

7:02:45 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD  
Regular Meeting - March 23, 2023 - 7:00 P.M.

Attendance: Turner, Watson, McEvoy, VanArtsdalen, Chambers,  
Penrose, Caprioni, Walsh, Batastini, Jeffrey Barnes, Esquire  
(Conflict Attorney for Ryan Development, LLC application), Bob  
Mulford, PE CME (for Fralinger)

Call to Order.

Roll Call.

Applications:

RYAN DEVELOPMENT GROUP, LLC - Block 260, Lots 4.04 and 4.05:  
Located on Route 83 in a CVC (Clermont Village Center) zone.  
Applicant seeking preliminary and final site plan approval,  
bulk variances and any and all variances, waivers and/or  
approvals necessary, to construct a 5 unit building housing  
contractor work shops and small office in each unit and  
parking.

OCEAN VIEW ASSOCIATES, LLC - Block 226, Lots 31.02 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.

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 necessary to add ready mix concrete as  
an additional use associated with an existing gravel pit.  
(Continued from January 26, 2023.)

Other Business:

Correspondence:

Discussion:

Resolutions: Connor  
Pittaluga

Minutes: January 26, 2023 and February 23, 2023

Bills:

Adjourn.

7:02:45 PM - - Start Recording  
7:02:47 PM - - Walsh - call meeting to order  
7:03:07 PM - - Roll call.  
7:04:05 PM - - Walsh - first matter Ryan Development Group  
7:04:38 PM - - Paul Baldini, Esquire - attorney for applicant, Matt Ryan and

Vincent Orlando will be witnesses

7:05:01 PM - - Batastini - introduce Jeffrey Barnes, Esquire as Board Solicitor for this matter due to a conflict

7:05:28 PM - - Barnes - administer oath to Matt Ryan and Vincent Orlando

7:05:53 PM - - Baldini - call Matt Ryan and question

7:06:10 PM - - Ryan - builder from Cape May County, growing business and looking for larger space in area; 4 full-time employees; work with sub-contractors in area; hope to lease out other units to other contractors; they will occupy one unit at this time; will have people visit site; describe what proposed building will look like; will be managing property; will rent units at present time and will have control; believes good project for the Township

7:08:46 PM - - Walsh - ask Board for questions

7:08:59 PM - - Penrose - appears to be distressed property behind applicant's property - have they reached out to them

7:09:20 PM - - Ryan - they did reach out and they don't seem interested in selling

7:09:36 PM - - Orlando - applicants approached owners, the number was about 3 times what they are paying for their 2 acres - asking around \$600,000.00

7:10:14 PM - - Ryan - would be interested in purchasing

7:10:25 PM - - Penrose - Ratcliffe Lane is adjacent -

7:10:49 PM - - Orlando - no access to Ratcliff; would welcome vacation of Ratcliff

7:11:35 PM - - Penrose - would changing the angle of the roadway do anything to their plan

7:12:00 PM - - Orlando - no

7:12:07 PM - - Walsh - any other questions from Board - none

7:12:19 PM - - Baldini - questions to Orlando

7:12:39 PM - - Orlando - (needs screen share - host working on it, but not sure has access to do that from her device - change setting, should be able to use now - screen share now available) - describe project; workshop areas with office in each; 12 parking spaces with handicap space; room for additional parking; unique site given location; 2 storm water infiltration basins proposed and will be maintained by applicant and manual has been submitted; septic system will be in rear of building which was a previous requirement; extensive buffering proposed; additional landscaping along front of building. A few variances are required - building setback; facade of building and minimum front yard setback and rear yard setback.

7:19:53 PM - - Walsh - ask to take a short break to change host

7:20:20 PM - - Orlando - asking for C1 variance and explain hardship created and criteria. Also because of shape of property conditions cannot be met. Believes C2 variance criteria can be met - review and explain how they would apply to this property. Discussed positive and negative criteria. Site is not being overdeveloped. No substantial impact to zoning plan or zoning ordinance. Asking for waivers - curbing, clearing limits, trash enclosure. With respect to traffic impact, have applied to DOT and will be supplied upon receipt. Environmental report has been submitted.

7:27:29 PM - - Baldini - size of building

7:27:38 PM - - Orlando - asking for waiver as to building length as well

7:28:31 PM - - Walsh - ask Board for questions for Orlando

7:28:44 PM - - Watson - where is buffer - property to east?

