

**TOWNSHIP OF DENNIS  
CONSOLIDATED LAND USE BOARD**

**571 Petersburg Road  
Dennisville, NJ 08214  
(609) 861-9705**

**JULY 11, 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 Ms. Baldwin. The following members were present: Ms. Baldwin and Mr. Daniels. Also present were Jon Batastini, Esquire, Board Solicitor; and Michael Fralinger, Jr., Assistant Board Engineer.

**APPLICATION TO BE REVIEWED FOR COMPLETENESS:**

**McNALLY, PATRICK C. - Block 67, Lots 46 and 49:**

Located on Laurel Road in Dennisville in a Pinelands Village (PV) Zoning District. Applicant is seeking minor subdivision approval, as well as variances for lot area, lot frontage and front yard setbacks. Applicant desires to gain access to the waterfront of Johnson's Mill Pond and has executed an Exchange Agreement (Land Swap) with the owners of neighboring lot.

~ Patrick McNally introduced himself as the applicant.

~ Ralph Ford, Project Manager for Kelly Survey, appeared on behalf of the applicant.

~ McNally advised that he will be representing himself as his attorney (Corey Gilman) has just been released from the hospital.

~ Kelly - has received engineer's review letter and has prepared a response to same. Copies were passed out to those members present. (Additional copies will be provided.)

~ Fralinger - reviewed Kelly Survey response. Applicant has provided waivers that are acceptable - reviewed each. Additional building on Lot 49 that was shown on aerial but is not marked on latest survey may require side yard set back variance.

~ Ford - didn't have time to revise plans regarding this building. All variances requested are as a result of existing conditions. Due to time constraints, may not be able to get done in time and notice for same.

~ Batastini - indicated they can notice for any and all, doesn't hurt to notice for specific variances and then not need it. He said he would put any variance they think they will need, as well as an "any and all" phrase to cover the noticing.

~ Ford - cut and dry application, just trying to get access to the pond, not making any changes to the land. Explained application and referred to plan. Want to take odd shaped piece and combine with lot to allow access to lake, other owner is giving up the triangle and combining to other lot - basically a trade of portions of each lot.

~ Gentlemen in audience - other property owner just had emergency back surgery this morning and hopes to be present at meeting.

~ McNally - both property owners are in agreement.

~ Baldwin - as long as everyone is here to explain at the regular meeting

~ Batastini - application deemed complete

~ Ford - thank Board Engineer for his help and cooperation.

**MORAN, PATRICIA E. - Block 96, Lot 36.01:**

Located on Route 83 in South Dennis in a R-3 (Moderate Density Residential) Zoning District. Applicant seeking preliminary and final site plan approval, as well as a use variance to construct a therapeutic equine learning facility for autistic and special needs children.

~ James Pickering, Esquire - attorney for applicant. Ms. Moran owns property on Route 83, she recently purchased the property with intent of keeping it a horse farm. She has developed a program working with special needs children and adults and the use of horses. Presently an old home on Route 83, propose to remove that home. Barn on property will be used temporarily; new barn and riding area to be constructed. Other improvements include some parking.

~ Batastini - who is owner of property

~ Pickering - Ms. Moran owns the property and is the applicant; will probably end up entering into a lease with Sea View Equine, who will be using the property.

~ Vincent Orlando - has Board Engineer's report and responded to same. Application is variance free except for the use variance. Will be asking for waivers from traffic study and environmental impact study. All other information will be provided to Fralinger by Monday. Old house comes down, old barn gets renovated, new barn gets built, old barn comes down,

new house gets built.

~ Fralinger - access to property is minor and is governed by the State; agrees that waiver of environmental impact study is acceptable as this is a farm.

~ Pickering - advised this is a horse farm, but is run by a non-profit.

~ Orlando - indicated it will have the same type of traffic as a horse farm with a little gray side.

~ Pickering - will testify that it is an inherently beneficial use.

