

**TOWNSHIP OF DENNIS
PLANNING BOARD**

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

MARCH 22, 2012

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. McManus; Mr. Glembocki, Mr. Watson; Mr. Germanio; Mr. Turner and Ms. Baldwin. Also present were Frank Corrado, Esquire, Board Solicitor and Andrew Previti, Board Engineer.

Mr. Stevens advised that there were no applications this evening, only matters for Board discussion regarding amendments to the Pinelands Comprehensive Management Plan and the Master Plan Re-examination. He also advised that representatives of the Pinelands Commission were present as previously requested.

After Mr. Stevens called the meeting to order and the roll call was taken of the Board members, Jacqueline Justice did a roll call for the Township Committee members who were present.

Mr. Stevens advised that this is a joint meeting of the Planning Board and the Township Committee.

Other Business:

Board Discussion:

Representatives from the Pinelands - Amendments to Pinelands Comprehensive Management Plan:

Mr. Stevens welcomed the people attending this meeting as representatives of the Pinelands Commission who are going to provide information about what is going on.

Susan Brogan indicated that she has not prepared a formal presentation, and that it is her understanding that the Board had some questions and/or issues regarding the Ordinance that was sent to the Township last year.

Mr. Stevens indicated that the Board wants to know what the amendments are and why they are taking place because it seems they are changing every year. He added that what the Pinelands does affects many people and property that many have owned for many years. He said this is a very delicate area that we live in - environmental issues, construction issues - all of which have tremendous bearing on us now and for future generations; that the Pinelands is a very large portion of this Township, and the Board wants to know what is going on with the Pinelands and Dennis Township.

Ms. Brogan advised that there are 3 separate sets of amendments. The first 2 sets are not the subject of much concern - she then explained what they referred to. The other set deals with wetlands restoration, which authorizes a limited amount of wetlands restoration, and does not require the property owner to do anything, only if the property owner is interested in doing it. Those amendments were adopted in 2009 and 2010. The third set deals with cluster development, which was adopted in early 2009 after at least 2 years of deliberation by the Commission, public hearings, etc. This is not something that the Commission did overnight and took effect April, 2009. Models were prepared for each

Pinelands municipality with the process that needed to occur. Money was given to offset the municipality's costs. Clustering only occurs when someone wants to subdivide their property into 3 or more lots. She explained how it works. The idea is to preserve lands, minimize number of roads and services, as well as other reasons. The main reason is to protect land in the Pinelands. If there are particular parts of the Ordinance that a municipality is having a problem with, the Pinelands allows flexibility and is willing to talk about what ideas the municipality has. Adoption is mandatory, but they want to make the amendments fit into Dennis Township as best they can. It is a process that can be worked through.

Mr. Stevens indicated that the Board will have specific questions. He then read a question from a former Board member.

Ms. Brogan said that clustering doesn't prevent anyone from selling their property or subdividing their property, you can get the same number of units, clustering just asks them to put development in a specific area of the property to keep as much open as possible.

Mr. Corrado asked Ms. Brogan to speak about "common" area to be left.

Ms. Brogan said that clustering requires that anything left over has to be protected and certain options are permitted - one option is a homeowner's association, where open space can be managed by a non-profit, or if one of the homes in the development wants to retain ownership and responsibility of the open space. Not a one size fits all. All of the options are listed in the Ordinance and the Township can pick what options they are comfortable with.

Ms. Stevens referred to a document provided by the Pinelands. He said he feels there is no leverage for a person to negotiate.

Ms. Brogan said that the Township has to adopt the Ordinance with options they feel comfortable with.

Mr. Stevens asked if the Township can go through the Ordinance and rewrite it as to what they want. Ms. Brogan advised that the Township can do that, and to put their requests in writing and submit them to the Pinelands, who has to review and decide whether to approve or not.

Ms. Brogan discussed lot sizes, and said that there are instances where the lot size can be changed, but there has to be a good reason. She also advised that there is some flexibility as to lot size requirements, density. She said it's a work in progress and she can't tell anyone off the top of her head whether it would be something that would be acceptable or not and it may take some time to work through.

Mr. Stevens referred to the section regarding agriculture and said he finds the language very difficult to understand. Ms. Brogan said that the goal for agricultural is not to allow a lot of agriculture to continue, won't allow for new agriculture on development, but will allow what is there to continue and in some instances to even expand.

Mr. Germanio (Nick) said he is a fourth generation farmer and much of their farmlands has been destroyed. He wants to know what the deed restrictions are and what can be done with the farm. He said If there is no farm on a property now, it can't be there once development occurs, but low intensity recreation - walking, hiking, horseback riding, trails - can occur. He also asked what if there is a 100 acre parcel with 1 house on 4 acres, what happens and who pays taxes on other 96 acres.

