

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.

DUE TO COVID-19 AND SOCIAL DISTANCING REQUIREMENTS, THE MEETING WAS CONDUCTED THRU THE GO TO MEETING FORMAT AND WAS VIDEO AND AUDIO

LOWER TOWNSHIP PLANNING BOARD

A regularly scheduled meeting of the Lower Township Planning Board was held on May 20, 2021 at the Lower Township Municipal Building. The meeting was called to order at 6:10 P.M. by Chairman Robert Crompton. 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 Robert Crompton
Andrew Bulakowski
Chris McDuell
Michael Rosenberg (Mayor's Designee)
Roland Roy
Jeffrey Lindsay
Christopher Vassar
Scott Supplee

MEMBERS EXCUSED: Frank Sippel
Daniel J. Senico

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

CORRESPONDENCE:

Handouts:

List of Conflict Board Engineer voucher dated April 30, 2021

List of Board Engineer vouchers dated May 20, 2021.

List of Mott MacDonald vouchers dated May 20, 2021.

2. Minor subdivision & hardship variance applications for the creation of two (2) newly described lots. Variances needed for lot area, frontage & width, submitted by Lisa Englebert for the location known as Block 524, Lots 79-83, 4 Brookdale Avenue.

Mr. Teitler explained this application was continued until the June 17, 2021 meeting at the applicant's request. He explained he is unsure if new notice would be needed, but if the plan changed, then new notice would be required.

- 3 Dune review & variance applications to demolish the existing single family dwelling and construct a new single family on a lot deficient in lot area, frontage, width and encroaching into the front & side yard setbacks, submitted by Scott Peter for the location known as Block 57, Lots 1 & 1.02, 78 Delaware Avenue.

Mr. Teitler explained this application was also continued until the June 17, 2021 meeting. He explained if new notice is required, notice would be provided.

1. Discussion and recommendation to Lower Township Council on the proposed Cannabis retail licenses and cannabis delivery licenses as conditional uses in the GB-1 and Industrial Zones.

Mr. Galestok explained he reviewed the Re-examination of the 2014 Master Plan and feels this is consistent for the Industrial and Commercial zones. He explained he feels it is meeting the needs of the locals and tourists.

Mr. Robert Belasco, Esq., Township Solicitor, explained to the Board the Ordinance has not yet been introduced to a Township Council meeting. He explained he believes that will happen at the next Council meeting if the Planning Board makes a recommendation in favor. He explained the Governor has signed the law and Municipalities have until the end of August to opt in or opt out. He explained to the Board what the law allows. He explained this would be a permitted use in the Industrial Zone and exclusively to the GB-1 Zone as a conditional use.

The Board explained they reviewed the proposed Ordinance and thought it well written and have no problems with it.

Mr. Bulakowski made a motion to recommend to Township Council the proposed Cannabis Ordinance. The motion was seconded by Mr. McDuell.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Roy	ABSTAIN
	Mr. Vassar	YES	Mr. Lindsay	YES
	Mr. Supplee	YES	Chairman Crompton	YES

Motion carried.

4. Preliminary & final site plan and variance applications to convert an existing structure into an ice cream parlor, variance needed for width of landscape buffer, submitted by Boots, LLC for the location known as Block 630, Lots 1 & 2, 3824 & 3826 Bayshore Road.

Mr. Brian Heun, Esq., represented the applicant.

Ms. Elizabeth O'Hara-Boyle, applicant, and Mr. Vince Orlando, PE, PP, Licensed Landscape Architect, were sworn in.

Mr. Heun explained his client would like to convert an existing building that was once a doctor's office into an ice cream parlor. He explained they are requesting a variance for the landscape buffer. He explained 20' width is required and they are proposing a 10' buffer.

Mr. Orlando explained the site is located in the GB-1 Zone. He explained the building has been vacant for many years. He explained there is a gravel area to the rear of the parking area that would be asphalted and three additional parking spaces would be added in this location. He explained there is a parking space along Bayshore Road that encroaches and would be removed. He explained they are proposing to heavily landscape the 10' buffer along the buffer line by the parking area. He explained they are proposing a deck, an 8 x 10 freezer, picnic tables and two signs.

Mr. Orlando explained the County is scheduled to make changes to Bayshore Road in the future.

Mr. Orlando explained there is an existing six foot fence along Lot 4 and a chainlink fence along Lot 5. He explained there would be a total of 18 parking spaces.

Mr. Orlando explained what is proposed would be a benefit to the community. What is proposed is under the allowed building and lot coverage. He explained he feels this is an appropriate use for this site and is an aesthetic improvement. He explained what is proposed has

no detriment to the zone, zone plan or neighborhood. He explained they take no exceptions to the Board Engineer comments. He explained both the free standing and building mount sign would be backlit.

There was a discussion of what would be planted within the buffer.

