

7:03:19 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD  
Regular Meeting - May 27, 2021 at 7:00 p.m.

Attendance: Turner, Boylan, Penrose, Walsh, Watson, Chambers,  
Caproni, Batastini, Carl Gaskill

Applications:

TWO BREWS, LLC - Block 261, Lot 31.02: Located on Route 9 in the Clermont Village Center District (CVC). Applicant seeking a use variance to build a Brewery on the existing 2.97 acre lot. (Adjourned)

DENNIS 47 DEVELOPERS, LLC/WAWA - Block 64, Lot 30: Located on Route 47 in Dennisville in a Village Commercial (VC) District. Applicant seeking minor subdivision approval, as well as preliminary and final site plan approval and a use variance to construct a 5,585 square foot Wawa convenience store with fueling facility and related site improvements. Various bulk variances are requested. (Continued to June 24, 2021.)

COOPERWOOD, LLC - Block 120, Lot 62: Located on Route 83 in South Dennis in a Village Commercial (VC) District. Applicant seeking a site plan waiver to place a structure - which was previously used as a trailer - as a secondary permanent structure on the property to be used to serve food items during the summer season.

Other Business:

Correspondence: From the Dennis Township Committee regarding amending Chapter 185, Section 4 entitled "Prohibited Uses" of the Dennis Township Code, prohibiting the operation of any class of cannabis business within its geographical boundaries, and amending Dennis Township's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Dennis Township.

Discussion:

Resolutions:

Minutes: April 22, 2021

Bills:

Adjourn.

7:03:19 PM - - Start Recording  
7:03:22 PM - - Walsh - call meeting to order; advise of adjourned applications  
7:04:01 PM - - Batastini - Wawa will be heard on 6/24/21 with no further notice. The Two Brews has been adjourned and may be amended.  
7:04:43 PM - - Walsh - only application tonight is Cooperwood, LLC  
7:05:16 PM - - Roll call  
7:06:19 PM - - Batistini - ask Penrose why he will be abstaining  
7:06:34 PM - - Penrose- Mr. Gillin-Schwartz is representing him on a matter.  
7:06:57 PM - - Gillin-Schwartz (Christopher) - attorney for Cooperwood  
7:07:21 PM - - Batastini - administer oath to Ira Niewski and Richard \_\_\_\_\_.  
7:08:02 PM - - Gillin-Schwartz - describe lot size and what exists on site. Requesting site plan waiver. Won't be a trailer anymore, will be a structure.

7:09:06 PM - - Ira N. - describe size of trailer, will be tied together with ice cream stand to serve hamburgers, hot dogs, etc. Purchased property approximately 1 year ago.

7:10:15 PM - - Gillin-Schwartz - review Fralinger's comments with Ira N.

7:10:41 PM - - Ira N. - will be a 20 foot by 8 foot structure; will increase lot coverage and drainage by a very little amount; will not impact parking or circulation in any way; there are about 30 parking spots now; will be a continuation of existing business. The proposed distance between buildings will be 8 feet; no changes to landscape or buffering are proposed; site already has lighting. Will need to be hooked up to utilities. Septic will go to existing septic. The exterior of proposed structure will have an awning (temporary). Feels it is a pretty straight forward application. Made changes to make structure more in line with the code.

7:16:17 PM - - Walsh -

7:16:22 PM - - Ira N.

7:16:25 PM - - Walsh - ask Board for questions

7:16:33 PM - - Cowan - is it operating now

7:16:42 PM - - Ira N. - no

7:16:50 PM - - Cowan - questions about septic, grease trap, permit from Health Department

7:17:42 PM - - Ira N. - taking care of getting permit

7:18:05 PM - - Gillin-Schwartz - will take all measures necessary to be in compliance

7:18:35 PM - - Batastini - what is background of Ira N.

7:18:55 PM - - Gillin-Schwartz -

7:19:12 PM - - Ira N. - he is a veterinarian

7:19:23 PM - - Turner - suggest that the local Fire Company be advised of where the main shut off will be.

7:19:56 PM - - Cowan - is there an apartment on second floor

7:20:07 PM - - Ira N. - yes and it is occupied.

