

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 March 18, 2010 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)
Robert C. Imler
Brian Sullivan
Chris McDuell
Robert Crompton

MEMBERS EXCUSED: Michael Beck
Kevin Lare
Daniel J. Senico
Edward Butler

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:

Memorandum:

TO: Planning Board Members

FROM: Bill,
Planning Board Secretary

DATE: February 23, 2010

RE: Discussion of Planning Board Solicitor Compensation

Letter:

TO: Avery S. Teitler, Esq.

FROM: Peter M. Tourison

DATE: March 3, 2010

RE: Slamb Subdivision
Block 510, Lots 4.02, 4.04 & 22
Lower Township Planning Board

Handout:

List of Board Solicitor vouchers dated March 4, 2010.

List of Board Engineer vouchers dated March 18, 2010.

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

2. Extension of filing time for major subdivision, submitted by Thomas Hartle for the location known as Block 501, Lot 11.01, 738 Seashore Road.

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

Mr. Dwyer explained that the Board had approved a five-lot subdivision, but because of wetland issues and recent weather conditions, the DEP will not come back to the property until

spring.

The Board asked if six months would be sufficient? Mr. Dwyer explained it would.

Mr. Hewitt made a motion to approve a six-month extension. The motion was seconded by Mr. Imler. Motion carried.

3. Preliminary & final site plan, hardship variance & building permit in street bed applications to demolish existing structure and reconstruct for a new seafood takeout restaurant with a residential unit above. Variances needed for front & side yard setbacks, accessory use side yard setback, loading zone, parking, setback from county road & building in street, submitted by William Bright for the location known as Block 795, Lot 154.01, 1040 West Rio Grande Avenue.

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

Mr. Brian Murphy, PE, was sworn in by Chairman Dilworth.

Mr. Murphy explained that there is an existing building that is in bad shape. He explained that building will be demolished and a new building will be placed in the same footprint, but smaller. He explained that the first floor would be a seafood takeout restaurant and there will be a residential unit above.

Mr. Murphy explained that currently, there may be four parking spaces. He explained that with the new plan, the parking spaces on-site have been increased with one handicap space provided.

Mr. Murphy explained the current conditions of the site. He explained that the ticket booth is for jet ski rentals. He explained that jet skis are not on site, but closer to Wildwood. He explained that the ticket booth would be removed. He explained that the site plan indicated that a trash enclosure would be in place of the ticket booth. He explained that trash enclosure would be relocated to the rear of the property closer to Lot 153. It was explained that there is an alley way between the proposed structure and lot line that would be used to take the trash curbside.

Mr. Murphy reviewed the architecture drawings with the Board. He explained that concrete bollards will be installed along the side of the building.

Mr. Murphy explained that they would not be replacing the stone and concrete.

Mr. Murphy explained that there will be some parking spaces in the County right-of-way. He explained that there will be an encroachment agreement with the County. He explained that West Rio Grande Avenue is a very wide street so if there is parking there, it should not be a problem. It was explained that the County has granted encroachment agreements before.

Mr. Murphy explained that what is proposed will not be constructed this season. He explained that until the structure is built, they would like to have a 8 x 16 temporary trailer.

There was a discussion that the buildings first floor could be lowered and flood proofed.

Mr. Murphy explained the stormwater run-off will be the same after construction as it is now. Currently the site drains from West Rio Grande Avenue to Richardson Channel.

There was a discussion that zoning in this zone requires three acres with 200 foot frontage. There are no properties in the area that meets this requirement. Also, the zoning requires an 80-foot setback from the center line of a county road. With this setback, the building would be in Richardson Channel.

Mr. Murphy explained that the number of parking spaces was based on the number of seats. He explained that take-out would not have seats. He explained that 1.6 spaces are required for boat slips and two for residential. Based on this, 8.6 parking spaces would be needed and they are proposing nine including a handicap space.

Mr. Murphy explained that what is proposed would not impair the intent of the zone.

Mr. Murphy explained that there isn't any room on the lot for evergreen plants.

Mr. Murphy explained that there will be lights around the building and one in the parking area that will throw the light toward the building. He explained that the building will shield the neighboring property of any light from the parking lot light.

Mr. Thornton read Engineer's comments dated March 13, 2010.

Mr. Murphy explained that they would like a waiver from the load/unload zone. He explained that deliveries would be on off hours and would be small trucks.

Mr. Murphy explained they would like two building mounted signs. One on the front of the building. The other on the side. He explained that both signs would be wood with washed lighting for nighttime use.

There was a discussion that the trailer would be self contained. Mr. Murphy explained they could move the trailer over to the handicap parking space and connect to the existing utilities. Once the building is constructed, the trailer would be removed.

Mr. William Bright, applicant, was sworn in by Chairman Dilworth.

Mr. Bright explained he owns a couple fishing boats. He explained that he gets his fuel, bait and ice from Lund's Fishery. He explained that his wife and child will run the restaurant. He explained that it would be take-out only. He explained orders would be called in, picked up and then they would leave. He explained that there are currently lobster pots on the property

which will be gone by April. He explained that none of his crewmen would be parking on-site.

Mr. Bright explained that the trailer would give them a learning experience. He explained that the trailer would probably be used two seasons. He explained that they are proposing a residential unit above which would be used by him and his wife or possibly one of his crew.

Mr. Bright explained that they should be fine with the hours of operation being 11:AM to 8:PM.