7:28:56 PM - - Orlando - refer to screen shot and show area in question with pointer; previously received approval for commercial uses many years ago; 40 foot buffer will be maintained as is; suppose to have 55 foot buffer, but have less

7:30:33 PM - - Watson -

7:30:38 PM - - Walsh - any other questions from Board to Orlando - none -

refer to Board Engineer

7:31:08 PM - - Bob Mulford - review engineer's report

7:31:47 PM - - Barnes - administer oath to Mulford

7:32:02 PM - - Orlando - doesn't take any exception to any of the engineer's comments and can all be taken care of

7:32:30 PM - - Mulford - continue with engineer's report and comments

7:35:29 PM - - Walsh - ask Board for any questions to Mulford - none - open to public - ask for public comments - none

7:36:26 PM - - Baldini - no further comment

7:36:42 PM - - Walsh

7:36:45 PM - - Barnes - form of motion to approve application

7:37:34 PM - - Chambers - motion to approve

7:37:40 PM - - Watson - second

7:37:44 PM - - Roll call - all voting members in favor

7:39:53 PM - - Walsh -

7:39:59 PM - - Turner - recording was not on Zoom from the beginning but is being recorded from other means

7:40:43 PM - - Walsh - next application - Ocean View Associates Realty

7:41:03 PM - - Batastini - only Class 4 members will voting (7 members)

7:41:43 PM - - Kalman Alpert, Esquire (for Yaakov Pollack, Esquire) - explain application - space to be used by employees at small cost; most don't have cars; required to maintain a certain number of site; no proposed changes to building; would be maximum of 10 employees using this area.

7:43:43 PM - - Vincent Orlando - retained to look at site and provide testimony as to use variance; met with representative of the building, as well as the general manager. Facility is licensed for 180, but presently have about 117. Applicant wants to allow 8 - 10 employees to stay on site as consignment employees; came up with concept to use portion of the site to house employees. These employees would be on site; provide additional workers when needed; would not create any additional traffic; professional nurses are sought after and applicant has become creative in this concept. Explained positive and negative criteria. Providing public health and welfare to aging community; only employees of this facility will live there - mixed use is needed; no detriment to the zoning plan or ordinance; no impact on the neighborhood - they are employees, no additional traffic. No impact on sewage or water; full cafeteria in facility. Believes the mixed use will work well - facility is licensed for 180.

7:50:55 PM - - Watson - how many employees

7:51:03 PM - - Orlando - there are 70 - 75 employees full and part-time

7:51:20 PM - - Walsh -

7:51:28 PM - - Orlando -

7:51:53 PM - - Alpert - the people living there would be professionals and trust them to act as such

7:52:26 PM - - Walsh - ask for engineer's report

7:52:34 PM - - Mulford - engineer's report and comments

7:53:05 PM - - Walsh - ask Board for questions

7:53:16 PM - - Orlando - realizes will be required to obtain construction permit

7:53:36 PM - - Walsh -

7:53:39 PM - - Penrose -

7:53:43 PM - - Walsh - no other questions - open to public for comments - none

7:54:22 PM - - Batastini - form of motion to approve application

7:56:22 PM - - Watson - motion to approve

7:56:29 PM - - Penrose - second

7:57:26 PM - - All in favor.

7:58:01 PM - - Walsh - Pierson-Pleasantville, LLC (continued from 1/26/23 meeting)

7:59:04 PM - - Paul Baldini, Esquire - attorney for applicant - believe left during testimony of Al Litwornia; also advised that one of his

expert's is not available this evening

8:00:07 PM - - Batastini - will probably stop after Baldini's cross-examination as the Board has other business and will probable conclude testimony around 10:00 p.m.

8:01:00 PM - - Kevin Balistreri, Esquire - attorney for opposition

8:01:35 PM - - Baldini -

8:01:42 PM - - Batastini - administer oath to Al Litwornia

8:02:08 PM - - Litwornia - take oath

8:02:14 PM - - Baldini - questions to Litwornia

8:02:24 PM - - Litwornia - responses to Baldini - aware that an auto repair business is near this parcel, but not sure of name; aware that Walter Brothers business is adjacent to this property, but no sure what they do because he wasn't interested in this property; aware of the Atlantic City Electric sub-station and their towers in the area, not sure how high the towers are; aware of most of business in area, but did not look at them - Plitnick, Conover Swanson, Fehrle - aware that they store material on site

8:06:48 PM - - Baldini - ask for screen share - refer to screen share. Ask Litwornia to look at permitted uses with him on screen. Referred to permitted uses shown and ask questions.