7:20:17 PM - - Watson - will this be a permanent structure

7:20:27 PM - - Ira N. - yes, it will be put on pilings

7:20:44 PM - - Walsh - show picture of trailer that will be put on blocks

7:21:03 PM - - Watson - it will be a structure - a trailer on a foundation

7:21:25 PM - - Ira N. - it will be a building on a foundation

7:21:38 PM - - Penrose - there are some wetlands nearby, not sure how close

7:22:06 PM - - Ira N. - the wetlands are on the opposite side of the property toward Route 47 - 400 to 500 yards.

7:22:40 PM - - Walsh - any further questions

7:22:50 PM - - Watson - any reason why just didn't add on to the Creamery

7:23:06 PM - - Ira N. - separate buildings says there is something different and discussed a second reason as well

7:23:50 PM - - Walsh - any other questions - none

7:24:00 PM - - Batastini - ask Gillin-Schwartz to give something on the record regarding conditional use

7:24:59 PM - - Gillin-Schwartz - it's such a minor addition to this site and in combination with an existing use; unique small addition; used for the summer season and then locked up.

7:26:30 PM - - Turner - how does it look? Does it look ok? Is there a need for a fence?

7:27:15 PM - - Ira N. - respond to Turner.

7:27:49 PM - - Walsh - why a trailer on blocks; effort was made in dressing up the existing business

7:28:17 PM - - Ira N. - the trailer is a nice trailer and will look nice.

7:28:54 PM - - Walsh -

7:29:03 PM - - Ira N. - will have lattice work around it and will look nice.

7:29:20 PM - - Cowan - the Custard Ranch in Woodbine does cooking inside and it doesn't seem to interfere with their business

7:29:53 PM - - Gillin-Schwartz - provides an interactive site for customers and the use of the site.

7:30:38 PM - - Cowan - would like to see renderings of what it is going to look

like.

7:30:59 PM - - Walsh - question

7:31:11 PM - - Ira N. - respond to Walsh

7:31:21 PM - - Walsh - any other questions

7:31:27 PM - - Batastini - ask Gaskill for engineer's report (covering for Michael Fralinger)

7:32:01 PM - - Gaskill - engineer's report. Believes applicant has hit on all items with respect to site plan. No technical objections to request for waiver of site plan approval, subject to any conditions set by Board.

7:35:08 PM - - Batastini - any questions for Mr. Gaskill (administer oathed to Gaskill at this time)

7:35:37 PM - - Walsh -

7:35:45 PM - - Batastini - this is an application that doesn't require notice to the general public, deminimus

7:37:21 PM - - Gillin-Schwartz - acknowledged that he agreed with what Batastini just said; and that it is 100% the Board's determination

7:38:07 PM - - Batastini - any additional questions from Board members

7:38:22 PM - - Boylan -

7:38:38 PM - - Ira N. -

7:38:43 PM - - Batastini -

7:38:58 PM - - Turner - thinks it would be nice to really know what this project is going to look like and the neighbors, not being noticed, have no idea what is going on either.

7:39:42 PM - - Batastini - open to public, none, close to public, ask Gillin-Schwartz for final comments

7:40:08 PM - - Gillin-Schwartz - suggest a sub-committee with respect to the aesthetics of the project; the idea is to make it fit in with the existing structure

7:40:59 PM - - Watson - with the use of things like PhotoShop, something can be created to show what it is going to look like

7:41:31 PM - - Ira N. - describe what it will look like - lattice around base and awning

7:42:02 PM - - Walsh - this is a major thoroughfare through the Township, is struggling to how this trailer is seamlessly going to fit, wants to see what it is going to look like.

7:43:04 PM - - Cowan - agrees with Walsh; feels trailer doesn't fit in.

7:43:21 PM - - Ira N. - would Board prefer to see an extension of the same size off of the existing building

7:43:48 PM - - Batastini - not going to let the Board answer this question

7:44:10 PM - - Ira N. - going to look nice, won't look at all like the picture that was shown

7:44:40 PM - - Batastini - ask Gillin-Schwartz how he wants to proceed

7:45:01 PM - - Gillin-Schwartz - agree with Batastini's approach

7:45:21 PM - - Batastini - first question is whether or not this is such a deminimus project that it doesn't require notice, etc.

