

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

APRIL 26, 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, Ms. Baldwin, Mr. McManus, Mr. Teefy, Mr. Glembocki, Mr. Germanio, and Mr. Watson. Also present were Suzanne Pasley, Esquire, Acting Board Solicitor and Andrew Previti, Board Engineer.

Mr. Previti was sworn in by Ms. Pasley.

APPLICATIONS:

NIEDWESKE, IRA AND JILL - Block 259, Lot 35:

Located on Route 9 in Clermont in a General Commercial (GC) Zone. Applicant seeking preliminary and final site plan approval, as well as variances for curbing, paving and number of signs, to construct a 7,829 square foot veterinary hospital and pet grooming salon.

James Pickering, Esquire appeared as attorney for the applicants. The applicants have owned the property for a couple of years and wish to construct a veterinary practice. Dr. Niedweske had a practice in northern New Jersey, which he sold and he and his wife have moved here.

Ms. Pasley administered the oath to Dr. Ira Niedweske and Brian Murphy, P.E., L.P.

Mr. Pickering described the area in which the subject property is located . The property is near the intersection of Routes 9 and 83. This property has been developed in the past with, among other businesses, a sign company, an accountant's office, a bakery, and is currently a dog grooming business that rents from Dr. Niedweske. There is also a single family residence dwelling on the site, which is rented. He advised that this application will bring the property into more conformity than it is at present.

Mr. Pickering then directed questions to Dr. Niedweske.

Dr. Niedweske advised that he is a veterinary and has had 2 offices, which he has sold. He wants to start a new practice in this area. He does general veterinary medicine, as well as about a third of his practice being surgical. He indicated that the closest emergency practice is currently in Linwood. He testified that he has been appointed to several veterinarian related Boards in the State. He wants to establish a general and emergency practice at this location. He further testified that the normal hours would be 8:00 a.m. to 7:00 p.m., with emergency services available 24 hours a day with a veterinarian on site. During the day there will be 4 to 6 employees on site, and 2 or 3 during emergency hours. He advised that his other practices have had 25 parking spaces and there had been no problems. He is requesting a waiver for parking. He testified that the grooming business will have 2 employees and the business will be a drop off and pick up. The grooming business has been doing well with the current tenant and she will continue in the proposed building. He is also asking for a temporary CO so that the grooming business can move into the new construction as soon as possible while other construction continues so that she will not have to shut down for more than a couple of weeks. He described how medical waste was handled - medical waste is stored inside and according to all regulations. Animal waste is picked up and put in the dumpster, which is in conformity with what the Board of Health requires. He referred to architectural drawings and confirmed Mr. Pickering's description of same. He testified that he is trying to make the building as green as possible. He advised that the grooming business will have a separate entrance, and that the second floor will be used for offices and storage.

Mr. Pickering then directed questions to Brian Murphy.

Mr. Murphy testified that he was familiar with the site. He stated his qualifications to the Board. He advised that the site is over 4 ½ acres. He referred to the site plan and described the location of the property. He

referred to the Site Plan Enlargement and described what is proposed on the site. He described the proposed traffic flow. He described how pedestrian traffic would move. There is a 20 foot by 10 foot trash enclosure proposed in the rear of site; he described the location and ability for trash and delivery trucks to drive in, turn around and leave. He described drainage - current and proposed. He testified that there should be no more than 1 ½ feet water in the drainage basin during a 100 year storm; and water in basin should infiltrate within 72 hours and probably within a half day. He also advised that there is an infiltration swale on the north side of the building (10 foot wide, 6 inches deep) to capture water as it runs across the property. All drainage areas are stoned, but calculations are as if it was asphalt. He advised that variances are being sought. One variance is for signs - proposed 32 square foot sign along Route 9 perpendicular to the roadway; and the applicant is also proposing a sign on the front of the business to identify veterinary business (32 square foot) and sign to identify dog grooming business (20 square foot). He indicated that signs on the building are necessary so that customers can make decision as to where they are going as they enter the property.

Mr. Stevens said that he assumes that the signs on the building will fit in with building design and beauty. Mr. Murphy said he assumes that to be so.

Mr. Stevens asked if there are other signs in the area for other businesses which are perpendicular to the roadway. Mr. Pickering advised that there were.

