

7:01:06 PM - - TOWNSHIP OF DENNIS - CONSOLIDATED LAND USE BOARD
Regular Meeting - April 28, 2022 - 7:00 P.M.

Attendance: Turner, Penrose, Watson, Cowan, Chambers, Caprioni,
Hope, Walsh, Batastini, Fralinger, *Martucci*

Applications:

GLEESON, THOMAS D. - Block 245, Lot 25: Located at 308 Main Street in Cape May Court House, in a Village Residential (VR) Zone. Applicant seeking approvals to construct a rear yard pool at pre-existing, non-conforming structure.

DeVAUL, CHUCK & MARK - Block 226, Lot 24.02: Located at 486 Corson Tavern Road in a Rural Single Family Residential (R3) Zone. Applicants seeking to subdivide existing lot into two (2) parcels. Also requesting variances for accessory structure in front of principal structure or within front yard setback on proposed Lot 24.02, accessory structure without a principal structure on proposed Lot 24.05, temporary trailer during construction on proposed Lot 24.02 and lot frontage.

PERAGINE, PETER AND NANCY AND SEA GROVE CAMPING RESORT, INC. - Block 226, Lots 17, 18 & 19.04: Located at 2665 Route 9, Ocean View, in an Ocean View Center Residential (OVCR) Zone. Applicants seeking minor site plan approval to construct a new 50' X 100' storage building with variances for setback to right-of-way and pre-existing, non-conforming front yard setback.

Other Business:

Correspondence.

Discussion: Proposals for Master Plan Re-examination from: Scheule Planning Solutions, LLC and CME Associates

Resolutions: None.

Minutes: March 24, 2022.

Bills.

Adjourn.

7:01:06 PM - - Start Recording
7:01:08 PM - - Walsh - call meeting to order
7:01:28 PM - - Roll call
7:03:10 PM - - Walsh - first application Thomas D. Gleeson.
7:03:44 PM - - Cory Gilman, Esquire - attorney for applicant
7:04:06 PM - - Batastini - administer oath to George Swenson and Thomas Gleeson.
7:04:47 PM - - Batastini - before application begins, wants to bring it to everyone's attention that there is a use variance involved in this application; the notice given covers this. Believes this Board has jurisdiction to hear this, but explained the possible risks in moving forward.

7:07:00 PM - - Gilman - believes notice is sufficient to move forward and wishes to do so. Mr. Gleeson plans to install a partial in-ground pool where a pool previously existed. Is a pre-existing non-conforming use, use variance is needed. Questioned Gleeson.

7:08:53 PM - - Gleeson - owner of property; is in Village Residential Zone; has owned the property around 13 years; purchased from a local owner; the garage apartment was built in the 1960s and was always rented out even before he bought it; son lives in the front of the house; has been a non-conforming use for 50 to 60 years. The front house (old farm house) son, wife and grandchildren live there. The back of the house is the principle residence for him and his wife. Doesn't believe that the placement of the pool in the rear yard will cause any detriment to the neighbors. Pool is set far back on the property and can't really be seen by any of the neighbors and is secluded.

7:12:08 PM - - Gilman - questions to George Swenson.

7:12:34 PM - - Swensen - has appeared before this Board before and works with the Martinelli firm. (Board accepted Swensen as expert.) Described property as it is currently - 2 primary residences, pool will not change any existing setbacks; closest setback to the line is 24.5 feet (having trouble locating map, some one was cleaning and moved it). No bulk requirements are necessary, pool is fully conforming and meets all requirements of the ordinance. No accessory structures on the property. No bulk variances required, but use variance is required and can be granted without any substantial detriment at all. Discussed positive criteria.

7:21:05 PM - - Batastini - are there any other variances

7:21:29 PM - - Gilman - only use variance

7:21:38 PM - - Batastini

7:21:41 PM - - Fralinger - engineer's review letter and comments.

7:22:55 PM - - Gilman - agree to engineer's conditions

7:23:09 PM - - Batastini - any questions for Fralinger - none.

7:23:20 PM - - Walsh - open to public - none.

7:23:45 PM - - Watson - is there a railing or fence on the deck now

7:23:58 PM - - Gilman - yes

7:24:05 PM - - Walsh - any members of public present for Gleeson application

7:24:23 PM - - Batastini - is there are, need to make presence known

7:24:35 PM - - Gilman - has nothing further

7:24:45 PM - - Batastini - form of motion to approve application (including summary of application)

7:27:04 PM - - Watson - motion to approve

7:27:15 PM - - Penrose - second

7:27:45 PM - - All members voting voted in the affirmative

7:28:01 PM - - Walsh - next application Chuck and Mark DeVaul

7:28:40 PM - - Batastini - address Chuck DeVaul and administer oath to him.

