

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 Work Session meeting of the Lower Township Planning Board was held on April 14, 2011 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
Johnnie Walker (Mayor's Designee)
Brian Sullivan
Chris McDuell
Robert Crompton

MEMBERS EXCUSED: Michael Beck
Kevin Lare
Daniel J. Senico
Paul St. John

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

CORRESPONDENCE:

Memorandum:

TO: Mayor Michael Beck & Council Members
Cape May County Planning Board
Clerks of Adjoining Municipalities

FROM: Lower Township Planning Board
William J. Galestok, PP,AICP
Board Secretary

DATE: April 15, 2011

RE: Periodic Examination

Letter:

TO: Mayor Michael Beak &
Council Members

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

DATE: April 15, 2011

RE: Proposed Zoning Amendments;
Amending Section 400-27 to add
General Business uses to the Airport
Hazard Zone; also amending Section
400-27 adding outdoor flea markets

Handouts:

List of Board Solicitor voucher dated April 12, 2011.

List of Board Engineer vouchers dated April 14, 2011.

The New Jersey Planner: February-March 2011 - Vol. 72, No. 1.

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

3. Minor site plan application to add solar panels to the existing golf course for the golf course use, submitted by Cape Country Club, Inc., for the location known as Block 510, Lot 3, 625 U. S. Route 9.

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

Mr. Bob Mullock, applicant, and Mr. Matt Hender, PP, were sworn in by Chairman Dilworth.

Mr. Hender reviewed the site plan with the Board. He explained that what is proposed has been deemed a beneficial use by the State. He explained the solar array would be adjacent to Meadowview Road. He explained that the solar array would be utilized by the golf course only.

Mr. Galestok explained that what is proposed is a permitted accessory use for the zone.

Mr. Thornton summarized Engineer comments dated April 9, 2011.

Mr. Hender explained there would be no glare to the adjacent residents as the array's face away from them. He explained there would be some clearing of the trees but feels there would still be adequate buffering to the adjacent residential area. He explained that the fire service has requested the fire access road. He explained that the complex would be fenced.

Mr. Galestok read Bureau of Fire Safety comments dated April 13, 2011 in which they found this application acceptable.

Mr. Galestok read Cape May County Planning Board comments dated March 11, 2011.

Mr. Mullock explained the location of the arrays would be the most unobservable location from the golf course and the residents. He explained they would be able to run the conduit without any problems. He explained they also purchased the adjacent land so that would not be developed.

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. Hewitt made a motion to conditionally approve this application. The motion was seconded by Mr. Sullivan. Motion carried.

A memorializing resolution will be prepared by Board Solicitor for the Board to review and approve at the next scheduled meeting.

4. Minor site plan & hardship variance applications for a laundromat and four (4) commercial units. Hardship variances needed for number of parking spaces, parking buffer, number of signs, sign area and coverage, submitted by 1804 Bayshore, LLC, for the location known as Block 263, Lot 8, 1804 Bayshore Road.

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

Mr. Robert Lamey and Mr. Ron Frame, applicants, and Mr. Joseph Courter, Jr., Licensed Architect, were sworn in by Chairman Dilworth.

Mr. Courter explained they are renovating the existing structure. He explained they reconstructed the roof line. He explained the roof line is higher on the Bayshore Road side with gables on the side of the building. He explained the trash and recycle area are to the rear of the property. He explained the overhead door will be eliminated. He explained that each unit would be 30 x 22. He explained that because of the size of the units, deliveries would be made by UPS trucks or small vehicles. He explained there are two light poles in the parking area. The light would not spill over onto adjacent properties. He explained there would be directional signs for entrance and exits only.

Mr. Dwyer had marked into evidence the revised site plan.

Mr. Courter explained they are proposing a 64 square foot free-standing sign. They are proposing 15" x 8' signs for the other units. There was a discussion that the existing free-standing sign is larger than what is proposed.

Mr. Courter explained they will patch the asphalt on the parking lot. He explained they will be adding parking bumper and two handicap parking spaces toward the rear of the building.

Mr. Dwyer explained all the parking spaces are pre-existing and they are not changing that. He explained there will be a concrete walkway around the building. He explained they will abandon the planters.

Mr. Courter explained some of the coverage will be reduced by removing some of the concrete and asphalt. He explained they have done the best they could with the site and the traffic flow. He explained that what is proposed would be an improvement to the area.

Mr. Thornton read Engineer's comments dated April 9, 2011.

Mr. Courter explained the asphalt would be flush with the concrete.

Mr. Thornton explained they recommend 90 degree parking as opposed to the angled parking spaces. There was a discussion the angled parking is better to keep the traffic flow going in the correct direction.

Mr. Dwyer explained that they would request a waiver from drainage. He explained they

are not altering the site in anyway. Mr. Thornton explained that if the Board so chooses to grant a waiver, they suggest installing a small french drain in the rear of the building.

The Board explained that lighting is always a concern and asked the applicant to make sure the lighting stays on site.

There was a discussion as to whether a topographical plan. Also whether the plan could be noted that there will be no curb to the rear of the property. It was said the plan was not needed and a note is to be added to the plan regarding the curbing. Mr. Frame explained they are not altering the site in any way. He explained the property already slopes toward Bayshore Road and Mowery Avenue for drainage.

