

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 April 19, 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
Roland Roy
Christopher Vassar

MEMBERS EXCUSED: Erik Simonsen
Brian Sullivan

MEMBERS ABSENT: John McNulty
Jennifer Dowe

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 Solicitor voucher dated April 12, 2018.

List of Board Engineer vouchers dated April 19, 2018.

The New Jersey Planner: January/February 2018 - Vol. 79, No. 1.

Mr. Teitler read the agenda for the benefit of the public.

- 2. Extension of site plan approval for the continued use of the concession trailer, submitted by William E. Bright for the location known as Block 795, Lot 154.01, 1044 W. Rio Grande Avenue.

Mr. William Bright, applicant was sworn in.

Mr. Bright explained he would like an extension for the keeping the concession trailer. He explained in 2010 he had approval to build a structure for food service business on the first floor and residence on the second floor. He explained he didn't realize how much money it was going to take to do. He explained they have the concession trailer and would like an additional three-year extension for keep the concession trailer there.

Mr. Galestok explained they had received preliminary and final site plan and variances. He explained the Permit Extension Act extended the approval several times. There was a discussion if the extension is approved, from what date would the extension start?

Mr. McDuell made a motion to grant a three-year extension starting April 19, 2018. The motion was seconded by Mr. Roy.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Roy	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.

3. Minor subdivision & hardship variance applications for the creation of two newly described lots. Hardship variance request for an existing side yard setback encroachment, submitted by Blair Hansen & Harold & Bonnie Matthews for the location known as Block 500.01, Lots 21.02 & 21.06, 614 Seashore Road & 6 Ernest Winfield Drive.

Mr. Ron Gelzunas, Esq., represented the applicants.

Mr. Joe Maffei, PE, PP was sworn in.

Mr. Gelzunas explained to the Board this is a readjustment of property lines. He explained they are proposing to subdivide the rear portion of Mr. Matthews property off and add it to Mr. Hansen's property on Ernest Winfield Drive. He explained this could have been a subdivision by right, but Mr. Matthews house is 29.6' from the lot line. He explained this application does not change this setback.

Mr. Maffei explained there is an existing house on Seashore Road that encroaches into the setback. He explained the proposed lot line change does not exacerbate that encroachment.

Mr. Carr summarized Engineer's comments dated March 9, 2018.

Mr. Galestok read Cape May County Planning Board comments dated March 27, 2018 in which they deemed the application incomplete.

Mr. Gelzunas explained the County is looking for a road widening easement and they won't sign off on the plan until the deed is prepared and approved by them.

This portion of the hearing was opened to the public.

Mr. John Flanigan was sworn in.

Mr. Flanigan explained he lives on Ernest Winfield Drive and there are deed restrictions for this development and he wants to make sure they are followed and the property is used for residential only. Mr. Gelzunas explained there are no development plans at this time.

Mr. Steve Long was sworn in.

Mr. Long explained he owes two properties in Ernest Winfield subdivision and he was the developer of this subdivision. He explained there are deed restrictions that have to be adhered to.

Mr. Teitler explained if the deed restrictions are not followed, that has to be dealt with at another place.

This portion of the hearing was closed to the public.

Ms. Rachel Hansen was sworn in.

Ms. Hansen explained her family owns four lots within the subdivision and is aware of the deed restrictions.

Mr. Galestok explained we're not sure where the surveyor measured to. He explained they could have measured to the siding which would show an encroachment and if measured to the foundation it may not show an encroachment.

Mr. Senico 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. Roy	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.

4. Minor site plan application to remove three sheds, a portion of deck, a masonry building and two-story framed buildings and construct a 647 square foot addition and 2,390 square foot building and relocate existing cooler, submitted by H & H Two Mile, LLC for the location known as Block 820, Lots 2.01 & 4.02, 1 Fish Dock Road.

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

Mr. Joe Maffei, PE, PP, and Ms. Rachel Hansen, one of the principals, were sworn in.

Mr. Gelzunas explained this application does not provide for additional seating. He explained the proposed application will clean the site up and the proposed addition would aide the efficiency of the restaurant.

Mr. Maffei reviewed the proposed site plan with the Board. He explained there will be an area enclosed where oysters, crabs, etc. would be taken and processed. He explained no new parking spaces will be needed.

Mr. Maffei explained this project would be done in phases. He explained the building to the right side will require CAFRA approval. He explained the front portion being enclosed does not need CAFRA approval. He explained they would like to complete the front section for this coming season.

Mr. Maffei explained six sheds would be removed. He explained there are two coolers that would be relocated. He explained there is decking that has to be replaced. He explained the proposed addition would meet the flood elevation. He explained what is proposed would allow for better access to the buildings.

Ms. Hansen explained the proposed addition would be used for storage and food preparation and the second floor would be for storage and offices. He explained they are not proposing any new seating. She explained they are severely short on prep space. She explained there is a lot of rot on the front of the building that they need to address too.

