

**TOWNSHIP OF DENNIS
CONSOLIDATED LAND USE BOARD**

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

DECEMBER 19 , 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, Mr. Stafford, Mr. Watson, Mr. Esposito, Mr. Chelius, Mr. Pettit and Mr. Cherry. Also present were Jon Batastini, Esquire, Board Solicitor; Carl Gaskill, Board Engineer and Michael Fralinger, Jr., Assistant Board Engineer.

Mr. Batastini administered the oath of office to Mr. Chelius as Alternate No. 3.

APPLICATIONS:

**WALTERS, WILLIAM AND RONALD AND DENNIS TOWNSHIP FIRE DISTRICT
#1 - Block 224, Lot 74.03:**

Located on Woodbine-Ocean View Road in the B (Business District). Applicants seeking a use variance to operate a 6,000 square foot firehouse out of a previously approved 15,000 square foot building. **(Continued to January, 2014.)**

Mr. Butto advised that this application has been continued to the January, 2014 at the request of the applicants. Mr. Batastini also indicated that he is not sure notice has even been provided.

DOYLE, LYNN - Block 253.03, Lot 16.04:

Located on Ravenwood East Drive in Ocean View in a Residential (R3) Zone. Applicant seeking a use variance to use an 1,136 square foot addition to an existing single family dwelling, which is being constructed, as a mother-in-law suite.

Mr. Batastini administered the oath to Lynn Doyle.

Ms. Doyle testified that she wants to construct an addition to home and add a kitchen so it can be used as a mother-in-law suite. Her daughter and husband want to stay in Dennis Township. This way they can live in one part of the house, she in the other, their children can attend the local school and she can help them out. The addition will have one bedroom and she will be living there. She needs a use variance due to the request for a kitchen. The addition is already permitted. There will be a separate entrance for the addition, but there will be an interior connection between the two sections. She further testified that a bedroom, kitchen, bathroom and living area will be in addition.

Mr. Butto indicated that he had done the same for his mother-in-law, but without the kitchen.

Mr. Gaskill presented his engineer's report. He advised that the only relief being sought is a use variance for the kitchen. Copy of survey has been provided by applicant and confirms information that he requested. Property is in a residential neighborhood, and is a medium to heavily wooded site. From a technical perspective, he has no problem. Building permit has already been issued for addition, just adding kitchen. No traffic impact, no greater demands on sewer or water. Basically it is a policy issue.

Mr. Butto asked the Board for questions.

Mr. Watson wanted to know if the Board could limit the use and restricted it to a mother-in-law suite so that if house transfers to another owner it doesn't become an apartment. This is his only concern.

Ms. Doyle said it is her understanding is that if approved and she sells, the new owners would have to apply for a variance.

Mr. Batastini advised that the Board can request a deed restriction. He explained the required language and process of same.

Ms. Doyle advised that she had no problem with this.

Mr. Batastini then reviewed reasons that would permit the granting of a use variance and what the Board needs to consider.

Mr. Butto asked for public comment.

Valerie Williams was sworn in. She testified that she owns the property at 60 Ravenwood East Drive and her property would be the most impacted by application; and she has no problem with the application being approved.

Joanne Mascia was sworn in. She testified that she owns property at 19 Barbers Lane, Clermont. She said she has known Lynn Doyle for 35 years; she is familiar with her family; her daughter is her godchild; and that they are a family that loves each other and want to be together. She asked the Board to approve the application.

Mr. Batastini asked if there was any reason that this may be a detriment.

Ms. Doyle advised that the same number of people would be living in the same area and the buildings would be connected and she saw no detriment whatsoever.

Mr. Batastini presented a form of motion to approve to approve the application request, with deed restriction. A motion to approve was made by Mr. Watson, seconded by Mr. Pettit and carried by all members voting on same.

ROBERTSON, MALCOLM AND EDSON/DRIFTWOOD PARTNERSHIP - Block 261, Lots 10, 11.01 and 22:

Located on Route 9 and Route 83 in Clermont in the CVC (Clermont Village Commercial), R-3 and R-10 (Moderate and Low Density Residential) Zoning Districts. Applicants seeking final minor subdivision approval to realign lot lines.