The Board asked if propane would be used? Mr. Bright explained that they would be using propane, but maybe connecting to natural gas.

The Board asked about the picnic tables and asked if they would be used by customers? Mr. Bright explained there would be two picnic tables. Mr. Murphy explained that people would have the ability to order their food and wait or eat there, but there would only be two picnic tables.

The Board asked about the fuel tank. Mr. Bright explained the fuel tank will be removed. The Board explained this should be indicated on the plan. Mr. Bright explained that no fuel would be stored on site.

The Board explained that they have concerns about congestion in this area and whether there is enough parking. Mr. Murphy explained that they will ask the County if where the ticket booth currently is located, if they could use this for another parking space.

The Board asked Mr. Bright about the building signs. Mr. Bright explained that they would be wood with soft light shining down onto the signs.

The Board asked Mr. Bright if there would be an office upstairs? Mr. Bright explained that it would be living/office area. The Board explained that this could cause a need for additional parking spaces. Mr. Tourison explained that the area would be used for residential space only.

Mr. Galestok explained that he did not receive Cape May County Planning Board comments. Mr. Murphy explained he received County comments. He gave the Board a copy of the letter dated March 17, 2010.

Mr. Galestok read Bureau of Fire Safety comments dated March 3, 2010 in which they found this application acceptable.

Mr. Galestok explained that he received inadmissible letters. Mr. Teitler explained to the Board that there were letters dated March 14, 2010 which were marked inadmissible.

This portion of the hearing was opened to the public.

Mrs. Kimberly Gilbert was sworn in by Chairman Dilworth.

Mrs. Gilbert explained to the Board that she is not opposed to the application. She explained that her concern is lack of parking. She explained that this is a very congested area. She explained that with the parasailing and jet ski rental, you can barely park in front of your house. She explained that she feels this is a public safety concern too. She explained that there aren't sidewalks in the area, which force people to walk in the street.

Mrs. Lidia McClintock was sworn in by Chairman Dilworth.

Mrs. McClintock explained that she is not opposed to the application. She explained that she has the same concerns as Mrs. Gilbert. She explained that they have asked several times for speed limit signs or speed bumps. She explained that people coming off of Wildwood Blvd. are speeding. Mr. Murphy explained that most agencies are against speed bumps for various reasons including plowing.

Mr. James McClintock was sworn in by Chairman Dilworth.

Mr. McClintock explained he thinks this is an illegal off ramp. He explained this was supposed to be a jug handle. He explained that his concerns are not with the application, but with the speed of cars along this area.

Mr. Murphy explained that he would go to the County and talk with Dale Foster and the Planning Director to express the concerns. He explained that he is not promising the County will do anything, but he will bring the concerns to them. He explained that he would call Mr. Galestok and let him know what transpired.

This portion of the hearing was closed to the public.

Mr. Galestok asked Mr. Murphy if the County has tried any traffic calming methods? Mr. Murphy explained that he was unsure, but there are several things that could be done. He explained that he would talk to the County. Mr. Tourison explained he would forward a letter to the County also. The Board explained that they should also send a letter about the concerns with speed in the area and asking that the speed limit be lowered.

There was a discussion regarding the number of parking spaces per use as they exist on the site. Mr. Murphy explained that parasailing and jet ski rental is scheduled in advance. He explained that there is generally only one car. He explained that he feels there is adequate parking for what is proposed. He further explained that parasailing and jet skis is a day time business.

Mr. Thornton asked how tall the free standing sign would be? Mr. Murphy explained that they are unsure at this time, but would comply, but in the alternative, request a variance for sign height.

Mrs. Gilbert asked if the trailer would take up any parking? Mr. Bright explained it would take up one space. Mr. Murphy explained that this shouldn't be a problem. He explained that there will be two parking spaces for the residential unit and until the new building is built, the trailer could use these spaces. Once the building is constructed, the trailer goes away.

Mr. Galestok explained that the Board had approved a similar food trailer at the Whale Watcher.

There was a discussion regarding the variances needed. Lot area, depth, front, side & rear yards, height of sign, buffer requirements were mentioned.

Mr. Hewitt made a motion to conditionally approve the variances and site plan waivers. The motion was seconded by Mr. Sullivan.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Imler	YES	Mr. Sullivan	YES
	Mr. McDuell	YES	Mr. Crompton	YES
	Chairman Dilworth	YES		

Motion carried.

There was a discussion that the hours of operation for the take-out will be 9:00 A.M. to 9:00 P.M.. The fuel tank will be removed. The ticket booth will be within the trailer and then the building.

Mr. Crompton made a motion to conditionally approve the site plan application. The motion was seconded by Mr. Imler.

VOTE:	Mr. Hewitt	YES	Mr. Walker	YES
	Mr. Imler	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.

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

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

Mr. Hewitt made a motion to approve the resolutions from the February 18, 2010 meeting. The motion was seconded by Mr. Sullivan. Motion carried.

Mr. Teitler explained to the Board that he received a letter from Mr. Tourison regarding the Slamb resolution. He explained that he found the wording acceptable.

Mr. Tourison explained to the Board that he had submitted the same wording to the County Open Space and they were okay with the wording. He explained that he was fine with a continuance until next month's meeting for the Board to review the proposed resolution.

Mr. Hewitt made a motion to adjourn at 8:25 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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