7:45:54 PM - - Watson - there is nothing to look at, would like to see what it's going to look like, that's what a site plan does

7:46:24 PM - - Batastini - review the questions again. Believes a vote is necessary regarding the deminimus nature (not so great that the applicant doesn't need anything further)

7:49:50 PM - - Cowan - motion that it is deminimus

7:50:00 PM - - Walsh - second

7:50:59 PM - - Roll call - all yes

7:51:05 PM - - Batastini - site plan waiver

7:51:20 PM - - Turner - lacking enough information

7:51:37 PM - - second

7:51:43 PM - - Batastini - ask Turner to rephrase motion to keep in affirmative

7:52:00 PM - - Gillin-Schwartz - given the Board's position on deminimus position and how it's going to look, asks Ira N. if he is willing to continue to next meeting in order to get a better picture of what he is proposing

7:53:06 PM - - Ira N. - agrees  
 7:53:11 PM - - Gillin-Schwartz - ask to table application for 1 month in order to provide requested information  
 7:53:43 PM - - Batastini - will continue matter to June 24, 2021 meeting.  
 7:54:08 PM - - Walsh - correspondence  
 7:54:14 PM - - Batastini - discussion of correspondence from Township Committee - basically what they are saying is they don't want anything having to do with marijuana in the Township, with the exception of delivery. Basically it is a blanket prohibition. It is a recommendation and will ask for a roll call vote.  
 7:56:19 PM - - Cowan -  
 7:56:25 PM - - Batastini -  
 7:56:29 PM - - Turner - Township has until he believes it's the end of August to do something, if they do nothing, they can't change anything for a period of 5 years. There is a walk-back; but there are also a lot of unknowns. The Township Committee feels this is the way to go and do a walk-back if it feels changes are necessary.  
 7:58:34 PM - - Watson - feels the Township is closing down a business that could thrive in Dennis Township.  
 7:59:16 PM - - Cowan - will dispensaries be allowed  
 7:59:26 PM - - Batastini - the only thing that will be allowed is deliveries.  
 7:59:43 PM - - Turner -  
 8:00:12 PM - - Caprioni - how long will business be denied  
 8:00:37 PM - - Batastini - explain how it works and walk-back.  
 8:02:46 PM - - Turner - the people that showed up at the meetings were from organizations in north Jersey, no locals showed up at all.  
 8:03:18 PM - - Walsh - thinks having some control is better than no control. He's for limiting now and making changes as go along.  
 8:04:09 PM - - Chambers -  
 8:04:15 PM - - Penrose - still subject to zoning and use  
 8:04:30 PM - - Batastini - retail sales is retail sales - no different than clothing or cigarettes.  
 8:05:07 PM - - McEvoy - all for limiting  
 8:05:15 PM - - Batastini - will have another chance, but given have only 180 days to make a decision doesn't give a lot of time to research and make informed decisions. The vote is a recommendation to the Township Committee.  
 8:06:49 PM - - Turner - if anyone uncomfortable, let him know  
 8:07:04 PM - - Cowan - doesn't have a problem with it  
 8:07:17 PM - - Penrose -  
 8:07:22 PM - - Turner -  
 8:07:58 PM - - Walsh -  
 8:08:06 PM - - Batastini - not a Board decision; some issues can be addressed in Master Plan; this is a Township-wide discussion; makes sense to him to walk-back  
 8:09:09 PM - - Walsh - was this put out to the public  
 8:09:20 PM - - Batastini - was put out for a first reading, but no residents showed up  
 8:09:58 PM - - Turner - this is the most feedback that has been received  
 8:10:30 PM - - Caprioni -  
 8:10:41 PM - - Turner - there was actually a referendum that was already voted on  
 8:10:57 PM - - Caprioni - can a vote be limited to the Township residents  
 8:11:19 PM - - Batastini - the problem is that no one takes the time to look at what is being voted on in this or other areas. The time frame is the real problem at this point. If you decide to prohibit everything, can change mind in 2 days per the walk-back, otherwise have to wait 5 years.  
 8:13:16 PM - - General discussion regarding the subject.  
 8:18:28 PM - - Batastini - offer suggestions as to what can be put into Board's recommendation. Present form of motion.  
 8:19:24 PM - - McEvoy - motion

8:19:28 PM - - Walsh - second  
8:20:04 PM - - Additional general discussion  
8:20:54 PM - - Roll call - 1 no, 1 abstain, all others yes  
8:21:54 PM - - Minutes - approved  
8:22:01 PM - - Bills - approved  
8:22:16 PM - - Walsh - meeting adjourned.  
8:22:38 PM - - Stop Recording

