

7:02:39 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting - October 27, 2022 - 7:00 p.m.

Attendance: Penrose, McEvoy, Martucci, Hope, Watson, Caprioni,
Walsh, Chamber, Batastini, Fralinger, Cowan, VanArtsdalen,

Applications:

KLEBAUR, FRANCIS JOHN - Block 225.02, Lot 4: Located on Stoney Court in a Business (B) District. Applicant seeking preliminary and final site plan approval to construct a 60' X 100' (6,000 square foot) building for the business operation of E.R. Dietz Masonry, which will consist of garage and storage space and a 25' X 25' office.

THE RICHARD A. HOCKER REVOCABLE TRUST AND THE MARCIA A. HOCKER REVOCABLE TRUST - Block 67, Lots 21 - 27: Located on Fidler Road in a Pinelands Village (PV) District. Applicants seeking to consolidate the seven (7) existing lots into two (2) lots, a use variance to allow two dwellings and side yard setback variance for accessory building.

OCEAN VIEW ASSOCIATES, LLC - Block 226, Lots 31.01 and 32: Located on Route 9 in a Rural Density Residential (R3) District. Applicant seeking a use variance to provide rooming for employees of the nursing home on the second floor of the structure located in front of the main structure. (Adjourned)

MOOERS, JAMES AND DEBBIE - Block 67, Lot 31: Located on Fidler Road in a Pinelands Village (PV) District. Applicants seeking variance to build a pole barn in the front yard. (Adjourned)

OCEAN VIEW PETROLEUM, LLC - Block 245, Lot 55: Located on Route 9 in an Ocean View Center Core (OVCC) District. Applicant seeking preliminary and final major site plan approval, a use variance and bulk variances to renovate the existing building into a shop and second floor apartment; construct a 54' X 78' gas station canopy, underground gas tanks and driveways.

Other Business:

Correspondence:

Discussion: Master Plan Re-examination report.

Executive Session: Discussion of litigation.

Resolutions: Narrigan.

Minutes: September 22, 2022.

Bills:

Adjourn.

7:02:39 PM - - Start Recording

7:02:44 PM - - Walsh - Call meeting to order

7:02:57 PM - - Roll call

7:04:35 PM - - Walsh - first matter Klebaur

7:05:04 PM - - Joe Maffei - Engineer/Planner for applicant

7:05:22 PM - - Batastini - administer oath to Maffei, John Klebaur and Fralinger

7:06:06 PM - - Maffei - review application with Board. Proposing 60 X 100 foot building plus a 25 X 25 office space; explain use for each; can add parking if needed. Explain relief being requested.

7:07:58 PM - - Klebaur - basically a storage area for his business expert product; machines he has, etc. Employees take their vehicles home. Don't work weekends.

7:09:02 PM - - Maffei - property is surrounded by Stoney Court on all sides. No residential uses in area. Review storm drainage of area in question. Review waivers being requested and reasons for such request.

7:11:52 PM - - Fralinger -

7:12:00 PM - - Maffei - continue with list of waivers being requested.

7:13:27 PM - - Batastini -

7:13:32 PM - - Maffei - plan is to develop in 2 phases - describe what proposed to be done in each phase

7:14:00 PM - - Watson - is their a sign proposed

7:14:09 PM - - Maffei - a building mounted and a free-standing sign which meets requirements

7:14:49 PM - - Fralinger - review engineer's report

7:17:03 PM - - Walsh -

7:17:09 PM - - Batastini - any questions from Board - none, open to public - none, close public comment

7:17:39 PM - - Maffei - nothing further, pretty self-explanatory

7:17:57 PM - - Batastini - form of motion to approve application with explanation of items being agreed upon

7:19:50 PM - - Watson - motion to approve

7:19:56 PM - - Penrose - second

7:20:50 PM - - All voting members voted in favor - motion passes.

7:21:31 PM - - Walsh - next matter Hocker

7:21:37 PM - - Anthony Monzo, Esquire - attorney for applicants - going to eliminate use variance for second dwelling on property. Provided background. Has been pending for quite some time with Pinelands. Property was acquired by the Hockers back in the 1970's. They built there home in the late 1970's before Pinelands took effect. There is a barn with an apartment on top in existence. Explained further background with respect to the Pinelands and the history of the land. Decision was made to consolidate the 7 lots into 2 lots, one of which would include the home, barn and apartment. Eliminating a use variance. (Period of time trying to use shared screen - unable to do so.) Monzo continued with explained the plan. (Tried again to share screen.)

