

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

JANUARY 24, 2013

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 Butto. The following members were present: Mr. Butto; Ms. Baldwin; Mr. Daniels; Mr. Germanio; Mr. Stafford and Mr. Glembocki.. Also present were Jon Batastini, Esquire, Board Solicitor ; Carl Gaskill, Board Engineer and Mr. Fralinger, Jr.

Mr. Batastini advised that at the reorganization meeting Fralinger Engineering was appointed as Board Engineer and that Carl Gaskill, P.E. from that firm is here this evening. Mr. Gaskill was sworn in by Mr. Batastini.

APPLICATIONS:

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 amended site plan approval, 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 with parking in front of the building.

James Pickering, Esquire appeared as the attorney for the applicant. He asked that the agenda order be changed and that this application be taken first. Mr. Pickering asked that the application be tabled due to the fact that not all Board members are present, and that Mr. Glembocki will have to step down from hearing this

application. He also asked that the matter be continued to the March meeting due to the unavailability of the applicant to be here in February.

Mr. Batastini explained to the Board what Mr. Pickering is requesting and why. He advised the Board that Mr. Pickering is also requesting that his client not have to re-notice. He explained what this means to the new Board members.

Mr. Pickering said he could proceed with 5 members present, but he would prefer having 7 members present.

Mr. Batastini asked the Board whether or not they want to require re-noticing or not, and the decision was at the discretion of the Board.

Mr. Germanio made a motion to the extend time as requested by Mr. Pickering without the need for further noticing.

Ms. Baldwin indicated that she is concerned in the event that there isn't a meeting next month and an announcement cannot be made. Mr. Batastini said that the Board can make it a condition on the applicant that if there is no meeting in February and an announcement cannot be made, that the applicant has to re-notice. Mr. Pickering advised that he was in agreement with that.

Mr. Batastini said that he is pretty sure an announcement can be made that it is continued to March. A form of motion with respect to same, without further notice being necessary was made by Mr. Germanio, seconded by Ms. Baldwin and carried by all voting members.

Mr. Pickering then explained to the new Board members what is meant by the waiving of the time requirement that he has requested.

MESSIAH LUTHERAN CHURCH - Block 253.03, Lot 47.03:

Located on Route 9 in Ocean View in an R-3 (Residential) District. Applicant seeking amended site plan approval to construct a columbarium and memorial garden at the existing church.

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

Mr. Batastini swore in Joseph Maffei and Mr. Keck, who appeared as the representative of the church.

Mr. Pickering provided background of the church. The church was in Sea Isle, then moved to a temporary site in South Seaville while they built a new church. They now want to construct a columbarium - which is a building to place cremains - which is essentially a cemetery for cremated remains. Some columbaria are contained within the church building. The trend now is to have a separate building and garden. They are here because the local code says that anything that involves a structure has to come for a site plan, so the applicant needs to seek an amended site plan. What they are proposing is essentially a concrete slab and the structure, which comes in a piece and is placed on that slab. Mr. Pickering then directed questions to Mr. Keck.

In response to Mr. Pickering, Mr. Keck indicated that he is the Chairman of the committee formed to get this structure in place. They have visited other sites to see existing columbaria. Mr. Pickering submitted a brochure from Homecoming, Inc. (Exhibit A-1). Mr. Keck described the proposed columbarium that they are looking to purchase. They are looking at a garden niche design, which is basically small boxes that are self-contained and can be of various numbers. They want to find out how well this is accepted and if they will sell. They want to make it part of a garden. There will be plate that can be engraved with the name, birth and death dates. The urn is placed in the niche and a panel is screwed shut. The cremains can be removed and transferred elsewhere if the family so requests. So niches can basically be recycled and used again.

In response to questions by Mr. Pickering, Mr. Maffei referred to the site plan and described same. This is a very basic project, with no increase in run-off or parking. He testified that this is basically an accessory use. There will be no impact on other site plan issues, and there will be solar lights on the paths. He described the surrounding area. There are three separate structures proposed, as well as several benches for people to sit.

Mr. Pickering advised that that is all there is to present at this time.

Mr. Butto asked for the engineer's questions or comments.

Mr. Gaskill advised that he had no questions, that the review from Mr. Previti is straight forward.

Mr. Butto asked if there were any questions from the Board.

Ms. Baldwin asked the project was to be done in phases. Mr. Pickering advised that all site work would be done at once.

Mr. Pickering indicated that in #4 of Mr. Previti's report, he recommends the waiver of fees. He said he would appreciate the Board's consideration of that recommendation, as he doesn't think it is necessary to post bond.

Mr. Butto asked the Board for any further questions. There were none at this time. Mr. Butto then opened the meeting to the public. There being no public comment or questions, the public portion was closed as to this application.

Mr. Batastini asked Mr. Pickering for anything he wished to say in closing. Mr. Pickering indicated that he had nothing more to say.

Mr. Batastini then advised the Board what they need to do at this time.

