

**TOWNSHIP OF DENNIS  
PLANNING BOARD  
571 Petersburg Road  
Dennisville, NJ 08214  
(609) 861-9705**

**JULY 28, 2011**

**MINUTES**

This meeting was published in accordance with the "Open Public Meetings Act". Notice of this meeting was published in an annual meeting notice in the Cape May County Herald and posted in Township Hall.

The meeting was called to order by Chairman Stevens. The following members were present: Mr. Stevens; Mr. Watson; Mr. Burian; Ms. Baldwin and Mr. Crippen. Also present was Josh Donohue, Esquire, (for Frank Corrado, Board Solicitor) and Andrew Previti, Board Engineer.

Mr. Stevens advised that there were no applications pending before the Board this month, there are no applications for next month and there will be no meeting in August.

Mr. Stevens also advised that the only matters on the agenda this evening are for Board discussion. The Board will discuss the proposed Zoning Map change first since there are members of the public here regarding this matter.

**APPLICATIONS:** None.

**Other Business:**

**Board Discussion:**

**Proposed Zoning Map Change - Conservation To Marina:**

Mr. Donohue swore in Keith Larsen and Jean Larson.

Mr. Crippen asked Mr. Larsen to tell the Board what he is looking for.

Keith Larsen said that he had received a letter in 2004 from Jim Pickering regarding changes in the marina zone. He never realized that his marina and Captain Robbins marina were never in a marina zone and were in a conservation zone. He is now attempting to get it changed to marina

zone.

Mr. Previti indicated that there was an Ordinance which was reviewed by the Planning Board. The Board was not in favor of the Ordinance and the Township Committee thereafter voted against the Ordinance as well. That Ordinance changed the zoning of certain lots. Mr. Previti referred to a map which showed the lots in question and he described same.

Mr. Larson believes the change occurred some time between 1998 and when he purchased the marina and 2004 when Mr. Pickering sent the letter trying to change it back to marina. He said he attended the Township meeting and spoke to the Committee about the change. He said Lots 1 and 2 were changed back to marina zoning Lot 4 remained as conservation. He said he had approval in 1998 as a marina for the entire parcel. There was a conversation with Mr. Previti about moving zoning lines, he was agreeable to what was discussed and now finds out this was never done.

Mr. Stevens wanted to make sure Mr. Larson understood what "conservation" means. Mr. Larson indicated that he understands and that he also understands that a marina requires 5 acres in Dennis Township. He also indicated that people are launching boats from his Lot 6 now. He further indicated that he wants to have his docks in the marina zone.

Mr. Crippen confirmed that Mr. Larson did appear before Township Committee and discussed moving of the line.

Mr. Stevens wanted to confirm that Mr. Larson is looking for the 5 acres so they can be classified as a marina. Mr. Larson said he would be happy to see the line drawn to give him the 5 acres needed, but he would like the entire piece the same.

Mr. Stevens asked for the history of land. Mr. Larson said it was a marina when he purchased the property. Mr. Previti reviewed its history.

Mr. Larson referred to a map and indicated to the Board what he owns and what the various lots were zoned and used for at time of purchase by him. He said he doesn't know what the zoning requirements for a marina were at the time he purchased property, but wants to meet requirements now.

Mr. Stevens asked Mr. Larson if he thought he should be represented by a lawyer. He also wants to know what will keep Mr. Larson from coming back in the future for 5 more acres and 5 more acres. He told Mr. Larson that he doesn't feel comfortable walking him through this, and he doesn't want to set a precedent and doesn't feel comfortable proceeding with Mr. Larson not being represented. Mr. Watson was in agreement that Mr. Larson should get a lawyer.

Jean Larson said they are asking for the line to be put back to where it was when the property was purchased.

Mr. Previti advised that the thought is that if the minimum acres is 5, then why not make a

portion of the 98 acre lot marina with 93 acres of that remaining conservation.