Mr. Murphy continued with his testimony, advising that the building is set back over 120 feet from the roadway. He advised that the signs on the building are not detrimental, and that the benefits outweigh any detriment. He indicated that a variance is also being requested from curb and asphalt requirements in the parking area. He showed the proposed paved and curbed area on the site plan. No curbing is proposed in certain areas - he described those areas. He testified that drainage flow will not function properly if there is curbing in place in the described areas. He advised that several businesses in the area have less curbing than that proposed on this site. The applicant is also requesting a variance, per the Board Engineer's report, for at least 20 feet of vegetative buffering. Most of the existing vegetation will remain except for about a foot or so. The length of the vegetative buffer will be increased, with the width being 15 feet. They are proposing 44 parking spaces per the Ordinance, but the applicant is seeking 33 parking spaces, which he feels will be sufficient. He

described the benefits of less parking spaces - increases light, air and open space and 33 spaces are more than sufficient. They are also seeking a waiver from a traffic impact study - he discussed reasons why he believes it is not necessary. He believes the site opening conforms with DOT requirements and is a standard opening for a State highway. They are also seeking a waiver from an environmental impact study. Only a small portion of site is being used for the actual building and it will be as good as, if not better than, what is there today. With respect to the septic design waiver, it will have to be designed in full compliance with all regulations as this is new construction. The applicant is also requesting preliminary and final site plan approval and believes that the project comments have been met and that with a few tweaks, it can be approved for both preliminary and final site plan. The project is proposed to be done in phases. The existing dog grooming salon will remain in place during construction of various portions of the new building. Once the dog grooming portion of the new building is completed, they are asking for a temporary CO for the dog grooming business to move in. The existing dog grooming building will then be demolished. The veterinarian portion of the building will then continue under construction. He explained how the process would work. He believes it will be a nice use for this site.

Mr. Pickering also advised that Dr. Niedweske is in the process of purchasing the property between this site and Rainbow Pediatrics to add to this site.

Mr. Previti referred to his Engineer's Report and asked for testimony regarding drainage. Mr. Pickering directed questions to Mr. Murphy with regard to same. Mr. Murphy described the proposed drainage basins as to slope and stabilization. If the Board so desires, he is willing to provide further details as to infiltration. He indicated that he doesn't believe that there is a need for fencing around the drainage basins because of the fast infiltration times.

With regard to the fence, Mr. Stevens wanted to know who is the neighbor to this property. Mr. Murphy advised that it is Agate on one side and Dr Niedweske owns the property on the other side.

Mr. Stevens said he is concerned with children being in the area, especially with a pediatrician's office nearby. The Board will address the fencing issue.

Mr. Previti presented his Engineer's report.

The Board had comments and questions with respect to the Engineer's report, which were answered by Mr. Pickering, Mr. Murphy and Dr. Niedweske.

Mr. Previti continued with his Engineer's Report.

There was a discussion regarding the sign, which will be internally illuminated, and will probably be plastic. Dr. Niedweske said that the signs on the building will not be internally illuminated. The signs will be illuminated from dusk to dawn.

Mr. Stevens wanted to discuss the drainage basin fencing issue. He feels we don't know how much water we will get. Mr. Watson indicated that the Board had a prior applicant put fencing on a church property because children would be present, but the basin was smaller and deeper. Mr. Murphy testified that the proposed basin at its low point is 20.5 and the bottom of the basin is at 18, so the hole in the ground is 2 ½ to 3 feet in thickness and the hole itself will be about 3 feet deep. The length of the basin from Route 9 to the rear is approximately 300 feet with point at Route 9 and about 100 feet wide in rear - very long and shallow. Mr. Teefy asked if Rainbow Pediatric's basin is fenced. Mr. Pickering advised that it is not fenced. Mr. Glembocki asked what the degree of the slope would be. Mr. Murphy advised that it would be 3 to 1, which can easily be cut with a lawnmower.

When Mr. Previti finished with his Engineer's report, Mr. Stevens asked the Board for any questions.

Mr. Teefy asked if there will be kennels. Dr. Niedweske advised that there will be no kennels, only for dogs on the premises who are sick.

Mr. Watson said he would like reasons put on record why an environmental impact study is not necessary. Mr. Pickering directed questions regarding same to Mr. Murphy. Mr. Murphy responded to Mr. Pickering regarding environmental impact study waiver by saying that the area proposed for development clearing is about half an acre; and that the site will be in conformity with more development than it currently exists.

In response to a question by Mr. Teefy, Dr. Niedweske advised that the State does annual inspections.

Mr. Stevens asked if there were any further questions from the Board. There were none. He then opened the meeting to the public for questions or comments, there being none, the public portion of the meeting was closed.