7:29:10 PM - - Chuck DeVaul - take oath, indicate that Mark DeVaul is not present and is not part of the surveying business. Has owned the property; the proposed 6 acre lot will be sold to his brother. The lot on Corson Tavern Road is a flag lot (described with dimensions). The 6 acre lot is on DeVaul's lane (described with dimensions). Mark currently lives on the property on DeVaul's Lane which adjoins subject property. Discussed how Mark would get access to the property.

7:32:34 PM - - Batastini - ask Board for any questions to DeVaul.

7:32:48 PM - - Cowan -

7:32:53 PM - - DeVaul - provided dimensions for lot on DeVaul's Lane; Mark owns Lot 23 and current access is off of DeVaul's Lane. Street is paved up to where Mark lives.

7:34:19 PM - - Turner - what are various accessory structures on the lots

7:34:35 PM - - DeVaul - proposed 24.05 has a garage that is used for storage;

Lot 24.02 is a building he uses as a garage. No primary structures. Seeking primary structure behind accessory structure.

- 7:36:17 PM - - Batastini - proposed 24.05 has no principal structure?
7:36:47 PM - - DeVaul - it does not and doesn't know Mark's plans
7:37:21 PM - - Batastini - this will also be a use variance application
7:37:35 PM - - Turner - withdrew any previous questions he asked as he will now not be able to vote on this application
7:38:08 PM - - Batastini - questions to DeVaul.
7:38:24 PM - - DeVaul - described ownership timeline of the property and agreement with brother that was previously made and just getting around to subdividing it.
7:39:40 PM - - Walsh - who owns other property in area
7:40:00 PM - - DeVaul - responded to the best of his knowledge as to owners
7:40:33 PM - - Batastini - ask if Board has any other questions, none. Ask Fralinger for his report.
7:40:55 PM - - Fralinger - engineer's review letter and comments
7:43:36 PM - - Walsh - comment that Fralinger's testimony was cutting in and out
7:44:03 PM - - Batastini - still cutting out
7:44:14 PM - - Turner - suggest Fralinger cut video and use only audio
7:44:35 PM - - Fralinger - followed Turner's suggestion and began his testimony over (still having problems, asked to disconnect and call back in)
7:45:58 PM - - Batastini - address DeVaul with questions regarding merger of certain lots; buffer line. Board does its best to help out applicants without experts, but feels that having Mark's testimony as a professional would be very helpful.
7:48:18 PM - - Several Board members in agreement.
7:48:36 PM - - DeVaul - would like to proceed today. Ask what Board is looking for.
7:48:57 PM - - Batastini - explain what is needed, positive and negative criteria, etc. Also advised applicant that if his application is denied, will not be able to come back. Strongly suggesting that application be adjourned, that he reach out to his brother and regroup; explain also that a super-majority vote is needed to pass.
7:50:55 PM - - DeVaul - application can be continued until next meeting?
7:51:19 PM - - Batastini - yes, will make an announcement that no further notice is necessary and application is continued to the May, 2022 meeting.
7:51:45 PM - - DeVaul - agree with Batastini's suggestion.
7:51:59 PM - - Walsh - next matter Peter and Nancy Peragine and Sea Grove Camping Resort.
7:52:36 PM - - Carol Goloff, Esquire - attorney for applicant.
7:53:04 PM - - Batastini - advise that he spoke with Ms. Goloff earlier today. There has been an oversight as to a use variance which is necessary for this application as well. Notice was given for any and all variances. Ask Goloff if she wants to continue.
7:54:20 PM - - Goloff - wants to continue this evening; the notice was very detailed; believes that notice fully complies with the statute.
7:55:09 PM - - Batastini - only Class IV members can participate.
7:55:29 PM - - Goloff - introduce herself. Sea Grove has been in business since 1978. Applicant is seeking to take down the greenhouses along Route 9 and propose to build a storage building in the same area. Will have Michael Peragine, Jr. testify as well as McFey.
7:57:26 PM - - Batastini - administer oaths.
7:57:43 PM - - Goloff - questions to Peragine, Jr.
7:57:52 PM - - Peragine, Jr. - purchased property in 1978; manager of the camping resort. Describe area in question - currently greenhouse which has outlived its life. In need of storage. Proposed building will not have running water, septic, etc.

Propose to use new building for storage of parts and equipment used by the business out of the weather. In their opinion it will improve the appearance of the property; will have lighting for security reasons; no signage.