Mr. Stevens is concerned with legality and getting it done cleanly and if the Board makes the requested move for the 5 acres, is a can of worms being opened. He asked Mr. Previti if the land can be deed restricted in conservation. Mr. Previti responded no, that conservation cannot be deed restricted. He then read a list of uses that can be in conservation areas. He also read permitted uses for marina zone. Mr. Watson indicated that a lot more is allowed in a marina zone than a conservation zone. Mr. Crippen added that conservation requires additional permits from the State and this property involves wetlands. Mr. Larson was asked if he ever applied for a variance. To which he responded that he had not.

Mr. Stevens said he is concerned with all of the other land and setting a precedent. Mr. Crippen asked whether or not a deed restriction be imposed on Larson's land. Mr. Stevens said he owns the land and can deed restrict it, but it is in wetlands.

Mrs. Larson said that they don't want to expand, they just want the marina to be conforming so it can be passed to their children.

Mr. Previti advised that if what is there burned down today, they would not be able to rebuild.

Mr. Stevens asked how the wetlands can be protected. Mr. Watson made reference to Bidwell's ditch and the fact that it began as a ditch with a creek and now they have a marina there with probably a thousand boats. All he sees on this map is a thoroughfare.

Mr. Larson said his property is bound by a creek.

Mr. Stevens said the Board just wants to know what Mr. Larson wants and his plans for the property. Mr. Crippen added that the Board is trying to get an idea of the direction Mr. Larson wants to go and thinks it best that he get an attorney to address the Board's concerns and present it clearly. Mr. Larson indicated again that when they purchased the property it was a marina and he was never notified of the zoning change. Mr. Crippen told him that the Board wants to be certain of what he is looking for and that they just want to bring the property back to what it was. Mr. Stevens added that he understands what Mr. Larson is trying to say, but there are other issues that have not been addressed and need to be addressed in a clear fashion and he feels Mr. Larson is not prepared to make such decisions at this time without representation; this was previously voted on by the Board and turned down; and the Board needs to know what is being talked about. Mr. Crippen reiterated that there are variables to be considered that are not being addressed in a clean fashion and he suggested getting an attorney who is familiar with this type of matter. Mr. Crippen indicated that the advice from the Township Committee to the Planning Board was just to discuss the matter.

Amendments To Pinelands Comprehensive Management Plan:

Mr. Watson had a question concerning Residential Cluster Development, and wanted to know what they are talking about with the percentages and what are the percentages referring to when they mention bonuses and are the bonuses on the total acreage or number of homes. Mr. Previti gave his interpretation that the bonus is for the number of homes. A general discussion concerning the topic followed.

Mr. Stevens asked if the Township Committee feels that anything needs to be discussed concerning proposed changes. Mr. Crippen advised that they did not.

Mr. Burian said it is his feeling that the State puts this together and we have no say, they just dictate to us what we have to do. Mr. Previti advised that it is a sample ordinance. A general discussion followed.

Mr. Watson asked if anyone knew what the status of the housing situation is. Mr. Burian said as he understands it COAH has to be acted on in 60 days. Mr. Stevens indicated that our Master Plan is done and we just need to plug in the COAH number when determined.

A general discussion regarding COAH followed.

Mr. Previti said he sees no point in going through with density calculations until it is finalized. Additional general discussion followed.

Miscellaneous:

Mr. Previti advised the Board that Marsha Schiffman's husband passed away today. He sent e-mail to Eileen McFillin. Mr. Stevens suggested that the Board do something such as send flowers.

Mr. Stevens asked that new books be ordered for all members. It was indicated that that cannot be done at this time. Mr. Stevens then asked for 1 book.

**Resolutions:** None.

**Bills:**

A motion was made, seconded and unanimously carried to pay all outstanding bills.

There being no further business to come before the Board, a motion to adjourn was made, seconded and unanimously carried to adjourn meeting.

Meeting adjourned at 8:15 p.m.

*Carla A. Coffey*

Carla A. Coffey, Secretary  
Dennis Township Planning Board

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