

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

AUGUST 23, 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. Pettit; Mr. Daniels; Mr. Glembocki; and Mr. Turner. Also present were Frank Corrado, Esquire, Board Solicitor and Andrew Previti, Board Engineer.

Mr. Previti was sworn in by Mr. Corrado.

Mr. Corrado asked that the record reflect that Mr. Turner is seated in the audience, but is not participating at this time.

Mr. Glembocki also advised that he is stepping down as he cannot hear Zoning applications.

APPLICATIONS:

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

Located in a Residential (R3) Zone on Dorothy Lane in Ocean View. Applicant seeking a variance to exceed maximum allowable principal building height.

James Pickering, Esquire appeared as attorney for the applicant. He advised that he believes only a height variance is necessary, and will supply testimony.

Mr. Corrado administered the oath to Scott Turner, Jay Logenbeir P.E. (Spelling?), and Mark Gibson, Land Surveyor.

Mr. Pickering then directed questions to Mr. Gibson.

Mr. Gibson testified that a previous plan was prepared by his father; he prepared variance and sewer plans; the application conforms with grandfather lot requirements as to area and frontage; he looked at other homes in the area and the set backs for homes in this area range from 65 to 75 feet on Dorothy Lane. The applicant proposes a 69 feet set back for frontage and a variance is not necessary. The applicant is also proposing 32.95 feet height which exceeds the height requirements. He also designed the septic system and described how test pits and testing were done. The requirements as to where the bottom of the septic must be impacts and in this case the system must be mounded. The applicant did not want that type of system and, therefore, the proposed grade transitioned to adding considerable fill and, in turn, brings the height of the home up. Also, the basement must be constructed at least 2 feet above where the highest water is determined to be. He discussed building elevations and the pitch of the roof. The roof pitch plays into aesthetics and life of the roof.

Mr. Pickering then directed questions to Mr. Turner.

Mr. Turner testified that he looked at a lot of plans before deciding on this home design. They tried to look for a home with a height of 30 feet or less and did not find many. The original height of this building was 37 feet; and they asked the designer to drop the height; then sent the plan to an architect for approval. The original pitch was a 12/10. Several options were discussed, but this was the best they could do and keep aesthetics. He and wife want to build this house and live in it for a very long time. He thinks if there is less

slope, it will look squatty.

Mr. Pickering then directed questions to Jay L.

Jay L stated his qualifications; and indicated that he is also a part-time zoning officer in Weymouth Township. He testified that he went out and took pictures of the area. First overhead was an aerial from Google Earth of Dorothy Lane, Corson Tavern area. He described the surrounding area. He then presented a video he took from his car while driving through the area and described the drive. The video showed the subject lot as it exists now. He also showed still shots of existing homes on Dorothy Lane and described their location. He testified that he reviewed the proposed plans.

Mr. Corrado asked if the video presentation was being submitted into evidence. Mr. Pickering advised that he can have a duplicate video made and will mark same as "A-1".

Mr. Pickering continued with questions to Jay L.

Jay L testified that the proposed home is aesthetically pleasing and fits on the lot. The applicant is requesting a C variance and not a D variance. He discussed the positive criteria as to why a height variance can be granted - he said there are no negatives; existing lot; road is there. Aesthetics play a role as well with the pitch of the roof. Aesthetics also play a role with the septic design as well. There is no detriment to the public good or resources in the area. This lot is not visible from Corson Tavern Road. No impact on the zoning ordinance or zoning plan.

Mr. Pickering indicated that concludes his testimony.

In response to a question from Mr. Corrado, Jay L. Said that all lots are approximately the same size in this cul-de-sac.

Mr. Stevens indicated that he doesn't see any problems; and it was a very good presentation. He then polled the Board for questions.

Ms. Baldwin asked if there is an updated plan for the variances. Mr. Pickering indicated that they will change the plan to reflect that there is only one variance being requested.

Mr. Previti asked for additional testimony. Mr. Pickering reviewed the background regarding grandfathered lots and the ratio of reduction which, in this case, is about one-third. He indicated that some can be met, others cannot. He further indicated that the Ordinance says that if one cannot be met, none can be met and variances for all are required.

Mr. Corrado said he believes that the Ordinance language is not well written, for example if the one-third number is used and the ratio is applied, a height of 30 feet would be reduced to 10 feet and no one can live in a house that is 10 feet high. This was discussed in great detail at the work session and it is his opinion that all Mr. Turner needs is a height variance.

