

7:00:25 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting - April 27, 2023 - 7:00 p.m.

Attendance: Walsh, Martucci, Watson, Penrose, McEvoy, Cowan,
Caprioni, Chambers Batastini, Fralinger

Call to Order.

Roll Call.

Applications:

CIARDELLI, JAMES AND SANDRA - Block 67, Lot 177: Located on
Little Mill Road in a PR (Pinelands Rural) zone. Applicants
seeking a variance to construct a pole barn in the front yard.

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 March 23, 2023.)

Other Business:

Correspondence:

Discussion:

Resolutions:

- Ryan
- Ocean View Associates Realty, LLC

Minutes: March 23, 2023

Bills.

Adjourn.

7:00:25 PM - - Start Recording
7:00:27 PM - - Walsh - call meeting to order
7:01:21 PM - - Roll call.
7:01:26 PM - - Walsh - first application - Ciardelli, James and Sandra
7:01:48 PM - - Batastini - administer oath to Fralinger and Gibson, as well as
James Ciardelli, Jr.
7:03:22 PM - - Ciardelli - wants to construct a pole barn, does woodworking,
decided to move to this area to get away from New York.
Building would be used for storage of antiques and other items,
as well as his woodworking. Building needs to be near front of
property. Home is historic log cabin. Will be well designed,
will probably have to remove 3 trees, also need to consider
location of septic. Will save any trees he possibly can.
7:06:39 PM - - Batastini - will anyone be able to see pole barn
7:06:52 PM - - Ciardelli - yes, but plans on doing plantings and will do
whatever it takes that the Board thinks is necessary. There
will be electric in building, but no water. Will be no
employees. Will be heated - may be a wood stove. Property
also has 2 car garage. All existing buildings were there when

he purchased property. Also has to consider pond and wetlands. Putting barn in proposed location will reduce cutting of trees; won't impact neighbors.

7:10:55 PM - - Batastini - ask Board for any questions.

7:11:10 PM - - Martucci - any intention of renting

7:11:21 PM - - Ciardelli - no and will be no water connection

7:11:38 PM - - Batastini - ask for engineer's report

7:11:52 PM - - Fralinger - engineer's report. Address variances needed and other comments.

7:13:22 PM - - Batastini - any other questions from Board, none, open to public for comment, none, closed to public.

7:13:53 PM - - Batastini - form of motion to approve accessory use in front yard and lot coverage issue

7:15:10 PM - - Penrose - motion to approve

7:15:17 PM - - Martucci - second

7:15:48 PM - - All in favor

7:15:51 PM - - Batastini - thank applicant and explain procedure to him

7:16:14 PM - - Ciardelli - wants he and his wife to be part of Dennis Township organizations and Jessica is a gem, made him feel welcome as a stranger and she is an asset. Also wants to thank all members of the Board.

7:17:08 PM - - Batastini - Board is always looking for people interested in being on the Board, will have Jessica reach out

7:17:33 PM - - Ciardelli - thanks everyone

7:17:52 PM - - Walsh - next matter Pierson-Pleasantville, LLC - continuation from the 3/23/23 meeting.

7:18:45 PM - - Balistreri, Kevin, Esquire - advise where left off at last meeting

7:19:25 PM - - Batastini

7:19:31 PM - - Baldini -

7:19:37 PM - - Batastini - advise that Brian VanArtsdalen has joined the meeting

7:20:04 PM - - Batastini - administer oath to Al Litwarnia

7:20:27 PM - - Balistreri - cross-exam of Litwarnia - questions to Litwarnia

7:20:49 PM - - Litwarnia - respond to Balistreri's questions - Conover Swanson is not a comparable business as they do work off-site; concrete plant - trucks in and out all day; Plitnick - workers work at work-site. Concrete plant is a heavy industrial use - continuance operation with heavy vehicles. Walters Marine Construction - not comparable - work off-site. Fehrle Mason Contractors - believes they also do their work on work sites. Fehrle Concrete Plant - limited materials on location. Atlantic City Electric Substation - familiar with tower, put in as a beneficial use to public.

7:25:28 PM - - Balistreri - asks to screen-share - refer to A-16 on screen, read part into record - ask Litwarnia to advise if business referred to is comparable to applicant's with respect to noise and use.