There was a discussion that by this addition, it merges the lots together because the addition will cross the property line. Mr. Maffei explained it was all one lot. Mr. Gelzunas explained the building was already built over the lot line merging the lots. He explained the applicant's own both lots. Mr. Maffei explained the total lot area of the property is almost 100 acres.

Mr. Carr summarized Engineer comments dated March 9, 2018.

Mr. Maffei explained the only signs are the ones shown on the architects plans.

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. Galestok read Cape May County Planning Board comments dated March 20, 2018.

Mr. Galestok read Bureau of Fire Safety comments dated February 22, 2018 and March 8, 2018, both of which were acceptable.

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

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Roy	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.

5. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variances needed for lot area, frontage, width, front & side yard setbacks, submitted by Septimiu Pastiu for the location known as Block 286, Lots 71-74, 92 Pinetree Drive.

Mr. Rob Gleaner, Esq., represented the applicant.

Mr. Septimiu Pastiu, applicant and Mr. Scott Brown, PE, Licensed Land Surveyor, were sworn in.

Mr. Gleaner explained his client is proposing a two-lot subdivision that would require hardship variances for lot area, frontage and width. He explained there are a number of undersized lots in the area. He explained the existing detached garage is a living unit that would be converted back into a garage. He explained the vacant lot created by this subdivision would be for a single family dwelling.

Marked into evidence was a marked up tax map page showing the undersized lots in the area.

Mr. Gleaner explained they would comply with the Board Engineer comments.

Mr. Galestok asked what guarantee would there be that the garage would be converted back into a garage? There was a discussion that everything would have to be removed prior to filing or a demolition bond would be required. It was explained that the applicant will remove everything in the garage. Mr. Carr explained everything would have to be removed before the 190-day filing time. Mr. Galestok explained a demo permit and inspections would be required prior to filing the subdivision plan.

Mr. Gleaner explained the applicant has no problem with getting the demo permit and inspections that everything was removed.

This portion of the hearing was opened to the public.

Mr. Tom Solenski was sworn in.

Mr. Solenski explained he drove Pinetree Drive and it seems the majority of the lots are 75 x 100. He explained this is the most run down property on the street and he fear if the application was granted there would be another run down property.

Mr. Solenski asked if the applicant vacates the garage, what's to prevent him from putting another living unit back in? It was explained that he would have to go before the Zoning Board for a use variance.

Mr. Solenski explained there is no maintenance on the property and it drags the other property values down. He explained there was no mention to the current conditions of the

property. He explained he did see Code Enforcement there a couple of months ago, but the property goes back to being a mess again.

Mr. Solenski explained there is a fence that goes from the garage across the property and he is assuming that fence will be removed.

Mr. Tim Pyne was sworn in.

Mr. Pyne explained there is trash behind the garage along his property. He explained his other concern is how close the garage is to his house.

Mrs. Tina Pyne was sworn in.

Mrs. Pyne explained her grandparents bought their house in the 40's because it was a nice area. She explained the applicant's property is a mess. She explained the applicant doesn't care about the property and what will make him care about another property. She explained she is against the application.

Mr. Paul Masterson was sworn in.

Mr. Masterson explained he agreed with what Mr. Solenski has said. He explained nothing has been done with the property. He explained it took two dumpsters to remove everything from the garage. He explained there is nothing but studs in the garage now. He explained what is there brings down the property values in the area.

Mr. John Hedrick was sworn in.

Mr. Hedrick explained he was against the application. He explained there currently is no driveway and there is a car and commercial truck parked in the front yard.

Mrs. Mary Hedrick was sworn in.

Mrs. Hedrick explained this property has been an eyesore for years. She explained everyone has a nice property and this property has trash all over. She explained if he can't take care of one house, how will he take care of two houses.

Mr. Jim O'Brien was sworn in.

Mr. O'Brien explained he has lived in this area for 13 years and there have only been two improvements to the property, a vinyl fence and solar panels.

Mr. Tim Dougherty was sworn in.

Mr. Dougherty explained he is supporting what the neighbor's have said tonight and he is against the application.

Mr. Pyne explained there are trees along the side of garage that he would like removed.

This portion of the hearing was closed to the public.

Mr. Gleaner explained the neighbors have every right to have the concerns they have. He explained Mr. Pastiu has never received an official complaint from the Township or any of the neighbors.

Mr. Teitler explained the Board is taking into consideration the subdivision application. He explained the Board is very liberal with the public.

Mr. Pastiu explained he will demolition the garage completely. He explained he was not aware any of this was going on.

Mr. Gleaner explained the garage will be demolished. The existing house will be sold and a new house would be built on the vacant lot.

The Board asked if a bond could be posted for the property to be cleaned up? Mr. Galestok explained a bond could be requested, but the laws have changed as to what can be bonded. He explained private improvements do not need a bond. He also explained that the property would have to be cleaned up to Township Ordinance/standards and Code Enforcement would have to do the inspection.

