

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor  
Shawn Carr, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:Handouts:

List of Board Solicitor vouchers dated May 16, 2017.

List of Board Engineer vouchers dated June 1, 2017.

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

Mr. Utsch made a motion to approve the minutes from the May 4, 2017 meeting. The motion was seconded by Mr. Waterman. Motion carried.

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

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

Mr. Brand made a motion to approve the resolutions from the May 4, 2017 meeting. The motion was seconded by Mr. Utsch. Motion carried.

1. Discussion of letter from Henry & Linda Stonelake, 119 Jennifer Lane, regarding screening from Dunkin Donuts reader board.

Mrs. Stonelake explained this is regarding the Dunkin Donuts. She explained she wrote a letter asking if the Township would approve Dunkin Donuts to install shrubs at the reading board sign. She explained right now there is an unobstructed view of her front deck and when the cars go around to the pick up window, the brake lights shine into her living room.

Mr. Carr explained the existing shrubs when it was the Burger King that area was overgrown. He explained they were removed and they have planted landscaping that is small and will take time to grow and act as a shield.

Mrs. Stonelake explained there are emails with the district manager and they were very accommodating, but asked her to ask the Township to allow them to do that.

The Board asked Mr. Carr if there was anything in the code that would allow them to

install additional landscaping? Mr. Carr explained there is nothing in the code, but there may be a site distance issue. He explained he would like to see something on a plan.

Mr. Galestok explained the problem tonight is this is not a formal hearing and they have already been approved.

The Board explained at the meeting, there were no public comments. People could have come to the meeting and asked questions.

Mr. Galestok explained there would have to be a formal review and they would have to come in with a site plan application.

Mr. Galestok explained that after the approval, they notified Mr. Carr because they wanted to install a six (6) foot fence and because it was a use variance and site plan and because someone could have already viewed the plans, they would have to come back to the Board.

Mr. Stonelake explained they did come and look at the plans.

The Board explained there was nothing they could do at this point. They would have to come back to the Board.

2. Extension of use and hardship variance and minor site plan approval for the trash enclosure and fence, submitted by Wawa, Inc. (North Cape May store), for the location known as Block 499.02, Lot 33.13, 3719 Bayshore Road.

Mr. Duncan Prime, Esq., represented the applicant.

Mr. Prime explained they were previously approved for an outside trash enclosure and compactor in 2015. He explained they are not yet ready to construct just yet and asking for a year or two extension.

This portion of the hearing was opened to the public.

Mr. John O'Rourke was sworn in by Chairman Hanson.

Mr. O'Rourke explained Wawa is not a good neighbor. He asked about Title 39 powers. Mr. Harvatt explained Title 39 is for motor vehicle.

The Board asked Mr. O'Rourke which Wawa store he was referring to? Mr. O'Rourke explained it was the Villas store. The Board explained this was for the North Cape May store and it was an extension of the previous approval.

This portion of the hearing was closed to the public.

Mr. Waterman made a motion to approve a three (3) year extension. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	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.

- Extension of use and hardship variance, conditionally use and minor site plan approval for the trash enclosure and fence, submitted by Wawa, Inc. (Villas) for the location known as Block 216, Lot 5 1515 Bayshore Road.

Mr. Duncan Prime, Esq., represented the applicant.

Mr. Prime explained the presentation is the same as the North Cape May Wawa application.

This portion of the hearing was opened to the public.

Mr. John O'Rourke was sworn in by Chairman Hanson.

Mr. O'Rourke explained Wawa is a bad neighbor. He explained there are drug deals happening. He explained the delivery trucks are there before 8:00 A.M. and they leave the trucks running.

The Board explained this application was for an extension of a previous approval for the trash enclosure.

This portion of the hearing was closed to the public.

Mr. Brand made a motion to approve a three (3) year extension. The motion was seconded by Mr. Waterman.

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	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. Hardship variance application to construct an addition and two (2) covered decks on an existing single family dwelling encroaching into the front, side and rear yard setbacks and with more than permitted building coverage, submitted by Troy & Lazinski, LLC, for the location known as Block 497.03, Lots 1.01, 1.02 & 3.02, 608 Shunpike Road.

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

Mr. David Lazinski, applicant, was sworn in by Chairman Hanson.

