

6:56:42 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD  
Regular Meeting - September 24, 2020 - 7:00 P.M.

Attendance: *Boylan, Cowan, Penrose, Turner, McEvoy  
Walsh, Hope, Caproni + Graham*

Applications:

SOFRONEY, JAMES - Block 236, Lot 6.19: Located on Woodbine-Ocean View Road off of Route 9 in the Ocean View Center District. Applicant seeking preliminary and final site plan approval to construct a 12,000 square foot building which will contain 5 - 450 square foot (2,250) of office space, 8,400 of storage space and a two bedroom residential apartment on the second floor. Variances for minimum front yard, parking, minimum building length and freestanding sign are requested.

GERMANIO, NICHOLAS - Block 15, Lot 12.01: Located on Hoffman's Mill Road in Belleplain in a Pinelands Village (PV) Zone. Applicant seeking minor subdivision approval to create a 3.2 acre lot containing the existing 4,800 square foot warehouse and a vacant 12.83 acre lot. No further development is proposed.

HOLLY LAKE CONDOMINIUM ASSOCIATION - Block 57, Lot 16; Block 59, Lots 1 and 8; and Block 60, Lot 1: Located on Route 47 in Dennisville in a Pinelands Village (PV) Zone. Applicant seeking to rescind a condition of a 1980 Resolution stating that Dudican Road is to be improved as an exit only and allowing it to be an entrance and exit.

Other Business:

Correspondence:

Discussion:

Resolutions: MULLINS, BILL & SUSAN - Block 97, Lot 9

Minutes: August 27, 2020

Bills

Adjourn

6:56:42 PM - - Start Recording  
6:56:44 PM - - Walsh - call meeting to order.  
6:57:06 PM - - Roll call  
6:58:00 PM - - Walsh - first application Sofroney  
6:59:05 PM - - Paul Dietrich - requesting 3 bedroom residential unit - typo  
6:59:58 PM - - Batastini - Dietrich accepted as expert  
7:00:26 PM - - Dietrich - present application on behalf of applicant. Describe location of property and size; variances necessitated due to the configuration of the lot (long and narrow). Building itself meets setbacks; under building coverage and impervious coverage. As far as landscaping - around freestanding sign; will have vegetated hedgerow along property lines. 3 variances requested - parking (30 required, 18 proposed), explained reasoning for the proposed number, believes will actually be a benefit; building length - could put more building coverage on site, but made longer in order to keep storm water on site, feels what proposed is more beneficial to the neighborhood; freestanding sign - a building mounted sign would be difficult to see from traffic

point of view, proposing more of a monument sign and not a high freestanding sign. Also requesting 4 waivers - building operation plan, environmental assessment, curbing along parking area and trash enclosure (vinyl fence instead of concrete enclosure). No issues with satisfying aspects of Board's engineer's review/report.

