

**TOWNSHIP OF DENNIS
PLANNING BOARD**

**571 Petersburg Road
Dennisville, NJ 08214
(609) 861-9705**

SEPTEMBER 22, 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. McManus, Mr. Burian, and Mr. Crippen. Also present were Frank Corrado, Esquire, Board Solicitor and Andrew Previti, Board Engineer.

Mr. Previti was sworn in by Mr. Corrado.

APPLICATIONS:

SCHOOLHOUSE DEVELOPMENT ASSOCIATES, LLC - Block 245, Lots 56.01, 56.02, 57, 58.01 and 58.02:

Located on Schoolhouse Lane off Route 9 in Ocean View in the GC (General Commercial) Zone. Applicant seeking an extension of previously granted site plan approval to demolish and remove all existing structures and on-site improvements and construct a 13,500 square foot commercial retail building with associated site improvements.

James Pickering, Esquire appeared as attorney for the applicant. He advised that the application was previously approved in 2008, structure has not been built and the applicant is now looking for an extension of final site plan approval. He also indicated that there appears to be some confusion regarding extensions per the Permit Extension Act applying to this site and these approvals. He agreed with Mr. Corrado to seek approval for this extension as done previously. He also indicated that he believes the access permit from the DOT may apply to the Act and he will do whatever is required to comply.

Mr. Corrado advised that the applicant bears the risk. He further indicated that the Statute permits 3 by right extensions of 1 year each and the second extension would expire on September 25, 2011.

Mr. Burian asked if this is the last extension. Mr. Corrado advised that it was the second.

Mr. Previti inquired about the Deed for property. Mr. Pickering advised that a Deed with restrictions does not exist at this point, but will be prepared at appropriate time.

Mr. Corrado advised that the applicant is only asking for extension at this time.

Mr. Stevens polled the Board. He then opened the meeting to the public. There being no public comment, the public portion was closed.

Mr. Corrado presented a form of motion to approve the requested extension. A motion to approve was made by Mr. Watson, seconded by Mr. Burian and carried by all members voting.

A.E. STONE, INC. - Block 225.01, Lot 8.07:

Located on Woodbine-Ocean View Road in Ocean View in the Business (B) Zone. Applicant seeking preliminary and final site plan approval for the renewal of a Resource Extraction Permit.

Jules Konschak, Esquire appeared as attorney for the applicant. He advised that the application is pursuant to the Soil Mining Excavation Ordinance and the applicant is requesting re-licensing per same. He further advised that the site is not very active and is virtually the same as it was in 2007 at the last re-licensing.

Mr. Corrado administered the oath to Stephen Kurtz and Joseph Maffei and Andrew Previti.

Mr. Konschak produced a current Soil Conservation District compliance letter dated July, 2011 and it was entered into record and marked as Exhibit A-1.

Mr. Konschak then directed questions to Mr. Maffei.

Mr. Maffei described the location and surrounding area of the mining operation by referring to the plan. He described the use of site - very little use and very little change from the last license renewal - no real changes to the property. He testified that he contacted the State Police, and the local rescue squad and fire company and was advised verbally by the State Police that there have been no calls to the property by the State Police. He has had no response to his letters to fire and rescue.

Mr. Stevens asked about the status of second subdivision and where applicant is going with it. Mr. Maffei indicated that right now nothing is going on and Mr. Kurtz has no plans to move forward at this time. Mr. Konschak indicated that he would prefer that Mr. Kurtz respond to the question. Mr. Kurtz confirmed what Mr. Maffei said, that the project is on the back burner and nothing is going on or planned at this time. Mr. Stevens indicated that he just wanted to get

something on the record.

Mr. Korschak advised that he would like to take care of some housekeeping issues, such as the gate locking and directed questions to Mr. Kurtz regarding same.

Mr. Kurtz testified that the gate is locked and secured; within the next 30 days fence repairs will be made; and "no swimming" signs will be in place. He also testified that signs were posted per prior approval, but some one took them down and he is not sure how long they were missing.