Mr. Gelzunas explained to the Board the lot is odd shaped and undersized for the zone. He explained there is an existing 25 x 27 single family dwelling and sits on an angle. He explained his clients would like to construct an addition to the rear of the house and also two covered decks. He explained variances would be needed for front and side yard setbacks, building coverage and gross floor area.

Mr. Gelzunas questioned Mr. Lazinski. Mr. Lazinski explained this was a bank owned property. He explained it was overgrown. He explained no one has lived in the house for a while. He explained he would like to revitalize the area. He explained everything interior was taken out by the previous owner. He explained the area is mostly year round single family dwellings. He explained the proposed setbacks are similar to others in the area. He explained the proposed addition and covered deck do not encroach into the front yard setback any further than the existing house because the house is angled.

Mr. Gelzunas explained the decks would be visually pleasing, what is proposed advances the purposes of the zone. There would be no detriment to the zone, zone plan or public good. They will be maintaining sizable setbacks.

The Board asked if vacant land was available? Mr. Gelzunas explained no vacant land was available.

The Board asked if the decks would be open or would there be knee walls or electric? Mr. Lazinski explained there would not be a knee wall or electric.

Mr. Galestok asked if this was the best location for the addition? Mr. Lazinski explained it was. He explained where the location of the septic system was and the addition could not be located in this area.

This portion of the hearing was opened to the public.

Ms. Marion Doyle was sworn in by Chairman Hanson.

Ms. Doyle explained she lives next door to this property and there is a strip of the applicant's land behind her house. She explained her cesspool is in the rear yard and she would like an easement from the applicant to gain access to her property.

Mr. Harvatt explained he had represented Ms. Doyle at one time a while ago. He explained that Ms. Doyle is no longer his client. Mr. Harvatt and Mr. Gelzunas discussed a conflict. Mr. Gelzunas explained he is fine with Mr. Harvatt continuing. Mr. Harvatt explained the Board cannot grant an easement. He explained this would have to be done between the property owners.

Mr. Gelzunas explained there have been discussions with Ms. Doyle and will continue to have them.

Ms. Darlene Stiefel was sworn in by Chairman Hanson.

Ms. Stiefel explained she lives next to this property and wanted to see if the addition was going toward her. She explained that when she wanted to enclose her garage to make it a family room, she was told at that time she wouldn't be able to do anything else so she went up.

This portion of the hearing was closed to the public.

Mr. Gelzunas explained they are maintaining 27' to Ms. Stiefel's property.

Mr. Gelzunas explained this would be an increase to the property values in the area.

The Board asked if there was any correspondence from the Health Department that the septic system is adequate? It was explained that is a prior approval to building. Mr. Lazinski explained a new field has been installed.

The Board explained what is proposed fits in with the area.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	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.

5. Hardship variance application to rebuild a roof damaged in a storm encroaching into the front yard setback, submitted by Vicky Parent & Valery Bennett for the location known as Block 587, Lots 11 & 12, 319 Beach Drive.

Mrs. Vicky Parent, applicant, was sworn in by Chairman Hanson.

Mrs. Parent explained the storm last year with the high winds torn the roof off the house. She explained they would like to reconstruct the roof in the same location and the same size.

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.

There was a discussion that it looks like there is plenty of room from the property line to the street.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	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.

6. Minor site plan application for the sale of diesel fuel and other minor site modifications to the existing store, submitted by Wawa, Inc. (Villas) for the location known as Block 216, Lots 5, 6, 35-37, 38.01, 38.02 & 39, 1515 Bayshore Road.

Mr. Duncan Prime, Esq., represented the applicant.

Mr. Prime explained the original approval was in 2005. He explained they are proposing to convert the existing pumps to have gasoline and diesel. He explained sales to tracker trailers would be prohibited.

Mr. Ron Klos, PE, was sworn in by Chairman Hanson.

Mr. Klos explained they are proposing a 22,000 gallon diesel tank to be installed. He explained there would be a minor modification to the sign. This modification would not increase the size area.

The Board asked how long it would take to install the tank and do the conversion? Also, would gas be closed during construction? Mr. Klos explained it would take roughly 2 ½ to 3 weeks to complete. He explained the pumps by where the tank will be installed will be shut down, but gas service would continue. He explained all the pumps would be shut down for several days for the pump replacement. He explained the area where the tank is being installed would be fenced until resurfaced.