7:29:18 PM - - Batastini -

7:29:23 PM - - Carol Tetlun (Planner) - stated credentials and took oath.

7:30:18 PM - - Monzo - questions to Carol

7:30:28 PM - - Carol - described property - single family unit near Johnson's Mill Pond; location of barn with apartment; much of property is wooded and vegetated. Reviewed some of the special reasons applicable to this application. There will be one driveway off of Fidler Road that will access both properties. Site is surrounded by single use residential uses.

7:36:15 PM - - Monzo - there was a Certificate of Filing with the Pinelands in 1983 and Pinelands is still accepting that filing now and believes request is best use of property. Applicants want to

continue the property ownership for future generations.
 7:37:50 PM - - Batastini - any questions from Board
 7:38:05 PM - - Watson -
 7:38:25 PM - - Monzo - applicants live here for about 5 months a year and in Florida the balance of the year; they also own the Seaville Tavern
 7:38:53 PM - - Carol - respond to question
 7:38:59 PM - - Batastini - any other questions - none. Ask Fralinger for his report.
 7:39:19 PM - - Fralinger - review Engineer's report.
 7:41:00 PM - - Monzo - called the application a minor subdivision, but is actually a consolidation and deeds of consolidation have already been filed
 7:41:56 PM - - Walsh
 7:42:00 PM - - Batastini - further questions from Board - none; questions from public - none - closed to public
 7:42:26 PM - - Batastini - form of motion to approve application with explanation of items being agreed upon
 7:44:07 PM - - Watson - motion to approve
 7:44:13 PM - - Walsh - second
 7:45:20 PM - - All voting members voted in favor - motion passed.
 7:45:39 PM - - Walsh - Ocean View Associates, LLC - matter adjourned.
 7:46:01 PM - - Walsh - James and Debbie Mooers - matter adjourned.
 7:46:21 PM - - Walsh - next matter - Ocean View Petroleum, LLC.
 7:47:05 PM - - Batastini - with regard to Autumn Lake application - attorney has agreed to the tolling of time and no further notice is necessary
 7:47:39 PM - - Stephen Barse, Esquire - attorney for applicant - essentially seeking to re-establish conditions that existed in the past. Would like to proceed as a D variance. Has Richard Cummines, Jr. and Vince Orlando here with him this evening. One deviation is steps that will be corrected.
 7:49:43 PM - - Batastini - administer oath to Vince Orlando.
 7:49:57 PM - - Barse - questions to Orlando.
 7:50:08 PM - - Orlando - advise that he is involved with this application, as well as the previous application. (Attempting screen share again)
 7:51:12 PM - - Batastini - has use been abandoned.
 7:51:28 PM - - Orlando - will explain (shared screen). Showed photo of site and explained history. Was a donut shop with an apartment on the second floor. The lease was not renewed, tenants moved, canopy came down and tanks were removed. Tanks had to be removed per requirement of DEP for tanks not used in 6 months. Applicant looked at the site and decided what needed to be upgraded. Explain the "abandonment" aspect of the application. It was never the intent of the applicant to abandon the gas station use. They are now coming back with an upgraded plan. Changing the ingress and egress and parking on site as an upgrade. Referred to photo and described ingress and egress.
 7:55:45 PM - - Batastini - need to address the "abandonment" issue before proceeding. Need to show that there was a permitted use on the property previously and that it has not been abandoned.
 7:57:08 PM - - Orlando - the Zoning Board previously approved the gas station, apartment and store.
 7:57:48 PM - - Batastini - also need testimony from applicant that use not abandoned
 7:58:14 PM - - Barse - questions to Richard Cummines (a principle of Ocean View Petroleum)
 7:58:44 PM - - Batastini - administer oath to Richard Cummines
 7:59:04 PM - - Barse - questions to Cummines
 7:59:11 PM - - Cummines - state his position with company and what he does. Explained previous use. When previous tenant left and the station was closed, they knew that tanks needed to be addressed

due to their age and single wall. Tanks were removed and were in excellent conditions. Tank replacement was put on hold because of interest by someone in purchasing property further back on the property. That fell through. There was never any intention to abandon the use except for the short time that someone was interested in the property. Made decision to continue the business on the property. Described new tanks that are proposed to be installed.