Ms Brogan indicated that the developer has to make a choice as to what they want to do - if they have 100 acres and want to subdivide off acres for their family members they can do that, and it doesn't apply to a long time farm owner.

Mr. Germanio then asked what if farmland has to be sold for some reason, what would

happen. Ms. Brogan said it doesn't apply and is not subject to clustering rules, but that there are exemptions.

Mr. Stevens presented a scenario with a person who has 5 children and he wants to build 4 houses for his children. Ms. Brogan advised that cultural housing exemption works as it has for many years - not subject to clustering or deed restriction - applies to immediate and family members only. Mr. Stevens asked what if the person is a niece. Ms. Brogan said she still applies as a family member. Mr. Stevens asked what if it is a friend. Ms. Brogan said there is no rule today, but at some point if it happens a lot there may be a rule.

Mr. Stevens said he is concerned that the Pinelands can change the rules of the game whenever they desire. What if the Township agrees with the Pinelands and does nothing - what is downfall for the Township. Ms. Brogan said the Township's Master Plan would no longer be effective and the Township will lose their certification and control and it would have to come before the Pinelands Commission instead. This has never happened and the Pinelands is trying to work with municipalities.

Mr. Germanio (Nick) said he is concerned with unuseable farmland.

Ms. Brogan said other municipalities that have allowed this type of cluster development, have asked that their assessor to apply a higher assessment to the developed area and a lower assessment for the open space.

Mr. Stevens stated that if some one is restricted in the use of his land and sells to conservation, he gets paid for his land, but the Township loses in taxes because the property owner can't develop. He wants to understand what other people are going through as this can be an economical disaster. He said it is not fair for a property owner to get hurt because of regulations he has no control over. How do we say it's not fair? Our local farmers can't compete with the larger farmers. He is asking politely for the Pinelands Commission to lead

us through a process that is more fair.

Ms. Brogan said the Township needs to be very specific as to what they want to change, what they do and don't like. She further said that so far no other municipalities have gone forward to allow new farming, but it can be a consideration. They have entered compromises with property owners.

Mr. Stevens then polled the Board for questions.

Mr. McManus said that he had nothing at this time.

Ms. Baldwin said that she had nothing at this time.

Mr. Glembocki said a lot has been covered. He said one of the issues is out in the Belleplain section. The Township used to have a lot of light industry and he believes that with the influx of the Pinelands that it has been taken away and the Pinelands is dictating what we have to do.

Mr. Germanio (Nick) said he feels if people want to preserve property, they should be paid for it. People won't be able to purchase lots or pay taxes on those lots with how Pinelands is proposing to assess property. The State says if a property is not actively farmed every day, it can be assessed other than farmland. If the property can't be farmed, the owner will turn it over to the Township and the Township will feel the burden. He has been fighting for years to keep his farm running and doesn't want to give it up. This is a serious problem.

Ms. Brogan indicated that if the Township wants to make a list of changes, the Commission will go through them and try to work something out.

Mr. Germanio (Nick) added that it amounts to some one having to pay taxes on

property they can't use.

Mr. Stevens indicated that in fairness, we have a problem. The Planning Board and the Township Committee will have to discuss these issues.

Mr. Corrado advised that the Board needs to ask other Township Committee members present for their comments as well.

Mr. Turner said he thinks the problems need to be discussed and worked out.

Mr. Watson asked how Pinelands credits work. Ms. Brogan said they have nothing to do with what is being talked about tonight. The Pinelands is taking a look at those areas to see if they can be included in some way, and they are looking to expand into the forestry area.

Mr. Corrado said that the tax burden should be spread evenly.

Ms. Brogan advised that it's like a supply and demand situation, there has to be a demand for them and have to be certain that there is a need for them and they are being used. She indicated that credits were selling for \$40,000.00 a few years ago and go for maybe \$9,000.00 now.

Mr. Stevens added that it's a fairness issue. He said that the Township wants the farmer to farm and the forest to be a forest. Taxes are an issue. He is going to make a recommendation to form a committee with people who are effected and get their recommendations. Ms. Brogan said that she thinks it's a good idea and wants to keep communications open.

Mr. Stevens said he wants to review again with the Pinelands group. Ms. Brogan said

that there can be another meeting.

Mr. Glembocki asked to defer to other Committee members.

