

# 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 Work Session meeting of the Lower Township Planning Board was held on January 15, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:06 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  
Michael Beck  
Kevin Lare  
Robert C. Imler  
Daniel J. Senico  
Edward Butler  
Brian Sullivan  
Chris McDuell  
Robert Crompton

MEMBERS EXCUSED: Gary Playford

STAFF PRESENT: Jon Batastini, Board Solicitor  
Ray Roberts, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Letters:

TO: Mr. Peter Tourison, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Eric Gaver, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Richard Sandman, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

CORRESPONDENCE: (Con't)

Letters:

TO: Mr. Richard Andrien, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Alan Gould, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Avery Teitler, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

CORRESPONDENCE: (Con't)

Letters:

TO: Mr. George Neidig, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Robert Sandman, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Ms. Jane Hoy, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

CORRESPONDENCE: (Con't)

Letters:

TO: Mr. Eric Garrabrant, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Jeffrey April, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Bruce Conwell, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

CORRESPONDENCE: (Con't)

Letters:

TO: Mr. Andrew Catanese, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Frank Corrado, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

TO: Mr. Stewart Kay, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 15, 2008

RE: Request for Legal Services; Year 2009  
Lower Township Planning Solicitor

CORRESPONDENCE: (Con't)

Letters:

TO: Mr. Ellen Byrne, Esq.

FROM: William J. Galestok, PP,AICP  
Director of Planning

DATE: December 15, 2008

RE: Your letter dated December 12, 2008

  

TO: Lower Township Planning Board

FROM: William J. Galestok, PP,AICP  
Director of Planning  
Board Secretary

DATE: December 19, 2008

RE: Draft COAH Plan from 2007;  
Remington, Vernick & Walberg Engineers (R., V. & W.)

  

TO: Lower Township Council Elect

FROM: Jay Dilworth, Planning Board Chairman &  
James Hanson, Zoning Board Chairman

DATE: December 26, 2008

RE: Recommendation of Engineer Design Associates;  
Joseph H. Maffei, PE,PP,CPWM

  

TO: Mr. Anthony Monzo, Esq.

FROM: William Galestok, PP,AICP

DATE: January 7, 2009

RE: COAH Contract with R,V & W. Engineers

MEMORANDUM:

TO: Jon Batastini, Esq.  
Interim Planning Board Solicitor

FROM: Bill Galestok, PP,AICP  
Director of Planning  
Planning Board Secretary

DATE: December 31, 2008

RE: January 22, 2009 Planning Board meeting

Handouts:

List of Board Solicitor vouchers dated December 26, 2008.

The New Jersey Planner: December 2008/January 2009, Vol. 69, No. 6.

List of Board Solicitor voucher dated January 9, 2009.

List of Board Engineer vouchers dated January 15, 2009.

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

Mr. Hewitt made a motion to nominate Jay Dilworth as Chairman and approve Resolution #09-1. The motion was seconded by Mr. Crompton.

VOTE:	Mr. Beck	YES	Mr. Imler	YES
	Mr. Lare	YES	Mr. Senico	YES
	Mr. Butler	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Mr. Crompton	YES
	Mr. Hewitt	YES		

Motion carried.

Mr. Senico made a motion to nominate Charles Hewitt as Vice-Chairman and approve resolution #09-2. The motion was seconded by Mr. Crompton. The vote was unanimous in

favor of Charles Hewitt as Vice-Chairman.

Mr. Senico made a motion to nominate William Galestok as Board Secretary and approve Resolution #09-3. The motion was seconded by Mr. Imler. The vote was unanimous in favor of William Galestok as Board Secretary.

Mr. Sullivan made a motion to nominate Lisa Schubert as Recording Secretary and approve Resolution #09-4. The motion was seconded by Mr. Crompton. The vote was unanimous in favor of Lisa Schubert as Recording Secretary.

Mr. Butler made a motion to approve Resolution #09-7, meeting dates for the 2009 calendar year. The motion was seconded by Mr. Hewitt. Motion carried.

