

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 meeting of the Lower Township Planning Board was held on September 17, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:05 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.
Edward Butler
Brian Sullivan
Chris McDuell
Robert Crompton

MEMBERS EXCUSED: Michael Beck
Johnnie Walker (Mayor's Designee)
Kevin Lare
Robert C. Imler
Daniel J. Senico

MEMBERS ABSENT: Gary Playford

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

CORRESPONDENCE:

Letters:

TO: William Galestok, Planning Director &
Mr. James Souder, Interim Executive Director
New Jersey Office of Smart Growth

FROM: J. Eric Gundrum, PP, AICP

DATE: August 1, 2009

RE: Smart Future Grant - Rural Sustainability Plan

TO: Mr. Kent Schellinger, PE
Assistant County Engineer

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

DATE: August 19, 2009

RE: Rain Garden as part of proposed
Lower Township Library expansion

Handouts:

List of Board Solicitor vouchers dated August 11, 2009.

List of Board Engineer vouchers dated August 19, 2009.

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

4. Preliminary & final site plan & hardship variance application to construct a two story addition to an existing office building. Hardship variance needed for front & rear yard setbacks and number of parking spaces, submitted by Families Matter, LLC for the location known as Block 114, Lot 33, 889 Bayshore Road.

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

Ms. Patricia Campbell, applicant and Mr. Joseph Maffei, PE, PP, were sworn in by Chairman Dilworth.

Ms. Campbell explained to the Board that this is a behavior health service and also in home therapy services. She explained that they perform parenting programs and outpatient services. She explained that right now her staff is sharing space. She explained that they are in need of additional spaces for sessions and for filing. She explained that there will be no new employees added. She explained that on a daily basis there are two support staff and two counselors. She explained that they have group meetings where approximately six to eight people attend with about 1/3 of them driving to the building. She explained that group meetings are three nights a week.

Mr. Thornton read Engineer comments dated August 11, 2009.

Mr. Maffei explained that they were able to address most of the Engineer comments. He explained that all parking currently exists on-site. He explained that if they pulled the parking back from the building and added bumpers, there would be an area for a walkway.

The Board asked if there was a van accessible parking space? Mr. Maffei explained that there is and there is also a handicap ramp.

This portion of the hearing was opened to the public.

Mrs. Katherine Breuninger was sworn in by Chairman Dilworth.

Mrs. Breuninger explained to the Board that she owns the property across Ocean Avenue. She explained that she has concerns with parking. She explained that Ms. Campbell clients park on her lot. She explained that she did speak with them and it was okay for a while, but then it starts again. She submitted photographs into evidence.

Mr. Tourison explained that after Mrs. Breuninger went into the office, a sign was posted in the office. He explained that his client is willing to install no parking signs on Mrs. Breuninger's property.

Mrs. Margaret Rickards was sworn in by Chairman Dilworth.

Mrs. Rickards explained that Ms. Campbell's clients do park on Mrs. Breuninger's property. She explained that they also park on the street. She explained that when they park on both sides of the street, it is very narrow to drive down.

There was a discussion that no parking signs have been installed on streets and it becomes a police matter. Mr. Tourison explained that if people park on private property, the owner could have the cars towed.

This portion of the hearing was closed to the public.

Mr. Tourison explained that after looking at the pictures, maybe a one to one and a half foot fence could be installed for 100' of the property. Mrs. Breuninger explained that then they would just park in front of her house. The Board explained that it is a public street and anyone could park on a public street. They explained that the issue is parking on private property.

The Board asked if there was anyway to get more parking on the property? Mr. Maffei explained that because of the way the property is shaped, they couldn't install any parking along Bayshore Road. Mr. Tourison explained that they probably could add a space within the buffer. He explained that they could possibly do stacked parking in the buffer for employee parking. Mr. Thornton explained that the Board would have to weigh whether it is better to have the buffer or add the stacked parking. Mr. Maffei explained that are providing a four foot high vinyl fence for privacy.

Mr. Maffei submitted an aerial photograph into evidence.

There was a discussion that the Board would like to see the stacked parking for the employees.

Mr. Thornton explained that the addition could be reduced three feet, have the stacked parking next to the building and there still could be a four-foot area that could be planted. Mr. Tourison explained that they would reduce the proposed addition three feet. Mr. Maffei explained that this area could be stoned. Mr. Thornton explained that a concrete apron would still be needed.

Ms. Campbell explained that appointments are staggered through the day. Mrs. Breuninger explained that there was still seven to eight cars and no room to fit all the cars. Mr. Tourison explained that they have agreed to reduce the size of the addition, add two additional parking spaces and will sign this area for employee parking only.

Mr. Galestok read Bureau of Fire Safety comments dated August 6, 2009 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated September 16, 2009 in which they disapproved this application.

Mr. Hewitt made a motion to conditionally approve the hardship variances for side and rear yard setbacks, number of parking spaces and buffers. The motion was seconded by Mr. Sullivan.

VOTE:	Mr. Hewitt	YES	Mr. Butler	YES
	Mr. Sullivan	YES	Mr. McDuell	YES
	Mr. Crompton	YES	Chairman Dilworth	YES

Motion carried.

Mr. Hewitt made a motion to conditionally approve the site plan application. The motion was seconded by Mr. Butler. 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. Dune review application to construct a single family dwelling, submitted by Richard & Lorraine Strauss for the location known as Block 512.14, Lot 28, 2805 Shore Drive.

