

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 November 12, 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
Daniel J. Senico
Edward Butler
Brian Sullivan
Robert Crompton

MEMBERS EXCUSED: Charles Hewitt, Jr.
Michael Beck
Johnnie Walker (Mayor's Designee)
Kevin Lare
Robert C. Imler
Chris McDuell

MEMBERS ABSENT: Gary Playford

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

STAFF EXCUSED: Avery S. Teitler, Board Solicitor

CORRESPONDENCE:

Letter:

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

FROM: Avery S. Teitler, Esq.

DATE: November 3, 2009

Handouts:

The New Jersey Planner: September/October 2009; Vol. 70, No. 4.

Mission State of the Rural Sustainability Plan.

Re-examination of the Master Plan.

List of Board Engineer vouchers dated November 12, 2009.

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

4. 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.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Mr. Roy Kellett and Mr. Frank Mastrogiacomo, representatives of Lighthouse Point Marina Condo Associations and Mr. Joseph Maffei, PE, were sworn in by Chairman Dilworth.

Mr. Maffei explained that a bath house will be added at the other end of the lot which will be used for both the patrons of the pool and for the marina. He explained that the area would be landscaped and additional lighting added.

Mr. Maffei explained that this is a large site, but there aren't a lot of uplands. He explained that they are proposing a pool in the front yard. He explained that it would be hard to

place the pool in a different location.

Mr. Maffei explained that the pool would be 23 feet from the cartway and 15 feet from the property. He explained that the pool would be fenced and landscaped. He explained that the fence and landscaping will shield the properties across the street. He explained that the condos across the street do have a pool in the front yard too. He explained that on this property, there is no way to have the pool in the rear yard.

Mr. Maffei explained that the proposed location of the pool is which there is currently parking. He explained that they have relocated parking to a different area on the property.

Mr. Maffei explained that what is proposed would be no detriment to the zone, zone plan or area.

The Board asked how many parking spaces were to be eliminated and how many were being created? Mr. Maffei explained that 12 parking spaces would be eliminated and six would be added. He explained that there would be a loss of six spaces. He explained that 178 spaces would remain. He explained that this is more than what is required for this site.

The Board asked if the trash enclosure would be removed or relocated? Mr. Maffei explained that the trash enclosure would remain in its current location.

Mr. Dwyer explained that there would be a four-foot fence around the pool. He explained that the area in front of the pool on the street side would be heavily landscaped. Mr. Maffei explained that the pool would be approximately 600 square feet and five feet deep.

Mr. Thornton summarized Engineer comments dated November 7, 2009. Mr. Dwyer explained that they would have Stone Harbor Surveyors revise the survey and submit.

There was a discussion that the flagpole would be relocated to in front of the bathhouse.

The Board asked what the hours of operation of the pool would be? Mr. Dwyer explained that the pool would close 6:00 or 7:00 P.M. He explained that there would not be a lifeguard. He explained that it is not required. He explained that the gates would be locked.

This portion of the hearing was opened to the public.

Mr. Christopher Burrows and Mrs. Theresa Burrows were sworn in by Chairman Dilworth.

Mr. Burrows explained that they live on Hildreth Avenue. He explained that they can see the water from their home and would hate to see that area obstructed.

Mr. Maffei marked an aerial photograph into evidence. He explained that the area that Mr. Burrows is referring to is where the parking spaces would be along with landscaping. There

was a discussion that the trees and shrubs would be removed from this area and a low level or ground scape would be planted.

Mrs. Burrows asked what the bathhouse would look like? Mr. Kellett explained it would look like the other bathhouse on site. He explained that the bathhouse would be used for boaters and people using the pool.

There was a discussion about the number of parking spaces existing. The Board asked if on the busiest day in the summer is there enough parking spaces available? Mr. Kellett explained that there is a vacant lot across the street that is rented for overflow parking.

This portion of the hearing was closed to the public.

The Board asked if any handicap parking spaces will be added? Mr. Kellett explained that there are three existing handicap parking spaces and none are being added.