Mr. Burian asked if the site was regularly visited. Mr. Kurtz said that when some one is in the area it is checked on, but there is no real schedule.

Mr. Stevens feels that the applicant's housekeeping leaves a lot to be desired.

Mr. Kurtz indicated that they have done repairs prior to this. Mr. Stevens advised that he was not saying that they haven't made repairs, but there are recurring problems that still exist; and he feels there should be some type of escrow account set up for inspections by Township personnel.

At this time, Mr. Previti presented his Engineer's report.

In response to Mr. Previti's comments, Mr. Maffei responded. There was a discussion of sloping and grading.

Mr. Previti continued with the Engineer's report. He reviewed the background of the mining renewal - the license expired in December, 2010; the applicant requested Township Committee to retroactively grant an extension, which was done; and the applicant is now seeking approval for renewal.

There was a discussion regarding when the renewal, if granted, would expire. Mr. Corrado reviewed expiration date, and believes that the renewal would run 3 years from January 1, 2011. Mr. Korschak also believes the renewal would run from January 1, 2011. Mr. Corrado added that he believes the Township should keep the 3 year cycle as they have been.. Mr. Corrado recommended that the Board make that recommendation to Township Committee.

Mr. Previti continued with the Engineer's report.

Mr. Stevens feels that there should be the establishment of some type of fund for Mr. Previti to perform inspections. Mr. Previti suggested an account of \$1,500.00 be established and that accounts exist for other sites.

Mr. Corrado inquired about a time frame for repairs. Mr. Kurtz advised that the repairs will be done within 30 days from today.

Mr. Burian had previously asked how deep the pond was, he thought it was very deep. Mr. Maffei testified that it is 8 feet at its deepest.

Mr. Stevens asked if anything else should be discussed regarding next level. Mr. Previti did not believe there was at this time and he will advise the Township Committee when the necessary time arrives. There was a discussion regarding the public right-of-way and buffer and acceptance by Township.

Mr. Stevens indicated that he was trying to tie up loose ends and clean up housekeeping.

Mr. Crippen requested discussion of check valves to address flooding in area. Mr. Maffei advised that a plan with check valves was submitted. Mr. Previti said that he doesn't remember receiving said plan, but will check his files. Mr. Crippen said he believes it will be a topic the Township Committee will be interested in pursuing.

Mr. Corrado discussed conditions of approval with Mr. Previti.

Mr. Stevens polled the Board for questions.

Mr. McManus asked when the escrow would be set up. Mr. Corrado said as soon as the Township Committee accepts the Board's recommendation for same.

Mr. Korschak asked when the Resolution would be adopted. Mr. Corrado indicated that the Resolution will be adopted at the Board's next meeting in October. Mr. Previti added that the Township Committee won't be able to act until after they receive the Planning Board's adopted Resolution. Mr. Stevens said to let the process work as it is, as it is not the Board's problem.

Mr. Stevens then opened the meeting to the public. There being no public comment, the public portion was closed.

Mr. Corrado presented a form of motion recommending that the mining permit be approved with conditions. A motion to approve was made by Mr. Crippen, seconded by Mr. McManus and carried by all members voting.

Other Business:

Correspondence:

Mr. Stevens said that a letter had been received from Tony Harvatt, Esquire regarding an alleged conflict and that a letter was received from Andrew Previti regarding Ocean View Wawa.

Mr. Previti explained the problem Wawa was having with its septic system.

Board Discussion:

Mr. Previti reported on notification from the State of New Jersey regarding solar projects. He said he doesn't know how the new law impacts a pending application for solar panels installed on the ground and whether or not they will have to come before the Board. A general discussion regarding solar panels followed.

Resolutions:

No Resolutions.

Bills:

A motion was made by Mr. Crippen, seconded by Mr. Burian 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 8:02 p.m.

Carla A. Coffey _____
Carla A. Coffey, Secretary
Dennis Township Planning Board