

7:02:29 PM - - WalslhDENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting - September 22, 2022 - 7:00 p.m.

Attendance: Penrose, Watson, Walsh, McEvoy, Turner, Frie,
Chambers, Cowan, Caprioni, Batastini, Fralinger, Gibson,
Scheule

Applications:

NARRIGAN, STEVE & SUSAN - Block 261, Lot 23, Unit 2: Located on North Route 9 in a Clermont Village Center District (CVC). Applicant seeking preliminary and final site plan approval and bulk variances to eliminate two seasonal tents located adjacent to the existing structure in order to replace same with open-air pavilions which will be constructed over existing paved surfaces. The applicant is also proposing a 120 square foot kitchen addition in order to provide additional kitchen storage space.

PIERSON-PLEASANTVILLE, LLC - Block 224, Lots 68.01, 73, 74.02, 75.03 and 78.04: Located on Woodbine-Ocean View Road in a Business District (b). Applicant seeking preliminary and final site plan approval, a use variance, bulk variances, waivers from subdivision and/or site plan standards and any and all waivers and/or approvals necessar to add ready mix concrete as an additional use associated with an existing gravel pit (Continued from August 25, 2022.)

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 ft.) building for the business operation of E.R. Dietz Masonry, which will consist of garage and storage space and a 25' X 25' office. (Adjourned to October, 2022 meeting.)

Other Business:

Correspondence:

Discussion: Master Plan Re-Examination Report.

Resolutions: Hanson Aggregates Pennsylvania, LLC

Minutes: August 25, 2022

Bills:

Adjourn.

7:02:29 PM - - Start Recording
7:02:43 PM - - Walsh - call meeting to order
7:02:52 PM - - Roll Call
7:03:56 PM - - Walsh - first application Narrigan
7:04:57 PM - - Dave Stefankiewicz, Esquire - attorney for applicant - seeking to eliminate 2 seasonal tents and replace with open air pavilion and proposing also a 120 square foot kitchen addition.
7:06:38 PM - - Batastini - administer oaths to Vince Orlando, Fralinger and Jack Gibson
7:07:09 PM - - Stefankiewicz - questions to Orlando

7:07:25 PM - - Orlando - engineer for applicant - describe request being made. Owner of the Abbie House. Building was originally closer to Route 9; building was moved farther back on property and is used as venue for events such as weddings and receptions.

7:09:55 PM - - Orlando - continue with description of venue (weddings, receptions and similar events). Certain variances are required - reviewed variances needed. Addition of structures compliment the existing building. Proposed pavilions will be on currently existing paved surfaces. Facility has about 20 employees for an event, 7 to 10 on regular basis. Not much parking, but buses and vans are used often to transport people to the venue and depending on time, have access to adjacent business for parking. Will be operating as it has been. Also requesting small addition to kitchen. Asking for 1 year to put up new structures. Applicants are excited to get constructed and will probably be less than a year. Will provide job opportunities, location is a permitted use and enhances the use of a historical structure and preserve it for the history of the Township. Reviewed positive and negative criteria - no detriment to the neighborhood; benefits outweigh any detriment that there may be.

7:18:27 PM - - Stefankiewicz - any questions for Orlando, if not can have Jerry Blackman (Architect) testify.

7:19:01 PM - - Batastini - any questions - none

7:19:16 PM - - Stefankiewicz - concludes his testimony

7:19:28 PM - - Fralinger - review Engineer's report.

7:20:58 PM - - Stefankiewicz - can answer question Fralinger has, will address following his report

7:21:27 PM - - Fralinger - continue with Engineer's report

7:21:42 PM - - Stefankiewicz - ask for Jerry Blackman to be sworn in

7:21:59 PM - - Batastini - administer oath to Blackman

7:22:09 PM - - Blackman - describe his background; has appeared for approximately 16 other communities in the State

7:23:10 PM - - Stefankiewicz

7:23:14 PM - - Batastini - any objection to Blackman as expert

7:23:26 PM - - Walsh - none

7:23:30 PM - - Stefankiewicz - questions to Blackman

7:23:49 PM - - Blackman - details of existing structure were left significantly intact; some repairs were made where necessary; additions are kept in line with existing style. Pavilions have pitched roof similar to existing building and surroundings.