Mr. Hewitt made a motion to approve Resolution #09-8, approving the minor subdivision committee. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Galestok read Resolution #09-9, to enter into Closed Session.

The regular Work Session meeting was adjourned at 7:10 P.M. to enter into Closed Session.

The meeting was called back to order at 7:40 P.M.

Mr. Thomas Thornton, PE, from Hatch Mott MacDonald was present. He explained that he has 11 years experience. He has done water and sewer work as well and municipal work. He explained that Hatch Mott MacDonald is an international firm. He explained that he is municipal engineer for Avalon and the Zoning Board Engineer for Linwood.

The Board asked if he could provide the Engineer comment's five days before the work session meetings? Mr. Thornton explained that he didn't have a problem with that.

There was a discussion about a six-month appointment. Mr. Thornton explained that they didn't have a problem with that.

Mr. Imler made a motion to approve Resolution #09-6, appointing Hatch Mott MacDonald as Board Engineer's for a six-month period. The motion was seconded by Mr. Crompton. Motion carried.

Mr. Crompton made a motion to approve Resolution #09-5, appointing George Neidig, Jr., Esq., as Board Solicitor. The motion was seconded by Mr. Butler. Motion carried.

1. Discussion of Rural Sustainability Plan Smart Future Grant: Eric Gundrum, PP, R, V & W. Engineers.

Mr. Eric Gundrum, explained that representatives from New Jersey Institute of Technology (NIT) were supposed to be here tonight, but they thought that they would be the only one's on the agenda. He explained that NIT would like 1 ½ to 2 hours to speak with the Board. He gave the Board four handouts from NIT for the Board to review.

There was a discussion that a subcommittee should be established for goals and objectives for the rural sustainability plan. Township Council could appoint a committee.

It was explained that NIT requires three public meetings.

Mr. Gundrum explained that the final plan is due September 30, 2009, but has sent a proposal to request an extension until September 2010. He explained that he spoke with the Grants Coordinator in the State and they didn't think there would be a problem with granting the extension.

Mr. Gundrum explained that the next move would be have NIT do their presentation before the Board or the committee. There was a discussion that the presentation should be before the Board first and then select a committee.

2. Discussion of Draft C.O.A.H. Plan from Remington, Vernick & Walberg Engineers.

Mr. Galestok gave the Board a copy of the draft C.O.A.H. plan. He explained that he is working with Council to see what they want to do. He explained that there are possible changes on at the State level.

There was a discussion that the Governor has grand fathered all current projects.

There was a discussion regarding builders remedy. It was explained that Diamond Beach was built without any affordable housing in the 90's. There is very little land left to build upon. Township Council passed a Resolution, 2008-45, for credit for open space.

6. Final site plan application to construct a CVS Pharmacy, submitted by Feinberg & McBurney/Realty Development, LLC for the location known as Block 216, Lots 32-34, Bayshore Road & Weber Avenue.

Mr. Galestok explained to the Board that a revised plan was submitted. He explained that

the drive aisle on Bayshore Road was moved 85 feet from where the Board had originally approved. He explained that they will notice again for an amended site plan.

7. Minor site plan & hardship variance applications for a boat repair, marine retail and residential use with hardship variances for a six (6) foot fence in front yard, encroachment into the 20' buffer and number of parking spaces, for the location known as Block 450, Lot 36.01, 513 Seashore Road.

Mrs. Catherine Toogood, applicant, was sworn in by Chairman Dilworth.

Mrs. Toogood explained that they would like to move their business to this location. She explained that there is an apartment upstairs that they intend to live in. She explained that the marine store would be below the apartment. She explained that the garage would be used as the workshop and the boat storage would be all the way in the back of the property.

Mr. Galestok explained that he received a call from the County that there is wetlands in the back where the boat storage would be located. He explained that the applicant's Engineer has addressed this with the County.

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

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

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

Mr. Crompton made a motion to approve the McBride Resolution and the Seapointe Village Master Association Resolution. The motion was seconded by Mr. Hewitt. Motion carried.

Mr. Crompton made a motion to adjourn at 8:31 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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