

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 18, 2013 at the Lower Township Municipal Building. The meeting was called to order at 7:01 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.
Michael Beck
Johnnie Walker (Mayor's Designee)
Norris Clark
Daniel J. Senico
Brian Sullivan
John McNulty
Chris McDuell

MEMBERS EXCUSED: Paul St. John

MEMBERS ABSENT: Frank Zeigler

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: Gary Playford, Construction Official (Flood Plain Officer)
Jason Dilworth, Building Inspector
Julie Picard, Township Clerk
George Curvan, Township Engineer
Jay Dilworth, Planning Board Chairman

FROM: Bill Galestok, PP, AICP
Director of Planning

DATE: April 15, 2013

RE: Update to Floodplain Ordinance;
New Flood Prevention Ordinance
to comply with FEMA and NJDEP standards

Handouts:

List of Board Solicitor vouchers dated April 15, 2013.

List of Hatch Mott MacDonald vouchers dated April 18, 2013.

The New Jersey Planner: March/April 2013 - Vol. 74, No. 2.

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

7. Minor site plan application to construct a produce stand - Shine on Me Farms, submitted by Garrett Welsh, for the location known as Block 501, Lot 9.03, 716 Seashore Road.

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

Mr. Garrett Welsh, applicant, and Mr. Mitchell Nicholas, were sworn in by Chairman Dilworth.

Mr. Nicholas explained that they would like to remove the old produce stand and made a bigger one further back on the property. He explained that he feels the proposed location would

be safer than the location of the current stand. He explained they are proposing off-street parking.

Mr. Curvan summarized Engineer comments dated April 15, 2013.

Mr. Galestok read Cape May County Planning Board comments dated February 20, 2013.

The Board explained the plan shows golf cart parking and asked if this was for the campground? Mr. Nicholas explained it was.

Mr. Galestok read Bureau of Fire Safety comments dated April 2, 2013 in which they found this application acceptable.

The Board asked how many parking spaces were provided? Mr. Nicholas explained five spaces were provided. Mr. Nicholas also explained that you would enter from Seashore Road and exit onto the campground road.

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. Sullivan made a motion to conditionally approve this application. The motion was seconded by Mr. Senico. Motion carried.

Chairman Dilworth called for a short recess at 7:08 P.M. The meeting was called back to order at 7:14 P.M.

5. Minor site plan application to construct a 50 x 80 food pantry and thrift shop with a 12 x 30 breezeway to be constructed at a future time, submitted by Seashore Church of the Nazarene for the location known as Block 410.01, Lot 14, 446 Seashore Road.

Mr. Richard Sandman, Esq., represented the applicant.

Mr. Sandman explained to the Board the Church is a permitted use in the zone. He explained that they would like to remove the trailers and construct a thrift shop and food pantry. He explained the breezeway would be constructed at a later time, but it would connect the Church and what is proposed.

Mr. Sandman explained there are 90 parking spaces. He explained the food pantry and thrift shop would not be opened during church services. He explained there is parking on both sides of the addition and there is a "U" shaped drive aisle.

Dr. Charles Gates, Pastor, and Mr. Mark Bove, builder, were sworn in by Chairman Dilworth.

Mr. Curvan summarized Engineer comments dated April 15, 2013.

Dr. Gates explained the sidewalk would be completed and there is a grass area. He explained the breezeway would be constructed at a later date.

Mr. Galestok read Cape May County Planning Board comments dated March 25, 2013 in which they approved this application.

Mr. Galestok read Bureau of Fire Safety comments dated March 12, 2013 in which they found this application acceptable.

The Board asked about the run-off from the building? Dr. Gates explained the proposed addition is close to a drainage pit. He explained there shouldn't be a problem with the drainage.

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. Motion carried.

8. Courtesy application for an eight (8) foot fence surrounding proposed solar panels at the Maud Abrams, Sandman Consolidated and Mitnick Schools.

Mr. Galestok explained the Board heard a courtesy application January 19, 2012. He explained the contractor is requesting a change from a six (6) foot fence to an eight (8) foot fence around the arrays.

Mr. Galestok reviewed the plan with the Board. He explained that an eight (8) foot fence may be the standard for solar panels.

Mr. Senico made a motion to approve the application. The motion was seconded by Mr. Hewitt. Motion carried.

3. Dune review & hardship variance applications to demolish an existing six (6) unit residential structure and construct a duplex on a lot deficient in lot area, depth, encroaching into the front yard setback and exceeding allowed height, submitted by 201 West St. Johns Avenue, LLC, for the location known as Block 35, Lots 1.01 & 1.02, 201 West St. Johns Avenue.

Mr. Louis Dwyer, Jr., Esq., represented the applicant.

Mr. Ken Nelson, applicant, and Mr. Joseph Maffei, PE, were sworn in by Chairman Dilworth.

Mr. Dwyer submitted into evidence photos of the site.

Mr. Maffei explained to the Board the property is at the end of West St. Johns Avenue. He explained they are proposing to demolish a six-unit building and construct a duplex.

Mr. Dwyer explained they are removing a non-conforming use and replacing it with a conforming use.

