

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

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## LOWER TOWNSHIP PLANNING BOARD

A regularly scheduled meeting of the Lower Township Planning Board was held on June 18, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:12 P.M. by Vice-Chairman Charles Hewitt. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

**MEMBERS PRESENT:** Vice-Chairman Charles Hewitt, Jr.  
Johnnie Walker (Mayor's Designee)  
Edward Butler  
Brian Sullivan  
Robert Crompton

**MEMBERS EXCUSED:** Chairman Jay Dilworth  
Michael Beck  
Kevin Lare  
Robert C. Imler  
Chris McDuell

**MEMBERS ABSENT:** Gary Playford  
Daniel J. Senico

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

CORRESPONDENCE:

Letter:

TO: Chairperson, LT Planning Board

FROM: James J. Smith, Director  
Department of Planning

DATE: May 21, 2009

RE: Site Plan application for  
Block 741.01, Lot 2.04  
CMCPB#: S88144  
Townbank Manor II

Memorandum:

TO: Jay Dilworth,  
Planning Board Chairman

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

DATE: June 2, 2009

RE: Canyon Club site improvements;  
Letter from Chuck Weber  
dated May 26, 2009

Handouts:

The New Jersey Planner: May 2009/June 2009, Vol. 70, No. 2.

List of Board Engineer vouchers dated June 15, 2009.

List of Board Solicitor vouchers dated June 15, 2009.

List of Board Engineer vouchers dated June 16, 2009.

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

3. Preliminary subdivision application for the creation of 18 newly described lots, submitted by Robert Lepor for the location known as Block 510, Lot 11.01, Route 9.

Mr. Galestok excused himself due to a conflict of interest.

Mr. Robert Lepor, applicant, and Mr. Joseph Maffei, PE, were sworn in by Chairman Hewitt.

Mr. Maffei explained to the Board that there was a notice issue last month that has been resolved. He explained that the plans were revised in accordance with last month's discussion and Engineer comments. He explained that the road width was increased to 30 feet. Curbing was added at the intersection. He explained that the layout remained the same with ½ acres lots. He explained that they used the Army Corp. of Engineer's wetlands line and used the 150-foot buffer from that. He explained that Mr. Lepor understands that if this subdivision were developed, a new wetlands delineation would have to be done. If the wetland line changes, he would come back before the Board with a revised plan.

Mr. Thornton read Engineer comment's dated June 12, 2009.

Mr. Maffei explained that Mr. Lepor previously had a commitment letter from the MUA. He explained that the commitment was for a campground. He explained that what is proposed would be less flow than the campground.

Mr. Maffei explained that they are requesting either a waiver or diminimus exception for the installation of sidewalks. He explained that there really isn't any point of installing the sidewalks. He explained that they feel that based on the nature of the neighborhood, sidewalks aren't needed. Mr. Thornton explained that a waiver would be more difficult to obtain then a diminimus exception.

Miss Schubert read Bureau of Fire Safety comments dated May 1, 2009.

Mr. Maffei read Cape May County Planning Board comments dated June 8, 2009.

This portion of the hearing was opened to the public.

Mr. Joe Winters was sworn in by Chairman Hewitt.

Mr. Winters asked if this subdivision would be tied into the sewer system? Mr. Maffei explained that it would. He explained that there is a sewer lateral in front of this property and north on Route 9.

This portion of the hearing was closed to the public.

Mr. Maffei explained that they would add a dry well.

The Board discussed not having sidewalks in this development. They explained that they have done other subdivisions without sidewalks. They explained that given the wider roadway, they don't feel sidewalks would be required.

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

VOTE:	Mr. Walker	YES	Mr. Butler	YES
	Mr. Sullivan	YES	Mr. Crompton	YES
	Chairman Hewitt	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. Minor subdivision application for the creation of two newly described lots, submitted by LDTD Developers, LLC for the location known as Block 242, Lots 14-16, 27 West Wilde Avenue.

Mr. Peter Tourison, Esq., represented the applicant.