7:26:19 PM - - Stefankiewicz - all he has

7:26:29 PM - - Orlando - architectural guidelines have been met and CVC zone was designed based on this building

7:27:43 PM - - Batastini - ask Fralinger for any other questions

7:27:56 PM - - Fralinger - satisfied and nothing further

7:28:09 PM - - Batastini - ask Board for questions

7:28:17 PM - - Turner - is 1 year enough time

7:28:27 PM - - Orlando - doesn't want to be greedy, but would appreciate having 2 years

7:28:50 PM - - Batastini - no further questions from Board, open to public within 200 feet of project - none, open to public outside of 200 feet - none. Ask Stefankiewicz to review variances and waivers being requested.

7:30:35 PM - - Stefankiewicz - review requested variances and waivers

7:31:50 PM - - Orlando - review waivers at request of Stefankiewicz

7:32:16 PM - - Batastini - is anything on site plan that hasn't been previously approved

7:32:45 PM - - Orlando - everything has a building permit or approved by Resolution.

7:33:36 PM - - Batastini - if it's on the plan and not previously approved, Board is being asked to approve what is shown on plan. Ask for any questions - none. Present form of motion to approve

application.

7:36:58 PM - - Turner - motion to approve and suggest giving applicant 2 years to complete project

7:37:22 PM - - Batastini - add further language to motion

7:37:34 PM - - Penrose - second

7:39:06 PM - - All Board members voting, voted in favor.

7:39:21 PM - - Batastini - absent members - were they present for previous hearings on Pierson application

7:40:39 PM - - Walsh - Martucci and VanArtsdalen were absent, knows that VanArtsdalen is sick but has indicated that he will listen to meetings he has missed

7:42:02 PM - - Batastini - take poll of those present who has and has not been present for all Pierson meetings - original 7 are here

7:43:28 PM - - Walsh - next application Pierson

7:44:09 PM - - Kevin Balistreri, Esquire - attorney for opposition

7:44:25 PM - - Paul Baldini, Esquire - attorney for application - request document be placed into evidence that was not placed in previously but should have been.

7:45:24 PM - - Batastini - administer oath to David Shropshire

7:46:10 PM - - Shropshire - provide his background/education (engineer/traffic). This is the first visual impact study that he has heard of.

7:47:31 PM - - Batastini - ask if Shropshire is accepted as an expert - nothing from Board - accepted.

7:48:01 PM - - Baldini - questions to Shropshire

7:48:11 PM - - Shropshire - explain traffic engineering assessment - looked at existing site, looked at access and roadways, determined that traffic count would be done at driveways and intersections at Woodbine-Ocean View Road and Corson Tavern Road. Counts were done in morning and afternoon during peak hours. Explained how count numbers were arrived at by adding in certain factors. Based on how plant operates, there are more trips in the morning than afternoon. Found good levels of certain existing and good levels of service after calculations were factored in - at least a level B. Cape May County has reviewed plans and have asked for widening of roadway and driveways. Believes that are other permitted uses that would generate more traffic than the use of this site.

7:54:55 PM - - Baldini - additional questions to Shropshire

7:55:12 PM - - Shropshire - in response to Baldini - all roadways will continue to operate at existing level of service; there will be minimal traffic delays; projected level of service would most likely remain at service level B over period of 2 years. Report is dated 2/11/22. Have some experience with asphalt plants. Looked at sound levels at closest residential property line - explained what they are required to do using a meter - and those specific details are located in plan. Did levels at night and also during daytime. Found that sound levels were 43 to 53 decibels - which is within standard - 65 decibels are permitted during day and 50 decibels at night. These levels include sounds such as traffic, birds, and other sounds in the area. Did measurements at 170 feet with all sounds from operating plant and did calculations to come up with what that sound would be at the nearest residential property line - worked out to be 49 decibels. Conclusion is that plant will not exceed the State standards - both day time and night time - below 50 decibels. Referred to photos and described each with respect to the taking of sound levels (Vineland plant). Continued to testify with respect to comments by Jack Gibson - prepared supplemental report - read report into record and responded to each comment.