- 8:03:17 PM - - Barse
- 8:03:21 PM - - Batastini
- 8:03:24 PM - - Walsh - how long have tanks been out
- 8:03:35 PM - - Cummines - just over 1 year. Working on a project in Wildwood now. When he saw an opening, decided to work on this project. Explained why canopy was removed.
- 8:04:59 PM - - Batastini - in order to decide if use was abandoned have to meet certain criteria - explained those criteria and asked Board to make motion and explain vote.
- 8:06:24 PM - - Watson - when did gas station operations cease
- 8:06:37 PM - - Cummines - believes it was some time in 2020 and tanks were pulled out subsequent to that
- 8:07:14 PM - - Batastini -
- 8:07:45 PM - - Watson - asked because in 2012 the operation was permitted
- 8:08:29 PM - - Batastini - form of motion that use was not abandoned
- 8:08:54 PM - - Watson - motion to approve
- 8:09:02 PM - - Chambers - second
- 8:10:07 PM - - All voting members were in favor - use not abandoned.
- 8:10:23 PM - - Batastini - Orlando continue
- 8:10:30 PM - - Orlando - using screen share showed plan. Explained current ingress and egress. Want to make access better. Providing controlled access with entrance only on Route 9 and Schoolhouse; controlled exit onto Schoolhouse. Described parking areas. Site will have all new asphalt; handicapped parking will be provided - described location. Discussed canopy - clearing of approximately 13 feet, lighting underneath. No change in signage - existing sign has been there for approximately 20 years and will remain as is. In short, taking an existing site, providing better movement on the site and providing upgrades. Believes a D2 variance is applicable. Also advised that the canopy has been moved back as far as possible. Reviewed the positive and negative criteria. Reviewed engineer's comments and will address if requested.
- 8:19:22 PM - - Batastini - any questions
- 8:19:38 PM - - Orlando - in response to a question, indicated that car can access turn in question or spot can be backed into; described usual access to gas pumps. There is space for 16 cars.
- 8:21:06 PM - - Watson - sidewalks proposed?
- 8:21:15 PM - - Orlando - no sidewalks are proposed and none are in the area, but if Board feels sidewalks should be installed he believes the applicant will comply
- 8:21:56 PM - - Watson - would like to see sidewalks installed and eventually have sidewalks all along Route 9
- 8:22:22 PM - - Orlando - can't answer, but will present to applicant. Refer to plan and show location of possible sidewalk area
- 8:23:03 PM - - Cummines - have discussion with Orlando regarding sidewalk location; per Cummines - agreed to installing a sidewalk
- 8:24:07 PM - - Batastini - any questions from Board - none. Ask Fralinger for his report.
- 8:24:33 PM - - Fralinger - engineer's report.
- 8:25:58 PM - - Orlando - responses to Fralinger's report.
- 8:28:08 PM - - Orlando - screen shared proposed canopy design
- 8:29:08 PM - - Batastini - any questions with respect to canopy
- 8:29:19 PM - - Penrose - what was size of canopy that was removed

8:29:38 PM - - Cummines - can't remember, but wasn't quite as big as one proposed. This canopy is a bit longer, but can be shortened a bit if necessary.

8:30:15 PM - - Orlando - believes previous canopy was 40' X 40' and the proposed canopy is 54' X 78'. All stations would be covered by this canopy, whereas old canopy was short and allowed for getting wet.

8:31:45 PM - - Penrose - has solar ever been installed

8:32:02 PM - - Cummines - no

8:32:10 PM - - Cummines - explain how gasoline and diesel will be dispensed at stations

8:32:39 PM - - Batastini - ask Fralinger to continue with this report

8:32:51 PM - - Fralinger - continue with engineer's report

8:33:19 PM - - Cummines - 3 to 4 employees per shift; hours of operation; store will basically be snacks, no deli or food prep; additionally will probably have 3 or 4 deliveries per week; lighting will be LED and can be adjusted so light doesn't go on to roadways or neighbors.

8:34:46 PM - - Fralinger -

8:34:53 PM - - Batastini - what are the 3 or 4 deliveries per week

8:35:07 PM - - Cummines - imagines there will be 3 or 4 tankers max per week.

8:35:54 PM - - Fralinger - continue with engineer's report.

8:37:05 PM - - Orlando - in response to Fralinger - explain trash enclosure and location of same.

8:37:31 PM - - Fralinger - continue with engineer's report.

8:38:01 PM - - Orlando - 16 parking spaces are required, 13 spaces exist and doesn't include the spaces under the canopy which probably add another 12 spaces; also, the 13 parking spaces existed prior and were adequate.