The Board asked how close the tank would be to the property line? Also, if there was a required setback to the property line or street? Mr. Carr explained the proposed distance was about 75'. Mr. Klos explained there is not a setback requirement that he is aware of.

Mr. Carr summarized Engineer comment's dated May 22, 2017.

Mr. Galestok read Bureau of Fire Safety comments dated May 5, 2017 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. Prime explained he spoke with Mr. O'Rourke regarding his concerns and gave him the direct hotline phone number so that he could call with any concerns.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Mr. Kennedy	YES	Mr. Doherty	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.

7. Minor site plan & hardship variance applications to remove conditions from a prior approval and to allow light food in the waiting area, submitted by PM Properties Management Corp. (5West) for the location known as Block 499.02, Lot 33.16, 3729 Bayshore Road.

Chairman Hanson excused himself from this application due to a conflict of interest. Acting Chairman for this application was Mr. Waterman

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



Mr. Paul Negro, applicant, was sworn in by Chairman Waterman.

Mr. Gelzunas explained this Board granted approval to serve alcoholic beverages in the outdoor waiting area with a temporary bar on May 1, 2008. March 4, 2010 the Board granted approval for a permanent bar in the waiting area. In 2009 Township Council place restrictions on the liquor license. May 1, 2017 Township Council removed the restrictions from the liquor license except for the hours of operation.

Mr. Gelzunas explained his client purchased the property and brought the property into compliance of the May 2008 site plan.

Mr. Gelzunas explained they are here tonight to remove the Board's condition of approval to allow food service and wait staff. He explained they have applied for a parking variance, but do not think one is needed.

Mr. Negro explained he has been in the restaurant business for 25 years. He explained 26 people can sit out there. He explained he would like that they could have something light to eat while they are drinking and waiting to be seated in the restaurant.

The Board asked if this was the smoking area? Mr. Negro explained they walk out front to smoke outside of this area.

The Board asked if full dinners would be served in this area? Mr. Negro explained the kitchen wouldn't be able to keep up with full dinners. Mr. Gelzunas explained he doesn't want to restrict the type of food that can be served out there because they do have ample parking.

There was a discussion regarding why the restriction had been imposed. It was explained this was becoming more of a nightclub than restaurant. The neighbor's went to Council because the bands were playing late into the night.

Mr. Negro explained he has changed the business to more restaurant then bar. He explained that 70% of people are for the restaurant and 30% for the bar.

There was a discussion about music and what sound barrier there was for the neighbor's. Mr. Negro explained there is an existing fence, a row of trees and some plantings. He explained the music stops at 9:30 P.M. the latest.

Mr. Carr summarized Engineer comments dated May 19, 2017.

Mr. Galestok read Bureau of Fire Safety comments dated May 30, 2017 in which they found this application acceptable.

Mr. Gelzunas explained he spoke with the County Planning Board and because it is an amended site plan, they do not have an interest in the application.

This portion of the hearing was opened to the public.

Mr. Michael Klineburger was sworn in by Chairman Waterman.

Mr. Klineburger explained he purchased his house six years ago and this area was just used for storage. He explained there is still noise and bad language. He explained there was a band playing last week and it could be heard a good distance away. The Board explained this area was previously approved for tables and bar and the applicant is now requesting food be served in this area.

Mr. Gerald Snelbaker was sworn in by Chairman Waterman.

Mr. Snelbaker explained he agrees with everything Mr. Klineburger said. He explained he also has concerns with parking. He explained he has no problem with food being served in this area. He asked if the size would remain the same and was told it would.

Mr. Negro explained he would agree to a condition that music would stop at 9:30 P.M.

This portion of the hearing was closed to the public.

The Board asked about the location of the trash enclosure. Mr. Negro explained the location of the enclosure. He also explained the recyclables are not dumped at the end of the night. He explained they are dumped the next day.

Mr. Carr explained there is an issue with an area of the stone parking. He explained to the applicant to correct this area, give him a call and he would look at it. This would eliminate the need for submitting a performance estimate.

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

VOTE:	Mr. Brand	YES	Mr. Utsch	YES
	Mr. Sweeten	YES	Mr. Kennedy	YES
	Mr. Doherty	YES	Chairman Waterman	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. Brand made a motion to adjourn at 8:31 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.