8:09:36 PM - - Litwornia - in response to specified uses indicated by Baldini - not sure if large vehicles would all be diesel; some facilities have large vehicles stored on site and some store large vehicles off-site; with respect to auto repair - flatbed not always used, most cars are driven in or towed; confirmed that boat are stored outside at marina property.

8:13:11 PM - - Baldini - asked Litwornia who hired him

8:13:23 PM - - Litwornia - replied Kevin, when asked who he was responded Kevin Balistreri and that the was also a principal in the marina business being referred to

8:14:58 PM - - Baldini - continue with questions

8:15:05 PM - - Litwornia - respond to Baldini - provided his description of product assembly and fabrication; pieces used in this business not always delivered by truck and not all parts are large. With respect to lumber yard use - most lumber is delivered by trucks. Government offices and public works facilities - not aware of any public works facility in area - when advised that County had such a facility nearby, responded that the had not seen it. With respect to gasoline service stations as a conditional use - means not allowed unless all criteria are met. With respect to outdoor storage, with proper screening - acknowledge that permitted. With respect to small wind energy systems - doesn't know permitted height. With respect to County Road 550 is a designated truck route for Cape May County.

8:21:36 PM - - Batastini - hears someone in background answering questions that are posed to Litwornia

8:22:18 PM - - Litwornia - said his daughter had been in room but left

8:22:45 PM - - Batastini - ask that everyone be on mute unless speaking

8:22:58 PM - - Baldini - County Road 550 designated truck route - questions

8:23:29 PM - - Litwornia - confirm that County Road 550 is a designated truck route; that trucks are allowed on County Roads at all times; applicant is required to comply with Noise Control Act.

8:25:53 PM - - Baldini - refer to Exhibit A-7 and ask Litwornia to identify

8:26:15 PM - - Litwornia - identify Exhibit in question; appears to be for this project; testify that documents says that right-of-way of 66 feet is adequate - he never saw letter before, but can say that is what is in letter. Discuss his recommendations for the control of dust and dirt prior to entering a street or highway and agrees with what is being shown on screen share. Respond to peak hour traffic questions asked by Baldini. Document says that the traffic count is low, but he doesn't agree with that

statement - counts taken in winter when counts are low.

8:34:50 PM - - Baldini - if traffic increase above what County indicates, they have to appear before the County.

8:35:32 PM - - Litwornia - agrees that it shows good levels of service, but have to look at the safety aspects, entering and leaving roadway - coming in off a road with a 50 mph speed limit and it takes a concrete a longer time to make a turn

8:37:00 PM - - Baldini - hasn't County approved amount of traffic

8:37:29 PM - - Litwornia - County hasn't taken into consideration some of the things he has seen with respect to traffic.

8:38:35 PM - - Baldini - hours of operation

8:38:48 PM - - Litwornia -

8:39:16 PM - - Baldini - ask Litwornia if he remembers testimony that there would be no customer on-site traffic

8:39:50 PM - - Litwornia - doesn't recall that testimony; asked Baldini what he means by no customer on-site traffic

8:40:33 PM - - Baldini - use scenario of customers going to and leaving Walmart

8:41:05 PM - - Baldini - hours of operation

8:41:17 PM - - Litwornia - concern with hours of operation and noises that haven't been addressed such as back-up noises

8:42:16 PM - - Baldini - slow turning vehicles

8:42:28 PM - - Litwornia - agrees that site use presently involves slow turning vehicles; testify that there no acceleration or deceleration lanes at site now; creation of such lanes would take away one of the impacts; agrees that large trucks use County Road 550 now and that trash trucks travel same on the way to the landfill. Not sure if he is familiar with Kings Highway (County Route 608) when asked by Baldini. Testified that he is in agreement with Shropshire Associates 11/1/21 report.

8:48:07 PM - - Baldini - questions regarding Shropshire Associates report of 11/1/21.

8:48:33 PM - - Litwornia - believes that level of service will be worse than ever. With respect to existing conditions agrees with description of road with exception of one measurement provided. With respect to trip generation, agrees with testimony of Pierson representatives and that it includes concrete trucks, other trucks and employees. If staff arrived by the 6:00 a.m. opening, it would be before peak traffic time. If they are open on the occasional Saturday, traffic is heavy and would cause problems. With respect to levels of service at intersections the document shown shows higher levels of service than what they actually are - provide examples of possible problems.