Mr. Stevens believes that Mr. Turner has complied in every way he can.

Mr. Previti said that if the Board agrees with Mr. Corrado's recommendation, that is what will be voted on. He did, however, ask that the swimming pool fence be discussed.

Mr. Turner testified that he intends to put a 4 foot high fence around pool. Mr.

Pickering added that if the fence is 4 feet high, a variance is not required. Mr. Gibson said that will be reflected on the plan as well. Mr. Corrado then read from the Ordinance as to fence requirements for pools, and wanted to confirm that the applicant understands language.

Mr. Turner indicated that he understood and has no problem with that. Mr. Pickering said he will add a note to the plans. Mr. Corrado said he just wants it to be on the record.

Mr. Previti said he believes all items in his report have been addressed with the exception that the Board needs to determine what variances are required.

Mr. Corrado said that if the Board determines that additional variances are necessary, additional testimony will be required.

Ms. Baldwin indicated that she is comfortable with the interpretation and that only a height variance is needed.

Mr. McManus indicated that he agrees with Mr. Corrado.

Mr. Daniels indicated that he agrees as well.

Mr. Stevens said he was also in agreement.

Mr. Stevens then opened the meeting to the public.

Edward Guest was sworn in. He said that this was a young couple trying to build their dream home and he thinks they should be able to do it.

There being no further public comment, Mr. Stevens closed the meeting to the public,

and brought the matter back to the Board.

Mr. Daniels said that the aesthetics contribute to value of home.

Mr. McManus asked what the piles of sand were on the site. Mr. Pickering advised they were there for fill and grading

Mr. Corrado then presented a form of motion to approve height variance under C-1 criteria with conditions. (Also explained criteria of a C-2 variance.) A motion to approve was made by Ms. Baldwin, seconded by Mr. McManus, and carried by all voting members

(Period of public members leaving room and general discussion.) Mr. Turner and Mr. Germanio takes seats with the Board for the next application. Glembocki remains seated in public area.

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 the attorney for the applicant. He indicated that this started out as a simple and straight forward application, but several complications have arisen.

Mr. Corrado administered the oath to Abdul Kahn (lessor of property) and Matthew Hender, professional planner and architect design.

Mr. Pickering advised that there was a discussion at the work session as to whether this was a zoning or planning application. By way of background, this is the 3 unit building across from Sturdy Savings in Dennisville. This lot also provides access to the gas station. The gas station was a non-conforming use. Future applications required the wider drive between the gas station and the lot next door. A few years later the building in question was built and required parking in the rear. Only uses were originally office space by the property owner and the DOT. The property was never successful until Mr. Kahn brought his business to the units. There is currently a pizza parlor and a convenience store. The applicant wants to turn the third vacant unit into an ice cream parlor. The use is close to what is permitted, but having gas station causes non-conformity. Several issues are involved. It was agreed that the two lots would be combined into one, but that has become very difficult. One problem is that 2 of the units have mortgages on them and the banks would have to agree to the consolidation and the condominium creation with the gas station having to be added in. He is now asking that that condition of approval be removed or waived and that there be cross-easements done by deed and recorded with the County Clerk and that the parking area be added to the cross-easements. He wants to do away with the current cross-easements and create new ones. Another issue is the ice cream parlor and whether or not it can be put in the third unit. Still another issue is a very wide area (approximately 50 feet) where people park in the front of the building and causes problems with circulation with the gas station. This problem was discussed in detail at the work session and "No Parking" signs were discussed. The applicant doesn't believe he wants to submit his customers to issues where they might get parking tickets, etc. They have come up with some alternate suggestions, which will be discussed without detriment to anyone.

Mr. Stevens asked who owns property Mr. Pickering advised that the property is owned by two gentlemen who do business as Ocean Foods; and that Mr. Kahn leases all 3 units and has authority to speak on behalf of owners.

Mr. Previti then read several findings from previous approvals of the Zoning Board. Mr. Pickering commented on same.

Mr. Previti advised that the issues need to be addressed regarding those previous findings and the applicant's compliance with same.

Mr. Corrado indicated that the applicant is asking for a site plan waiver and is now asking for a revised site plan. He is assuming that those findings of fact were based on traffic flow on the site. He asked if the applicant is now asking for a change in the traffic flow. Mr. Pickering indicated that the traffic flow is what it is.

