



CORRESPONDENCE:

Handouts:

List of Board Engineer vouchers dated February 2, 2012.

The New Jersey Planner; December 2011, Vol. 72, No. 6.

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

1. Use & hardship variance & minor site plan applications to construct a 18 x 25 addition, submitted by Charles A. Matthews for the location known as Block 500.01, Lots 28 & 29 & Block 452, Lots 23, 650A Seashore Road.

Mr. Harvatt explained the application was not noticed. He explained that the Planning Office contacted the applicant's attorney who informed them they did not notice the application. They were waiting on revised plans. They would find out as to the status and contact the office to let them know. As of yet, there has been no response. Mr. Harvatt suggested the Board deny the application without prejudice. Mr. Galestok suggested no new fees would be needed.

Mr. Armbruster made a motion to deny the application without prejudice and no new fees required. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mrs. Kelly	YES	Chairman Hanson	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. Sweeten made a motion to approve the January 5, 2012 minutes. The motion was seconded by Mr. Armbruster. Motion carried.

Mr. Armbruster made a motion to approve the Board Engineer vouchers. The motion was seconded by Mr. Sweeten. Motion carried.

2. Extension of use variance & major subdivision approval, submitted by Carol Murray-Negron & B. Craig Bretz Living Trust for the location known as Block 410.01, Lots 82 & 84, 342 & 344 Fulling Mill Road.

Mr. Galestok explained the approval was for 25 lots. He explained the applicant is requesting an extension of the approval. He explained that the application is probably extended under the permit extension act, but the applicant is seeking the extension.

There was a discussion about the number of years for the extension.

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. Brand made a motion to approve a three-year extension. The motion was seconded by Mr. Waterman.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	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. Use variance application to allow a 22-lot residential subdivision, submitted by Susan Andreassi, LLC for the location known as Block 494.01, Lot 28, 10 Shawmount Avenue.

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

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

Mr. Mark Andreassi, applicant, Mr. Brian Ciampitti, PE, and Mr. James Vena, PE, were sworn in by Chairman Hanson.

Mr. Dwyer explained this is a 7+ acre tract of land. He explained the lot is split zoned. He explained a portion is in the R-3 zone and the majority is in the Conservation zone. He explained that in 2010 the portion of land was rezoned to the Conservation Zone.

Mr. Dwyer explained that his client was owned money from PonderLodge and obtained this lot through bankruptcy. He explained that the State of New Jersey owns PonderLodge now.

Mr. Dwyer explained that when PonderLodge was rezoned a couple of years ago, it included his client's lot. He explained that his client was not notified of the zone change.

The Board wanted to clarify for the record that the plan before them tonight was a conceptual plan and not a subdivision plan.

Mr. Ciampitti explained that they are seeking approval for 22 single family dwellings. He explained that three single family dwellings would be outside the gate with 17 single family dwellings serviced by a cul-de-sac road. He explained that single family dwellings are not a permitted use in the Conservation zone. He explained permitted uses are public purpose uses, public parks, wildlife preserves, etc. He explained the property has not been publicly owned ever.

Mr. Ciampitti explained it would be an undue hardship to the applicant if the application were not approved. He explained that what is proposed would advance the purposes of zoning. He explained that public sewer can be accessed from Broadway through the proposed road and up Shawmount Avenue. He explained that one side of Shawmount Avenue is developed.

Mr. Dwyer read sections from 40:55D-2 - purpose of the act. The proposed would advance the purposes of zoning and there would be no detriment to the zone or zone plan if approved.

The Board explained that there was a proposal for residential by PonderLodge in 1997. They explained that at that time there was a question as to sewerability to the development. Mr. Ciampitti explained that they have contacted the MUA and spoke with Matt Ecker who said there is capacity for this project. He explained that he has spoken with Leslie Gimeno from Cape May County and the State of New Jersey and they have indicated that if the use variance is approved, they have no problem with including this parcel in the Water Quality Management Plan.

There was a discussion about having a property split zoned. Mr. Dwyer explained the only reason this is split zoned is because of the rezoning. Mr. Galestok explained that prior to the property being rezoned, the zoning was R-1 unsewered.