Mr. Maffei explained the lot is deficient in lot area, depth, front yard setback and height. He explained the height variance is a result of the new FEMA rules. He explained that this area has not been mapped yet, but they are anticipating the new height requirements. He explained they are proposing the garage underneath. He explained there would be all on-site parking. He explained that where there currently is asphalt, this would be removed and grass would be planted.

Mr. Maffei explained that currently the sewer line for this property goes across the next door neighbors property. He explained that they will be installing a new sewer from this property to the street.

Mr. Maffei explained that the benefits of this application outweigh the negatives.

Mr. Galestok asked if there would be any living area in the garage portion? Mr. Maffei explained there would be no living area in the garage.

Mr. Curvan summarized Engineer comments dated April 15, 2013.

The Board asked if this would be a top and bottom duplex? Mr. Maffei explained it would be.

Mr. Dwyer submitted into evidence architectural renderings of the proposed duplex.

Mr. Maffei explained they would maintain the existing slopes and the property would drain toward the street as it does currently.

The Board explained that the pitch of the roof could be changed to meet the allowed height. Mr. Maffei agreed, but explained what is proposed would be more aesthetically pleasing. He explained that light, air and open space would also be maintained.

There was a discussion that finished floor would be 16'3".

There was a discussion that dune grass would be planted.

This portion of the hearing was opened to the public.

Ms. Tracy McGowan was sworn in by Chairman Dilworth.

Ms. McGowan explained she lives next door. She explained that even though it was discussed, she wants to be sure that their sewer line will be removed from her property. It was explained to Ms. McGowan that the sewer line would be removed and a new sewer line would be installed on the applicant's property.

Mr. Sam Veasey was sworn in by Chairman Dilworth.

Mr. Veasey explained that he lives down the street from what is proposed. He explained that he is in favor of this application.

Mr. Galestok explained a note should be added to the plan regarding the sewer line.

This portion of the hearing was closed to the public.

Mr. Galestok explained a revegetation bond is usually submitted. There was a discussion regarding the amount of the bond. Mr. Galestok explained it is usually \$1,000.00.

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

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Clark	YES	Mr. Senico	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Chairman Dilworth	YES		

Motion carried.

Mr. Hewitt made a motion to conditionally approve the dune review application. The motion was seconded by Mr. McDuell. 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. Dune review & hardship variance applications to reconstruct a single family dwelling. Hardship variances needed for lot area, frontage, width, front, side and rear yard setbacks, building height & accessory use building coverage, submitted by Lawrence & Barbara Wind for the location known as Block 115, Lot 3, 97 Millman Lane.

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

Mr. Lawrence Wind, applicant, Mr. Brian Murphy, PE, and Mr. Mark Lovell, Architect, were sworn in by Chairman Dilworth.

Mr. Dwyer explained that the Board had approved a semi-reconstruction of the single

family dwelling. He explained that building permits were issued. He explained that the storm, Sandy, damaged the house and a lot of the building came down. He explained they are seeking the same relief as the Board previously approved. He explained one additional variance they are seeking that wasn't approved was for building height.

Mr. Murphy explained this is a similar situation as the previous application regarding the height. He explained that this area is not yet mapped for the new FEMA zones. He explained the finished floor would be elevation 16 and the total height would be 38.49 feet.

Mr. Murphy explained they are not asking for any additional square footage as the old house. And they are not asking for any change to the landscaping.

Mr. Curvan summarized Engineer comments dated April 15, 2013.

Mr. Murphy explained he doesn't have a problem with showing a second cross section.

Mr. Galestok read Cape May County Planning Board comments dated March 19, 2013.

Submitted into evidence were photos of the existing site.

Mr. Lovell explained he had a discussion with the Construction Office. There was a discussion the walls would come down to the footings then masonry walls would be constructed then two floors above.

Mr. Galestok explained the previous application was to add another floor. He explained what remains is more than 50% gone so now variances are needed.

Mr. Murphy explained the elevation is currently 9'. He explained there aren't any maps for this area and he went south of this property for elevations.

Mr. Murphy explained this is an existing narrow lot. He explained the lot width is 30' and developed on both sides.

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 the hardship variances. The motion was seconded by Mr. Hewitt.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. McNulty	YES	Mr. Clark	YES
	Mr. Senico	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Chairman Dilworth	YES

Motion carried.

Mr. Hewitt made a motion to conditionally approve the dune review application. The motion was seconded by Mr. Senico. Motion carried.

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

The meeting was adjourned at 8:07 P.M. to enter into closed session. The meeting was called back to order at 8:28 P.M.

Mr. Sullivan made a motion to approve Hatch Mott MacDonald vouchers and Board Solicitor vouchers. The motion was seconded by Mr. Hewitt. Motion carried.

2. Discussion, review & approval of the amended Flood Plain Ordinance of the Township of Lower General Ordinance, Chapter 351.

Mr. Galestok reviewed the proposed Ordinance with the Board. There was a discussion about the proposed Ordinance.

Mr. Hewitt made a motion to recommend to Township Council the proposed Ordinance. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Hewitt made a motion to adjourn at 8:36 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.

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