Jules Korschak, Esquire appeared as attorney for applicants. He advised that the Driftwood Campground has been in the Township since 1966; and is situate on Route 9. They are proposing to re-align lot lines. He referred to an aerial photograph and explained their request. One of the lots involved is very tiny and an unusual shape. They are not creating any lots at all. Want to cut off section of one lot and attach to rest of property that has campsites and consolidate. There are several long-standing non-conformities with the site. Campgrounds are permitted in 2 of the 3 zones this property is in. Non-conformities include side yard setbacks, may include front yard setbacks, side yard setback from an existing structure. He just wants to bring these to the Board's attention. Also requesting various waivers. He then introduced Malcolm Robertson, owner of property.

Mr. Batastini administered the oath to Mr. Robertson.

In response to questions from Mr. Korschak, Mr. Robertson testified that he and his

brother are the owners of the property, which was given to them by their father. Campground has been there since 1960's. They are trying to re-align lot lines and also take property out of their individual names and put in company name for estate purposes. Existing house has been there for probably 100 years. He referred to other pre-existing conditions and described what they are and how long they have existed.

Mr. Butto asked for the aerial photo to be moved closer. Mr. Korschak moved the photo to front so Board can look at and pass around. (Board members took time to look at aerial photo.)

Mr. Korschak referred to the aerial photo and showed what applicant is proposing and responded to several questions from Board members. Mr. Robertson joined the conversation and also answered questions.

Mr. Robertson described the location, access, etc. Portion of the property used to be a soy bean farm, they purchased it and incorporated into their property. He explained the property ownership at the present time and what they want to do.

Mr. Korschak then introduced Stephen Martinelli.

Mr. Batastini administered the oath to Mr. Martinelli, who was accepted as a professional planner and surveyor.

In response to questions from Mr. Korschak, Mr. Martinelli testified and confirmed what the applicant is trying to do with the property. He discussed waivers being requested and reasons why they can be granted. He discussed the special reasons for the use variance to be granted, together with both positive and negative criteria.

Mr. Watson asked for an explanation of why a use variance is needed.

Mr. Korschak explained why a use variance is required; also in response to another question from Mr. Watson, he advised that they cannot add any additional sites

Mr. Watson asked if the applicant was willing to agree that to no expansion in the R-10 zone of the campground. Mr. Robertson advised that he does want to say he agrees because that is forever, but doesn't plan to at this time. Mr. Korschak advised that they would be willing to have a condition that they would have to come back if they wanted to add sites.

Mr. Robertson said he doesn't want to say that he will never come back, as an example, he said he may want to come back in the future and would have to get Board approval. He added that in the area in question there may be 80 sites there now; and at this point they cannot add anymore sites anywhere without additional approval. He agrees that if he wants to add sites,

he will have to come back to the Board for approval.

Mr. Batastini advised that he has to come back if he wants to add sites because it would be an expansion of a non-conforming use on that lot.

Mr. Korschak indicated that Mr. Batastini can put in language that would say applicant has no more rights than they currently have and would have to return to Board for any changes.

Mr. Watson asked where does R-10 go through back lot. Mr. Korschak referred to the plan and Mr. Robertson showed the Board the area in question and described same. (Mr. Martinelli joined in with describing area.) (Group discussion)

Mr. Batastini asked if there were any further questions from the Board. There were none.

Mr. Gaskill presented the engineer's report. With respect to waivers, he has no technical objection. They are going to move lot lines, but are doing no physical changes to the campground and how it exists now. For estate planning purposes they want to reduce one lot and attach it to another lot. No changes in traffic, drainage, lighting, hours of operation, etc. May at some time want to increase number of campsites. Don't want to give up anything they already have. Only gray area he sees, is if they ever want to add campsites, where would they be - depending on area, may already be permitted, where other areas may require approval of the Board.

Mr. Batastini suggested that the applicant would have to come back as expansion of non-conforming use. Mr. Watson wanted to know if the land in the R-10 Zone counted. Mr. Gaskill indicated that there could be no additional expansion of the campground in the area where it is not permitted without coming back for approval.

Mr. Korschak said they agree to stipulation of use of property in question.

Mr. Butto asked for confirmation of location of each lot in question. Mr. Martinelli referred to the plan and showed the location of each and what is being added.

Mr. Gaskill continued with the engineer's comments.

Mr. Korschak indicated that they were in agreement.

Mr. Butto then opened the meeting to the public. There being no public comment, the public portion was closed.

