

7:03:08 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting - October 26, 2023 - 7:00 p.m.

Attendance: Watson, Penrose, Turner, Martucci, Hope, Walsh,
Batastini, Fralinger

Applications:

KIELY HOLDINGS. LLC - Block 225.01, Lot 8.07: Located on Stoney Court in a Business (B) zone. Applicant seeking preliminary and final site plan approval to renew the resource extraction permit.

HACKETT, CORY AND DEVON - Block 120, Lot 197: Located on Buck Drive in an R3 (Rural Density Residential) zone. Applicants seeking approval to temporarily reside in a trailer on the property during construction of a new single-family dwelling, together with a height variance for the proposed house, and any and all waivers and/or approvals necessary.

TURNER PARTNERS, LP - Block 235, Lot 3: Located on Corson Tavern Road in an R3 (Rural Density Residential) zone. Applicant seeking preliminary and final site plan approval and any and all waivers and/or approvals necessary to renovate an existing secondary entrance and exit gate and guard booth.

SHORESIDE LEGAL, LLC - Block 236, Lots 9 and 10: Located on Route 9 in an OVC (Ocean View Center) zone. Applicant seeking preliminary and final site plan approval, bulk variances and any and all waivers and/or approvals necessary to use the existing single-family home as a law office.

CHANNEL MARINE CONSTRUCTION - Block 262, Lot 11.18: Located on Clermont Drive in a CVC (Clermont Village Center) zone. Applicants seeking a use variance to construct a 2,400 square foot office building with parking lot and 9,600 square feet of gravel outdoor storage. (Adjourned.)

Other Business:

Correspondence:

Discussion:

Resolutions: Pierson Pleasantville, LLC

Minutes: September 26, 2023

Bills:

Adjourn.

7:03:08 PM - - Start Recording
7:03:13 PM - - Meeting called to order.
7:03:31 PM - - Roll call.
7:05:01 PM - - Turner - turn meeting over to Walsh
7:05:19 PM - - Walsh - first application Kiely Holdings
7:05:40 PM - - Michael Bruno, Esquire
7:05:50 PM - - Batastini - advise that only 5 members are present

7:06:09 PM - - Bruno - happy to proceed and hopes it will go rather quickly
 7:06:25 PM - - Paul Baldini, Esquire - Pierson Resolution not on agenda?
 7:06:52 PM - - Batastini - is on the agenda, but has been updated, checked to make sure and confirmed
 7:07:46 PM - - Bruno - attorney for applicant. Application for renewal of resource extraction permit. Hasn't been recent activity on site, but his client has been maintaining property and wishes to renew the permit. Prepared to address engineer's comments.
 7:09:00 PM - - Batastini - administer oath to Steven Filippone
 7:09:27 PM - - Filippone - has walked site, no activity for several years, plans accurately show what is on property, agree to all of Mr. Fralinger's comments.
 7:10:33 PM - - Bruno - ask Filippone to confirm that maintenance schedule is compliant and being maintained.
 7:11:07 PM - - Filippone - confirm
 7:11:17 PM - - Bruno - seeking 3 year renewal permit
 7:11:36 PM - - Batastini - ask for any questions prior to engineer's report - none - ask Fralinger to review his report
 7:12:12 PM - - Fralinger - review engineer's comments. Asked that applicant maintain property as required.
 7:13:56 PM - - Bruno - will be maintaining property and storm water
 Ms. Eecklof - employee of applicant confirm that applicant hopes to keep everything in compliance and indicated certain item
 7:15:17 PM - - Walsh - question to Fralinger
 7:15:42 PM - - Fralinger -
 7:15:49 PM - - Filippone - requested an updated safety report
 7:16:03 PM - - Bruno - not aware of company receiving any calls
 7:16:22 PM - - Eecklof - has had no calls regarding property since they took ownership
 7:16:51 PM - - Batastini - administer oath to Eecklof
 7:17:04 PM - - Erin Eecklof - take oath and confirm that what she has testified to is true
 7:17:25 PM - - Batastini - ask for comment/s questions from public - none - public portion closed
 7:17:46 PM - - Batastini - background as to Board's review and approval and then goes to Township Committee. Explain that the Township Committee has certain time requirements and reviewed same with Board. Prepared, with applicant, a form of Resolution that approves matter be sent to Township Committee and form of Resolution
 7:20:44 PM - - Martucci - motion
 7:20:48 PM - - Watson - second
 7:20:56 PM - - Roll call -all voting members in favor
 7:21:44 PM - - Batastini - will go through Resolution later this evening, all members fine with recommendation
 7:22:40 PM - - Bruno - thank Board
 7:22:46 PM - - Walsh - Cory and Devon Hackett
 7:23:18 PM - - Batastini - administer oath to Cory and Devon Hackett
 7:23:38 PM - - Cory Hackett - explain application - want to reside in trailer with family while constructing home
 7:24:09 PM - - Devon Hackett - grew up in Township, but has Louis Scheidt from Gibson Associates present to answer
 7:24:54 PM - - Justin Turner, Esquire - in order to assist, advised applicants that they are entitled to a full Board and need 5 affirmative votes
 7:25:32 PM - - Batastini - confirm that they will need 5 affirmative votes, but if he sees problem arising he will suggest waiting
 7:26:28 PM - - Louis Scheidt - indicated his credentials
 7:26:50 PM - - Walsh - recognize Scheidt as expert
 7:27:02 PM - - Scheidt - confirm that applicants will be living in trailer, with their 2 children, during construction; also new house exceeds height; all set backs are conforming. In order to reduce height of building would result in a hardship. In his

opinion, variances can be granted with no detriment. The use variance being requested is a temporary variance. The height variance is consistent with the surrounding neighbor.

