

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated June 6, 2016.

List of Board Engineer vouchers dated June 2, 2016.

The New Jersey Planner: March/April 2016, Vol. 77, No. 2.

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

Mr. Utsch made a motion to approve the May 5, 2016 minutes. The motion was seconded by Mr. Brand. Motion carried.

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

Mr. Armbruster made a motion to approve the Board Solicitor's vouchers. The motion was seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to approve the resolution from the May 5, 2016 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

1. Use & hardship variances and minor site plan application to demolish an existing building and construct a new 1,500 sq. ft. building. Hardship variances needed for number of signs, size of signs and signs not permitted, submitted by Dolphin Dock, LLC & Miss Chris Dock, LLC, for the location known as Block 764, Lots 32-45 & Block 766, Lots 9, 22 & 23.01, 1218 Wilson Drive.

Mr. Jeffrey Barnes, Esq., represented the applicant.

Mr. John Halbruner, PE, was sworn in by Chairman Hanson.

Mr. Barnes explained there was an aerial photo submitted with the application. The property is located in the MGB Zone with an irregularly shaped lot approximately 34,000 square feet in lot area. He explained there is a one story single family dwelling, a sales building and a

storage building. He explained they would like to demolish the storage building and construct a new storage building in a difference location to the rear of the building whereas the existing building is on the Wilson Drive side. He explained the business they do are boat rentals, whale watching boats, pleasure fishing boats and other boat related stuff. He explained they are before this Board because the residential use is not permitted in the zone and is not being altered in any way. He explained variances are needed for signage. He explained there are three attached signs and four existing free-standing signs.

Mr. Halbruner explained this area is used for overflow parking. He explained the lot itself is conforming. He explained the existing storage building is non-conforming by encroaching into the front yard setback and the proposed building will conform to the setbacks. He explained the proposed building is 1,500 square feet and a metal building.

Marked into evidence was a six page building packet.

Mr. Halbruner reviewed the plans with the Board. He explained the building would be used for storage with some other incidental services. He explained what is proposed would not interfere with parking. He explained there are approximately 50 parking spaces.

Mr. Halbruner explained they are not proposing any new signs. He explained they are seeking approval for the existing signs currently there. The Board asked if a sign was proposed on the proposed building? Mr. Halbruner explained no sign is proposed for this building.

The Board asked how many parking spaces were at the Miss Chris location? Mr. Halbruner estimated there to be 50 parking spaces.

The Board asked about all the separate lots. Mr. Galestok explained all the lots are merged. They were merged by Ordinance.

Mr. Robert Lubberman was sworn in by Chairman Hanson.

Mr. Lubberman explained he has worked here since 1994. He explained they will stack park the cars on busy days. He explained he estimates there to be between 56 to 58 stacked parking spaces on the Miss Chris side. He explained that usually only half the lot is utilized where the building is proposed.

Mr. Lubberman explained the current location of the storage building floods and they have encountered problems with storage. He explained the proposed location is higher and there shouldn't be a problem.

Mr. Lubberman explained the proposed location would not have any impact on parking and there would be no deterrent.

Mr. Halbruner explained the new location promotes light area and open space. He explained there would be no deterrent to public, public good or the zone plan.

Mr. Lubberman explained they would store equipment, tools and other related items in the building. He explained they are not much on sales and they are not a dealership.

Mr. Carr summarized Engineer comments dated April 27, 2016.

Mr. Galestok read Bureau of Fire Safety comments dated April 11, 2016 in which they found this application acceptable.

The Board asked if outside lighting was proposed? Mr. Halbruner explained they are not proposing outside lighting. There was a discussion that they may want to consider adding a security light. Mr. Barnes explained they would be acceptable to adding an exterior light, but not for the entire parking area.

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 may be the building could be dressed up some and not just a steel building.

Mr. Armbruster made a motion to conditionally approve the use variance 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.

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

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the minor site plan application. The motion was seconded by Mr. Sweeten.

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.

2. Use & hardship variance & preliminary & final site plan applications to demolish the existing restaurant and construct a new 29 seat Dunkin Donuts with a drive-thru lane and an outdoor seating area. Hardship variances needed for sign area, number of signs and front yard setback for sign, submitted by Cape May Food Group, LLC for the location known as Block 494.54, Lot 1, 3704 Bayshore Road.

Ms. Tracy Siebold, Esq., represented the applicant.

Ms. Siebold explained her client would like to demolish the existing building and rebuild a new building for a Dunkin Donuts. She explained they are proposing interior seating along with some exterior seating. She explained they are keeping the drive thru. She explained they are asking for a waiver so not to have to survey the entire site.

Mr. Vincent Orlando, PE, Mr. Arun Mandi, owner and Ms. Tracy Craig-Paci, Architect was sworn in by Chairman Hanson.

Mr. Mandi explained the existing building is in disrepair. He explained everything about the building is dictated by Dunkin Donuts. He explained there is one delivery a week by tracker trailer. He explained the truck is usually there for 15 minutes and would be during off peak hours. He explained trash pick-up is three times a week and recycle pick-up is once a week. He explained the trash enclosure is gated. He explained there would be five to six employees during peak hours. He explained they would be open from 5:00 A.M. to 11:00 P.M.