There was a discussion that there would need to be a demolition bond posted for the plan to be filed prior to demolishing the garage or the garage would have to be demolished first. If the garage is demolished first, the plan has to be revised with the garage removed. Mr. Gleaner explained a demo permit would be needed for the garage. Mr. Brown explained there will be a new plan with the garage removed. Mr. Galestok asked if the shed was to be removed too? Mr. Gleaner explained the shed would be removed too.

Mr. McDuell made a motion conditionally approve the variance application. The motion was seconded by Mr. Rosenberg.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Roy	YES	Mr. Vassar	YES
	Chairman Crompton	YES		

Motion carried.

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

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Roy	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.

A short recess was called at 8:35 P.M. The meeting was called back to order at 8:46 P.M.

6. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variances needed for lot area, frontage, width, depth and side yard setback, submitted by Joan Casale for the location known as Block 751, Lot 15, 1019 Shunpike Road.

Mr. Chris Gillin-Schwartz, Esq., represented the applicant.

Ms. Joan Casale, applicant and Mr. Rami Nassar, PE, PP, were sworn in.

Mr. Gillin-Schwartz explained to the Board his client is proposing a two-lot subdivision with one lot being a flag lot. He explained because of the pole portion of the proposed lot, it causes a side yard setback variance for the existing house. He explained variances are also needed for lot area, frontage and width. He explained they are unsure if a lot depth variance is required.

Submitted into evidence was a New Jersey Map Parcel Explorer photo.

Mr. Gillin-Schwartz explained the Township Tax Map page does not reflect the subdivision on the adjacent property. He explained the photo does show that subdivision.

Mr. Nassar explained the existing house would have a 11.3' side yard setback to the pole portion of the proposed lot. He explained this setback still provides for light, air and open space because nothing can be built in the portion of the lot. He explained the flag lot would have 31.5' of frontage which is ample room for a driveway and utilities.

There was a discussion as to whether a lot depth variance is required. Mr. Carr explained he spoke with Mr. Galestok about this and they agree a depth variance is not needed.

Mr. Carr summarized Engineer comments dated April 10, 2018.

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. Galestok read Bureau of Fire Safety comments dated April 4, 2018 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated April 18, 2018.

Mr. Senico 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. Roy	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.

7. Minor site plan application for a micro-brewery with outdoor seating at the North Cape May Shopping Center, submitted by Gusto Brewing Company, LLC for the location known as Block 690, Lot 1.01, 3860 Bayshore Road.

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

Mr. Zachary Pashley, applicant and Mr. Matt Sprague, Licensed Architect, were sworn in.

Mr. Conwell explained this is the North Cape May Shopping Center that has approximately 18 units. He explained his client is proposing to open a micro-brewery in one of the units. He explained no variance relief is required. He explained they are proposing outdoor seating. There will be a knee wall, planter wall and gates, all of which will be 36" wide and in height. He explained the seating area will be on the Bayshore Road side and around to the Ferry Road side of the unit. He explained they will have seats, tables and/or high top tables.

Mr. Conwell explained his client is seeking a limited brewing license with the State which the application is pending.

Mr. Sprague explained there is a covered roof around the building. He explained there where concerns with handicap accessibility. He explained there would be gate on the south side of the building 42" wide, but this wasn't going to be an entrance. He explained that everything would be ADA compliant.

Mr. Sprague explained there would be no changes to the parking and the patio/seating

area would be under cover.

Mr. Conwell explained there would be no increase in signage. He explained under Resolution #08-36, approved by the Board, was the signage allowed for the entire site. He explained his client's signage would be within what the Board had previously approved.

Mr. Carr summarized Engineer comments dated April 10, 2018.

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. Galestok asked how the ADA area would be kept clear? Mr. Carr explained it would be enforced by Code Enforcement. Mr. Galestok explained the resolution could have a condition that it is the owners responsibility to maintain the ADA area.

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

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Senico	YES
	Mr. Roy	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. Rosenberg made a motion to approve the March 15, 2018 minutes. The motion was seconded by Mr. Bulakowski. Motion carried.

Mr. Bulakowski made a motion to approve the resolution from the March 15, 2018 meeting. The motion was seconded by Mr. Senico. Motion carried.

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

Mr. Bulakowski made a motion to approve Board Solicitor voucher. The motion was seconded by Mr. Rosenberg. Motion carried.

1. Discussion of letter from prior Planning Board Solicitor, Paul Baldini, Esq., of his intent to destroy his Planning Board files from 2000 thru 2006.

Mr. Galestok explained Mr. Baldini used to be the Planning Board Solicitor and would like to destroy the files from when he was the Solicitor.

There was a discussion and the Board said he can destroy his files because the Planning Office has the information.

Mr. McDuell made a motion to adjourn at 9:19 P.M. The motion was seconded by Mr. Rosenberg. 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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