7:30:20 PM - - Batastini - how long from today until CO can be obtained - wants to limit time

7:30:49 PM - - Scheidt - spoke with Hacketts and believes that 2 years would be a good timeframe

7:31:19 PM - - Watson - asked about height variance and explanation

7:31:44 PM - - Scheidt - lot is undersized and adding in wetlands and other things that need to be included in formula effects the height; house will be a single story

7:32:52 PM - - Watson - no problem with request

7:33:03 PM - - Walsh -

7:33:06 PM - - Scheidt - explain ratio in making determination

7:33:44 PM - - Walsh -

7:33:48 PM - - Batastini -

7:33:53 PM - - Watson - ask if applicant is doing work on house themselves

7:34:07 PM - - Devon Hackett - yes, they pretty much have everything lined up

7:34:33 PM - - Scheidt - would Board be willing to go longer than 2 years

7:34:58 PM - - Watson - would have no problem with 3 years, everything always takes longer than expected

7:35:20 PM - - Batastini - suggest maximum of 3 years or maximum of 60 days after issuance of CO

7:35:57 PM - - Scheidt - thank you

7:36:04 PM - - Walsh - ask for engineer report

7:36:15 PM - - Fralinger - engineer's report

7:37:07 PM - - Scheidt - respond to questions from Fralinger

7:37:59 PM - - Batastini - confirm height of proposed building and possible D6 requirement

7:38:40 PM - - Fralinger - respond to Batastini

7:39:00 PM - - Scheidt - explain calculations for building height and how arrived at

7:40:15 PM - - Batastini -

7:40:29 PM - - Scheidt - doesn't think the height variance requested will have any downside; many trees are left on site; and can hardly be seen from street

7:41:20 PM - - Batastini - open to public - none. Present form of motion to approve application requests. Advise that application will require 5 affirmative votes.

7:42:35 PM - - Watson - motion to approve

7:42:40 PM - - Penrose - second

7:42:45 PM - - Roll call - all voting members in favor

7:43:44 PM - - Walsh - next application Turner Partners, LP

7:44:15 PM - - Justin Turner, Esquire - attorney for applicant

7:44:36 PM - - Batastini - administer oath to Scheidt and Scott Turner. Ask Justin to review application.

7:45:17 PM - - Justin Turner - no variance relief is requested or required. Want to renovate a secondary entrance to the campground. Questions to Mr. Turner.

7:46:06 PM - - Mr. Turner - respond to Justin Turner's questions. Intended purpose is to ease the traffic on Route 9, secondary entrance, mostly registered people would use this entrance/exit. Not a primary entrance/exit.

7:47:55 PM - - Scheidt - there is an entrance there now and simply bringing it more up-to-date; small booth there now, asking for several waivers - all of which are straightforward. Entrance will continue to exist in any event, just want to make it better. Have County review letter and will comply with requests - review same for the record. Soil conservation will be submitted. Plan is to take an existing entrance and upgrade it and make it safer. Believes there is no detriment to granting this application.

