

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 May 20, 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
Daniel J. Senico
Edward Butler
Brian Sullivan
Chris McDuell
Robert Crompton

MEMBERS EXCUSED: Michael Beck
Kevin Lare

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: Township of Lower
Planning Board

FROM: Meghan Burbank,
LAN Associates

DATE: April 15, 2010

RE: Parking Lot Expansion
Block 753.01, Lot 39.05
Spicers Creek Boat Ramp
Township of Lower, NJ 08251
LAN Job #2.3397.90.1

TO: Mr. Jay Dilworth
Chairman, Planning Board

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

DATE: April 21, 2010

RE: Budget Worksheet; Proposed
Planning & Zoning Board
application fee increase for 2010

Handouts:

List of Board Solicitor vouchers dated May 14, 2010.

List of Acting Board Engineer voucher dated May 20, 2010.

List of Board Engineer vouchers dated May 20, 2010.

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

3. Request to remove condition #4 from resolution 93-19, submitted by C & J, LLC for the location known as Block 793, Lot 11.02, 795 Route 109.

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

Mr. Jerry Mancuso and Mrs. Christine Mancuso, applicants, were sworn in by Chairman Dilworth.

Mr. Dwyer explained that the building has been a gas/service station since the 1960's. He explained that what is currently there predates zoning. He explained that in the early 80's, a restaurant opened next to his client's property. He explained that currently the building is being used as a marine supply store.

Mr. Dwyer explained that when his client's predecessor came before the Board in the early 90's for a canopy over the gas pumps, several conditions were imposed. He explained that one of those conditions was 'no parking in the State right-of-way'. Another that only eight (8) vehicles can be parked on the property at one time. He explained that his client has held to the previous conditions of approval.

Mr. Dwyer explained that through the years there has been much controversy with the neighbor.

Mr. Dwyer explained that there is 90 feet from his client's property line to the curb. He explained that his client has maintained this area with grass and landscaping. He explained that his client has spoken with the DOT about parking cars in this area and they do not have a problem as long as there is no interference with the highway and access to this site.

Mr. Dwyer explained the right-of-way is the State's jurisdiction and cannot be enforced by this Board. He explained that they have been to court and the court has allowed the applicant to come back to have the Board consider removing the 'no parking in the right-of-way'. He explained that Mr. Andy, owner of the neighboring property, has parked boats in the right-of-way from time to time and he has pictures if the Board would like to see. The Board explained that they are familiar with the properties and did not need to see the pictures.

Mr. Dwyer explained that when the previous owner came in for the canopy, he reduced the size of the building and added a buffer between his property and Mr. Andy's, which was maintained and still maintained by his client.

The Board asked Mr. Dwyer what the condition of approval stated? Mr. Dwyer read condition #4 into the record.

The Board asked if Mr. Mancuso had any paperwork from the State that they didn't care if he used the right-of-way? Mr. Dwyer explained that they did not have any paperwork. He explained that this was a verbal approval. He explained that the State has been down to inspect the property, and there are no violations.

Mr. Teitler explained that he did research on whether the Board has jurisdiction over the State right-of-way and it doesn't appear the Board does.

Mr. Galestok read a memorandum from Walter Fiore, Code Enforcement Officer.

Mr. Galestok explained that a letter from the State was sent to the Solicitor that the Township has no jurisdiction.

Mr. Galestok explained that Mr. Andy is also saying there is a violation of the buffer. He explained that there is a wooden fence and the area is wooded. He explained that the buffer cannot be since. He explained that this has been going on since 1996 and feels it has gone far enough. He explained that the conditions of approval not pertaining to the State right-of-way will be handled by the Township.

This portion of the hearing was opened to the public.

Mr. Josh Donohue, Esq., was sworn in by Chairman Dilworth.

Mr. Donohue explained that he represents Mr. Andy.

Mr. Donohue explained that he feels this is out of the Board's jurisdiction. He explained that the area is public use and can only be regulated by Township Council. He explained that there is a negative impact to his clients business with cars parked there. He explained that it blocks the view of his client's property.

Mr. Dwyer explained that he feels Mr. Donohue has made his case for his client.

The Board asked if West Marine had a sign? Mr. Donohue explained there was a sign for West Marine.

This portion of the hearing was closed to the public.

Mr. Dwyer submitted into evidence a photograph of West Marine's sign.

Mr. Hewitt made a motion to approve the request to remove condition #4 from resolution #93-19. The motion was seconded by Mr. Sullivan.

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

Mr. Hewitt made a motion to approve the Resolutions from the April 15, 2010 meeting. The motion was seconded by Mr. Imler. Motion carried.

5. Minor site plan & hardship variance applications to add a 'Dollar Tree' building mounted sign and to add signage on the existing free standing signs and awning on the facade above the entry, submitted by Dollar Tree Stores, Inc., for the location known as Block 741.01, Lot 28.01, 3845 Bayshore Road.

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

Mr. Steve Bolten, Store Manager, and Mr. Ken Gioffre, sign installer, were sworn in by Chairman Dilworth.

Mr. Dwyer explained that the owner of the mall was before the Board several months ago to allow 'Dollar Tree' to expand the facade of the building. He explained that no signs were proposed at that time. He explained that 'Dollar Tree' is proposing a sign above the entry. He had marked into evidence a colored version of the proposed building mounted sign. He explained that there would be a small awning on the facade of the building. He explained that they are also proposed a sign on each pylon sign.

Mr. Thornton read Engineer comments dated May 14, 2010.

The Board asked if the awning was on the original application? Mr. Thornton explained it was, but was not addressed. Mr. Dwyer explained that the awning would not be over the drive aisle.

Mr. Galestok explained the history of the mall signs. He explained that the Ordinance does not address large malls. He explained that the pylon signs are well over what is allowed, but there isn't a problem with them.

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. Hewitt. Motion carried.

2. Discussion of fence for Families Matters, LLC, Block 114, Lots 33 & 34, 2 West Ocean Avenue.

Mr. Galestok explained that an application for this property was before the Board several months ago. He explained there is supposed to be a six-foot fence, but the steps coming out from the building would end up right against the fence. He explained that they would like to shorten the fence to four foot and change the steps. He explained that the Board could have them come back to the Board. Or it could be done administratively. The Board discussed the situation and decided that this could be done administratively.

Mr. Crompton made a motion to allow the review to be done administratively. The motion was seconded by Mr. Hewitt. Motion carried.

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

1. Discussion of increased application fees.

Mr. Galestok explained to the Board that he concentrated more on increasing commercial fees. He explained that he increased the hardship variance fee for residential \$50.00.

The Board reviewed the proposed changes and feel the proposed changes are acceptable and feel this could help with increasing the Board Solicitor salary and help cover office costs.

Mr. Crompton made a motion to recommend to Township Council the proposed application fees be approved. The motion was seconded by Mr. Hewitt. Motion carried.

Mr. Butler made a motion to adjourn at 7:42 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.

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.