7:30:14 PM - - Litwarnia - respond as to each business listed whether comparable to applicant's with respect to noise. Advise that concrete plant of applicant makes a lot of noise. Most businesses on list were not comparable, with only a couple being somewhat close but still not as much noise as that from applicant's property. Explain in his opinion why public works facility use is permitted in this zone, but concrete plant is not. In his opinion, as traffic expert, it would make it worse to add concrete trucks - noise increase. Would have impact on traffic, especially on weekends. Familiar with intersection with Route 9 and it is one to avoid on weekends in the summer. Back-ups can be from Route 9 to Corson Tavern Road and adding concrete trucks will only make it worse because most trucks will probably be using Route 9. Shropshire conducted his counts in October, when there is very little campground traffic

and other summer traffic. Have to count impact in worst conditions.

- 7:42:22 PM - - Balistreri - refer to Shropshire's report of April, 2007 - traffic counts submitted for the month of April; refer to highlighted portions of report and asked questions of Litwarnia. In that report it is mentioned that Shropshire used seasonal adjustment factors.
- 7:44:36 PM - - Litwarnia - indicate that Shropshire used adjusted seasonal factor in places and not in others for the traffic counts. In his opinion, Shropshire's counts are unreliable.
- 7:46:30 PM - - Balistreri - showed Resolution of the Board from 2007 application and asked Litwarnia to read highlighted portion - Balistreri read section to Litwarnia.
- 7:48:04 PM - - Litwarnia - confirm that Balistreri read the highlighted section correctly; also responded to questions from Balistreri - Shropshire indicated that peak hour would start at 7:00 and Pierson said 6:00. Pierson's Operation report said hours of operation would be from 6:00 a.m. to 6:00 p.m. and maybe later.
- 7:50:12 PM - - Balistreri - given Pierson's hours of operation, wouldn't there be peak traffic during peak time
- 7:51:18 PM - - Litwarnia - agree with Balistreri's comment. In response to Balistreri - no comments, etc. were ever received from the County. Indicate that readings are critically important and need to take into consideration time of year taken.
- 7:53:53 PM - - Balistreri - no further questions of Litwarnia
- 7:54:07 PM - - Batastini - ask Baldini if any further cross
- 7:54:17 PM - - Baldini - none
- 7:54:25 PM - - Batastini - ask Baldini if prepared to move on
- 7:54:49 PM - - Baldini - prepared to proceed, but needs a minute
- 7:55:09 PM - - Balistreri - advise that he has Barbara Allen Woolley-Dillon with him this evening
- 7:55:35 PM - - Batastini - administer oath to Woolley-Dillon
- 7:56:06 PM - - Litwarnia - add that a noise complaint had been made at a campground, but no summons was issued because no one was living there
- 7:57:11 PM - - Batastini - considered hearsay and not admissible because no one is here to testify
- 7:57:52 PM - - Cowan - question to Litwarnia
- 7:59:06 PM - - Litwarnia - courts don't want to interpret a Township's ordinance, but should benefit all residents - strict test.
- 8:01:27 PM - - Walsh - what is the difference of a fully loaded sand or gravel truck pulling out as opposed to a concrete truck - wouldn't the noise be the same, acceleration the same?
- 8:02:34 PM - - Litwarnia - acceleration and deceleration lanes are provided; noise
- 8:03:42 PM - - Walsh - trying to find out difference
- 8:04:01 PM - - Litwarnia - similar to having a billboard - it's a distraction; traffic is increased
- 8:04:34 PM - - Walsh - wouldn't adding additional gravel trucks do the same
- 8:04:51 PM - - Litwarnia - depends on the volume of traffic, the higher the volume the more chance of accidents. It's his opinion that accel and decel lane and widening are necessary
- 8:06:44 PM - - Cowan - question concerning other concrete plant in area
- 8:07:16 PM - - Litwarnia - couldn't come up with an analysis, could only come up with accident numbers being higher with increased traffic; accel and decel lanes should be installed no matter what happens with this application.
- 8:08:24 PM - - Walsh - ask Litwarnia if he thinks the County has looked at the impact of traffic in this area
- 8:09:17 PM - - Litwarnia - the County is looking at it now.
- 8:10:25 PM - - Walsh - ask Board for any further questions of Litwarnia - none.
- 8:10:44 PM - - Batastini - ask Baldini if he has any questions for Litwarnia