7:52:14 PM - - Justin Turner - happy to address questions

7:52:29 PM - - Walsh - how is gate accessed
 7:52:46 PM - - Scheidt - explain access
 7:53:09 PM - - Walsh - ask Board for questions
 7:53:16 PM - - Watson - sounds like a good plan to him
 7:53:29 PM - - Fralinger - review engineer's report
 7:55:17 PM - - Walsh - open to public, none - close public portion
 7:55:32 PM - - Batastini - form of motion to approve
 7:56:16 PM - - Watson - motion to approve
 7:56:25 PM - - Walsh - second
 7:56:33 PM - - Batastini - additional info for motion
 7:56:42 PM - - Roll call - all voting members in favor
 7:57:27 PM - - Walsh - next matter Shoreside Legal, LLC
 7:57:50 PM - - Justin Turner, Esquire - applicant and attorney - seeking to renovate a single family home into a law office
 7:58:34 PM - - Batastini - administer oath to Justin Turner
 7:58:46 PM - - Justin Turner - seeking to convert existing single family home into a law office; only seeking to add parking and handicap spot and handicap ramp; adjacent to his home; most clients are met through Zoom; adjoining property owner has agreed to enter into an easement to provide driveway space; simple and straight forward.
 8:01:05 PM - - Louis Scheidt - building is pre-existing; change in parking size - explained; will be minimal traffic impact, no more than if a family lived there; trash enclosure requirement is way more than this business would need; requesting freestanding sign along Route 9; low intensity use; discussed parking to be provided; lighting; agrees with Engineer's letter, except for comments made. Route 9 has commercial uses existing. No detriment to the zoning plan or ordinance.
 8:07:04 PM - - Fralinger - review engineer's review letter.
 8:10:45 PM - - Walsh - any questions
 8:10:53 PM - - Watson - isn't this in the zone requiring sidewalks?
 8:11:16 PM - - Justin Turner - describe surrounding properties and sidewalks
 8:11:45 PM - - Fralinger - looking at zoning to confirm. There are plans that show sidewalks in the area, not seeing anywhere where sidewalks are required, but are a permitted use in this zone. He would defer to DOT.
 8:13:13 PM - - Justin Turner - if it was determined that sidewalks are required, asking for an exemption
 8:13:40 PM - - Watson - will defer to Board, understands argument; but if sidewalks are wanted, they will never exist because of adjoining properties and lack of sidewalk
 8:15:28 PM - - Fralinger - believes this property will fall under the "no interest" by the DOT because of existing driveway.
 8:16:25 PM - - Scheidt - thinks it is significant that there is no curbing
 8:16:53 PM - - Justin Turner - agrees that there are sidewalks farther north, but nothing in area of this property
 8:17:44 PM - - Fralinger - read language concerning sidewalk requirements
 8:18:31 PM - - Justin Turner - doesn't expect or want anyone to be parking along Route 9
 8:18:56 PM - - Batastini - request 5 minute break to do research
 8:19:15 PM - - Watson -
 8:19:21 PM - - Walsh - call for 5 minute break until 8:25 p.m.
 8:19:53 PM - - Pause
 8:29:45 PM - - Resume
 8:29:47 PM - - Roll call - all present
 8:30:13 PM - - Batastini - didn't find anything in his research that sidewalks had to be there
 8:30:34 PM - - Fralinger - reviewed what he found, looks to be for future development of Route 9 and not necessarily requiring sidewalks in this case
 8:31:57 PM - - Batastini - hard to make some one put in a sidewalk when it isn't clear that it is required; poll Board to see whether or

8:32:49 PM - - not Board believes a sidewalk is required
 - Walsh - would be a great future plan; other applicants have
 requested waivers from sidewalks; sees a reason for safety,
 however such a distance between sidewalks, understands Mr.
 Watson's point of view
 8:34:07 PM - - Penrose - agrees with Mr. Scheidt that sidewalks go along with
 curbing, maybe when Route 9 is built out
 8:34:38 PM - - Hope - agrees, maybe in the future
 8:34:56 PM - - Martucci - agrees
 8:35:15 PM - - Batastini -
 8:35:21 PM - - Fralinger - nothing else to add
 8:35:28 PM - - Batastini - open to public
 8:35:44 PM - - Walsh -
 8:35:51 PM - - Anthony Recchia - here for Kiely Resolution
 8:36:09 PM - - Walsh - any public - none - close public portion
 8:36:40 PM - - Batastini - form of motion to approve application
 8:37:53 PM - - Hope - motion to approve
 8:38:02 PM - - Penrose - second
 8:38:06 PM - - Roll call - all voting members in favor
 8:39:12 PM - - Justin Turner - thank Board
 8:39:27 PM - - Walsh - Channel Marine Construction - has been adjourned until
 next month's meeting
 8:40:04 PM - - Walsh - Pierson Resolution
 8:40:13 PM - - Batastini - review Pierson application and Resolution; if more
 time is needed by Board to review Resolution can move vote to
 next meeting
 8:42:30 PM - - Martucci - didn't participate in all Pierson meetings - can she
 vote on Resolution
 8:43:06 PM - - Hope - same as Martucci
 8:43:17 PM - - Batastini - confer with Baldini as to how many votes would be
 needed under circumstances
 8:43:54 PM - - Penrose - question about Resolution - what is taller than
 proposed tower; question regarding delivery; question about
 "leftover equipment"
 8:45:17 PM - - Batastini - ask if anyone else has questions regarding the
 Resolution - none. Advise that he is not going to answer those
 questions and do research and vote at next meeting.
 8:46:09 PM - - Baldini - he is good with that, (will provide answers to height;
 gravel on site; left-over equipment); answered questions per his
 recollection, but will confirm.
 8:48:11 PM - - Penrose -
 8:48:14 PM - - Batastini - wants to get it right so it doesn't have to come
 back.
 8:48:30 PM - - Baldini - thank Board
 8:48:36 PM - - Batastini - draft of Resolution for Kiely application
 (screen-shared) - summarized for Board
 8:52:01 PM - - Watson - motion to approve
 8:52:14 PM - - Hope - second
 8:52:19 PM - - Roll call - all members voting in favor
 8:52:45 PM - - Walsh - minutes of 9/26/23 meeting
 8:53:23 PM - - Voice vote - all in favor
 8:53:36 PM - - Walsh - bills
 8:54:43 PM - - Hope - motion
 8:54:49 PM - - Martucci - second
 8:54:54 PM - - Roll call - all members voting in favor
 8:55:43 PM - - No further business - meeting adjourned.
 8:55:55 PM - -
 8:56:07 PM - - Stop Recording