Mr. Ciampitti explained there is an easement for the road that is on the applicants property. The section of road from Bayshore Road to the gate is a Township street.

The Board explained the zoning schedule on the plan is wrong. Mr. Ciampitti and Mr. Dwyer both explained they are requesting the R-3 with sewer standards be applied to the section of the lot that is in the Conservation zone. Mr. Dwyer explained that each lot would comply with the 7,500 square foot area requirement.

Mr. Galestok explained the entire parcel of PonderLodge was at one time the R-1 unsewered zone. He explained that during a re-examination of the Master Plan, it was zone Conservation.

There was a discussion as to whether this application changes the zone. It was explained that the zone would not change. It would remain the Conservation zone. It is up to the Board to determine what criteria to follow. Mr. Dwyer explained they have requested the R-3 standards be applied. He explained that this request is acceptable especially with the adjacent zoning being R-3.

Mr. Galestok explained that if the application is approved tonight, the applicant would then proceed with a subdivision application. He explained that at that time, the applicant would have to meet the RSIS standards. The Board explained that another factor for number of lots and lot size would be based on if sewer is available.

This portion of the hearing was opened to the public.

Mr. Charles Brown was sworn in by Chairman Hanson.

Mr. Brown explained that he is a resident of Edna Avenue. He explained that if this application were approved, it would be right up against his backyard. He explained that he feels there are enough homes that are empty in Lower Township. He doesn't want to see the same thing here. He explained that there are a lot of trees that would have to be removed. He explained he is against this application.

Mr. Tom Doherty was sworn in by Chairman Hanson.

Mr. Doherty explained he has an acre property and understands that today, 35,000 square feet would be required. He explained that he has concerned with all the proposed homes across the street from his house. He asked if they were going to be spec houses? He explained that there are a lot of empty homes in Lower Township. He explained they don't need 22 more empty houses. He explained that he spoke with Matt Ecker from the MUA 11 months ago. He explained that this was already approved. He explained that he is against the application. He explained this is too dense for the area. The Board explained that if the applicant cannot get sewer to the lot, they can't do 22 houses.

Mr. Murdock McDonald was sworn in by Chairman Hanson.

Mr. McDonald explained he is concerned if the houses would have wells. He explained he is against more wells being installed. He explained that this area is environmentally sensitive. Mr. Ciampitti explained that right now there would be wells, but if water becomes available, they would connect.

Mr. Thomas Ross was sworn in by Chairman Hanson.

Mr. Ross questioned the entrance to this property in comparison with the gates into PonderLodge? Mr. Ciampitti explained the property is located beyond the gate, but the road is off Shawmount Avenue. Mr. Ross explained he was opposed to this application.

Ms. Joann Prentice was sworn in by Chairman Hanson.

Ms. Prentice explained she purchased her house in 2005. She explained that she was never told that the strip of land behind her house was privately owned. She explained that what is proposed would be five feet from her house. She explained that she has concerns with drainage. She explained that the applicant should either donate or sell the property to the State.

Ms. Bernadette Sethman was sworn in by Chairman Hanson.

Ms. Sethman explained her concerns are with safety. She explained that the only access to this property is through Shawmount Avenue. She explained that there should be access from 4<sup>th</sup> Avenue too. Mr. Dwyer explained if this application were approved, this issue would be dealt with by the Board at the subdivision application.

Mr. Michael Jenkins was sworn in by Chairman Hanson.

Mr. Jenkins explained that he doesn't understand how the applicant could not have known that the property was rezoned. Mr. Galestok explained that at the time, the Planning Board was considering this area and property by the ferry for a zoning change through the Master Plan. He explained that at that time, the records did not reflect Mr. Andreassi as the owner of the property. Mr. Jenkins explained that he thought he saw in the records that Mr. Andreassi purchased the property of \$10.00. He explained that he was against this application.

Mrs. Suzanne Jenkins was sworn in by Chairman Hanson.

Mrs. Jenkins explained that this would cause a lot more traffic on Shawmount Avenue. She explained that it took five years to get signs 'handicap child at play'. She explained that it would be mayhem on this street if this application were approved. She explained she was opposed to this application.