Mr. DeCicco indicated that only 49% of this Township is taxable; he agrees with Mr. Germanio that the property will not re-sell. People are scraping by and he doesn't want to see them not able to use their property or even build a barn on it due to the rules, regulations and costs involved. He asked about deed restrictions on a parcel with one home. Ms. Brogan said there are no deed restriction.

Mr. Germanio (Frank) said he wants to know when enough is enough, it seems to be never ending. He asked that one thing that should be added to the committee is a farmer; and that this is the Garden State. He asked the Pinelands representatives what they had invested.

Nancy from the Pinelands indicated that the people present are staff and it isn't fair to ask that question. Mr. Germanio (Frank) requested to be involved in the sub-committee to be formed. Mr. Corrado indicated that the Township Committee will be forming that committee.

Mr. Stevens said that we are all in it together.

Mr. Germanio (Frank) reiterated that enough is enough.

Mr. Stevens then opened the meeting to the public. He then introduced Bill Burian and advised that he has been very involved and was a past Board member.

Mr. Burian said that our Master Plan is dictated to us by the State as well. He asked why don't they get together (State and Pinelands). He feels that what ends up in the Master Plan is not what anyone in this Township wants. He wanted to know if there is a way that a

grandfather clause can be incorporated for those who have owned properties for generations.

He also wanted to know why weren't residents of this Township advised of all the input that was supposedly provided by the Pinelands. Ms. Brogan said she can't answer what happened with respect to this Township. Mr. Burian said he would like to find out what other towns have done. Ms. Brogan indicated that that can be done.

Alma George said her property is not in the Pinelands, but in CAFRA. She is concerned with what happens in this Township. She is a farmer as well. She and her family have done what they can to keep their land as farmlands. She wanted to know where these meetings were held. Ms. Brogan advised that they were held in various places, but does not believe that meetings were held in Cape May, Cumberland or Atlantic Counties. Ms. George said that if meetings weren't held in this part of the State, that could be a reason why people in this area did not attend. She then discussed the Right to Farm Act. Ms. Brogan said that if there isn't a farm there now, not talking about a farmland assessment, and that the clustering rule only applies when you want to subdivide and build houses.

Mr. Stevens said he wants to pursue having an opportunity to put our act together, and find out to whom we can speak and meet. He asked the Board for further questions.

Ms. Brogan said that if some one is building just one home on a property, they can place it in the rear of the property with a long drive. In some instances this situation works better in not disturbing existing forested land.

Ms. Baldwin asked what if you have a parcel of land where you are going to subdivide 3 lots with a flag lot and houses don't comply to set backs. Ms. Brogan said that person can ask for variance, and that they can't anticipate all situations.

Mr. Corrado indicated that most of the questions being asked are legislative.

Ms. Brogan advised that if you have 25 acres and you subdivide into 2 and are building 2 houses, you are subject to clustering.

Mr. Previti asked what if you have 100 acres and you want to subdivide into 2 lots, one with 25 acres and the other with 75 acres, are you subject to clustering. Ms. Brogan advised that clustering applies when you subdivide into 2 or more lots and put houses on each.

Mr. Germanio (Frank) asked how does this apply to an existing minor subdivision, but a building permit not issued. Ms. Brogan said she was not sure of the answer, but will find out. M. Glembocki asked if that would fall under an exemption. Ms. Brogan said it may be possible.

Mr. Stevens said that each town has a criteria for how they operate. Compromise can be healthy. He thinks Dennis Township is in a unique situation. A presentation will be made to the Pinelands representatives bosses, he doesn't want to put anyone on the spot.

Ms. Brogan suggested forming a sub-committee, and for them to write down what they want to see and not see, she will come back down and go over to the list to see what are possible items that the Commission would agree to, what they won't, the things they might not agree on, and what can be worked on further. Mr. Corrado asked if the Pinelands wants specific areas and lists Ms. Brogan replied yes. Mr. Stevens said that the Township Committee will form a sub-committee and will move forward on this subject.

Ms. Brogan advised that she has had calls at her office concerning Route 9 from, she believes, a reporter, and she doesn't know if there is anything the Board can do to respond. Nancy wanted to know where this line of questioning is coming from regarding 4 lanes on Route 9. Mr. Stevens said if Route 9 became 4 lanes, there would be nothing left on Route 9 so why would the Board be discussing a Master Plan to the contrary.

Mr. Stevens then thanked the Pinelands representatives for coming. Mr. Glembocki also thanked Nancy, Susan and Betsy for coming down.

Mr. Germanio (Nick) asked if Dennis Township was the last Pinelands community. Ms. Brogan advised that Dennis Township is not the last, there are others, but she is not sure how many.