8:10:52 PM - - Baldini - ask Shropshire to refer to Visual Impact Study and address

8:11:38 PM - - Shropshire - review standards for Visual Impact and comment. Discussed height relative to height of plant operations and height of trees. Described uses in area and height of various items - cell phone tower; equipment used by other businesses in area; etc. Also discussed visual impact of applicant's business - driving by at 50 mph no real visual impact; further due to various angles and tree line business doesn't have any real visual impact. Travelled up and down the road to see what (height-wise) was visible - saw cell tower from a distance but not as he got closer; nothing else was really all that visible due to tree lines. Referred to photos showing height of telephone poles in area and existing view looking from roadway into site. Showed photos from Vineland plant, which he said shows more of the plant than will be visible at this plant. Discussed traffic and trips generated by this plant - now and proposed - and levels of service provided for each. Discussed surrounding roadways.

8:23:57 PM - - Baldini - all he has for Shropshire.

8:24:13 PM - - Batastini - any questions for Shropshire as to sound or traffic

8:24:33 PM - - Walsh - making comparisons to Vineland plant - why not use plant (Action Supply) that is closer

8:25:11 PM - - Shropshire - used Vineland plant because they have control over that plant and what they can do

8:25:50 PM - - Walsh - appears no other questions to Shropshire

8:26:06 PM - - Batastini - ask Balistreri if he would like to cross-examin Shropshire

8:26:30 PM - - Balistreri - yes he would - direct questions to Shropshire

8:26:49 PM - - Shropshire - respond to Balistreri - no concrete plant currently on site, he saw mixer trucks on site across the street and believes that other mixer/concrete trucks use the roadway; advised that traffic counts do not include mixer/concrete trucks using the roadways in the area; advised that roadway is two-lane, no dividers, striped; concrete trucks are roughly 8 feet wide and is why County has requested 12 foot wide shoulders (current shoulder is 7 feet wide). With respect to Corson Tavern Road - narrower roadway, 45 mph zone. Explained 2-way traffic light phase at intersection of Woodbine-Ocean View and Corson Tavern Roads. Responded that in some cases concrete trucks are slower than normal traffic and if other drivers are attentive to what they are doing, this shouldn't be a problem. Described intersection of Woodbine-Ocean View Road and Kings Highway - stop sign on Kings Highway. Responded to question about traffic count times done in October of 2021. Responded to questions regarding growth rates with respect to traffic counts. Described seasonal adjustment factor (between 4th of July and Labor Day) and why it wasn't applied in this report - County is in agreement with how this report was done. Responded as to why October was used as peak season instead of July.

8:40:53 PM - - Balistreri - started a screen share - referred to same and asked questions to Shropshire

8:41:28 PM - - Shropshire - read portion regarding "traffic counts" per Balistreri's request and responded to Balistreri with respect to same.

8:43:02 PM - - Balistreri - asked that Revised Traffic Engineering Assessment Report of 2007 be moved into evidence at the appropriate time - just wants to make reference to it at this time. Continued with questions to Shropshire.

8:44:19 PM - - Shropshire - respond to Balistreri's questions regarding operating hours and that figures in report were based on the original operating hours and not the revised hours.

8:46:08 PM - - Balistreri - started a screen share for Plan of Operations.

8:46:43 PM - - Shropshire - respond to Balistreri's questions regarding Plan

of Operations. Discussed peak site traffic times - original and revised. Also discussed number of trips - employees, customers, trucks. No substantial increase in traffic numbers. Discussed employee traffic. Discussed other trucks besides mixer/concrete trucks coming on the site - street sweepers, water trucks, dump trucks, construction trucks, etc. Confirmed that fully loaded trucks take longer to gain speed and to slow down and that there is some spillage from trucks. Responded to questions about "shore traffic" being considered and if shore traffic is backed up, how it impacts. Addressed the Kings Highway intersection.