8:11:02 PM - - Baldini - none at this time
 8:11:10 PM - - Balistreri - ask if Litwarnia can be dismissed
 8:11:37 PM - - Walsh - yes
 8:11:41 PM - - Request for 5 minute recess - granted
 8:12:03 PM - - Pause
 8:20:25 PM - - Resume
 8:20:31 PM - - Call back to order
 8:21:07 PM - - Roll call - all in attendance
 8:21:18 PM - - Walsh -
 8:21:22 PM - - Baldini - questions to Woolley-Dillon
 8:21:49 PM - - Woolley-Dillon - licensed planner, not an engineer, has certification for wetlands identification
 8:22:53 PM - - Baldini - trying to find out positions she will be testifying in
 8:23:14 PM - - Woolley-Dillon - not a traffic expert; has certification in noise readings, but has not done any with respect to this application;
 8:24:23 PM - - Baldini - ask who is paying her to be here
 8:24:40 PM - - Woolley-Dillon - submits invoices to Balistreri and admits that she works for the client he is representing
 8:25:29 PM - - Baldini - ask to share screen - refer to screen and refer to A-18 (Google map overlay of portion of Cape May County) and red dot is the subject parcel) - questions to Woolley-Dillon
 8:26:44 PM - - Woolley-Dillon - agrees that map is overlay of CMC; wouldn't confirm that red dot is the subject parcel; agrees that Action Supply is about a 7 minute drive away from the subject site and is in same type of business. Refer to Herman Fehrle & Sons application to the Planning Board - agrees with Baldini as to what that application is requesting and variances requested. Indicate variances requested - read from application. Agrees that variance relief for outside storage was not specifically mentioned in that application.
 8:32:15 PM - - Baldini - referring to narrative in Fehrle application asks questions to Woolley-Dillon
 8:33:13 PM - - Woolley-Dillon - respond to Baldini
 8:33:33 PM - - Baldini - referring again to Fehrle application - asks question to Woolley-Dillon
 8:34:27 PM - - Woolley-Dillon - respond
 8:34:38 PM - - Baldini - (attempting to search for document he wants to share) - looking at Section B6(c) of the report - Board Engineer's report - read paragraph regarding outdoor storage and screening of same as well as no mention of a variance being requested. Next referred to Board Resolution approving application - paragraph #17 of Resolution - read portion into record - mention of outdoor storage.
 8:40:41 PM - - Woolley-Dillon - agree with Baldini as to interpretation of that paragraph
 8:41:20 PM - - Baldini - again referring to same Resolution and that it doesn't mention approval for outdoor storage
 8:42:06 PM - - Woolley-Dillon - hasn't read the entire Resolution and can't make comment
 8:42:23 PM - - Baldini - that's OK, will say that it was accurately read
 8:42:52 PM - - Batastini - wasn't the Resolution being referred to already entered as an exhibit
 8:43:25 PM - - Baldini -
 8:43:39 PM - - Balistreri - indicate that he has not received copies of documents being referred to
 8:44:06 PM - - Baldini - no problem with providing
 8:44:18 PM - - Balistreri - not objecting, but requesting time to review
 8:44:38 PM - - Baldini - trying to show that site plan approvals have been granted and outdoor storage did not require a variance; has another more recent application as well with the same circumstances