- 7:08:41 PM - - Batastini - any questions from Board
- 7:08:50 PM - - Turner - size of sign
- 7:08:56 PM - - Dietrich - 32 square feet (8 feet high by 4 feet wide)
- 7:09:16 PM - - Batastini - any other comments from Board. None. Swear in Fralinger,
- 7:09:34 PM - - Fralinger - engineer's report.
- 7:10:14 PM - - Dietrich - respond to Fralinger's comments regarding the need for a variance. Can't put building into area designated for future road widening.
- 7:11:09 PM - - Batastini - administer oath to Dietrich
- 7:11:23 PM - - Dietrich - take oath and confirm that previous testimony was true and correct
- 7:11:43 PM - - Fralinger - continue with engineer's report.
- 7:12:27 PM - - Dietrich - respond to Fralinger regarding a comment
- 7:13:01 PM - - Fralinger - satisfied with response
- 7:13:13 PM - - Batastini - will make a condition of approval
- 7:13:24 PM - - Dietrich - offer to submit final architectural plans to Board when received.
- 7:13:44 PM - - Fralinger - continue with engineer's report.
- 7:15:02 PM - - Batastini - any further questions for Dietrich
- 7:15:17 PM - - Penrose - only counted 15 parking spaces and not 25
- 7:15:32 PM - - Fralinger - explain location of parking spaces, applicant complies
- 7:15:56 PM - - Dietrich - there are spaces that are marked as "no parking" but can be utilized as parking spaces.
- 7:16:36 PM - - Penrose - ask about environmental checklist
- 7:17:21 PM - - Dietrich - will provide a sealed copy.
- 7:17:45 PM - - Batastini - any further questions from Board? None. Open to public.
- 7:18:27 PM - - Turner - had to mute several people.
- 7:18:53 PM - - George - here for something else.
- 7:19:01 PM - - Batastini - if no further comment, ask Dietrich to summarize and indicate positive and negative criteria
- 7:19:30 PM - - Dietrich
- 7:19:34 PM - - Batastini - proposed motion for
- 7:20:02 PM - - Boyland - motion
- 7:20:08 PM - - Turner - second
- 7:20:14 PM - - Batastini - ask for reason for vote
- 7:20:26 PM - - Roll call - all members voted in the affirmative - application granted.
- 7:23:17 PM - - Walsh - next application Germanio
- 7:23:56 PM - - Turner
- 7:23:58 PM - - Batastini - ask Mr. Conley to unmute himself - administer oath to Conley.
- 7:24:28 PM - - Lewis Conley - take oath
- 7:24:54 PM - - Batastini
- 7:24:59 PM - - Walsh - restate what application is for at request of Batastini
- 7:25:23 PM - - Batastini - questions to Conley
- 7:25:31 PM - - Conley - did not prepare application, he's on the next application
- 7:25:57 PM - - Batastini - apologize; called Mr. Germanio, administer oath
- 7:26:29 PM - - Germanio - has an existing warehouse and wants to subdivide it off and keep warehouse on one lot and remaining property will remaining open space.
- 7:27:26 PM - - Fralinger - this application is a by right subdivision; only has a couple of comments; reviewed engineer's report.
- 7:28:28 PM - - Batastini - is warehouse use permitted under zone currently

7:29:01 PM - - Germanio - to his knowledge it is, has always been a commercial warehouse and used as same.

7:29:33 PM - - Fralinger - doesn't have ordinance in front of him to see permitted uses in the Pinelands Village.

7:29:56 PM - - Batastini - trying to determine if a variance is required in this situation due to Pinelands regulations.

7:30:42 PM - - Germanio

7:30:45 PM - - Batastini - any question from Board? None. Open to public. None. Close public portion.

7:31:14 PM - - Batastini - application for a minor subdivision for 2 lots - form of motion

7:31:34 PM - - Turner - motion to approve

7:31:49 PM - - McEvoy - second

7:31:55 PM - - Roll call - all members voted in the affirmative. Application granted.

7:33:17 PM - - Walsh - next application Holly Lake Condominium Association.

7:33:51 PM - - Cory Gilman, Esquire - attorney for applicant. Identify property and confirm is in Pinelands Village Zone. There is a site plan Resolution from 1980 that conditioned Dudican Road was to be an exit only. Seeking to rescind that condition. Has been used as an exit and entrance since condominium conversion back in 1987.

7:35:58 PM - - Batastini - administer oath to Lewis Conley.

7:36:13 PM - - Batastini - administer oath to Amy from Holly Lake

7:37:27 PM - - Gilman - questions to Conley

7:37:39 PM - - Conley - provide his credentials to the Board (accepted as expert by Board). Respond to Gilman's questions. Confirm that submitted plans were prepared by his firm; aware of previous plans from prior site plan. Described to Board location of Holly Lake on Route 47 in Dennisville and Dudican Road. Dudican Road was used as an entrance and exit until about a month ago. Second location is Holly Road and Route 47 - on a reverse curve, there is a blind drive sign in place. Making a right turn isn't a problem, but making a left turn is very difficult due to curve and speed that people travel. Discussed Dudican Road and the entrance into the rear of the subject property. Dudican Road is a typical country road, isn't highly travelled, there are residences along the way; goes through a wooded area back to the campground. Road does not lend itself to high speed travel; there are also a couple of businesses along the way. The road is paved, about 30 feet wide, there is a speed limit sign along the road. Refer to plan and did walk-through. Describe Dudican Road entrance/exit area. Has checked into and a 35 mile per hour speed limit is recommended. Will discuss further. Also discussed tree trimming; full stops coming and going; and other items. Feels it is very safe entrance and helps balance access to the site. Otherwise, would increase traffic on other access locations. He thinks that the condition imposed in 1980 was because at that time everyone was using large travel trailers and they were large and clunky; people were coming and going with them; when RV's were registering traffic would backup on the highway. He thinks that may have been the reason for the condition, although it's not stated in the Resolution. The situation today is different - everything there is a park model, no trailers and RV's coming to the site, it's like a neighborhood. Believes it doesn't make sense to restrict the Dudican Road access to exit only. If not granted, all traffic would move to the Route 47 entrance. From a planning aspect, this would greatly increase the number of accidents at that location. Would make sense to retain both the Dudican Road and Route 47 as entrance and exit locations. In his professional opinion this condition can be removed with no detriment to the public health, safety and welfare and if not removed would