8:39:08 PM - - Fralinger - continue with engineer's report - believes additional signage is needed for traffic flow

8:40:11 PM - - Orlando - will address and provide either signage or make an exit only at location in question. Advise that cars and trucks can access site without problem.

8:42:26 PM - - Fralinger - continue with engineer's report.

8:43:21 PM - - Batastini - any questions for Fralinger from Board

8:43:33 PM - - Cowan - will there still be an apartment on top of building and is parking provided

8:43:52 PM - - Orlando - yes and parking is included in count, can mark 2 spaces as "residential". A lot of times the station manager lives in apartment, but if not will mark spaces as "residential"

8:44:52 PM - - Batastini -ask for questions from public - none - close public portion.

8:45:14 PM - - Batastini - proposed form of motion to approve application with explanation of items being agreed upon, variances, etc. Also explained that D2 variance includes all bulk variances.

8:50:49 PM - - Orlando - also agreed to sidewalks

8:51:01 PM - - Cowan - motion to approve

8:51:08 PM - - McEvoy - second

8:52:46 PM - - All voting members voted in the affirmative - motion passes

8:53:10 PM - - Walsh - next matter Master Plan Re-examination

8:53:28 PM - - Batastini - wants to make recommendation at next meeting; may need some clarification on pool session - needs some cleaning up. This is Board's opportunity to give Township Committee something to look at and consider.

8:55:43 PM - - Randy Scheule - wants to clarify trash enclosure comments

8:56:10 PM - - Batastini - can't think of any reason to have anything other than a strong fence around the enclosure; doesn't know where "concrete enclosure" came from

8:57:18 PM - - Watson - not sure where "concrete enclosure" came from and in agreement with a strong fence

8:57:49 PM - - Scheule - continue with his presentation and review of updates.

The most important part of the report is the recommendations.
Wants to address any comments, changes or questions Board may have.

9:00:49 PM - - Batastini -
9:00:57 PM - - Watson - talked about non-conforming residential uses, can this be addressed with campgrounds as well.
9:02:22 PM - - Scheule -
9:02:27 PM - - Watson - maybe some of the red tape can be cut out with a review committee
9:02:47 PM - - Batastini - respond to Watson - maybe identify campgrounds in another way - something for Township Committee to look at
9:04:15 PM - - Batastini -
9:04:20 PM - - Orlando - sent letter to Board and Scheule on campground for expansion - thinks should be considered as expansion and not a site plan; also, any update on Center Petition being moved forward
9:06:13 PM - - Batastini - Center is something for Township Committee
9:06:41 PM - - Scheule - due to expire in 2023; recognition of status but no specific recommendation as to whether or not want to re-apply or move forward and other considerations
9:07:39 PM - - Orlando - if Centers expire then DEP will eliminate CAFRA and if CAFRA permit needed, it will not be approved.
9:08:39 PM - - Orlando - discuss CAFRA centers
9:09:32 PM - - Batastini - have discussed at length what to do with Centers, but feels it is a Township Committee issue
9:10:06 PM - - Orlando - dealing with some problems now in Upper Township. Thank Board for listening to him.
9:10:32 PM - - Scheule - campgrounds are listed in conditional use section, will follow-up on that. Will provide another draft and will highlight changes for ease of reference.
9:12:00 PM - - Walsh - any other questions - none.
9:12:29 PM - - Batastini - discussion of centers in general and what benefits the Township will get
9:13:11 PM - - Walsh -
9:13:20 PM - - Batastini - do Resolution, minutes and bills before Executive Session
9:13:45 PM - - Batastini - Narrigan - Resolution - review application
9:15:08 PM - - Penrose - question kitchen size
9:15:16 PM - - Batastini - confirm
9:15:24 PM - - Watson - motion to approve
9:15:32 PM - - Chambers - second
9:16:06 PM - - All voting members in favor
9:16:16 PM - - Walsh - minutes - 9/22/22
9:16:23 PM - - Voice vote - all in favor of adopting minutes
9:16:38 PM - - Walsh - bills
9:17:29 PM - - Hope - motion to pay bills
9:17:44 PM - - Cowan - second
9:18:19 PM - - All in favor of paying bills.
9:18:35 PM - - Batastini - Closed session - motion to go into closed session; after come back to close meeting.
9:20:17 PM - - Motion to
9:20:33 PM - - Pause
10:08:29 PM - - Resume
10:08:34 PM - - Batastini - Board out of closed session, no other business
10:08:57 PM - - Motion, second and all in favor to adjourn.
10:09:18 PM - - Stop Recording