if anything could be built on the property in question. She explained she was told the property was too small to build on. She explained if this application is approved, it would devalue her property. She explained she was told by the Zoning Department the lot couldn't be built upon. Mr. Galestok explained it couldn't be built upon by right because it is undersized. That's why the applicant is before the Board tonight.

Mr. Kornick explained the majority of the area has 50' lots. He explained on Holly Court, they have less depth than some of the lots.

This portion of the hearing was closed to the public.

Mr. Galestok explained the proposed elevation appears to be 13.4'. He explained this may be a "V" flood zone and may want to consider constructing on pilings.

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

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Vassar	YES	Mr. Hemingway	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.

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

Mr. Rosenberg made a motion to adjourn at 8:45 P.M. The motion was seconded by Mr. Bulakowski. 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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