9:00:57 PM - - Walsh - ask for a 10 minute break

9:01:15 PM - - Baldini - not a problem

9:01:23 PM - -

9:01:27 PM - - Pause

9:12:23 PM - - Resume

9:12:51 PM - - Call back to order - all members present per roll call

9:13:27 PM - - Baldini - continue questions to Litwornia

9:13:58 PM - - Litwornia - confirm that he is not familiar with the 8/21/07 report from Shropshire Associates but sees it on Baldini's screen share. With respect to report mention of traffic reports, can't see on screen as too small, but not going to dispute. With respect to that report showing a "B" level agrees that same as 2022 study. Agrees that there are back-ups at intersection of Woodbine-Ocean View Road and Route 9, but doesn't agree that impact of this project on that intersection will be minimal. Volumes at site drive are not significant, his concern is the through traffic at the site drive and the possibility of accidents. Agrees that an 80,000 pound truck

weights 80,000 pounds, but depending on what the cargo is depends on how much distance it needs to stop.

9:27:42 PM - - Kevin Balistreri, Esquire - believes Litwornia is on mute, but also advised that he is having trouble reading what Baldini is referring to on screen

9:28:36 PM - - Baldini - advise that Litwornia should have a hard copy of the report and should look at that

9:29:11 PM - - Walsh - appears that Litwornia is still muted

9:29:40 PM - - Litwornia - now unmuted

9:30:19 PM - - Baldini - enlarge exhibit being referred to

9:30:37 PM - - Litwornia - counts percentage of trucks at Corson Tavern Road and Woodbine-Ocean View Road and turns made - but majority are turning to the east.

9:34:27 PM - - Baldini - refer to chart in exhibit and ask questions of Litwornia

9:35:33 PM - - Litwornia - slower moving trucks cause accidents when they are entering a 50 mph road; he did not review accident reports from the area in question; basing his answer on an accident he saw in Maryland while working on a project - observed that when concrete trucks made a left turn when leaving the site they took an inordinate amount of time to make the turn and saw an accident that duplicated the one that they were investigating. He was there with 2 attorneys. He believes that a field analysis has to be made to determine the amount of time it takes to make turn at each level of service.

9:41:28 PM - - Baldini - refers to Exhibit A-4 (SP-3)

9:41:48 PM - - Litwornia - recognizes document, but can't read it; believes he has seen it before.

9:42:32 PM - - Baldini - document shows road improvements proposed by Pierson and describe same

9:43:02 PM - - Litwornia - hasn't seen County's letter

9:44:17 PM - - Baldini - refers to Exhibit showing the transit mix plant and questions to Litwornia

9:45:17 PM - - Litwornia - can't see what Baldini pointing to, Baldini decides to skip that and move on the features of plant.

9:45:55 PM - - Baldini - questions to Litwornia regarding features of plant

9:46:16 PM - - Litwornia - respond to Baldini as to what is being shown on the screen share regarding capture of dust and dirt and return to the bin.

9:47:21 PM - - Baldini - refer to Exhibit A-11 - highlighted stacks of the plant

9:47:56 PM - - Litwornia - agrees that 3 stacks are shown on the exhibit and they are filtered

9:48:17 PM - - Baldini - refer to other plant specifications - system to collect and return dust to plant

9:49:07 PM - - Litwornia - agrees that that is the way it's suppose to work; also agrees that vehicle cranes are being operated for existing uses; understands that there will be no concrete recycling on site and it will be shipped out and that takes care of that concern; also agrees that the standards of dust and dirt must be met and they have to obtain an Air Quality Permit.

9:52:19 PM - - Baldini - now wants to discuss sound impact. Sound Impact Study

9:52:52 PM - - Litwornia - Sound Impact Study did not address certain issues.

9:53:22 PM - - Baldini - refer to Shropshire report and ask questions to Litwornia.

9:54:10 PM - - Litwornia - doesn't believe that back-up beepers were included now were idling trucks. Agrees that it includes ambient use, but to what extent is not provided.

9:56:58 PM - - Baldini - testimony tonight is different from previous testimony

9:57:32 PM - - Litwornia -

9:57:50 PM - - Baldini - doesn't ambient noises including trucks on site

9:58:16 PM - - Litwornia - yes, but have to take into consideration when noise is made

9:58:46 PM - - Baldini -

9:58:55 PM - - Litwornia - agrees that ambient noise includes idling and back-up beepers, but have to include readings.