~ Fralinger - as long as applicant provides all of the requested information, the application can be deemed complete.

~ Orlando - not providing sidewalks to indoor facility as no one walks on sidewalks on a farm.

~ Batastini and Orlando - review engineer's report and what needs to be completed. Pickering participated in this conversation as well.

~ Baldwin - asked about the hours of operation

~ Pickering - will be provided, but operation is normally during the day; will be internal building lights; pastures will not be lighted.

~ Batastini - application is deemed complete.

~ Pickering - advise that previous applicant has missed the deadline publishing in The Herald. (May have to be heard at the August meeting.)

**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 final major subdivision approval.

~ James Pickering - attorney for applicant - recently received approval; now seeking final approval; not much has changed; Orlando has added certain items to the plan.

~ Batastini - wants to make sure a conservation or open space deed is prepared.

~ Orlando - review Board Engineer's review - agree with everything except #10. Do not have landscape plan at this point.

~ Fralinger - fine with making it a condition that can be reviewed by Board Engineer.

~ Orlando - agreeable with that, just won't have anything at meeting; will put note on plan as to what is going on.

~ Batastini - application deemed complete.

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~ Board Chairman, Al Butto, arrived during the course of the work session (but did not

participate in the work session). He advised that John Leith was present and has questions for the Board.

~ John Leith - indicated that he sat on the Board many years ago. He is looking to put a solar power grid on his property in the front yard. Knows can be put on roof, but has been told that a land grid can't be put in a front yard. He said he is 900 feet off the road and that it won't affect anyone.

~ Batastini - suggest he speak with Eileen.

~ Leith - said he did, and she is not comfortable in giving him permit. So, Board is telling him he has to go through process?

~ Batastini - yes - Board cannot make recommendations and have no authority to do so.

~ Leith - knows when rule was made it was aesthetics. Feels it needs to be individual basis decision. Said when he was on the Board, the Board made individual decisions.

~ Batastini - he doesn't know what solicitor would allow that to happen.

~ Baldwin - suggests going to Township Committee and address this with them and discuss his flag lot situation.

~ Leith - confirmed that he is being told that he has to back to Eileen and go through the whole process and take several months.

~ Batastini - Board can't just waive, don't have authority. The Land Use Law is a statutory creation. He can't pick up the phone and tell Eileen it's OK.

~ Leith - wants to know if he can make the application and avoid the mailings, etc.

~ Batastini - just listening to what he is being told, he can either ask for an interpretation of the Ordinance or make a full application.

~ Baldwin - indicated that if he is looking at the future and being pro-active, it may be best to address the matter with the Township Committee, but it will probably take several months if they agree to make an Ordinance change.

~ Batastini - Board is created for people's requests that don't fit and need to be addressed. Without an application, the Board can't act.

~ Leith - time is of the essence, never thought this would happen. Explained his property, what he owned, what he kept. He is in the back of the property, where he wants to put grid is actually in the back yard of the person in front of him. Can't relocate grid to anywhere else on property due to requirements.

~ Batastini - told him to get application from Eileen, will probably require plans/drawings.

~ Leith - thought the Board could make a determination. Will go to see Eileen and follow process. Didn't think he would have to jump through hoops. Wants to get going on project, everything is ready to go except for the permit.

~ Batastini - suggest he may need attorney

~ Leith - trying to keep costs at a minimum and if it comes to that, will probably have to drop it. Said that years ago, this would have just gone through (1970/1980s). Will go see Eileen. Wished he could get help without hiring attorney.

~ Baldwin - told him that he can represent himself.

~ Batastini - his engineer may be able to help

~ Leith - thank Board.

Ms. Baldwin asked for any further questions, there were none and she indicated that as far as she can see, the applications will be deemed complete and be heard at the July 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 7:52 p.m.

Carla A. Coffey

Carla A. Coffey, Secretary

Dennis Township Consolidated Land Use Board