Mr. Stevens then called for a short recess.

Master Plan Re-examination:

Mr. Stevens called the meeting back to order. The next matter on the agenda is the Master Plan Re-examination. He advised that the Board is on a time schedule to get this done. He would like to have it completed and go to an open meeting in July and have it done by the end of the year. He wants to review certain things before moving forward. One item is traffic and Route 9. Also, COAH requirements. He would like the Board to discuss the height of buildings in the Center and one thing leading to another - water, sewer, etc.

Mr. Germanio (Nick) asked what is COAH. Mr. Corrado explained COAH and fair housing and where it is in the Court system. He also advised that it could be another couple of years before a decision is made and this Board can't sit around and wait. Mr. Stevens said that he feels COAH isn't going to happen on our watch.

Mr. Germanio (Nick) then asked what constitutes affordable housing. Mr. Corrado advised that it is housing for those with income restrictions. Mr. Watson added that the State says we have an obligation of 240 units or thereabouts that we have to provide.

There was a general discussion regarding centers, and traffic increases. Mr. Previti said that the proposed plan for build-out says our roadways are insufficient and would need to be widened. The State's plan is to, over time, accumulate enough right-of-ways to widen roadways, but this is only a projection at this time. Another traffic study shows that traffic will decrease over time and that road widening will not be realistic. Mr. Previti also advised that several years ago the State gave municipalities along Route 9 money to do a study regarding traffic.

Mr. Glembocki said that if 3 story buildings are considered, it will begin to look like Sea Isle, density will increase, fire equipment won't be sufficient, and will end up needing a police department.

Mr. Corrado said that the Township can't plan around COAH because they are so messed up, and we need to think about what the Township needs now.

Mr. Stevens said his opinion is that most of the people who have come to the meetings have had a concern with the height of buildings.

Mr. Glembocki wants to leave town centers as they are, but they should be built as required.

Mr. Corrado said that the State Planning Commission has expressed a desire to have uniform control over all areas so we run the risk of getting into a battle if we deviate from how they think the Township should look, but it's a process and it's our Township and the Board has a vision of what the Township should look like and we should tell the State what works for us and what doesn't.

Mr. Glembocki said that the Township has to grow with the times, but at a rate that is

feasible for us.

Mr. Corrado added that municipalities in the State are run by the State and we are creatures of the State and you have to be careful how you assert yourself.

A general discussion followed.

Mr. Stevens asked do we stay with the center as is and let the Master Plan go as is.

Mr. Germanio (Nick) said he would like to see where the commercial areas are, because the Township needs as much commercial business as possible and people need jobs.

Mr. Previti asked if there is a consensus of what changes need to be made to the Master Plan.

Mr. Stevens indicated that he wants to finish this so it can be heard in July and finished by September or October.

Mr. Watson said that the boundaries are laid out and only talking about Ocean View and Clermont. He suggested taking a look at residential and multi-family housing and other items and decide what is needed.

General discussion followed.

Mr. Germanio said he feels each town needs to have commercial development and the Planning Board should encourage commercial development. There is no where to go shopping in the Township. He added that we can't just have houses built and families moving in as this doesn't generate as much revenue.

Mr. Glembocki indicated that Gentilini wanted to put a car dealership in the Township. Mr. Corrado advised that they never came in with a plan. Mr. Glembocki said he would rather see a car dealership than a gas station. Mr. Watson disagreed, he would rather see the gas station.

Mr. Germanio said that people who want to develop don't come to the Board, they look at the map to see where they can develop, find nothing and move on to the next town. Mr. Corrado indicated that this Board has a bad name for not approving development, they approved an outlet center, but it was never developed. Mr. Watson indicated that there is not enough room in Ocean View for a Walmart. Mr. Germanio said that he was talking about a strip of 3 or 4 stores.

Mr. Stevens said that the Board will move forward on this.

Mr. Corrado asked Mr. Previti what kind of time frame he needs. Mr. Previti said it will depend on what changes are made and he will have to talk with Marsha.

Mr. Stevens said the Board will continue to move forward at the April meeting and, if necessary, will have another meeting 2 weeks later.

Resolutions: None

Minutes:

A motion to approve the minutes of the March 24, 2011 regular meeting was made by Ms. Baldwin, seconded by Ms. Baldwin and carried by all voting members.

A motion to approve the minutes of the February 23, 2012 regular meeting was made by Ms. Baldwin, seconded by Mr. McManus and carried by all voting members.

Bills:

A motion was made by Mr. Watson, seconded by Mr. Turner 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 10:00 p.m.

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

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