

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 15, 2011 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)
Paul St. John
Brian Sullivan
Chris McDuell

MEMBERS EXCUSED: Michael Beck
Kevin Lare
Daniel J. Senico
Frank Zeigler

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

CORRESPONDENCE:Memorandum:

TO: Claudia Kammer,
Twp. Clerk

FROM: Bill Galestok, PP,AICP
Director of Planning

DATE: August 19, 2011

RE: Lower Township Planning Board
Discussion items #1 & #2
August 18, 2011 regular meeting
requested street vacation of
Mulberry Street & Greenwood Avenue

Handout:

List of Board Engineer vouchers dated September 15, 2011.

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

1. Discussion of request to vacate the end of Mulberry Street; dead-end street adjacent to Ponder Lodge. Request being made by Township Council for Planning Board review.

Mr. Michael Houck & Mrs. Diane Houck were sworn in by Chairman Dilworth.

Mr. Houck explained that in 2005 he and Mr. Doh, his neighbor at the time, had requested the street vacation. He explained that they were told by everyone that he spoke with to wait because they didn't know what was happening with Ponder Lodge. They didn't know if the State was going to do something or if a college would be going there. He explained that last year a parking lot was installed at Springtime Road. He explained that he spoke with the Township Assessor and he told him the taxes would go up approximately \$250.00 a year. He also explained that the Assessor told him there was a street vacation several years in this area.

Mr. Houck explained that the neighbor is against the street vacation.

Mr. Galestok showed the Board an aerial photo and tax map of the area. He explained that there are five street ends to go to Ponder Lodge. He explained that Delview, Springtime and Mulberry had gates and Sandalwood and Baywyn were fenced. He read sections from the

minutes of May 11, 2006 and October 12, 2006 pertaining to the previous request for street vacation.

Ms. Elizabeth Wund was sworn in by Chairman Dilworth.

Ms. Wund explained that she is the adjacent owner. She explained that she is against the request for street vacation. She explained that her concern is fire access. She explained that she sees no advantage of the street vacation. She asked why the road ends were there? The Board explained that when there is a development, it is good planning when there is adjacent property, to have access for future development. Ms. Wund explained that it is her opinion that the street shouldn't be vacated for emergency purposes.

There was a discussion that it is unusually for a street vacation that both parties do not agree.

Mr. Galestok asked Mr. Teitler if there could be a partial vacation? Mr. Teitler explained he did not know the answer. He explained that he would have to research that.

Mr. Houck explained that as of two hours ago, Ms. Wund was in favor of the street vacation. He explained that he told her they would purchase her half from her. He explained they also offered to pay the taxes for a fixed period of time.

The Board explained that it seemed Ms. Wund's concern is emergency access. Mr. Houck explained that he spoke with his other neighbor that has been there for years and he said the gates have never been opened. He explained that the gate is very narrow and it is doubtful that a fire truck would even fit through. He explained that there is also a large tree and a lot of bush on the opposite side of the gate.

There was a discussion about a partial vacation. The Board asked Mr. Thornton if 25 feet was sufficient width for a fire truck? Mr. Thornton explained it would be. Mr. Galestok suggested they get an opinion from the Fire Official regarding the width needed for a fire truck. Mrs. Houck explained that when the fire happened back there, a State surveyor was there and he told them fire trucks would never use that access because of all the bush and trees. Mr. Houck explained that with the new parking area at Delview Road, he would find it hard to believe that emergency vehicles would use this access. He explained they would use the access at Delview Road.

Mr. Galestok explained the NJDEP is requiring public access to beaches, parks, lakes, etc. Along with public access, restrooms are going to be required. He explained that if the Township does not cooperate, they wouldn't be able to receive grants.

The Board asked if this area was paved and curbed? Mr. Houck explained it was. He explained the paving and curb was installed a couple years prior to them purchasing the property.

Mr. Galestok asked Mr. Houck where he put his trash out for pick-up? Mr. Houck said

on Mulberry Avenue. There was a discussion as to whether there were utilities in the street. It was explained to Mr. Houck that he should get something in writing from the MUA and Public Works Department that there are no utilities in the street. If there are utilities, then if the street were vacated, easements would have be given.

There was a discussion of tabling this request until next month.

4. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Hardship variances needed for lot frontage, width and accessory use setbacks, submitted by Patricia & Eric Johnson & Richard Harris for the location known as Block 542, Lots 63-67, 204-206 Iselin Road.

Mr. Scott Brown, PE & Licensed Land Surveyor, was sworn in by Chairman Dilworth.

Mr. Brown explained that this was a lot line adjustment application. He explained they are proposing to move the lot line 3.86' and total land area would be 464 square feet. He explained there is an outside shower and a deck that straddle the property line. He explained the shower and deck would still encroach onto the property line, but not extend onto the neighbor's property as it does now.

Mr. Thornton read Engineer's comments dated September 9, 2011.

Mr. Galestok read Cape May County Planning Board comments dated September 6, 2011 in which they waived this application.

Mr. Galestok read Bureau of Fire Safety comments dated August 29, 2011 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. Walker.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. St. John	YES	Mr. Sullivan	YES
	Mr. McDuell	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.

- 5. Minor site plan application for a detached single family mobile home in Bayshore Woods Mobile Home Park, submitted by Joseph & Karen Liuzzi for the location known as Block 494.01, Lot 10, C-023, 23 Davis Place.

Mr. Peter Tourison, Esq., represented the applicants.

Mr. Tourison explained to the Board that his clients would like to demolish the existing mobile home and place a new mobile home. He explained the condominium association has approved the new mobile home.

Mr. Joseph Liuzzi, applicant, was sworn in by Chairman Dilworth.

Mr. Liuzzi explained that existing unit is 14 x 67 and he wants to replace that one with a 24 x 56 unit. He explained at its closest point to Breakwater Place the unit would be 16 feet from the property line.

Mr. Thornton read Engineer's comments dated September 15, 2011.

Mr. Galestok explained that technically there are no lots within this development. He explained that he spoke with Mr. Teitler about this application and they decided because a site plan was needed for the entire development, this application would need a minor site plan.

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. Sullivan.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. St. John	YES	Mr. Sullivan	YES
	Mr. McDuell	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.

Mr. Thornton explained that Mr. Van Mourik of Cape May Mobile Estates, contacted him requesting the Performance Bond be reduced to the amount of the remaining improvements. He explained this would be less than 30%. He explained that the MLUL allows a municipality to reduce the bond to 30%. He explained Mr. Van Mourik could finish the improvements and have the Performance Bond released.

Mr. Thornton explained that he is asking for some feedback from the Board. Mr.

Galestok explained they have never reduced a Performance Bond less than 30%. He explained that he should ask for the release of the Performance Bond and go into Maintenance Bond. He explained that with the release of the Maintenance Bond, it is reduced to 15%.

Mr. Thornton explained to the Board that the Performance Bond has already been reduced to 30%.

The Board explained that if past practice is the Board has not allowed a developer to go below 30% in a Performance Bond, then they were not going to start now.

Mr. Galestok read a letter from Mr. Dwyer regarding the Tom Hartle subdivision. He explained the approval may be covered under the permit extension act. He explained that it is up to the applicant whether or not they want to come before the Board for an extension. He explained that they generally write a letter requesting the extension. The Board explained that they feel they should come before the Board with a formal request.

3. Subdivision Tweed/Lower Township; Minor subdivision application for the creation of two (2) newly described lots, by the Township of Lower for the location known as Block 1, Lot 2, Block 69, Lots 1-4 and Block 110, Lot 6, 80 Millman Lane. (400-64A exempts the Township from formal minor subdivision applications.)

Mr. Thornton explained to the Board that the Township wanted to continue with the outfall pipe project. He showed the Board a conceptual subdivision plan. He showed the Board the beachfront property that is owned by Ms. Tweed. He explained that they were going to proceed with the subdivision when an adjacent property owner came forward saying they owned this property. He explained they have a deed as does Ms. Tweed for this property.

Mr. Galestok explained that the request has been continued indefinitely until this is all worked out. He explained that it will be removed from the agenda and placed back on agenda when ready.

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

Mr. St. John made a motion to approve the August 18, 2011 minutes. The motion was seconded by Mr. McDuell. Motion carried.

Mr. St. John made a motion to adjourn at 7:55 P.M. The motion was seconded by Mr. Hewitt. 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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