

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

AUGUST 2, 2012

WORK SESSION - NOTES

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 Ms. Baldwin. The following members were present: Ms. Baldwin, Mr. McManus and Ms. Morgan. Also present were Frank Corrado, Esquire, Board Solicitor ; and Andrew Previti, Board Engineer.

APPLICATION TO BE REVIEWED FOR COMPLETENESS:

OCEAN FOOD AND FUELS, LLC - Block 64, Lots 20 and 21.01:

Located in a Historic Commercial (HC) Zone on Route 47 in Dennisville. Applicant seeking a site plan waiver, as well as a use variance, to convert an existing 1,378 square foot, Unit C, from a previously approved office use to a take-out ice cream parlor.

James Pickering, Esquire appeared as attorney for the applicant.

~ James Pickering - attorney for Ocean Food and Fuels, LLC - this is the first zoning matter that is coming before the newly combined Planning and Zoning Boards. Provided background of the site. Received approvals previously for a store and pizza shop. Third unit was to be an office. Now asking for that third unit to be an ice cream parlor. All service would be inside and no drive-up service. Simple, straight forward application.

~ Corrado - different application because applicant is actually reverting to a permitted use.

~ Pickering - agrees, but because it was approved for an office use, it felt it best to come back with this application.

~ Baldwin - the easement line is being eliminated, so there will actually be four (4) uses on the property.

~ Pickering - site plans were originally approved as two (2) separate lots.

~ Corrado - site was originally developed by Steward Campbell. Trying to decide if a zoning or planning issue.

~ Pickering - believes it is rightfully a zoning matter as it was originally approved by the Zoning Board.

~ Corrado - believes it should be considered a zoning application as it is amending a Zoning Board Resolution.

~ Pickering - discussed lot line issue. Zoning Board required in 2010 that the lot line be eliminated between the two (2) lots as they were all owned by the same entity. Proposing cross-easements for drive aisle and possibly Deed of Consolidation to bring the gas station use into the condominium uses. Problem arises because there are mortgages on the condominium uses. Units A, B and C are all owned by the same person. There is no additional interior access planned between the units.

~ Previti - site plan waiver is also being requested and needs to be discussed and whether or not a full site plan is required.

~ Pickering - application doesn't affect parking, lighting, etc. and doesn't believe a full site plan is required.

~ Previti - believes there are some issue. People are parking their vehicles in the drive aisle which poses a problem. Believes a "no parking" area should be established.

~ Morgan - problem is people stop for 5 minutes to run into the store or pick up a pizza and they are gone.

~ Pickering - can paint lines and applicant has done everything that has been asked by the Board.

~ Corrado - it's a site plan issue and if the applicant thinks there is room for parking, they can ask for parking in that location.

~ Previti - doesn't believe there is room for parking with cars coming in and exiting.

~ Pickering -

~ Previti - Board's job is to minimize potential problems. Also site is not being maintained - needs to be cleaned up - not very attractive. Also asked if lights are on timers.

~ Applicant - free standing lights are on timers.

~ Previti - doesn't think a full site plan is necessary, but applicant needs to come up with a plan of operation and dealing with problems.

~ Previti - suggested yellow paint in parking lot and on curbs with "no parking" "fire lane" signs posted.

~ Baldwin - suggested a rear entrance for the ice cream parlor since the unit is being fitted out for a new business, and customers can use rear parking.

~ Pickering - most people use the front door. The only tenant in this unit was the NJDOT and has been empty otherwise.

~ Corrado - suggest that applicant make some kind of parking plan, as well as a landscape plan. Other issues can be handled as conditions of approval. Will have to talk about issue of consolidation of lots or dealt with as cross-easements. Believes cross-easements may be the better way to handle.

~ Pickering - prior easements worked well. Provided background of the prior easement and consolidation.

~ Pickering - did not notice on change of condition. Has already done notice, provided copy to Corrado for review. Corrado was satisfied with form of notice.

Ms. Baldwin asked for any further questions, there were none and she indicated that as far as she can see, the application will be deemed complete and be heard at the August, 2012 regular meeting.

TURNER, SCOTT J. - Block 234, Lot 12:

Located in a Residential (R3) Zone on Dorothy Lane in Ocean View. Applicant seeking variances for principal building height, front and rear yard setbacks, as well as an accessory building rear yard setback to construct a single family dwelling and an inground pool on an existing 0.94 acre lot.

James Pickering, Esquire appeared as the attorney for the applicants.

~ Pickering - attorney for applicant, Scott and Kelly Turner. Another simple and straightforward applicant, with an interesting issue. Applicants moved to Township a couple of years ago and would like to build a home on a family owned lot. Would like to build home that would be slightly larger than permitted on lot size. May need a height variance, no D variances being requested.

~ Previti - believes issue is pre-existing non-conforming lots.

~ Corrado - a height variance is needed in his opinion, but it's the Board's call.

~ Previti - bulk variances needed. Proposed height is 30 feet in one place and 32 feet in another.

~ Pickering - the proposed house will be higher than others in the area, but not by a great amount.

~ Turner - height will be just over 32 feet.

- ~ Corrado - applicant will have to present testimony.
- ~ Pickering - will work out inconsistency of the building height.
- ~ Previti - if the pool is in the application, will have to show a fence with a latching gate and the height of the fence and where it will be located.
- ~ Baldwin - asked for applicant to take pictures of homes in the area so as to have an idea of what is there.
- ~ Pickering - believes applicant only needs height variance and not other variances and explained his reasoning for same.
- ~ Corrado - believes only needs a height variance because other deviations are covered in the Ordinance.
- ~ Corrado - read from Ordinance. Believes it is a one to one consideration as to what variances are required in such circumstances.
- ~ Discussion of and interpretation of Ordinance language.
- ~ Previti - suggest that the plan show the requirements for a three (3) acre lot and the reduced figures for this pre-existing non-conforming lot. Pickering has no problem with doing this.
- ~ Further discussion on Ordinance language.
- ~ Pickering - if numbers are reduced proportionately for a non-conforming undersize lot to a 3 acre lot, the height requirement can never be met.
- ~ Additional discussion regarding Ordinance language and agreement that pertinent section should be re-worded.
- ~ Corrado - indicated that he has advised that he doesn't want the Mayor or Teefy sitting on work sessions due to the fact that they can't participate in zoning matters and to avoid any problems.

~ Pickering - will notice for everything to be covered.

Ms. Baldwin asked for any further questions, there were none and she indicated that as far as she can see, the application will be deemed complete and be heard at the August, 2012 regular meeting.

Previti - with respect to Master Plan public hearing, Jack Gibson has asked for that hearing to be in September. Previti will be on vacation from 9/14 to the end of the month. He was going to appear at no cost to the Township, but will now have to send some one else.

~ Baldwin - suggest moving date so that Previti can be in attendance. Suggest discussing at Board meeting in August.

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 8:00 p.m.

Carla _____ *A.* _____ *Coffey*

Carla A. Coffey, Secretary
Dennis Township Planning Board