Marked into evidence was a colorized elevation and floor plan.

Ms. Craig-Paci reviewed the renderings with the Board. She explained they are proposing a menu board for the drive-thru. She explained there would be 45 seats inside and 12 outside seats.

Marked into evidence with a color rendering of the site plan.

Mr. Orlando explained all the curbing will be redone. The parking area would be regraded and reblackedtoped. He explained there would be a new handicap parking space. He explained they would also reestablish the swale in front of the property.

Mr. Orlando explained they are proposing two new free standing signs that would be smaller than what was originally approved. They will reconfigure the drive-thru area that will allow for better stacking. He explained they have 44 parking spaces. He explained this is an appropriate use for the area. He explained there would be no detriment to the zone or zone plan. He explained there is an exit only from the drive-thru. He explained they have tried to make the drive-thru area safer.

The Board had concerns with the number of signs. Mr. Orlando explained the free standing sign square footage has been reduced. He explained the building mounted signs are incidental to the building.

Mr. Galestok read Bureau of Fire Safety comments dated April 11, 2016 in which the application was acceptable.

There was a discussion about why this application was before the Zoning Board. It was explained that there is a smaller section of the property that is in the R-3 zone. Also, because it was originally granted by use variance, it stays with the Board.

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 explained the Construction Office has the building permit and he just wants the applicant to know the building permit cannot be issued until the revised plans, bond, escrow and Engineer's approval are obtained first.

Mr. Waterman made a motion to conditionally approve the use variance application. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the hardship variances for the signs. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. Brand	NO
	Mr. DiStefano	YES	Mr. Utsch	NO
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

Mr. Waterman made a motion to conditionally approve the site plan & waiver applications. The motion was seconded by Mr. Armbruster.

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 meeting.

3. Use & hardship variance applications to demolish an existing single family dwelling and construct a duplex on a lot deficient in lot area, submitted by William Massaro for the location known as Block 764, Lots 50 & 51, 1198 Wilson Drive.
4. Use & hardship variance applications to demolish an existing single family dwelling and construct a new single family dwelling on a lot deficient in lot area, submitted by Robert Penza for the location known as Block 764, Lots 46 & 47, 1202 Wilson Drive
5. Use & hardship variance applications to demolish two existing single family dwellings and construct a new single family dwelling on a lot deficient in lot area, submitted by Michael Penza for the location known as Block 764, Lots 48 & 49, 1200 Wilson Drive.

It was explained that these applications are similar in nature so the testimony would be for all three, but individual votes would be taken.

4. Use & hardship variance applications to demolish an existing single family dwelling and construct a new single family dwelling on a lot deficient in lot area, submitted by Robert Penza for the location known as Block 764, Lots 46 & 47, 1202 Wilson Drive

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

Mr. Gelzunas explained they are proposing residential uses on these three lots. He explained a use variance is needed because residential is not permitted in this zone. He explained they would be complying with all bulk requirements for this zone.

Mr. Vincent Orlando, PE, was sworn in by Chairman Hanson.

Mr. Orlando explained on Lots 46 & 47 there is two single family dwellings that would be demolished and a new single family dwelling would be constructed. He explained there would be a garage underneath with living space above. He explained the current structures do not meet the setbacks and what is proposed would comply.

Mr. Orlando explained this area doesn't really lend to a MGB use. He explained at low tide, there isn't any water.

Mr. Orlando explained they do not have architectural drawings yet because they are not sure what will be built, but it would be a custom home. He explained the height requirement would be met as well as all setbacks. He explained there are a lot of residential uses along this street.

Marked into evidence were two photos.

Mr. Orlando explained there are five buildings on all the lots and if all are approved, there would be a total of three buildings.

Mr. Orlando explained the number of non-conformities would be reduced with these applications.

The Board explained with previous applications in the area, a condition was there be parking underneath the structure that would be out of the flood zone. They explained that with this, it would be a very steep incline. Mr. Orlando explained the building has to be built to flood elevation, but with the first floor being a garage and storage only area, this area does not have to be built to flood elevation.

Mr. Orlando explained there would be 15' to the bulkhead and that's what DEP recommends.

The Board asked if it were possible to stagger the front yard setbacks for each unit to give a little character to the area? Mr. Orlando explained they could.

Mr. Orlando explained Mr. Massaro would like to put in four boat slips, one for each unit. He explained Mr. Massaro would have to go through the proper approvals to do this. Also that the area has to be dredged.

Mr. Galestok explained that in the past the Board has put a condition on these applications that there be a deed restriction that the owners realize they are in the MGB zone and there is going to be noise from boats, restaurants, etc., and that they understand this. Mr. Gelzunas explained they have no problem with this.

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. Armbruster made a motion to conditionally approve the use and hardship variance applications for Lots 46 & 47, 1202 Wilson Drive. 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
	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. Use & hardship variance applications to demolish two existing single family dwellings and construct a new single family dwelling on a lot deficient in lot area, submitted by Michael Penza for the location known as Block 764, Lots 48 & 49, 1200 Wilson Drive.