Ms. Pasley advised the Board that there would be separate votes needed for each item. A form of motion to approve the requested sign variance was presented. A motion to approve was made by Mr. Watson, seconded by Mr. Teefy, and carried by all voting members.

A form of motion to approve the variance for curbing and asphalt in the parking area was presented. A motion to approve was made by Mr. Teefy, seconded by Ms. Baldwin, and carried by all voting members.

A form of motion to approve the vegetation buffer, on which Mr. Pickering elaborated on what is needed and what is proposed, was presented. A motion to approve was made by Mr. Teefy, seconded by Mr. McManus, and carried by all voting members.

A form of motion to approve a decrease in the number of parking spaces from the 44 required to the 33 proposed was presented. A motion to approve was made by Mr. Watson, seconded by Mr. Teefy, and carried by all voting members.

A form of motion to approve the waiver for a traffic impact study was presented. A motion to approve was made by Mr. Watson, seconded by Mr. Teefy, and carried by all voting members.

A form of motion to approve the waiver for an environmental impact study was presented. A motion to approve was made by Ms. Baldwin, seconded by Mr. McManus, and carried by all voting members.

A form of motion to approve the waiver from requirements of design for onsite disposal was presented. A motion to approve was made by Mr. Teefy, seconded by Ms. Baldwin, and carried by all voting members.

A form of motion to approve both preliminary and final site plan was presented. A motion to approve was made by Mr. Watson, seconded by Mr. McManus, and carried by all voting members.

Mr. Stevens thanked the applicant for a good project, a nice presentation and wished the applicant good luck with the project.

Other Business:

Correspondence: None.

Board Discussion:

Township's Website And The Possible Ability of Posting Audio Recordings Of The Meetings And Approval To Post The Joint March 22, 2012 Meeting With Township Committee.

Mr. Glembocki advised that all Township Committee meetings are recorded and an audio version is now put on the website to increase transparency. He wants to know if the Planning Board wants to do the same.

Mr. Teefy added that numerous people have said how nice it is to be able to listen to the meetings when they are unable to attend the actual meeting.

Mr. Stevens then polled the Board. Ms. Baldwin advised that she is fine with, as were Mr. McManus and Mr. Watson. Mr. Germanio said his only concern is that what is being said may be misinterpreted without video. Mr. Glembocki said he understood what Mr. Germanio was saying, but he thinks if some one has questions about what was said, that they will ask questions of the members.

There was a general discussion regarding the topic. The general feeling is that if people can listen to what happens at the meetings, they will have a better idea of what is going on and that transparency is a good thing. Mr. Teefy said he feels it will work best with something, such as the Master Plan, that affects everyone in the Township.

Mr. Stevens then asked the Board's position about putting audio recordings on the website. Mr. McManus wanted to know how long will it remain on the web.

Mr. Teefy said it will cover meetings from the beginning of the year and will remain on the web and will be archived.

Mr. Glembocki asked that, at the very least, the meeting of March 22, 2012 with the Township Committee present be put on the website. Mr. Stevens polled the Board, and the Board is agreeable to posting the March 22, 2012 meeting on the website.

A motion to approve putting the March 22, 2012 meeting on the Township's website was made by Mr. Teefy, seconded by Mr. McManus, and carried by all voting members.

The Board will consider putting audio meetings on the website at the next meeting and vote at that time.

Amendments to Pinelands Comprehensive Management Plan.

In response to a comment by Mr. Germanio regarding the Pinelands, Mr. Stevens said that he thought there was a committee being formed regarding same and the committee would be looking into it and try to figure out what was going on. Ms. Pasley added that the Pinelands is a regulatory agency. It was advised that the committee was going to research what the Pinelands was trying to do and educate the Board as to same. Mr. Stevens said he can't see this Board moving forward without the Board's questions being answered and the committee will get a list of those questions together to be answered by the Pinelands.

There was then a general discussion regarding the Pinelands Commission.

Master Plan Re-examination.

Mr. Stevens read statement he prepared into the record. He also advised that the Master Plan is a working document and changes can be made as time goes on.

Mr. Watson indicated that we have a Master Plan, what has to be done is a re-examination of what we have. He added that he can't vote for what we currently have.

Mr. Previti advised that the Master Plan now has to be re-examined every 10 years (it used to be every 6 years); the last re-examination was in 2002 and 10 years are up; and the role of the Planning Board is to adopt or change and forward to the Township Committee to implement. M. Stevens indicated that it first has to go to the public.