8:46:10 PM - - Baldini - continue with questions to Woolley-Dillon
 8:46:27 PM - - Woolley-Dillon - describe photo that is being shown and described what she could see; confirmed that she did see outdoor storage in an area of the photo
 8:47:19 PM - - Baldini - Refer to Exhibit A-22 - application filed with Planning Board for Francis John Claybaugh
 8:48:12 PM - - Woolley-Dillon - confirm correctness of Exhibit A-22
 8:48:32 PM - - Baldini - confirm that applicant in that matter did not request variances
 8:48:51 PM - - Woolley-Dillon - confirm no variances requested
 8:49:04 PM - - Baldini - refer to narrative of application and read portion into record
 8:49:30 PM - - Woolley-Dillon - confirm that portion read was correctly read by Baldini
 8:49:54 PM - - Baldini - continue with questions to Woolley-Dillon
 8:50:11 PM - - Woolley-Dillon - agree with Baldini regarding date
 8:50:57 PM - - Baldini - Exhibit A-23 - questions to Woolley Dillon
 8:51:27 PM - - Woolley-Dillon - respond to Baldini -
 8:52:04 PM - - Balistreri - object - Board Engineer who prepared report is not here; can't testify as to what Board Engineer was thinking or not thinking; no use in referring to other applications
 8:53:17 PM - - Baldini - if Board thinks he has made his point, he is satisfied
 8:53:47 PM - - Batastini -
 8:53:54 PM - - Baldini - has current application and is contrary to other decisions
 8:54:18 PM - - Batastini -
 8:54:35 PM - - Watson - looking at ordinance and it's a permitted accessory use (outdoor storage/screening)
 8:55:07 PM - - Batastini - advise Baldini that he can continue as to why variance is not needed, but is ultimately the Board's decision
 8:55:38 PM - - Baldini - agrees, can move on to next concern
 8:55:54 PM - - Baldini - wants to change focus to PA4 and PA 5 districts - ask her to explain
 8:56:22 PM - - Woolley-Dillon - they are designations for the State Planning Area
 8:57:04 PM - - Baldini - show map (Exhibit A-24) - ask if applicant's property is shown mostly in the PA4 zone; also indicate that he has marked on that map other properties in the area
 8:58:11 PM - - Woolley-Dillon - refer to map, looks like the majority of the applicant's property is in the PA4 area and small portion is in the PA5 area. Environmental concerns do play into the rural area PA4 designation - explained.
 9:00:37 PM - - Baldini - ask Woolley-Dillon if she is familiar with rural planning area designations - read permitted uses in said area
 9:02:11 PM - - Woolley-Dillon - based on what Baldini read into record, she can not answer as she doesn't have a copy in front of her
 9:02:42 PM - - Baldini - will provide her with copy; show Exhibit A-26 (part of Dennis Township Zoning Code - Excavations) and ask if she know what areas they are located in
 9:04:20 PM - - Woolley-Dillon - can't answer as she doesn't have map
 9:04:43 PM - - Baldini - refer to other companies in planning areas
 9:05:16 PM - - Woolley - not familiar with an area 42 designation; again mentioned that she doesn't have a map in front of her to verify what Baldini is asking her with respect to the location and area designation of various businesses.
 9:06:59 PM - - Baldini - ask for a minute - doesn't have a map to show, but wants to continue with his line of questioning and if Woolley-Dillon doesn't know the answer that is OK
 9:07:58 PM - - Woolley-Dillon - doesn't have map to verify
 9:08:24 PM - - Baldini - refer again to Google map recently marked into evidence. Show area of disturbance and PA5 area
 9:09:14 PM - - Woolley-Dillon - can't clearly see the designated area and

there is an area that doesn't match up

9:09:59 PM - - Baldini - refer to map and show area he is talking about and represents that it is the same area as shown on A-12

9:11:02 PM - - Woolley-Dillon - will accept his representation, but doesn't have information in front of her to answer appropriately.

9:11:44 PM - - Baldini - again refers to map

9:12:10 PM - - Woolley-Dillon - again, will accept his representation, but can't answer at this time

9:13:12 PM - - Baldini - refer to PA8 planning area

9:13:24 PM - - Woolley-Dillon - a portion of the property is shown to be in the proposed PA8 area, that land is owned by the applicant

9:14:07 PM - - Baldini - continue with questions to Woolley-Dillon

9:14:42 PM - - Woolley-Dillon - agrees that the proposed area is not near any environmentally sensitive area; in agreement that the numbers on A-25 appear to be lot numbers; agrees that applicant is not proposing development on Lot 68.01.

9:16:48 PM - - Baldini - refer to Exhibit O-5 (Master Plan of 1994) and refer to highlighted areas of certain pages regarding uses of certain areas.

9:18:58 PM - - Woolley-Dillon - agree that what Baldini has read was read correctly from said exhibit. Disagrees with Baldini's interpretation of the re-use of properties.

9:21:28 PM - - Baldini - refer to O-18 (2002 Master Plan) - refer to highlighted pages.

