

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

**APRIL 4, 2013**

**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 Mr. Buto. The following members were present: Mr. Buto and Mr. Watson. Also present were Toni Heen, Esquire, Acting Board Solicitor ; Carl Gaskill, Board Engineer and Michael Fralinger, Jr., Assistant Board Engineer.

**APPLICATION TO BE REVIEWED FOR COMPLETENESS:**

**AMERICAN ILEX, LLC - Block 117, Lot 3 and Block 119, Lots 15 and 17:**

Located on both Kings Highway and Dennisville Road in South Seaville in a R-3 (Moderate Density Residential) Zoning District. Applicant seeking preliminary major subdivision approval, as well as D variances for deviations from a conditional use specification.

~ Vincent Orlando, P.E. - appeared as engineer for applicant. A unique application. Applicant owns 3 lots. (Began without Mr. Pickering, attorney for applicant.) Mr. Pickering then arrived. Orlando continued with description of property. Used to be an easement, but that no longer exists (Railroad was easement). Asking for major subdivision. Want to create 9 lots from the 3 lots using cluster development. Don't meet conditional uses required - minimum tract size; 8.89 lots are created per ordinance requirements, they have rounded up to 9; and the open space area - question as to who owns, believes should be deed restricted

area with only 1 house to be built on it. All other requirements are met or exceeded. Referred to Mr. Gaskill's report - have made certain changes, will be asking for some waivers.

~ Pickering - clustering requirement says that 20% of land is to be offered to the Township, but the Township does not have to accept. In this case, applicant is not offering any land to the Township, but wants to deed restrict instead. Local Ordinance makes land offer mandatory, but the Municipal Land Use Law says it is not mandatory. Since offer of land is not being made, will probably have to appear before Township Committee to have them waive that criteria.

~ Orlando - still able to get 9 lots out of parcel without using clustering - would have to build road and create a cul-de-sac.

~ Pickering - doesn't see any detriments to the deviations being requested. Asking for a D-3 variance. Also, slight increase in density (D-4 variance) being requested.

~ Orlando - will have copies for Board.

~ Pickering - one C variance is also being requested for large lot on Dennisville Road.

~ Orlando - Lots on Dennisville Road will be approximately 1 acre with 50 foot frontage (100 feet required).

~ Pickering - similar lots in area.

~ Buto - 200 foot property list - includes South Seaville Camp Meeting and what other properties.

~ Pickering and Orlando - described other properties in area and their uses.

~ Watson - reason why not just one big lot for open space.

~ Orlando - need 20% for open space, applicant gives about 40%. Large lot will have approximately 7 acres of useable space.

~ Pickering - also applicants intend to prevent further subdivision of that lot. Will be deed restricted as to what can be done, including no further subdivision.

~ Pickering - Ordinance seems to imply that a lot be given to the Township; applicant is proposing to give the Township an open space easement, such as a conservation easement, in favor of the municipality. Municipality won't own the land in fee, but has the right to say what is done with it.

~ Pickering - every new lot has a \$500.00 fee to the recreation trust fund. In response to Buto, not offering land to the Township because of access, believes more attractive to the Township and more attractive to the developer to sell.

~ Orlando - whole idea of cluster is to provide open space; owner doesn't have to building road and Township doesn't have a road to maintain.

~ Pickering - Atlantic Electric believes it is the owner of the railroad right-of-way. They maintain it and they have their wires on it.

~ Orlando - Atlantic Electric/railroad right-of-way can't be developed (50 feet wide).

~ Toni - has nothing at this time.

~ Gaskill - review engineer's report - applicant requesting waivers

~ Orlando - review waivers being requested - topographic of area (he will provide large scale aerial); water courses of drainage swales - there are no water courses, wetlands are delineated on plan (items 3 through 7); no proposed basin, will be handled on individual basis for each lot, will be underground infiltration system.

~ (Discussion between Gaskill, Orlando and Pickering regarding how many lots are being created - starting with 3 lots and proposing a total of 9 lots. Clustering takes into consideration the total lot area, deduct 15% and divide.)

~ Orlando - continue with waivers being requested. No roads being proposed, only infrastructure is with individual homes to be constructed. Have done soil boring on each lot, soils are very consistent and results are shown on plan. Don't have DEP approval at this time, will be provided prior to final. Review other items of engineer's report and respond to each.

~ Pickering - review what uses are considered open space uses - believes best to leave the use up to the property owner; limited number of buildings that could be built on it. Intent is to keep open. In response to Mr. Watson, would probably be willing to say that no buildings would be built in the open space area.

~ Orlando - believes applicant will be reasonable. Also asking for waiver with respect to endangered plants or animals. None exist that they are aware of, but he plans to walk the property and believes he will be able to testify as to types of trees and size of same.

~ Buto - asked if he can walk site and look at the trees.

~ Pickering - suggest he speak with Board Solicitor as to what he can do and what he may

have to testify to at the hearing.

~ Pickering - remembers site as an open field when he was a kid and doesn't think any trees on site are over 30 years old.

~ Gaskill - discuss several items with Orlando and Pickering and get clarification of certain items.

~ Watson - question about house on Dennisville Road

~ Pickering - house is an existing non-conformity. Will apply for variances to be covered.

~ Gaskill - some towns consider an existing non-conformity as a by right variance.

~ Gaskill - can formally deal with waivers at regular meeting

~ Orlando - will revise plans and have them finalized and to Township within required time.

~ Pickering - has already noticed

~ Pickering - believes Gaskill is deeming application complete with revisions discussed this evening.

~ Gaskill - agrees.

~ Buto - will speak with Mr. Batastini as to him visiting the site and will then contact Pickering to make arrangements.

Mr. Buto asked for any further questions, there were none and he indicated that as far as he

can see, the application will be deemed complete and be heard at the April 25, 2013 meeting.

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 8:05 p.m.

Carla A. Coffey

Carla A. Coffey, Secretary

Dennis Township Planning Board

DTCLUB-2013

4-4-2013.W