Mr. Galestok read Bureau of Fire Safety comments dated March 21, 2011.

Mr. Galestok read Cape May County Planning Board comments dated April 8, 2011 in which they waived the application.

The Board explained it appears the Bureau of Fire Safety is requesting the entire drive aisle be a fire lane. Mr. Dwyer explained they will contact the Fire Service and revise the plan accordingly.

The Board asked what the hours of operation would be for the laundromat? Mr. Lamey explained the hours would be 6:00 A.M. to 11:00 P.M. and would be staffed at all times.

Mr. Galestok asked if the sign size was changed based on the Engineer's comments? There was a discussion that they would prefer to have the same size sign as what currently exists. It was explained the current size is 8 x 12. Mr. Lamey explained that reducing the sign size would not afford the other businesses an opportunity to advertize. The Board explained that they didn't have a problem with an 8 x 12 sign.

There was a discussion about the variances and waivers needed.

Mr. Crompton made a motion to conditionally approve the variances. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Hewitt made a motion to conditionally approve the waivers. The motion was seconded by Mr. Crompton. Motion carried.

Mr. Walker made a motion to conditionally approve the minor site plan application. The motion was seconded by Mr. Hewitt.

VOTE:	Mr. Hewitt	YES	Mr. Walker	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.

5. Minor site plan application to construct a 16 x 18 sunroom addition, submitted by St. John Neumann for the location known as Block 741.03, Lot 7.01, 680 Townbank Road.

Father Soprano, applicant, and Mr. John Dever, were sworn in by Chairman Dilworth.

Mr. Dever explained that he did not know when the old sunroom was constructed, but it was in bad shape and was torn down. He explained that they would like to construct a new sunroom for a fitness room with a jacuzzi. He explained that what is proposed is larger than what was there. Father Soprano explained the old room was rotting and skunks nested under the room.

Mr. Thornton summarized Engineer's comments dated April 9, 2011.

Mr. Dever explained the overhead wires are 16 feet in the air in the location of the proposed sunroom.

Mr. Dever submitted into evidence a photo of the area where the proposed sunroom would be located, foundation plans and a sketch of the proposed construction.

Mr. Galestok explained there weren't any Bureau of Fire Safety comments.

Mr. Galestok read Cape May County Planning Board comments dated March 17, 2011 in which they approved this application.

Mr. Hewitt made a motion to conditionally approve this application. The motion was seconded by Mr. McDuell. 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. Extension of filing time for minor subdivision, submitted by Herman & Kathleen Poehler & John & Kathleen Mast for the location known as Block 628, Lot 101 and Block 620.01, Lot 15, 504 Townbank Road.

No one was present for this application. Mr. Galestok explained the Board has approved extension with no one present. He explained the reason for the extension was apparently the Land Surveyor did not have the mylar and paper copies done.

Mr. Hewitt made a motion to approve an additional 190-day filing time. The motion was seconded by Mr. Crompton. Motion carried.

2. Re-examination of the Lower Township Master Plan; Airport Hazard Zoning District 400-27 H - permitted uses. Addition of GB, GB-1 and flea market uses.

Mr. Galestok explained that during the reexamination of the Master Plan in October 2010, the Board had discussed adding GB uses in the airport. He explained he has added GB, GB-1 and flea market uses. He explained that he would also like to add solar panels if they are not found to be a permitted accessory use under Lower Township's current Zoning Ordinance. He explained that by reexamining and amending the Master Plan this way, notices do not have to be sent out.

There was a discussion that the DOT Commissioner has to approve all uses in the Airport Hazard Zone.

There was a discussion that in December 2009 someone was interested in having a flea market at the airport. A use variance would be needed, but when the County was approached, they didn't want the applicant to apply for a use variance. Mr. Dwyer explained that the County felt the applicant may not be approved for a use variance application.

Mr. Galestok explained he has flea markets as a conditional use, needing a minor site plan. He explained that hours of operation, lighting and restrooms to name a few would have to be addressed. Mr. Dwyer explained that if it is a permitted use, all of these requirements would have to be met with a minor site plan application. He explained that if one condition isn't met, a use variance would be needed.

The Board discussed that they had no problems with solar panels being a permitted accessory use in all zones. Also, not having a problem with GB, GB-1 and flea markets being a permitted use at the airport.

Mr. Hewitt made a motion to approve Resolution #11-16. The motion was seconded by Mr. Crompton. Motion carried.

1. Discussion of the legal ramifications concerning the new AASHTO sight triangle when it encroaches on property not owned by the applicants.

There was a discussion that the AASHTO sight triangle requirements could cause a lot of problems for property owners and neighboring properties. If with these requirements, it crosses onto a neighboring property, one would have to try to purchase the portion of the property or an easement would be required. The problem that could then be created is how much money the property owner wants. This could be very costly to the person trying to purchase or get an easement.

There was a discussion that these standards would also apply to driveways and potentially flaglots.

There was a discussion that the sight triangle requirements in the Ordinance book could be done away with and just use the sight triangle requirements from the General Ordinance. Also that the AASHTO standards are applied to just site plan and subdivision applications.

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

Mr. Hewitt made a motion to approve the resolution from the March 10, 2011 meeting. The motion was seconded by Mr. Crompton. Motion carried.

Mr. Hewitt made a motion to adjourn at 8:33 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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