

# 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 March 19, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:00 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, Jr.  
Johnnie Walker (Mayor's Designee)  
Gary Playford  
Daniel J. Senico  
Edward Butler  
Brian Sullivan  
Chris McDuell  
Robert Crompton

**MEMBERS EXCUSED:** Michael Beck  
Kevin Lare  
Robert C. Imler

**STAFF PRESENT:** Avery S. Teitler, Board Solicitor  
Thomas Thornton, Board Engineer  
William J. Galestok, Board Secretary  
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated March 18, 2009.

List of Board Engineer vouchers dated March 19, 2009.

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

3. Minor subdivision & hardship variance application for the creation of two newly described lots, hardship variance needed for lot frontage, submitted by Dennis & Marie Hasson for the location known as Block 390, Lot 1, 2687 Bay Drive.

Mrs. Doreen Corino, Esq., represented the applicant.

Mr. Dennis Hasson, applicant, and Mr. William Sweeney, Licensed Land Surveyor and PP, were sworn in by Chairman Dilworth.

Mrs. Corino explained to the Board that Mr. Hasson is seeking a two-lot minor subdivision. She explained that proposed Lot 1.01 would be approximately 34,000 square feet. Proposed Lots 1.02 would be approximately 10,000 square feet. She explained that both exceed the lot area requirement for the zone.

Mrs. Corino explained that they are proposing a flag lot instead of having Cedardale Avenue paved.

Mrs. Corino explained that the Bureau of Fire Safety was satisfied with this application.

Mrs. Corino explained that she doesn't feel a dune site plan review application would be needed for this application. She explained that the only dune disturbance would be for the sewer connection.

Mr. Thornton read Engineer's comments dated March 14, 2009.

Mr. Sweeney explained that the 25' easement would be for a shared driveway for both lots. Mrs. Corino explained that the applicant would agree to a direct drive if the Board wishes.

Mr. Galestok read Cape May County Planning Board comments dated February 20, 2009.

Mr. Galestok also read Bureau of Fire Safety comments dated February 19, 2009 in which they found this application acceptable.

Mr. Sweeney explained the only disturbance to the dune would be when the sewer line was installed. Mr. Galestok asked if sewer was going to proposed Lot 1.01? Mr. Sweeney explained that currently the house is on septic. He explained that both lots would be serviced by city sewer. Mr. Teitler explained that according to the Ordinance, if applying for a building permit, it would need a dune review application. Mr. Galestok explained that the pool would need a dune review application before the Board. He explained that the sewer line could be addressed at that time.

Mr. Sweeney explained that a flag lot was approved at the old Fishing Creek Deli. He explained that a precedence was already set.

Mr. Galestok read a section from the Land Use Development Book for Dune Area Site Plan review.

The Board explained that Cedardale Avenue could be improved and a flag lot with variances would not be needed. Mr. Sweeney explained that Cedardale Avenue could be improved and then a major subdivision could be done for more lots. Mrs. Corino explained that to improve Cedardale Avenue, there would be a lot of environmental issues for both the applicant and the Township. She explained that the Bureau of Fire Safety doesn't have a problem with the flag lot. She explained that the driveway is already there and it would make sense to keep it the same.

The Board asked Mr. Hasson if he ever got together with his neighbor on the opposite side of Cedardale Avenue about improving Cedardale Avenue and applying for a major subdivision? Mr. Hasson explained that he and his neighbor have never talked about this.

Mr. Galestok explained that it would be up to Township Council whether or not to improve Cedardale Avenue for four lot subdivision.

Mr. Galestok asked if the property owner of Proposed Lot 1.01 would bring trash and recycle to the road? Mr. Hasson explained that he would.

This portion of the hearing was opened to the public.

Mr. Tom Brzoska was sworn in by Chairman Dilworth.

Mr. Brzoska explained that his neighbor was proposing the same thing at one time. He explained that he never made a formal application because he had too many negative comments about what he was proposing.

Mr. William McDevitt was sworn in by Chairman Dilworth.

Mr. McDevitt explained that he purchased his property several years ago. He explained that he has concerns with over development and if this application was approved, it would set a precedence. He explained that Bayside Village was developed for its openness and he would like

to see the area remain this way.

Mr. Sweeney explained that the applicant is limiting himself to two lots. Mrs. Corino explained that only one lot is proposed for development.

This portion of the hearing was closed to the public.

Mr. Galestok explained that this is a growth area according to the State.

The Board asked if the applicant would be willing to deed restrict that there be no future subdivision? Mr. Galestok explained that they could do this until there are new owner's and new attorney. He explained that the Board had did this before, the Township was sued and lost.

There was a discussion that if Cedardale Avenue was improved, approximately four to five lots could be created on this parcel.

Mr. Hewitt made a motion to conditionally approve the hardship variance applications. The motion was seconded by Mr. Sullivan.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Playford	YES	Mr. Butler	NO
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Crompton	NO	Chairman Dilworth	YES

Motion carried.

Mr. McDuell made a motion to conditionally approve the subdivision application. The motion was seconded by Mr. Hewitt.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Playford	YES	Mr. Butler	NO
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Crompton	NO	Chairman Dilworth	YES

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approved at the next scheduled meeting.

4. Minor subdivision & hardship variance applications for the creation of two newly described lots, hardship variance needed for lot frontage & width, submitted by Claudio Pawlus for the location known as Block 423, Lots 5 & 6, St. John's Avenue.

Mrs. Doreen Corino, Esq., represented the applicant.

Mr. Claudio Pawlus, applicant, and Mr. William Sweeney, Licensed Land Surveyor and PP, were sworn in by Chairman Dilworth.

Mrs. Corino explained to the Board that the property is located in the R-3 with sewer zone. She explained that hardship variances are needed for frontage and width. She explained that both lots exceed the required lot area. She explained that the property is irregularly shaped.

Mrs. Corino explained that the Bureau of Fire Safety found this application acceptable. Also, Cape May County Planning Board waived the application.

Mr. Thornton read Engineer's comments dated March 14, 2009.

Mr. Galestok read Bureau of Fire Safety comments dated February 19, 2009 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated February 20, 2009 in which they waived this application.

Mr. Galestok explained that this area was originally septic systems. He explained that most of the systems failed and city sewer was installed. He explained the once the sewer was installed, smaller lot sizes are required. He explained that because of this, subdivision of properties was expected.

Mr. Teitler explained to the Board that they could proceed under both the C.1 and C.2 criteria.

The Board explained that with the current lot size, a duplex could be constructed on the lot.

The Board asked if vacant land was available? Mr. Pawlus explained that there was not.

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

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Playford	YES	Mr. Senico	YES
	Mr. Butler	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Mr. Crompton	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.

The Board asked Mr. Teitler if he would be memorializing the resolutions? Mr. Teitler explained that if the Board wishes he would, but if they want the resolutions after the application he would do that. He explained that on more complicated applications, he would like to memorialize those resolutions. The Board explained that for complicated applications, memorialized resolutions would be fine, but for applications like the one's tonight, they would like them after the applications.

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

Mr. Sullivan made a motion to adjourn at 7:52 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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