

# 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 April 13, 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  
Michael Rosenberg (Mayor's Designee)  
Andrew Bulakowski  
Christopher Vassar

MEMBERS EXCUSED: Erik Simonsen  
Frank Sippel  
Brian Sullivan  
Daniel J. Senico  
Jennifer Dowe

MEMBERS ABSENT: John McNulty

STAFF PRESENT: Avery S. Teitler, Board Solicitor  
Shawn Carr, Board Engineer  
Lisa A. Schubert, Recording Secretary

STAFF EXCUSED: William J. Galestok, Board Secretary

CORRESPONDENCE:Handouts:

List of Board Engineer vouchers dated April 13, 2017.

List of Board Solicitor vouchers dated April 13, 2017.

The New Jersey Planner: January/February 2017, Vol. 78, No. 1.

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

2. Public hearing on potential defective notice of the application: Minor subdivision & hardship variance application for the creation two (2) newly described lots. Hardship variances needed for lot area, frontage & width, submitted by Scott Peter for the location known as Block 535, Lot 54-60, 14 & 16 Racetrack Drive.

Mr. Teitler explained it appears a lot of public came tonight for this discussion. He explained Mr. Peter sent a letter requesting the applications approval be withdrawn. He further explained that if notice is deficient on an application the Planning Board would not have had jurisdiction to hear the application.

Miss Schubert read Mr. Peter's letter dated March 30, 2017 into the record.

Mrs. Penny Kraus asked if he can reapply? Mr. Teitler explained he could. He explained that if Mr. Peter does reapply, there will be a lot of scrutiny on the notice.

Ms. Kathy Reeves asked if he could build whatever he would want to build? Mr. Teitler explained he can build what he wants as long as it is within what the Ordinance allows.

3. Minor site plan & conditional use application for a theater & indoor event space, submitted by William Sterritt for the location known as Block 410.01, Lot 36.01, 250 Ranger Road, Unit #7, Cape May County Airport.

Mr. Christopher Gillin-Schwartz, Esq., represented the application.

Mr. Gillin-Schwartz explained with the number Board members present, he would like to request a continence until the May meeting.

Mr. Teitler explained this is a minor site plan with a conditional use variance. He

explained the application is not very clear as to what activity would happen at this location. He asked if may be some background could be provided.

Mr. William Sterritt, applicant, was sworn in by Chairman Crompton.

Mr. Sterritt gave the Board a brief description of what he plans to do at this location. After some discussion, the applicant decided to proceed with the application.

Mr. Gillin-Schwartz explained no exterior changes are proposed.

Mr. Sterritt explained he is proposing no more than a 49-seat theater and event space. He explained he was born and raised in the area and then went to Los Angeles and had a similar business. He explained there would be live theater, screenings and small plays.

There was a discussion that this is a minor site plan and conditional use variance application, and whether the Board has jurisdiction to hear the application because this is the Delaware River & Bay Authority (DRBA) building. However, the conditional use variance has conditions that have to be met.

Mr. Sterritt explained no food would be served. He explained he has never had an insurance claim against him. He explained he would be using LED lighting.

Mr. Gillin-Schwartz explained his client had inquired about doing this and was told a conditional use and minor site plan was required.

Mr. Gillin-Schwartz submitted into evidence as A-1 an aerial photo, A-2 interior layout of Unit 7 and A-3 reduced size overview site plan.

It was explained the building is already existing. The DRBA has an open lot behind this building for overflow parking. There will be other commercial uses in this strip building. Mr. Sterritt's business will take place mostly at night and weekends. There have been indications from the DRBA the other uses will be daytime uses.

Mr. Sterritt explained when he moved back, he looked around the area to see what area had the most potential for his business. He explained he feels the airport has a lot of potential. He explained there is a taco shop, brewery and other businesses currently there. He explained this isn't an isolated area and feels businesses could come together and create a village.

Mr. Sterritt explained he did look into going to a hotel and use their event's room, but he wanted something more permanent. He explained the rear of the unit is 24 x 36 and half that area would be the performing area. He explained there are two fire exits. The stage area would be 15 x 30 and a 9 x 24 seating area. He explained there would be stage lighting and everything is rated and fire proofed. He explained the studio would be used for rehearsals, classes and meetings.

Mr. Gillin-Schwartz explained Mr. Sterritt has been in contact with the Bureau of Fire Safety and they are fine with what is being proposed. Mr. Teitler explained any approval tonight would be conditioned upon fire approval.

The Board asked Mr. Sterritt if this would be a year round business? Mr. Sterritt explained he was hoping for a 12-month business.

Mr. Carr summarized Engineer comment's dated April 7, 2017.

Mr. Sterritt explained the theater would be a 6:00 P.M. to 10:00 P.M. operation. He explained there would be weekend matinee's, which usually run two hours. There could be daytime hours, but it's primarily an evening business.

Mr. Carr explained he did not get a full set of plans so he's not sure if there's anything to sign off on. Mr. Teitler explained the resolution would be for the conditional use application as the DRBA is exempt from site plan and the building is already constructed.

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 asked Mr. Sterritt how the seating (risers) would work? Mr. Sterritt explained the riser system and how they operate.

Mr. Teitler explained the theater use is a permitted use in the zone, but as a conditional use.

Mr. McDuell made a motion to conditionally approve the application. The motion was seconded by Mr. Vassar.

VOTE:	Mr. Young	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Bulakowski	YES
	Mr. Vassar	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. Bulakowski made a motion to approve the minutes from the March 16, 2017 meeting. The motion was seconded by Mr. McDuell. Motion carried.

Mr. McDuell made a motion to approve the resolutions from the March 16, 2017 meeting. The motion was seconded by Mr. Bulakowski. Motion carried.

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

Mr. Young made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. Vassar. Motion carried.

Mr. Bulakowski made a motion to adjourn at 7:54 P.M. The motion was seconded by Mr. McDuell. Motion carried.

Respectfully submitted,

Lisa A. Schubert,  
Recording Secretary

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

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.