Mr. Teefy wanted to know what happens if the Planning Board passes it on to the Township Committee and the Township Committee doesn't approve it. Mr. Previti advised that the Township Committee has to have a super-majority vote in order to not approve it.

Mr. Stevens asked what do we have to do to not be in default and to do the right thing; we have to have something; and can the current Plan be tweaked.

Mr. Teefy advised that he spoke with Kate Mead at the State and she said they are having a meeting on Monday and would know more after that.

Mr. Previti said that Kate Mead said she would be willing to attend the June 7, 2012 meeting, which he advised her was a work session. He said that Dennis Township has 2 options - need to get plan endorsement started, which requires master plan; or don't do the plan endorsement and do what is outlined in a criteria document that has been prepared. The options were discussed.

Mr. Stevens said that he gets a feeling from the people he has talked to that they like what they have.

Mr. Previti said the Plan can choose either priority growth or limited growth, but limited growth limits development and ratables.

Mr. Teefy said he understands that we like the Township as it is, but also wants CAFRA.

Mr. Glembocki said that if we want to bring a ratable to the Township of any size, it is his understanding that certain steps are required before the next step can be done and Township is left in a catch-22.

Mr. Watson indicated that he is proud of the way the Township has developed

over the years.

Mr. Previti, in response to a comment about how Egg Harbor Township is now, said it's not how they (EHT) wanted it to be, they signed on and it was shoved down their throat and it's become a disaster. He said the Township needs to make its own decisions so it's not shoved down their throat. Mr. Watson said the State comes in and tells you what they want and not what the Township envisions.

Mr. Previti said that the Township can still make a decision, but the downside is they won't get CAFRA.

Mr. Watson suggested going with the Master Plan we have and make revisions as to what we want. He added that much of what is needed for a re-examination has already been done; and now it is a matter of putting that into a document. Mr. Stevens said he wants to get a legal opinion to protect the people of the Township as to what can and can't be done. He added that we can't proceed unless we know what the State wants and expects. He wants to be sure we are walking on solid ground.

There followed a general discussion among the Board members.

Ms. Baldwin suggested having a work shop meeting on a Saturday to take time and fully discuss.

Ms. Pasley asked if the document presented was in proposed, final, or other status. Mr. Previti advised that something has to be done within 10 year period; and that there is a time line and have until end of year.

Jack Gibson, P.E., Township Engineer, who was present at this meeting, said he needs to know what direction Board is going in as it affects what he needs to do. He suggested going with the public hearing. He said that the feedback he has been getting on the build out is that it is too high. Mr. Previti said that it is best to identify now and get on the map, even if it never used, where bigger projects may be wanted and get it on the Sewer Service Map. Mr. Gibson said the build out is based on 8 units for acre in Ocean View and 6 units per acre in Clermont, and if those numbers are adjusted it will bring the numbers down.

Mr. Previti suggested dealing with the 2002 Master Plan, not include the

centers, and to work with what Mr. Gibson needs. He referred to a draft of the Sewer Service Map provided by Mr. Gibson and explained it to the Board members. He suggested that the Board look at the "orange" areas and decide which of those areas they may want to see larger development and provide same to Mr. Gibson.

Mr. Gibson said he needs to know by May 4, 2012 for a meeting with the County. The map will then be re-drafted. He said everyone is invited to attend that meeting. He will provide a copy of the draft map to Lorraine tonight and asked that she bring it in to Eileen to have on record in her office.

There was then a general discussion regarding the sewer service map. Mr. Germanio said would like to get copies for each member to review. Mr. Gibson said that he will get a half dozen copies and get them to Eileen for distribution.

Mr. Stevens said that he will talk to Frank Corrado and get a legal opinion and get an opinion from the Township Committee; and the Board will review same and bring this to an end. He added that he feels he can't address something he doesn't know about. He said he will set updates in the near future for June and/or July and he will speak to Frank Corrado about July.

Resolutions: None.

Minutes:

A motion was made by Ms. Baldwin, seconded by Mr. Teefy and carried by all voting members to approve the minutes of the March 22, 2012 meeting.

Bills:

A motion was made by Mr. Watson, seconded by Mr. McManus and unanimously carried to pay all outstanding bills.

Ms. Baldwin asked that since the Planning and Zoning Boards have now been combined; will there be a reorganization. Mr. Teefy advised that that will be

brought up at the next Committee meeting. He thinks additional alternates will be appointed and everything will roll over to the combined Board.

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 10:18 p.m.

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

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