actually be a detriment.

7:57:53 PM - - Gilman - ask for questions to Conley. None.

7:58:08 PM - - Gilman - questions to Amy MacIntosh.

7:58:20 PM - - MacIntosh - respond to Gilman. Became aware of the condition in July by notice from the Township. They were not aware of the condition as they didn't become owners until 1987. From that time until July, 2020 they have used Dudican Road as an entrance and exit. Not aware of any accidents at Dudican Road with regard to the use of Dudican Road by their owners. Were not aware of any complaints, had actually received thank you's from several residential owners as to how they operated. The people driving to their location are driving cars, pick-ups and SUV's. The speed limit in the facility is 5 miles per hour; there are numerous Stop signs on the property; there are no hook-ups for transient traffic; strictly a condominium community; primarily older people are owners and that is another concern she has with them attempting to make a left turn into the Route 47 entrance. As the Administrator of the community, she believes there is no reason why the condition shouldn't be removed.

8:04:49 PM - - Gilman

8:04:55 PM - - Batastini - any questions?

8:05:11 PM - - Turner

8:05:25 PM - - Walsh

8:05:28 PM - - Batastini - questions should be asked at this point

8:05:45 PM - - Walsh

8:05:51 PM - - Conley - guessing that the distance between Holly Road and Dudican Road is a half mile.

8:06:16 PM - - Walsh - stopped using Dudican Road as entrance

8:06:32 PM - - Gilman - remains an exit, but hasn't been used as an entrance since July

8:06:49 PM - - Turner - accidents - how many relate to campers and intersections

8:07:21 PM - - Conley - only relates to the fact that there were accidents

8:07:57 PM - - Gilman - not sure of the 25 accidents, whether or not they involved condo owners

8:08:30 PM - - MacIntosh - there were 5 or 6 of those 25 accidents that involved their members.

8:09:04 PM - - Turner - there was an accident involving a death, was that related to their members.

8:09:34 PM - - MacIntosh

8:09:38 PM - - Turner - are they open year round

8:10:12 PM - - MacIntosh - no

8:10:17 PM - - Turner - is it applicant's opinion that accidents will increase if application not granted.

8:10:50 PM - - Gilman

8:10:55 PM - - Conley - believes that accidents will increase, but can't put a number on it, but it will increase.

8:11:28 PM - - Batastini - any other questions from Board? None.

8:11:43 PM - - Fralinger - present engineer's report.

8:13:35 PM - - Batastini - any further Board comments.

8:13:56 PM - - Walsh - do they plan on keeping southern entrance as well

8:14:17 PM - - Conley - yes

8:14:24 PM - - Batastini - open to public

8:14:39 PM - - Jonathan Frasco - take oath. Have had occasion to use Dudican Road to visit friends and can tell the Board that the road is very narrow, there are people walking dogs, riding bikes and there are golf carts. The road isn't safe enough for this kind of use and 35 mph is ludicrous. People never drive the speed limit and the road can't handle it. He has had to make repairs to a field where it was damaged by people turning around with a trailer and have to turn on private property. When he leaves Dudican Road in the summer, he knows he has to make a right, go north to Washington Avenue and then back to Dennisville. The