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

Mr. Blane Steinman, Licensed Architect and Mr. Tom Deneka, Licensed Land Surveyor, were sworn in by Chairman Dilworth.

Mrs. Corino explained that revised comments were received by the Board Engineer and the plans were revised accordingly. The plans were submitted to the Board.

Mr. Thornton read Engineer comments dated September 9, 2009.

Mrs. Corino submitted photographs into evidence.

Mr. Galestok explained that the five-foot limit of disturbance line around the building must be shown on the plan. He explained that he spoke with a neighbor to the south and he has a concern and would like a silt fence erected.

Mr. Steinman explained that the house would be 35 feet tall. He explained that the grade around the perimeter of the building will be 13 feet. Mr. Thornton asked if the elevations are from the top of the porch? Mr. Steinman explained the 13 feet was taken from under the porch at the retaining wall. Mr. Galestok read the definition of building height from the Ordinance. Mr. Thornton explained that there could possibly be a building height variance needed. Mr. Thornton explained that the mean elevation is 9.6' not 13'. The Board asked Mr. Thornton if the house met the 35' height requirement? Mr. Thornton explained that he feels it doesn't meet the definition. There was a discussion that the house would have to be reduced 1 ½ foot to meet the height requirement. Mr. Steinman explained that they would revise the plan and meet the building height.

The Board asked if CAFRA was needed? Mrs. Corino explained they have already received CAFRA approval.

There was a discussion regarding the deck. It was explained that the deck is not regulated by CAFRA. The Board explained that the deck is over the dune. Mr. Deneka submitted the CAFRA permit into evidence.

This portion of the hearing was opened to the public.

Mr. Perry Buckley was sworn in by Chairman Dilworth.

Mr. Buckley explained that he would like to see the division line shown on the property. He explained that he has concerns with the height of the house and vegetation. He had pictures of trees that he does not want removed. He explained that he would like to know what trees will stay and what trees will be removed. He explained that he would like to know the time frame for replanting. He explained that he would also like to know the start and end date for construction of the house.

Mr. Galestok explained that a revised plan will be submitted with the line of disturbance shown. He explained that this line will be 13 feet from his property line.

This portion of the hearing was closed to the public.

The Board explained that it would be almost impossible for the applicant to give a start and end date for construction.

The Board questioned the height of the deck over the dune. It was explained that the deck would be 1 ½ foot above the dune at the closest point. Mr. Steinman explained there will be pilings for the deck.

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

VOTE:	Mr. Hewitt	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.

Chairman Dilworth called for a short recess at 8:37 P.M. The meeting was called back to order at 8:45 P.M.

3. Minor site plan & hardship variance applications to construct a pool in the front yard setback, submitted by Lighthouse Pointe Marina Condo Associations of Cape May, Inc., for the location known as Block 806, Lot 4.01, 5101 Shawcrest Road.

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

Mrs. Corino explained that revised plans were submitted to the Board Engineer and there

are some concerns that should be addressed prior to proceeding with the application.

Mrs. Corino explained that they would like to continue this application until the October 15, 2009 meeting, agreeing to waive time constraints. She explained that she would like for the Board Engineer to review the revised plans and forward the comment letter at his earliest convenience so that the concerns may be addressed. She explained that if the concerns cannot be met by the October meeting, they would continue the application until the November meeting and would renote the application.

1. Discussion of issuance of Certificate of Occupancy:
 - a. Hold harmless agreements.
 - b. Letter from applicants Engineer stating site is safe and recommending occupancy.

Mr. Galestok explained that he didn't feel the hold harmless agreement was the way to go. He explained that in the past, as long as the site was safe, it was okay. He explained that Canyon Club had a sale of one of the units. The Engineer was asked to do an inspection and some of the site work had not been completed and the Engineer was not comfortable signing off for the certificate of occupancy. He explained that maybe if the applicant's Engineer provided in writing that what is present is sufficient, that would be sufficient.

It was explained that a certificate of occupancy can be issued without having anything from the Engineer.

Mr. Thornton explained that they did what is in the interest of the Planning Board, Township and also their own liability.

Mr. Teitler explained that he received a letter from Mr. Fusco, Esq., attorney for Canyon Club, and feels the letter is sufficient.

There was a discussion that it is fine to have the hold harmless letters and also a letter from the applicant's engineer.

2. Discussion: unresolved setback, buffer, lot area, fence height problems and relocations caused by N.J.D.O.T. condemnation for extension of Tabernacle Road and Breakwater Road.

Mr. Galestok explained that Sally Marshall Crossing and Bennett's Crossing will be closed by the State. The State is going to extend Breakwater Road and Tabernacle Road to Route 9. He explained that N.J.D.O.T. is condemning properties along Route 9. He explained that he had one lady call because the State will be removing the trees and bushes that acts as her buffer along Route 9. He explained that she wants an eight-foot fence like the one at the sports complex. He explained that she would need a variance because the fence height limit in the front yard is four feet. He explained that Eddie's Auto Body sign would have to be relocated, but he

would need site plan approval. He explained that the way the Tabernacle Road extension will be constructed, it would now make the boat storage a front yard and he would lose some of the storage spaces approved by the Board.

Mr. Hewitt made a motion to approve the resolutions from the July 16, 2009 meeting. The motion was seconded by Mr. Crompton. 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 Board Solicitor vouchers. The motion was seconded by Mr. Hewitt. Motion carried.

Mr. Crompton made a motion to adjourn at 9:13 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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