10:00:43 PM - - Baldini -sources of sound interest

10:01:03 PM - - Litwornia - sounds of interest - idling, back-up beepers, and other sounds need to be included as well; he has not taken any sound readings

10:02:39 PM - - Baldini - since Litwornia hasn't taken any sound readings, will rely on report

10:03:20 PM - - Litwornia - respond to Baldini

10:04:28 PM - - Baldini - wants to draw his attention to the concrete mix property owned by Fehrle

10:04:58 PM - - Balistreri - in his office in Atlantic City and there is some loud commotion outside and sirens, needs to take minute and check out what is going on

10:05:46 PM - - Baldini - getting to close to the end

10:05:57 PM - - Balistreri - everything appears to be all right

10:06:12 PM - - Baldini - screen share copy of the tax map with the blue area being the area where the concrete plant is proposed and it also shows the Fehrle plant across the street.

10:07:20 PM - - Litwornia - confirm that he did not prepare any studies with respect to the Fehrle site; did not visit that site; did not take any sound measurements from that site. Berms, fences and addressing the noise making machines shielded aids in the lower of sounds.

10:09:58 PM - - Baldini - with respect to the Fehrle site, indicated distances from various areas with no sound.

10:10:53 PM - - Litwornia - believes that what Baldini indicated is true.

10:12:07 PM - - Baldini - the green shaded parcel is the objector's property, the blue is the applicant's - won't the sound be less due to distance on the applicant's property.

10:12:56 PM - - Litwornia - didn't calculate, possible that sound would be less.

10:14:23 PM - - Baldini - no further questions.

10:14:38 PM - - Balistreri - has a few questions of cross-examination, but has 7 or 8 pages of notes.

10:15:19 PM - - Batastini - due to the time, this application will be continued to the April, 2023 meeting. Board will continue with other business. Stormwater is not on the agenda, but needs to be discussed.

10:16:32 PM - - Balistreri - asked that the actual date of the next meeting be provided.

10:16:50 PM - - Batastini - next meeting will be 4/27/2023 at 7:00 p.m. and there will be no further notice.

10:17:24 PM - - Batastini - when the Township has an ordinance that affects the zoning, the Board reviews and determines that it is not impacting the Master Plan. The Pinelands Commission is asking for an ordinance that the Township is adopting the stormwater requirements. Not sure if there is much for the Board to discuss - explained why. Ask for motion recommending adoption of ordinance.

10:20:32 PM - - Walsh - motion

10:20:36 PM - - McEvoy - second

10:21:22 PM - - Motion passed with 1 abstention.

10:21:33 PM - - Batastini - Pittaluga Resolution

10:22:44 PM - - Watson - motion to approve

10:22:49 PM - - Penrose - second

10:23:24 PM - - All in favor

10:23:29 PM - - Batastini - Connors Resolution

10:25:58 PM - - Watson - motion to approve

10:26:06 PM - - Chambers - second

10:26:36 PM - - All in favor.  
10:26:42 PM - - Batastini - minutes from January and February 2023  
10:27:12 PM - - Turner - motion to approve  
10:27:21 PM - - Walsh - second  
10:27:25 PM - - Voice vote - all in favor  
10:27:34 PM - - Batastini - bills  
10:27:51 PM - - Turner - motion to pay  
10:28:02 PM - - Walsh - second  
10:28:30 PM - - All in favor  
10:28:35 PM - - Batastini - hopefully getting closer to the finalization of the Pierson application, review of who still is going to speak, open to the public and also need to deal with the res judicata issue and ultimately get to a vote.  
10:30:29 PM - - Turner - related to the Pinelands Ordinance - a lot of it is already at the State level. It was explained that at the State level it has "no teeth" but putting it in an ordinance makes a difference.  
10:32:00 PM - - Discussion of credibiity of witness heard this evening. Jon will give Board direction; but want to make sure that when vote is made need to have a solid record. The findings of facts will be torturous. Walsh suggested that everyone review the minutes and get notes from other members to review as well.  
10:35:46 PM - - Motion made and seconded to adjourn meeting.  
10:35:59 PM - - Meeting adjourned.  
10:36:06 PM - -  
10:36:13 PM - - Stop Recording