- entrance southbound off of Route 47, he suggests a sign letting campers know that the entrance is coming. Just because the Dudican Road entrance/exit has been used in this manner for 37 years doesn't make it right to continue using it that way. The campground should use the front entrance on Route 47 and Dudican Road as a service road or exit only.
- 8:21:31 PM - - Gilman - address comments of Mr. Frasca. No plan to increase the speed limit - will remain 25 mph. The reference to 35 mph was referencing a site triangle. Ask Ms. MacIntosh about records of complaints.
- 8:23:18 PM - - MacIntosh - hasn't received any complaints and actually the woman that Mr. Frasca mentioned was the person who thanked her. Asked why if Mr. Frasca saw a trailer on Dudican Road, why didn't he come to the office.
- 8:24:53 PM - - Frasca and MacIntosh - discussion about people complaining.
- 8:25:29 PM - - Luke Wilson - sworn in. Dudican has 10 homes and 1 small business. Only complaint is Holly Lake people speeding down road. The business is located on Route 47, not Dudican Road. People living on Dudican Road aren't permitted access to the business. People from Holly Lake drive their golf carts, walk their dogs. The road is very narrow. Took picture of 2 vehicles side by side to show how narrow road is. Have tried many times to slow people down in various ways. Has 14 pages of Holly Lake people agreeing with the Dudican Road residents. Another problem is visitors to the units. He would like to see it closed all together, but since it has been switched to exit only it has been better.
- 8:31:35 PM - - Gilman - comments to Mr. Wilson's testimony. They are willing to work with their neighbors, but they don't believe adding to the safety issue on Route 47 is the answer. There is a total of 360 units then and now, usage has not increased. As to width of road, a solution may be is to get the Township to repave the road to a proper width. This is a community of homes with no short term rental of property (confirmed by Ms. MacIntosh). MacIntosh - golf carts are insured and get copy of proof of insurance and they aren't allowed outside of facility.
- 8:35:04 PM - - Gilman -
- 8:35:08 PM - - MacIntosh - there is a rule that the golf carts are not allowed off the property; have cameras that watch that exit and would be happy to review it daily.
- 8:35:54 PM - - Wilson - it is a daily event with the golf carts; they aren't street legal.
- 8:36:31 PM - - Gilman - wasn't aware of the Dudican Road condition
- 8:36:57 PM - - Batastini - are there any signs regarding the golf carts - suggest maybe they be added.
- 8:37:21 PM - - Batastini -
- 8:37:28 PM - - Lea - take oath (223 Dudican Road). Has been living there since 1988. Approached by Mr. Robinson, who she believes may have been the first owner. He told her not to worry and that the entrance on Dudican was for construction access only. She owns about 7 acres. One year kids from Holly Lake set up a volleyball game in her pasture. She has a barn - and people walk their dogs and let them run all over her pasture and she has to clean up after the dogs.
- Aurelia  
Continasio*
- 8:40:25 PM - - Batastini - trying to focus on traffic
- 8:40:36 PM - - Lea - people think there's a short cut at the end of Dudican and there isn't. They end up turning around in hers and others front yards. Works hard to make her home and yard look nice. Memorial Day weekend this year she had something like a golf cart on her property. She heard yelling and screaming, she called the police and they saw the marks they left behind. This is happening late at night and is scaring her.
- 8:43:51 PM - - Batastini - suggested a no right turn sign

8:44:03 PM - - Gilman - applicant is willing to put whatever kind of signage in place immediately.

8:44:42 PM - - Lea - the golf carts (driven by kids and adults) drive all over her property.

8:45:27 PM - - Gilman - suggest Amy meet with her and come up with a solution.

8:45:46 PM - - Lea - they get mad if she asks them to slow down and yell at her.

8:46:05 PM - - Gilman - suggest working with her to get a resolution to the problem.

8:46:36 PM - - Leah -during the summer Holly Lake has events and vendors make wrong turns onto Dudican.

8:47:45 PM - - Batastini - any suggestions

8:47:58 PM - - Lea - Holly Lake has a sign at the Route 47 entrance, but doesn't think there is any sign on Dudican. Dudican residents have children, dogs, etc.

8:49:17 PM - - Batastini - would speed bumps help

8:49:35 PM - - Lea - doesn't think the road should be remodeled because people can't see where to turn.

8:50:29 PM - - Batastini -

8:50:46 PM - - Lea - the main entrance is a well lit sign, but gates on Dudican Road have caused problems. Doesn't understand why people don't understand the meaning of no trespassing. Doesn't want to be afraid to go out of her house at night and walk around.

