

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

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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 January 22, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:03 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  
Kevin Lare  
Robert C. Imler  
Daniel J. Senico  
Edward Butler  
Brian Sullivan

MEMBERS EXCUSED: Charles Hewitt, Jr.  
Michael Beck  
Gary Playford  
Chris McDuell  
Robert Crompton

STAFF PRESENT: Jon Batastini, Acting Board Solicitor  
Thomas Thornton, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

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

- 6. Minor subdivision application for the creation of two (2) newly described lots, submitted by Gail Reeves & Glenn Reeves for the location known as Block 752.01, Lot 13.01, 1058 Seashore Road.

Mr. Galestok explained that the applicant's attorney, Mr. Tourison, sent a letter that all conditions set forth in the Engineer's report would be addressed.

Chairman Dilworth explained that the subdivision committee had reviewed the subdivision and it meets the requirements.

Mr. Senico made a motion to conditionally approve this application. The motion was seconded by Mr. Imler.

VOTE:	Mr. Imler	YES	Mr. Lare	YES
	Mr. Senico	YES	Mr. Butler	YES
	Mr. Sullivan	YES	Chairman Dilworth	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. Galestok read Resolution #09-11 to enter into Closed Session.

The meeting was adjourned at 7:05 P.M. to enter into closed session. The meeting was called by to order at 7:34 P.M.

Mr. Imler made a motion to approve Resolution #09-12, appointing Mr. Avery Teitler, Esq., as Board Solicitor. The motion was seconded by Mr. Senico. Motion carried.

- 5. Minor site plan & hardship variance application 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, submitted by Andrew & Catherine Toogood DBA Cape Harbor Marine Service, for the location known as Block 450, Lot 36.01, 513 Seashore Road.

Mr. Richard Berkley, Esq., represented the applicants.

Mrs. Catherine Toogood, applicant, and Mr. Dante Guzzi, PE, were sworn in by

Chairman Dilworth.

Mr. Guzzi explained to the Board that the building exists as retail on the first floor and residential on the top floor. He explained that there is a detached garage to the rear of the property. He explained that a barrier free parking space will be added. He explained that they will be adding parking bumpers. He explained a fence will be installed with slats to shield the rear of the property where the boats will be.

Mr. Guzzi explained that there is an existing side yard setback encroachment along with a front yard setback encroachment.

Mr. Galestok explained that a portion of Sheridan Avenue had been vacated. The Resolution number is 2002-16, and this should be reflected on the plan.

Mrs. Toogood explained to the Board that there would be general maintenance repair. She explained that there would be repairs of outboard engine's and seasonal storage. She explained that the rear building would be for repairs and the workshop. She explained that the temporary sheds would be removed. She explained that curbing would be installed as well as aprons as per the County's request. There would be painted flowerpots and landscaping in front and a garden by the flagpole to the south of the property. She explained that there would be a fence with green slats. She explained that there would be two full time employees. She explained that she and her husband would be living in the residential unit above the retail.

The Board asked if there were facilities in the garage for the employees? Mrs. Toogood explained that there wouldn't be. She explained that the bathroom would be in the front building.

Mr. Guzzi explained that the fence would be recessed from Seashore Road so when a boat is being pulled in, there wouldn't be a back up on Seashore Road.

Mr. Guzzi explained that the County has also requested that the sign be relocated. So they are going to relocate it to the north of the property.

Mr. Guzzi explained that handicap parking space would be a hard surface.

The Board asked where the boat storage would be? And would paving or shell be added? Mrs. Toogood explained that this area is already filled and packed. She said that there would be no need to add anything to this area.

Mr. Guzzi explained that there was a question as to whether there were wetlands in the area of the storage. He explained that this has been resolved and there aren't wetlands in this area. He explained that there is a stormwater easement to the rear of the property.

Mr. Galestok read Cape May County Planning Board comments dated January 21, 2008.

Mr. Galestok read Bureau of Fire Safety comments dated January 2, 2009 in which they found this application acceptable.

There was a discussion about having electric in the workshop. Mrs. Toogood explained that they would run electric to the workshop, but it would be underground.

Mr. Galestok asked if there would be rack storage for the boats? Mrs. Toogood explained that they do not have plans for that at this time.

There was a discussion about whether the use is permitted in the zone. Mr. Guzzi explained that what is proposed is similar to a maintenance and repair facility that is a permitted use. Mrs. Toogood explained that the retail would be marine related equipment and general marine merchandise. She explained there would be the general maintenance and repair of engines. She explained that they would not be selling boats.

The Board had asked when the engines are winterized, are they lowered in water to lessen the noise?

Mr. Andrew Toogood, applicant, was sworn in by Chairman Dilworth.

Mr. Toogood explained that the engines are lower in water, but with the new engines today, they are much quieter. He explained that there is hardly any noise from this process. He explained that they also use a non-toxic antifreeze to winterize the engines. He explained that he is a member of the Clean Marina Program. He explained that if there is ever a problem, they have a response program for clean up.

Mr. Guzzi explained that a boat would be parked in the lot waiting for repair or pick-up. He explained that this site would not be used for yearly storage.

Mr. Galestok explained that the use would be considered light industrial. He explained that Jersey Cape Marine is also in the RB zone. He explained that because the owner was living there, only a site plan was needed before Planning 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.

There was a discussion that the only variance needed is for the fence.

The Board asked if any lighting was proposed? Mr. Toogood explained that they will be installing security lighting to the rear of the property that would be shielded away from the neighbor's.

Mr. Toogood explained that the trees along the side property line would remain.

Mr. Galestok read Engineer's comments dated January 9, 2009.

Mr. Guzzi explained that the six-foot fence is proposed for screening for the passerby's.

Mr. Senico made a motion to conditionally approve the hardship variance application. The motion was seconded by Mr. Imler. Motion carried.

Mr. Butler made a motion to conditionally approve the minor site plan application. The motion was seconded by Mr. Sullivan. Motion carried.

Chairman Dilworth called for a short recess at 8:12 P.M. The meeting was called back to order at 8:23 P.M.

Mr. Batastini read the resolution for Andrew and Catherine Toogood DBA Cape Harbor Marine Service into the record. Mr. Senico made a motion to adopt the resolution. The motion was seconded by Mr. Imler. Motion carried.

Mr. Senico made a motion to adjourn at 8:32 P.M. The motion was seconded by Mr. Imler. 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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