Mr. Tourison explained that this is a two-lot minor subdivision application without variances.

Mr. Thornton explained that this is a straightforward subdivision.

Mr. Thornton read Engineer comment's dated June 11, 2009.

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

VOTE:	Mr. Walker	YES	Mr. Butler	YES
	Mr. Sullivan	YES	Mr. Crompton	YES
	Chairman Hewitt	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. Dune review application to construct an addition, submitted by Scott & Kim Boylan for the location known as Block 512.14, Lot 9, 3405 Shore Drive.

Mr. Peter Tourison, Esq., represented the applicants.

Mr. Joseph Maffei, PE, was sworn in by Chairman Hewitt.

Mr. Tourison explained to the Board that his clients would like to construct a covered front porch and a second floor addition for a bedroom and deck.

Mr. Maffei explained that there are pilings in front that would be removed and a concrete wall would be installed. He explained that there would be a ground level patio in front. He explained that there would be a second floor addition to the rear. He explained that it would be within the existing footprint.

Mr. Thornton read Engineer comments dated June 12, 2009.

Mr. Maffei explained that they would keep the landscaping the same. He explained that no sand would be removed from the site.

Mr. Tourison explained that a CAFRA permit is not required if within the existing footprint.

Mr. Maffei explained that the rear deck would have to be removed for footings and foundation.

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. Maffei explained that they would add a limit of disturbance line to the plan.

Mr. Galestok explained that normally a \$1,000.00 re-vegetation bond is required along with \$250.00 inspection escrow.

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

VOTE:	Mr. Walker	YES	Mr. Butler	YES
	Mr. Sullivan	YES	Mr. Crompton	YES
	Chairman Hewitt	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. Crompton made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. Butler. Motion carried.

Mr. Butler 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 resolutions from the May 21, 2009 meeting. The motion was seconded by Mr. Butler. Motion carried.

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

2. Discussion of Canyon Club site improvements; Block 823, Lot 3.01.

Mr. Galestok read a memorandum dated June 2, 2009 and a letter dated May 26, 2009 from Mr. Chuck Weber.

Mr. Weber explained that the parking lot is paved. He explained that the lot was re-stripped and any holes were filled. He explained that one of the islands is completed and the light pole should be installed shortly. He explained that they would like to postpone installing the other islands until winter. He explained that he feels it would be safer to do this instead of having the parking torn up to install the electric and irrigation lines to the other islands.

Mr. Galestok explained that in the past, as long as the area was safe, certificate of occupancy's were issued. He explained that the previous Construction Official had said that certificate of occupancy's cannot be held up based on site improvements.

The Board explained that they feel comfortable that the remaining site improvements would be installed and if not, the bond is in place. They also explained that they think that it would be safer to not rip up the parking area, especially in the summer.

Mr. Thornton explained that the Construction Official had called Mr. Sray, Township Engineer, requesting him to sign-off. He explained that this puts him in a difficult position. He explained that he would like the improvements installed. He explained that it is a safety issue if someone trips and falls at night.

Mr. Teitler explained that there could be an indemnification agreement signed by Mr. Weber. He explained that the agreement would not hold the Planning Board, Township or

Township Engineer liable. Mr. Thornton explained that he would have to talk to Mr. Sray. He explained that if he is agreeable, he would let Mr. Galestok know.

Mr. Winters explained that he doesn't understand why the Township hires an Engineer if they will not be listened too. He explained he doesn't want to see the Township placed in jeopardy.

1. Discussion of Townbank Manor II abandonment letter for County of Cape May.

Mr. Galestok explained that there is approval for Townbank Manor II senior housing. He explained there are conditions of approval that still have to be met.

Mr. Galestok read a letter from the Cape May County Planning Board dated May 21, 2009. He explained that it is an abandonment letter. He explained that the County has abandoned the site plan approval and returned the bond to the applicant.

Mr. Crompton made a motion to adjourn at 8:17 P.M. The motion was seconded by Mr. Sullivan. 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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