Mr. Previti brought up the issue of waiver of site plan. Mr. Corrado advised that the applicant is looking for a new site plan as far as traffic is concerned and not a waiver.

Mr. Pickering indicated that he doesn't want to waste anyone's time, and asked the Board to just say it's going to be denied and he will withdraw it.

Mr. Turner said it was his recollection that the application called for trying to get parking moved toward the rear. Mr. Pickering indicated that that is true, but people still park in the front. Mr. Previti advised that cars park in the front for as long as 15 minutes, and are not just stopping, running in the store and leaving, and this causes problems for trucks and cars leaving and entering the gas station. Mr. Pickering said that there have never been any accidents on the site and there haven't been any problems.

Mr. Corrado said that he feels the applicant should be asking for site plan review or modification and not a site plan waiver. He thought site plan waiver was OK because the applicant had agreed to what was suggested regarding parking in front area, now changes are

being proposed.

Mr. Stevens called for a short recess to allow Mr. Pickering to confer with his client.

Mr. Pickering advised that he spoke with his client, and the applicant is asking that the matter be tabled this evening to decide what they want to do - withdraw altogether or amend.

He also asked that no further notice be required unless there is a defect in the current notice.

Mr. Corrado presented a form of motion to table the application, with conditions. A motion to that effect was made by Mr. McManus, seconded by Ms. Baldwin and unanimously carried by all voting members.

Mr. Glembocki re-joined the Board at this point.

Other Business:

Correspondence: None.

Board Discussion:

Amendments to Pinelands Comprehensive Management Plan, Master Plan Re-examination and State Plan Endorsement.

Mr. Pickering asked for 30 seconds with Mr. Corrado, and asked what the Board was going to be discussing. Mr. Corrado said that the Board would be discussing scheduling issues, and that nothing of substance is to be discussed.

Mr. Previti advised that Jack Gibson provided him with an update as to what was going

on between the Township and the State. The State has agreed that Ocean View will be called a Town Center and the other areas as Villages. The density issue has also been agreed to with Ocean View at 2 units per acre, except in the core, which will be 5 units. Township Committee is to review this at their first meeting in September. If approved, Marsha Shiffman will make revisions to the plan. It has to be completed and notices sent within a certain time before the hearing is held. If all goes well, revisions should be completed by the beginning of October, sent out and a hearing can be held at the October meeting.

Mr. Stevens wants the Board to understand everything that Mr. Previti has said. He wants everyone to think about what has been said because once it's in place, it's in place.

Mr. Corrado said the Board is waiting on Township Committee to act, but has to plan for the worse case scenario and have a back-up plan. He said the Board can wait until the September meeting to decide if a back-up plan is necessary.

Mr. Glembocki said he thinks the Committee is comfortable and things are moving forward.

Mr. Corrado said that the Board doesn't need to do anything at this point, just keep their fingers crossed.

Mr. Previti said his company is working for the County on certain items and some of that work can be used by the Township and will save them money.

Mr. Germanio said he wants to see it proceed.

Mr. Pettit also want to see it proceed.

Mr. Daniels is also in agreement.

Ms. Baldwin said it has been way too long.

Mr. McManus said "let's get it finished."

Mr. Stevens then opened the meeting to the public.

Jim DePietras said that he owns 12 ½ acres in Ocean View, and that he is delighted with news he is hearing. Mr. Previti told the Board that Mr. DePietras owns the property near Sea Isle Boulevard and Route 9. Mr. DePietras said that growth should be in Ocean View. Mr. Stevens wished Mr. DePietras well in his business ventures. Mr. DePietras asked if it will be strictly retail with residential on top or strictly just retail. Mr. Previti advised him that it presently calls for commercial on the first floor and either residential or commercial on the second floor; but no residential on the first floor. Mr. Corrado added that it's up to the Township Committee and will be worked out by them. Mr. Stevens said that no one wants empty stores, as that's not good for anyone. Mr. Corrado told Mr. DePietras that the process requires that public hearing be held and that public hearing has to be noticed.

Resolutions: None.

Minutes: None.

Bills:

A motion was made by Mr. McManus, 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 8:54 p.m.

Carla A. Coffey

Carla A. Coffey, Secretary

Dennis Township Planning Board

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