- 8:58:29 PM - - Balistreri - wants to address sound findings
8:58:53 PM - - Walsh - asked to take break
8:59:03 PM - - Batastini - called for break - 10 minutes - return at 9:10 p.m.
8:59:22 PM - -
8:59:28 PM - - Pause
9:10:24 PM - - Resume
9:10:51 PM - - Called back to order - roll call taken
9:11:02 PM - - Batastini -
9:11:08 PM - - Walsh -Klebaur
9:11:19 PM - - Batastini - announce that the Klebaur application will not be heard this evening, will be heard on 10/27/22 and no further notice is required. With respect to Pierson, will continue to hear until 10:00 p.m. because the Board has other business that needs to be done.
9:12:38 PM - - Balistreri - questions to Shropshire regarding sound level evaluations.
9:13:03 PM - - Shropshire - report was prepared using both the Dennis Township site and their Vineland site. Confirmed that readings were taken in February between 6:00 a.m. and 8:00 a.m. - made arrangements to have peak operation at that time. Confirmed that readings were also taken at the Vineland site on the same day. When questioned about surrounding uses, doesn't believe there is any other use comparable to applicant's site other than one other use in the area that would create the same level of sound. Explained that standards state anything from 7:00 a.m. is day time and anything from 7:00 p.m. is night time. Confirmed that sound recordings included trucks, back-up beepers, traffic, birds, etc. were all included in the sounds. Asked about air borne vibration study - advised that he had never used one. Advised that vegetation must be very thick to have an effect on sound - vegetation at this site not doing much. Agrees that there will be additional traffic at this site. Has not looked into if there were ever any noise complaints filed regarding this property or the Vineland location. Advised that he was aware of telephone poles, cell towers, etc. in the area but wasn't sure if they are considered as a public benefit. Not sure if a 2 story building next to the concrete tower would block its view, but a 10 foot tree line along the road would block the view. Indicated that the concrete plant would be visible from the roadway at a certain angle where there is a break in the tree line.
9:29:14 PM - - Balistreri - no further questions at this time
9:29:27 PM - - Baldini - questions to Shropshire
9:29:41 PM - - Shropshire - after being asked by Baldini to compare his reports from 2007 and current, referred to certain portions and all remain at levels A or B. County roads are designed for trucks. At the present time the shoulders of the roadway by the landfill are not wide enough for a truck to pull off without going into the grass. This applicant is providing a safe shoulder width for such pull-off at their site. Contractors coming onto the site are included in the count. Explained how employees were counted - assumed that most

employees would already be on site prior to morning peak hour and at the end of the day employees may be leaving the site at the end of the day at the same time trucks are moving so employees were included in that count. Agreed that traffic back-up in the summer exists, but the traffic generated by the applicant's trucks really wouldn't have any impact and they would just blend in and they are generally closed on weekends anyway. As to slower speed of trucks, it's better to have slow traffic than speeding traffic. With respect to King's Highway, it's likely that the trucks would be taking a different route, most likely Corson Tavern Road. Additionally, traffic on Kings Highway coming onto Woodbine-Ocean View Road has the stop sign and must stop.

9:42:14 PM - - Baldini - no further questions
 9:42:23 PM - - Batastini - does the Board have any questions of Shropshire
 9:42:38 PM - - Watson - is the most noise being generated when the material is being dumped into the truck
 9:43:07 PM - - Shropshire - that is correct
 9:43:18 PM - - Watson - question about amounts of loads - 15 trucks a day leaving yard on average per day
 9:44:18 PM - - Shropshire - confirmed number of trucks and that noise loading trucks would last about 3 minutes and a lot of things going on when truck is being loaded and sounds can differentiate - sound related to conveyor, sound related to trucks, etc.
 9:46:03 PM - - Watson - so with 15 trucks a day at 3 minutes of noise would be about an hour a day
 9:46:27 PM - - Cowan - is every truck leaving fully loaded
 9:46:41 PM - - Shropshire - didn't take into consideration
 9:47:07 PM - - Cowan -
 9:47:20 PM - - Shropshire -
 9:48:10 PM - - Walsh - any other questions
 9:48:18 PM - - Jack Gibson - thanked Shropshire for responding to his report. Need to know what the combination of the 2 sounds, the concrete plant and also the ambient sounds at all property lines. Where plant is located is much closer to a property line than the property line used.
 9:50:17 PM - - Shropshire - the combined sounds at the Fehrle property line approximately 450 feet from the plant would be 55.5 decibels and with ambient sounds 73 decibels. Also looked at Walters property and the sound was in the 60's, but doubts there would be any complaint from them.
 9:52:32 PM - - Cowan -
 9:52:47 PM - - Shropshire -
 9:52:54 PM - - Walsh - any other questions - none
 9:53:05 PM - - Batastini - it is 9:53 p.m. - asked Baldini who he has left
 9:53:25 PM - - Baldini - Tiffany Morse, expects that testimony to take an hour
 9:53:48 PM - - Batastini - unless there are any further questions for Mr. Shropshire, this would be a good place to stop. Ask Balistreri if he has any experts.
 9:54:28 PM - - Balistreri - has 3 experts to testify and without any cross by Mr. Baldini believes it should take 3 to 4 hours.
 9:55:17 PM - - Batastini - Board has several applications that are backing up, wants to know if the Pierson application would be willing to skip a month and come back in November - he feels that this application will take another 3 or 4 meetings.
 9:57:41 PM - - Baldini - will speak with client and will also check to see if they can pick another date.
 9:58:19 PM - - Batastini - announce that Pierson will not appear at October meeting, will be here at November meeting on 11/17/22 and confirms applicant waives time.
 9:59:00 PM - - Baldini - agreed to waive time.
 9:59:15 PM - - Batastini - asking for Randy Scheule - no response - Walsh calling him on phone