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

VOTE:	Mr. Senico	YES	Mr. Butler	YES
	Mr. Sullivan	YES	Mr. Crompton	YES
	Chairman Dilworth	YES		

Motion carried.

Mr. Crompton made a motion to conditionally approve the minor site plan application. The motion was seconded by Mr. Sullivan. 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 & hardship variance applications for the creation of two newly described lots. Hardship variances needed for lot frontage, width & depth, submitted by Robert & Carol Baals, for the location known as Block 500.01, Lot 18, 668 Weeks Landing Road.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicants.

Mr. Robert Baals & Mrs. Carol Baals, applicants, and Mr. William Sweeney, Licensed Land Surveyor, were sworn in by Chairman Dilworth.

Mr. Dwyer explained that his client's have owned this property for approximately 30 years. He explained that his clients would like to create a second lot for their son and daughter-

in-law to construct a home. He explained that because of health reasons, they would like to have their son and daughter-in-law nearby.

Mr. Sweeney explained that there isn't much road frontage, so that is why the lots are odd shaped. He explained that they have created a flag lot off of Nummytown Drive with 25 foot frontage. He explained that the 25-foot wide flagpole is typical of other lots created by subdivision. He explained that this is wide enough for emergency vehicle access. He explained that a portion of the lot is located in the Airport Hazard Zone, which is shown on the plan.

Marked into evidence was the vertical & horizontal planes of runway end subzone map.

Mr. Dwyer explained they would deed restrict that there will be no building in the Airport Hazard Zone portion of the lot. There was a discussion that the building envelope would change and not be in the Airport Hazard Zone.

Mr. Thornton summarized Engineer comments dated November 7, 2009.

Mr. Galestok explained the building envelope is shown to be 50 foot on the easterly side of the proposed lot. He explained that should be 30 feet for the side yard. He explained that the front yard setback is measured from the street line.

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. Galestok read section 400-12 of the Lower Township Zoning Ordinance.

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

VOTE:	Mr. Senico	YES	Mr. Butler	YES
	Mr. Sullivan	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.

- 6. Minor site plan application to construct a caretaker's residential at the Lake Laurie Campground, submitted by Robert Moser for the location known as Block 510, Lot 4.01, 669 U. S. Route 9.

Mr. Ed Belski, PE and Mr. Brent Krebs, from Lake Laurie were sworn in by Chairman Dilworth.

Mr. Belski explained to the Board that they would like to add a residence on the campground property for the manager. He explained that the house would tie into the existing septic system and well. He explained that tying into the septic system would not cause any problems.

Mr. Belski explained that they do have a preliminary application before the MUA to tie into city sewer. He explained that they would tie into the sewer line in front of the high school.

Mr. Thornton summarized Engineer comments dated November 7, 2009.

There was a discussion regarding the road to the campground. Mr. Belski explained this was a public right-of-way. It was determined that the setback line should be changed in this location.

Mr. Galestok explained that Planning Board and Zoning Board have interpreted that a campground can have one permanent single family dwelling.

Mr. Galestok read Bureau of Fire Safety comments dated October 20, 2009 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated November 4, 2009.

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

VOTE:	Mr. Senico	YES	Mr. Butler	YES
	Mr. Sullivan	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.

3. Re-examination of the Master Plan, PonderLodge and R-5 Zoning, Zoning Amendment.

Mr. Galestok reviewed the proposed changes that the Board discussed at last months meeting.

Mr. Crompton made a motion to recommend to Council the proposed changes. The motion was seconded by Mr. Butler. Motion carried.

Mr. Galestok explained to the Board that Mr. Teitler sent a letter of interest to continue as Board Solicitor next year.

Mr. Senico made a motion to recommend Mr. Teitler as Board Solicitor for next year. The motion was seconded by Mr. Butler. Motion carried.

Mr. Galestok explained that a handout to the Board tonight was a Mission Statement of the Rural Sustainability Plan. He explained that Mr. Gundrum would like the Board to vote on this tonight, the Board should wait until they have read through the handout.

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

Mr. Crompton made a motion to approve the October 8, 2009 minutes. The motion was seconded by Mr. Butler. Motion carried.

Mr. Butler 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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