Mr. Tom McLaughlin was sworn in by Chairman Hanson.

Mr. McLaughlin explained what is proposed would increase the traffic to the area. He explained this would be an impact to the area. He explained he was opposed to this application.

Ms. Lorinda DeSrosiers was sworn in by Chairman Hanson.

Ms. DeSrosiers explained she walks in PonderLodge every day. She explained that if the development is allowed, it would impact the beauty of the area.

Mr. George Coleman was sworn in by Chairman Hanson.

Mr. Coleman explained that what is proposed would totally affect him. He explained that if the applicant has owned the property for ten years, how can you not know the zone was changed. He explained that he is opposed to this application.

Mr. Jim Galloway was sworn in by Chairman Hanson.

Mr. Galloway explained he is opposed to this application. He asked if the Board has the ability to change the zone? He explained he feels it would be more appropriate to do a zone change.

This portion of the hearing was closed to the public.

Mr. Dwyer explained his client was never noticed that the zoning was changing. He explained that because the zone changed, they are before the Board for a use variance. He explained that his client has the right to develop his land. He explained that the negative public comments were related to new development. He explained that what they are asking for is a responsible request.

Mr. Galestok explained that no notice was required about the zone change because it was a re-examination of the Master Plan. He explained that if the zone change was done another way, it would have been very expensive to notice everyone. He explained that during the process of re-examination, ownership was looked into and it indicated the ownership as the State.

There was a discussion that the R-1 or R-2 standards could be applied.

Mr. Dwyer offered to the Board to allow the use of residential with the density to be determined in the future. Mr. Harvatt explained that he is not comfortable with any approvals without specifics. There was a discussion regarding the best density for the property. Mr. Dwyer explained that the R-3 zoning is adjacent to his client's property. He explained that it would seem best to allow the same requirements for this property.

Chairman Hanson called for a short recess at 8:20 P.M. The meeting was called back to order at 8:28 P.M.

Mr. Dwyer explained that the property along Shawmount Avenue is zoned R-3. He explained that they are asking for similar zoning requirements. He explained that they have no problem with eliminating one of the three lots on Shawmount Avenue and making the two lots ½ acres each. He explained that all the lots on the internal street would remain with the R-3 requirements.

Mr. Galestok explained that the developed lots along Shawmount Avenue have been R-3 unsewered. He explained the zoning hasn't been changed in his tenure with the Township.

The Board discussed that they didn't have a problem with the proposed residential use, just with the proposed density. Mr. Galestok explained that the lot size is determined by sewerability. The Board explained the applicant has a right to develop his property. If the Board were to deny the application, this is inverse condemnation and the Township would then have to purchase the property. The Board discussed what zoning standards should be applied.

Mr. Brand made a motion to conditionally approve the application with the R-3 zoning standards. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mrs. Kelly	YES
	Chairman Hanson	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. Use & hardship variance applications to convert the existing detached garage into a mother-in-law quarters. Hardship variances needed for side & rear yard setbacks, submitted by Robert Shepanski, Jr., for the location known as Block 750, Lot 15.01, 1080 Shunpike Road.

Mr. Robert Shepanski, Jr., applicant, was sworn in by Chairman Hanson.

Mr. Shepanski explained that they would like to convert the garage to living space for his mother-in-law. He explained that the garage would be used for family use only. Mr. Galestok recommended a deed restriction.

The Board asked Mr. Shepanski if there would be a problem with family use only and not renting the garage? Mr. Shepanski explained he had no problem with not renting.

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. Shepanski explained it was easier and less expensive to utilize the existing.

Mr. Galestok explained there are about five or six detached mother-in-law units in the zone. Mr. Shepanski explained that he has a list of six that the Board has approved.

Mr. Harvatt explained to Mr. Shepanski that he would have to hire an attorney to write up a new deed with the deed restriction. He explained that he would review the deed before it is filed.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. Waterman.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	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. Armbruster made a motion to adjourn at 8:50 P.M. The motion was seconded by Mr. Waterman. 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.