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

Mr. Gelzunas explained this application is the same as the previous application. He explained they would like to incorporate the previous testimony with the application.

There was a discussion they would have a 15' front yard setback with this single family dwelling and it would be to the second floor. It was explained that because the house would be at a different setback, they would like to add approximately 140 square feet to the back of the house.

Mr. Galestok explained that in the past the Board has put a condition on these applications that there be a deed restriction that the owners realize they are in the MGB zone and there is going to be noise from boats, restaurants, etc., and that they understand this. Mr. Gelzunas explained they have no problem with this.

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 conditionally approve the use and hardship variance applications for Lots 48 & 49, 1200 Wilson Drive. 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 & hardship variance applications to demolish an existing single family dwelling and construct a duplex on a lot deficient in lot area, submitted by William Massaro for the location known as Block 764, Lots 50 & 51, 1198 Wilson Drive.

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

Mr. Gelzunas explained this application is the same as the previous application. He explained they would like to incorporate the previous testimony with the application.

This application is the same as the previous applications expect they will remove a single family dwelling and construct a duplex.

Mr. Orlando explained there would be a 23' front yard setback. He explained what is proposed would be consistent with the area. He explained they would maintain the allowed height and bulk requirements.

Mr. Galestok explained that in the past the Board has put a condition on these applications that there be a deed restriction that the owners realize they are in the MGB zone and there is going to be noise from boats, restaurants, etc., and that they understand this. Mr. Gelzunas explained they have no problem with this.

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. Armbruster made a motion to conditionally approve the use and hardship variance applications for Lots 50 & 51. 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.

6. Informal discussion to discuss a mini-storage facility, submitted by Lawrence Wind for the location known as Block 27, Lot 27, 401 Bayshore Road.

Mr. Wind explained to the Board that he owns the old Inn Restaurant at the north end of Villas. He explained the roof leaks and there is a lot of building deterioration on the inside. He explained he has spoken with quite a few businesses and contractors to see if they would be interested in using the building for offices or some type of business, but none were explaining

this wasn't a good area for commercial use. He explained he didn't feel single family dwellings were a good use for this site and area. He explained he thought maybe a mini-storage facility would be a better use for the lot. He explained it is a low intensity use.

Ms. Cindy Chemerys, PE, reviewed a conceptual plan with the Board. She explained it would be a two-story building with both internal and external units. She explained the units would be climate controlled and there would be an elevator.

The Board asked about the width of the drive aisles? Mr. Chemerys explained they would be 20'.

Mr. Wind explained he would install solar panels to help with the electric.

The Board explained they were not crazy about having a two-story building that wouldn't be aesthetically pleasing. Mr. Wind spoke about having some dormers and maybe an 'A' frame roof.

There was a discussion that there would be an office for the storage units and also used for shipping.

7. Extension of hardship variance application. Original approval granted by the Board on May 3, 2007, submitted by Victorian Charm Development Co., for the location known as Block 234, Lot 1, 400 Rose Lane.

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

Mr. Gelzunas explained there were hardship variance approvals 2003 and 2007. He explained the property is vacant.

The Board explained this is not out of character with what has been granted in the past.

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. Armbruster made a motion to approve a three-year extension. The motion was seconded by Mr. Sweeten.

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.

8. Use variance application to demolish an existing duplex and construct a new single family dwelling with another existing single family dwelling on the lot in General Business Zone, submitted by Ryan & Leigh Douglass for the location known as Block 741.04, Lots 13.01 & 13.02, 682 Petticoat Creek Lane.

Mr. Ryan Douglass, applicant, and Mr. Matt Sprague, Architect, were sworn in by Chairman Hanson.

Mr. Douglass explained to the Board he is the contract purchaser of the lot. He explained he is seeking a use variance to demolish the existing duplex and construct a new single family within the footprint and also an attached two car garage.

Submitted into evidence were two photographs of the existing structure.

The Board asked about the existing single family dwelling and whether Ms. Maurer would continue to live there? Mr. Douglass explained Ms. Maurer has life rights. She will continue to live there until death.

Mr. Sprague explained both existing buildings are one-story. He explained Mr. Douglass is proposing a two-story single family dwelling.

Mr. Galestok explained the density of the property is being decreased from three units to two units.

Mr. Douglass explained the lot area is over two acres.

Mr. Sprague explained what is proposed is a more appropriate use than a commercial use.

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. Douglass explained there is an issue with the lender wanting something from the Township that if the house is destroyed it can be built in the same footprint. Mr. Galestok read finding-of-fact #13 from the proposed resolution.

Mr. Waterman made a motion to conditionally approve this application. 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
	Chairman Hanson	YES		

Motion carried.

The Board was given a resolution to review for this application.

Mr. Waterman made a motion to adopt the resolution. 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
	Chairman Hanson	YES		

Motion carried.

The meeting was closed at 10:00 P.M. to enter into closed session.

The meeting was called back to order at 10:04 P.M.

Mr. Waterman made a motion to adjourn at 10:04 P.M. The motion was seconded by Mr. Armbruster. 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.