Mr. Batastini presented a form of motion to approve waivers. A motion to approve the

waivers was made by Mr. Pettit, seconded by Mr. Esposito and carried by all members voting on same.

Mr. Batastini then presented a form of motion to approve the use variance subject to conditions. A motion to approve same was made by Mr. Stafford, seconded by Mr. Pettit and carried by all members voting on same.

Mr. Batastini then presented a form of motion to approve the minor subdivision. A motion to approve was made by Mr. Stafford, seconded by Mr. Pettit and carried by all members voting on same.

Mr. Batastini then presented a form of motion to approve all variances as to front and side yard set backs. A motion to approve same was made by Mr. Pettit, seconded by Mr. Stafford and carried by all members voting on same.

A short recess followed prior to beginning the next application.

A.E. STONE, INC. - Block 225.01, Lot 8.07:

Located on Woodbine-Ocean View Road in Ocean View in the Business (B) Zone. Applicant seeking preliminary and final site plan approval for the renewal of a Resource Extraction Permit.

James Moore, Esquire appeared as attorney for the applicant. He advised that this site has been operated by the applicant since 2004; and the site is virtually unchanged since their 2011 renewal.

Mr. Batastini administered the oath to Vincent Orlando and Stephen Kurtz, Vice President of A.E. Stone, Inc.

In response to questions from Mr. Moore, Mr. Kurtz provided history for the site; he testified that the site hasn't been active for some time; and they are here for the renewal of their mining permit.

In response to questions from Mr. Moore, Mr. Orlando described the location of site in question; described the site itself; and also indicated that there is very little activity at this site.

Mr. Kurtz testified that the mine is not active at this time, but at some point in the future it may be; but nothing on the horizon right now.

Mr. Orlando indicated that the site is near the high lines; and that the homes on Corson

Tavern are pre-existing homes.

Mr. Batastini confirmed with Mr. Moore that there have been no emergency response calls to the site.

In response to Mr. Watson's question about the chain link fence, Mr. Orlando described the fenced area, and advised that the site is fully fenced.

Mr. Batastini then referred to Jack Gibson's report by reference.

Mr. Orlando advised that the applicant agrees to all conditions indicated in Gibson's report.

Mr. Kurtz testified that an escrow account has been set up pursuant to the 2011 renewal and will confirm that the escrow is \$1,500.00.

Mr. Butto asked about lines that are on the plan. Mr. Orlando advised that the lines are contour lines, and described what the lines are and the depth of the pond.

Mr. Watson wanted to confirm that the property is graded and has had no mining activity since the last approval. Mr. Orlando confirmed same to Mr. Watson.

Mr. Gaskill reviewed comments from the Township Engineer; and indicated that this Board acts to recommend approval or not.

Mr. Butto then opened the meeting to the public. There being no public comment, the public portion was closed.

Mr. Batastini presented a form of motion to recommend to the Township Committee to allow mining permit renewal with conditions. A motion to approve was made, seconded and carried by all members voting on same.

Other Business:

Discussion:

Mr. Watson said that 3 or 4 months ago he asked for copy of the Zoning Ordinance, and wants to know if they are going to be provided. A request should be made to the Township Committee to provide the Board with hard copies. (General discussion regarding same.) Mr. Batastini said that he will check into.

Correspondence: None.

Resolutions: None.

Minutes: February 28, 2013; April 25, 2013; May 23, 2013; June 27, 2013 and July 25, 2013.

A motion to approve said minutes was made by Mr. Stafford. Mr. Batastini explained that the approval of the minutes - according to Roberts Rules - is that you are only confirming that you are not aware of any corrections Mr. Stafford again made a motion to approve minutes, seconded by Mr. Pettit and carried by all members voting on same.

Bills:

Mr. Butto read the list of bills to be approved. A motion to approve and pay the Fralinger bills was made by Mr. Pettit, seconded by Mr. Esposito and carried by all members voting on same. A motion to approve the bills for Mr. Gibson was made by Mr. Stafford, seconded by Mr. Esposito and carried by all members voting on same. A motion to approve and pay Mr. Batastini's bills was made by Mr. Cherry, seconded and carried by all members voting on same. A motion to approve the bill of Ms. Coffey was made by Mr. Watson, seconded by Mr. Pettit and carried by all members voting on same.

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

Mr. Butto thanked everyone for their service this year.

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 8:40 p.m.

Carla A. Coffey

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

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