8:52:27 PM - - Batastini - not much they can do about trespassers. Requested a short recess.

8:52:52 PM - - Lea - she feels it is more of a convenience thing because the campers don't want to drive 5 mph when they enter off of Route 47, they are too eager to get where they're going.

8:54:04 PM - - Batastini - call for a 5 minute recess.

9:05:04 PM - - Batastini - back on the record.

9:05:51 PM - - Batastini - continue with public comment

9:06:09 PM - - Kim Garthwait(e(spelling?)) - take oath. Told about an accident 10 years ago and another accident about 3 years ago that she actually saw. She sees golf carts all the time and they cut across the road and into the woods. They used to start fires, and she told them to stop and they did. The golf carts get up to speeds of 40 - 45 mph and she worries about the children in the area.

9:08:27 PM - - Batastini - ask if any other comments from the public.

9:08:52 PM - - Kim - never received notification for this application.

9:09:10 PM - - Turner - other people waiting to speak

9:09:29 PM - - Batastini - ask if they want to speak

9:09:40 PM - - George - no comment

9:09:45 PM - - Kathleen - no comment

9:09:55 PM - - Wilson - would like Dudican Road to be a private community as well.

9:10:26 PM - - Batastini - any further comment or questions to Gilman

9:10:48 PM - - Turner - general comments - regarding testimony as to accidents on Route 47 and thinks it would be helpful if everyone got together and tried to work things out.

9:12:26 PM - - Cowan -

9:12:39 PM - - Gilman -

9:12:43 PM - - Batastini -

9:12:49 PM - - Cowan - could they move their main entrance down on Route 47 for better site triangle.

9:13:44 PM - - Conley - respond with amount of frontage

9:14:08 PM - - Gilman - discussion with Conley - looks like Holly Lane is at extent of property line.

9:14:44 PM - - Conley -

9:14:57 PM - - Cowan - do they own property further to the north

9:15:08 PM - - MacIntosh - they do not own property farther to the north; don't have frontage

9:15:56 PM - - Turner - what concessions are they offering the Dudican Road

residents

9:16:13 PM - - Gilman - signage as to no right turn, signage as to no golf carts on Dudican Road. Most of the issues aren't related to entrance. The Association is having a meeting at 12:00 p.m. on Saturday is inviting all of the Dudican Road residents to attend to try to work out a resolution to their issues. Willing to work with municipality as to traffic on Dudican Road.

9:18:56 PM - - Walsh - would it make sense to continue this application until after they are able to have a meeting on Saturday.

9:19:33 PM - - Gilman - doesn't believe that the issues are related to the site plan, but will discuss with his clients if given a few moments.

9:20:10 PM - - Batastini - doesn't want to run into an issue of estoppel.

9:20:40 PM - - Gilman - if denied this evening they are denied unless they come back with an entirely different plan. His clients asked to discuss off the record and make a decision.

9:21:31 PM - - Wilson - one day notice of a meeting isn't enough because people work and have other obligations.

9:22:26 PM - - (Waiting for Mr. Gilman to come back on record.)

9:25:07 PM - - Gilman - discussed with client the options, client has decided to table the matter and take the 30 days to attempt to meet with all of the neighbors and try out a solution. Additionally, they waive all time constraints.

9:26:18 PM - - Batastini - will see next month, no need to renotice and hope that a solution can be reached.

9:27:02 PM - - Batastini - Resolution,

9:27:13 PM - - Walsh - Resolution for Bill and Susan Mullins

9:27:31 PM - - Batastini - explain contents of Resolution

9:28:14 PM - - Cowan - motion to approve

9:28:36 PM - - Boylan - second

9:29:55 PM - - Walsh - minutes 8/27/20

9:30:05 PM - - Turner - motion to approve

9:30:12 PM - - Walsh - second

9:30:42 PM - - Batastini -

9:31:15 PM - - Turner - motion to pay bills

9:31:25 PM - - Penrose - second

9:32:44 PM - - All members voted in the affirmative.

9:33:00 PM - - Motion to adjourn - all in favor. Meeting adjourned.

9:33:29 PM - -

9:34:57 PM - - Stop Recording