10:00:18 PM - - Walsh - Scheule is now in attendance
 10:00:36 PM - - Batastini - ask Scheule for update on Master Plan
 Re-examination
 10:00:55 PM - - Scheule - update on progress - provided supplementary
 recommendations to Board members for review. Would like to
 walk-through this evening. Thanked sub-committee for all their
 input and work on this project. Reviewed the recommendations
 in no particular order. Reviewed the report and explained what
 was new, deleted or changed and how it was shown in the report.
 10:19:44 PM - - Walsh - ask for questions from Board
 10:19:57 PM - - Batastini - ask about COAH language
 10:20:13 PM - - Scheule - that will be in another section of the report, not
 recommending any changes to that at this point.
 10:20:49 PM - - Batastini - question about swimming pools
 10:21:23 PM - - Scheule - not sure actually talked about them in a mixed use
 area
 10:22:03 PM - - Batastini - don't want swimming pools in a mixed used
 commercial without a variance
 10:22:49 PM - - Scheule - presented possible language
 10:23:14 PM - - Batastini - don't want swimming pools in a mixed used
 commercial with a residence on top
 10:23:41 PM - - Walsh -
 10:23:46 PM - - Scheule -
 10:24:01 PM - - Penrose - clarification is good
 10:24:20 PM - - Walsh - any other thoughts - none
 10:24:34 PM - - Batastini -
 10:24:54 PM - - Scheule - should be able to have it ready to go by next meeting
 10:25:25 PM - - Batastini - plan to look at in October and probably have a
 special meeting - will work out when the hearing will be held
 10:26:47 PM - - Scheule - final product should be 25 - 30 pages
 10:27:26 PM - - Period of general discussion about Master Plan
 10:27:44 PM - - Walsh - Hanson Resolution
 10:27:56 PM - - Batastini - review and present form of motion to approve
 Resolution
 10:29:24 PM - - Turner - motion to approve
 10:29:33 PM - - Chambers - second
 10:30:21 PM - - All members voting voted in the affirmative
 10:30:36 PM - - Walsh - minutes of 8/25/22
 10:30:47 PM - - All members voting were in favor
 10:30:57 PM - - Walsh - bills
 10:31:56 PM - - Chambers - motion to pay bills
 10:32:07 PM - - Penrose - section
 10:32:40 PM - - All voting members in favor
 10:32:50 PM - - Chambers - question regarding Pierson application - so much is
 repetitive, would it be appropriate to make a motion and vote
 10:33:39 PM - - Batastini - cannot do that, need due process. Understand
 concern with redundancy. Can reach out and ask to be more
 focused on questions. It's a struggle that many Boards have
 but if there is an appeal, this is where it really comes out
 and explained by giving certain examples.
 10:37:31 PM - - Batastini - with respect to Wawa, gave some general information
 as to what happened in court as to definition of "gas station,"
 parking concerns, and common knowledge of Board vs. experts,
 waiting for Judge's decision.
 10:41:26 PM - - There being no further business, meeting adjourned.\
 10:42:14 PM - - Stop Recording