9:22:22 PM - - Woolley-Dillon - agrees that 2002 Master Plan has same layout of land as that of the 1994 version. Discussion of sprawl - she believes specifically is for the Clermont and Ocean View districts.

9:25:55 PM - - Baldini - refer to Exhibit O-6 - goals of land use plan

9:27:03 PM - - Woolley-Dillon - agree with what Baldini reads from the Plan; as to language on page 46 - agrees with what Baldini has read from the Plan; can't answer certain questions; looks like the area in question may have been a RR zone in the 1994 Master Plan and then changed to a business zone; the reclamation plan would depend on what the reclamation plan for the area says and she can't answer at this time; when you finish mining a site, there is little left and it depends on what plan is for reclamation.

9:35:11 PM - - Baldini - refer to A-27, which is another Google map and is of Action Supply. Also shows photo of Action Supply cement truck as well. Refer to line of cement trucks lined up - those trucks will be traveling the same roads as those of the applicant.

9:37:20 PM - - Woolley-Dillon - can't confirm that representation; trucks can continue up Stagecoach Road, doesn't know what routes they take, has no information on that and this application is not for Action Supply; also she is not a traffic expert. She agrees that Route 550 is a designated truck route, that trucks use the road to travel to the landfill, that there is an asphalt plant on Route 550, trucks leave and enter site everyday that facility is open, agrees that some trucks are dual use but there are additional materials that are brought onto the site. Indicates that she is confused - if 100% of materials don't come from the site, then materials need to be shipped in.

9:43:01 PM - - Baldini - explain the dual use of some trucks.

9:44:01 PM - - Baldini - refer to A-1N (Operational Plan) -

9:44:55 PM - - Woolley-Dillon - believes number of truck trips was determined by applicants expert. Asked for clarification as to the number (60) for trucks per day.

9:48:33 PM - - Baldini -

9:48:44 PM - - Woolley-Dillon - has testified that there will be vibrations from the use of machines, but there was not testimony as to vibration testimony from others.

9:49:45 PM - - Walsh - call for 10 minute recess
 9:50:02 PM - - Pause
 10:01:15 PM - - Resume
 10:02:10 PM - - Back to order - all present
 10:02:20 PM - - Batastini -
 10:02:26 PM - - Baldini - no further questions, thanks Board and Woolley-Dillon
 10:02:45 PM - - Balistreri - has some re-direct but would need some time to review before proceeding
 10:03:11 PM - - Batastini - knows that Ms. Morrissey is present; also there is some mention of another expert, Peter Lomax, and he will be pushed to the next meeting; Balistreri's re-direct will be at next meeting; still have to open to public, discuss res judicata, when the time comes for Board to vote, will probable reserve decision until the following month.
 10:05:38 PM - - Balistreri - doesn't believe his cross of Woolley-Dillon will not take long
 10:06:19 PM - - Baldini - doesn't want to start with Ms. Morrissey tonight
 10:06:44 PM - - Batastini - suggest that everyone try to finish up and get to summations next month and then the Board will vote the following month
 10:07:27 PM - - Walsh - wants to poll Board as to suggested plan
 10:08:19 PM - - Roll call - all in favor
 10:08:25 PM - - Batastini - Ryan Resolution
 10:09:20 PM - - Walsh - motion to approve
 10:09:27 PM - - Chambers - second
 10:10:19 PM - - All in favor
 10:10:23 PM - - Batastini - Ocean View Associates Realty, LLC - Resolution
 10:11:00 PM - - Watson - motion to approve
 10:11:11 PM - - Cowan - second
 10:11:45 PM - - All in favor
 10:11:49 PM - - Walsh - minutes from 3/23/23 meeting
 10:12:10 PM - - Voice vote - all in favor
 10:12:17 PM - - Walsh - bills
 10:13:09 PM - - Roll call - all in favor
 10:13:55 PM - - Walsh - wants to thank everyone for their time and dedication
 10:14:13 PM - - Watson - will a transcript be available from this evenings meeting
 10:14:42 PM - - Batastini - a case like this come around every 10 or 15 years, but can't cut anyone off and say we're just going to vote.
 10:15:31 PM - - Motion to adjourn - all in favor.
 10:15:42 PM - - Meeting adjourned.
 10:15:52 PM - - Stop Recording