There was a discussion as to what constitutes a landscape buffer. Mr. Orlando explained the Ordinance requires at least 20' from the property line be landscaped planted. He explained the area they are referring to was not a pre-existing gravel area.

Mr. Cathcart summarized Engineer's comments dated May 18, 2021. He explained his biggest concern is the drainage. He explained the County does not want run-off onto Bayshore Road.

This portion of the hearing was opened to the public.

Mr. Justin Turner, Esq., represented Mr. Ken Walker, in opposition to this application.

Mr. Ken Walker was sworn in.

Mr. Turner asked Ms. O'Hara-Boyle how long she has owned the property? Ms. O'Hara-Boyle explained she has owned the property for three years.

Mr. Turner explained there is a concern regarding the requested buffer variance.

Mr. Walker explained he lives directly behind where the buffer is. He explained he has owned his property since 1989. He explained this area had very dense trees between the property that were removed.

Mr. Turner shared screen with the Board.

Marked into evidence as O-1 was a photo of the landscape buffer that used to be there.

Marked into evidence as O-2 was a photo of what the buffer looked like from Bayshore Road when Mr. Walker first purchased his property.

Marked into evidence as O-3 was a photo taken from Mr. Walker's yard showing the contractor removing the landscape buffer.

Marked into evidence as O-4 was a photo of the gravel that was installed once the landscape buffer was removed.

Marked into evidence as O-5 was a photo from Bayshore Road looking at Mr. Walker's property after the landscape buffer was removed.

Marked into evidence as O-6 is a photo taken from Mr. Walker's yard in the summer of 2019. It was explained with cars parking in this location, they opened their car doors and bang into Mr. Walker's fence.

Mr. Walker explained he installed landscaping on his property when the other was removed.

Marked into evidence as O-7 is a photo of standing water in Mr. Walker's yard from the run-off of the property in question.

Marked into evidence as O-8, O-9 and O-10 were photos showing the run-off into Mr. Walker's yard.

Mr. Turner explained the problem with the run-off is on-going since removal of the buffer. He explained the buffer was removed and the gravel parking installed without prior approval. He explained having a 10' buffer is less than standard and would be less than what was there.

Mr. Turner explained Mr. Walker has had an increase in noise since the buffer was removed. Also, issues with people leaning on his fence and banging their car doors into his fence.

Mr. Turner explained there is also a problem with the dumpster location. He explained there have always been problems with animals getting into the dumpster because the lid is either left open or blows open.

Mr. Heun explained to the Board they would like to withdraw the variance for the landscape buffer. He explained they would install the full 20' of landscaping. Mr. Orlando explained they would comply with the buffer requirements and take care of the drainage issue.

Mr. Cathcart explained if the buffer is constructed properly, that should eliminate the drainage onto the neighboring property.

This portion of the hearing was opened to the public.

Mr. Domenic Manderachi was sworn in.

Mr. Manderachi explained he was the owner of Lot 3 and asked if they would have a landscape buffer along his property line? It was explained there would not be a landscape buffer in this location as there will be no development there. He questioned if there would be fencing? He explained people would cut through his property to this property. It was explained no fencing is proposed in this area either. He asked if there would be wait service for the picnic tables? It was explained there would be no wait service and there were two picnic tables proposed. He questioned the location of the shed and it was decided the shed would be relocated to meet the 20' setback. He explained there would be noise from the picnic tables and it was explained

evergreen trees could be planted along the property line and the picnic tables would be positioned 20' from the property line.

Mr. Manderachi asked what the hours of operation would be? Mr. Heun explained the hours of operation would comply with the Municipal Ordinance.

This portion of the hearing was closed to the public.

There was a discussion about the neighbor's concerns. Mr. Heun explained they will install additional landscaping along Lot 3 that would be thick enough that no one would be able to cut through the neighbors yard. It was discussed that installing a fence would also help reduce noise. Mr. Heun explained there is a line of existing trees that would need to be removed to install a fence. He explained they would install a 6' fence along there where there isn't one now.

Mr. Lindsay made a motion to conditionally approve this application. The motion was seconded by Mr. Bulakowski.

VOTE:	Mr. Bulakowski	YES	Mr. Rosenberg	YES
	Mr. McDuell	YES	Mr. Roy	YES
	Mr. Vassar	YES	Mr. Lindsay	YES
	Mr. Supplee	YES	Chairman Crompton	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. Lindsay made a motion to approve the minutes from the April 15, 2021 meeting. The motion was seconded by Mr. Roy. Motion carried.

Mr. Vassar made a motion to approve the conflict engineer vouchers. The motion was seconded by Mr. Supplee. Motion carried.

Mr. Vassar made a motion to approve Mott MacDonald vouchers. The motion was seconded by Mr. McDuell. Motion carried.

Mr. Vassar made a motion to approve the Board Engineer vouchers. The motion was seconded by Mr. Roy. Motion carried.

Mr. Bulakowski made motion to adjourn at 7:42 P.M. The motion was seconded by Mr. Roy. 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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