8:01:15 PM - - Penrose - will any of the equipment be serviced

8:01:38 PM - - Peragine - no

8:01:45 PM - - Cowan - won't be able to buy vegetables anymore?

8:02:05 PM - - Peragine - that is at the garden center

8:02:14 PM - - Watson - is there a description of the building

8:02:32 PM - - Mafea - should be architectural with the plan; metal building

8:03:52 PM - - Some discussion regarding architectural and where located in packets.

8:04:23 PM - - Walsh - any other questions of Peragine -none.

8:04:39 PM - - Goloff - questions to Mafea

8:04:48 PM - - Mafea - confirm credentials. Describe building, 50' X 100'; will replace greenhouses along Route 9; will be set back farther than existing building; discuss variances needed; addressed positive criteria, building will basically be a large shed.

8:08:01 PM - - Goloff -

8:08:17 PM - - Mafea - address negative criteria

8:08:59 PM - - Goloff - question Mafea as to lighting

8:09:23 PM - - Mafea - lighting is for security reasons; building will only be used by campground staff as will parking; greenhouse has seen better days and new building will be an improvement and location is optimal and keeps near office.

8:11:07 PM - - Mafea - confirm that he has reviewed Board Engineer's report and has no issues - addressed each.

8:11:48 PM - - Goloff - that is all she has of her expert

8:12:05 PM - - Walsh -

8:12:09 PM - - Mafea - existing greenhouse is about 30' X 80'

8:12:26 PM - - Walsh - any further questions from Board - none

8:12:40 PM - - Batastini - ask Fralinger for his report

8:12:51 PM - - Fralinger - engineer's report/review/comments

8:14:54 PM - - Walsh - any questions of Fralinger - none. Open to public.

8:15:17 PM - - Karen Barry - 34 Baywyn Drive - Batastini administered oath. How high is greenhouse being demolished.

8:16:05 PM - - Mafea - about 18 feet

8:16:13 PM - - Barry - how high is proposed building

8:16:28 PM - - Mafea - 25 feet 3 inches for proposed building

8:16:53 PM - - Barry - over 9 feet higher. How will proposed building benefit appearance.

8:17:47 PM - - Mafea - answer questions posed by Barry as to various distances, setbacks. If granted, is there a time limit to implementation

8:19:30 PM - - Batastini - not aware of any time limit

8:19:43 PM - - Barry - asked if they did nothing for 20 years they could just begin whenever they wanted

8:20:23 PM - - Batastini - indicate that if zoning changed, they would probably have to come back to the Board again

8:20:58 PM - - Goloff - ask Mafea to describe the proposed building in more detail

8:21:22 PM - - Mafea - describe proposed building in more detail

8:21:49 PM - - Barry -

8:22:00 PM - - Mafea - proposed building is not a warehouse

8:22:23 PM - - Barry - what is the benefit

8:22:38 PM - - Mafea - proposing a nice looking building; no growing will be done as it is already done elsewhere

8:23:44 PM - - Barry - additional questions

8:24:11 PM - - Mafea - respond to Barry

8:24:20 PM - - Batastini - address other parties who are showing on the screen - sees no other public comment - public portion closed.

8:25:32 PM - - Goloff - final comments. Always better to hide and protect equipment and keep out of line of sight. Thank Board for its time.

8:26:39 PM - - Batastini - any other questions - none. Present form of motion granting application.
8:30:32 PM - - Cowan - motion to approve
8:30:43 PM - - Chambers - second
8:30:48 PM - - Batastini - ask Board to give their reasons for their vote
8:31:24 PM - - Roll call - all members voted in the affirmative - motion passes.
8:33:27 PM - - Walsh - ask if Board wants to take a short break before continuing - members agreed; will reconvene at 8:40 p.m.
8:40:14 PM - - Back on the record
8:40:23 PM - - Walsh - next on agenda are proposals for Master Plan Re-examination - has everyone had chance to review
8:40:58 PM - - Batastini -
8:41:45 PM - - Walsh - has anyone ever worked with any of these people
8:42:13 PM - - Penrose - has worked with Scheule in the past and would recommend him
8:42:31 PM - - Cowan - second
8:43:11 PM - - All members voted in the affirmative
8:43:21 PM - - Walsh - 3/24/22 minutes - ask for voice vote - all in favor with exception of Penrose who was absent from that meeting
8:44:04 PM - - Walsh - bills - read into record
8:45:05 PM - - Turner - motion to pay bills
8:45:12 PM - - Hope - second
8:46:03 PM - - All members voted in the affirmative
8:46:14 PM - - Walsh - no further business, meeting adjourned.
8:46:30 PM - -
8:46:48 PM - - Stop Recording