Mr. Butto made reference to Mr. Previti's report that recommends the granting of the amended site plan approval.

Mr. Batastini presented a form of motion to grant amended site plan approval. He also advised members that they will need to briefly state why they are voting for or against the motion.

A motion to grant the amended site plan approval was made by Mr. Daniels, seconded Mr. Germanio. Before the roll call vote the following comments were made.

Ms. Baldwin asked if everyone has to make a statement. Mr. Batastini advised that members can say that they agree with what other Board members have said.

Ms. Baldwin indicated that she agreed with the statements made by other Board members, especially Mr. Germanio's.

Mr. Butto made a statement as to the application.

Mr. Glembocki said he would be happy to make a motion to waive performance

bond and inspection fees, which was seconded by Mr. Stafford. Mr. Batastini read from the Ordinance as to fees, and he believes that the Board can make a recommendation that no bonding be necessary.

A roll call was then taken regarding the motion to grant the amended site plan approval and the vote was carried by all members voting on same.

Other Business:

Correspondence:

Request for extension or confirmation of subdivision for Vincent and Theresa Pombo, Block 53, Lots 10, 37 and 38 by James Pickering:

Mr. Pickering indicated that the applicants own a parcel of property on Route 347, and it is a large parcel of about 60 acres. They were previously approved by the Board to create a second lot. They have tried to get the minor subdivision recorded. Everyone was under the impression that this project was subject to the Permit Extension Act. Also, due to this fact and the time it took to get other approvals, it took longer than expected. When he tried to get it recorded, the County Clerk would not accept it and said it was past the 90 days permitted. Upon doing research, he found that this property is not subject to the Permit Extension Act. He is now here asking the Board to re-approve the application so that the 90 days can begin again. The Statute allows an extension in cases where the application was delayed.

Mr. Batastini referred to the Ordinance. He explained to the Board what Mr. Pickering is requesting. He also advised that the applicant is within the 90 day time period of the last person signing off on the mylar.

Mr. Pickering advised that everything is signed and ready to record.

Mr. Glembocki said he doesn't see why the request can't be granted.

Mr. Pickering advised that this was a "by right" subdivision, and they are large lots.

A motion was made by Mr. Germanio to approve the extension up to 190 days to

record the plat with the County. The motion was seconded by Mr. Stafford and carried by all Board members voting on same.

Mr. Pickering thanked the Board.

Resolutions:

SOUTH SEAVILLE METHODIST CHURCH & PICKERING REAL ESTATE INVESTMENT, LLC - Block 247, Lots 2 and 3:

Mr. Pickering explained why there are 2 Resolutions for the South Seaville Church application - one is for the subdivision approval between him and the church and the other is for the site plan approval.

Mr. Glembocki indicated that Mr. Daniels, Mr. Germanio and himself were the only members present for that meeting that are here tonight.

A motion to approve was made by Mr. Daniels, seconded by Mr. Germanio and carried by those members voting on same.

Mr. Batastini advised that the second Resolution was for the church's portion of the application. A motion to approve was made by Mr. Daniels, seconded by Mr. Germanio and carried by those members voting on same.

Mr. Pickering thanked the Board, and explained what he has to do next.

POMBO, VINCENT AND THERESA - Block 53, Lots 10, 37 and 38:

A motion to approve was made by Mr. Germanio, seconded by Mr. Daniels and carried by those members voting on same.

PROFESSIONAL SERVICE CONTRACTS - BATASTINI AND FRALINGER:

Mr. Glembocki indicated that members of the Board did not receive a copy of the

Resolutions for the Professional Service Contracts. Mr. Batastini advised that he will prepare same and submit for the next meeting.

Minutes:

There was a general discussion regarding who was present and able to vote at each of the meetings for which minutes have been provided. Ms. Baldwin read the names of those present and able to vote prior to each motion being made.

A motion to approve the minutes of October 25, 2012 was made by Ms. Baldwin, seconded by Mr. Daniels and carried by those members voting on same. (Baldwin, Daniels)

A motion to approve the minutes of the Special Meeting held on November 13, 2012 was made by Mr. Glembocki, seconded by Mr. Germanio and carried by those members voting on same. (Daniels, Germanio, Glembocki)

A motion to approve the minutes of the Public Hearing for Master Plan held on December 5, 2012 was made by Ms. Baldwin, seconded by Mr. Germanio and carried by those members voting on same. (Baldwin, Germanio, Daniels, Glembocki)

Mr. Batastini advised that the minutes of the work sessions do not need to be voted on as they are only recommendations.

Bills:

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

Mr. Batastini explained to the Board members what is involved with a conflict attorneys review of a file for the meeting and preparation for the meeting.

Mr. Butto asked if there was any public comment. There was no public comment.

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 8:17 p.m.

Carla A. Coffey

Carla A. Coffey, Secretary
Dennis Township Consolidated Land Use Board

DTCLUB-2013
1-24-2013.R