

7:01:19 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting - August 24, 2023 - 7:00 p.m.

Attendance: Turner, McEvoy, VanArtsdalen, Penrose, Watson,
Chambers, Caprioni, Walsh, Cowan

Call to Order.

Roll Call.

The Board will vote on the application of PIERSON-PLEASANTVILLE,
LLC - Block 224, Lots 68.01, 73, 74.02, 75.03 and 78.04.
(Continued from July 27, 2023.)

Applications:

PICKERING REAL ESTATE INVESTMENTS, LLC AND CAMBRIDGE DEVELOPMENT
COMPANY - Block 120, Lots 121 and 122.15: Located on Woodside
Drive; Lot 121 is located in the R3 (Rural Density Residential)
zone and Lot 122.15 is located in a C (Conservation) zone.
Applicants seeking minor subdivision of 2 wooded lots into 3
separate lots, a lot frontage variance for the 2 lots in the
rear of the subdivision, and a lot area variance for the
proposed Lot 121.02. In addition, applicants are seeking a
waiver from providing location, size and type of sanitary
facilities, together with any and all waivers and/or approvals
necessary.

BALDACCI PROPERTIES, LLC - Block 262, Lot 1.03: Located on
Route 9 North in a CVC (Clermont Village Center) and R3 (Rural
Density Residential) zone. Applicant seeking amended site plan
approval and front yard setback, building length, parking and
sign setback variances, together with any and all waivers,
variances and/or approvals necessary to reconfigure the building
layout and construct four (4) storage buildings of 24,000 square
feet of self-storage space.

WEIGEL, HENRY AND CHERYL - Block 67, Lot 28: Located on Fidler
Road in a PV (Pinelands Village) zone. Applicants seeking a use
variance for two (2) dwelling units, lot size variance, side
yard setback variance for the principal building and shed, rear
yard setback variance for principal building and floor area
variance for the garage, together with any and all variances,
waivers and/or approvals necessary.

Other Business:

Correspondence:

Discussion: Wawa, Inc. - Block 244, Lot 8.01 - 2500 North Route
9. Concept review. (Postponed.)

Resolutions:

Minutes: July 27, 2023.

Bills:

Adjourn.

- 7:01:19 PM - - Start Recording
7:01:26 PM - -
7:01:43 PM - - Walsh - call meeting to order
7:02:36 PM - - Walsh - first matter is vote on Pierson-Pleasantville, LLC
7:03:01 PM - - Batastini - wants to get list of those able to vote on Pierson application - polled Board -
7:04:47 PM - - Walsh - start vote - summarize - have heard testimony on various dates since July, 2022 (read off dates matter heard). Read names of applicant's professionals and experts as well as those of the opposition. Reviewed what applicant was seeking in this application in detail. Discussed res judicata, as well as objector's testimony in detail. With respect to the res judicata issue, reviewed each issue involved and how it was applicable.
7:13:04 PM - - Batastini - read to Board what the standard is for res judicata. Essentially, need to determine what changes have been made, if any, to differentiate it from previous application that was filed; as well as other items that need to be considered to make the determination. Provided example.
7:18:01 PM - - Walsh - he finds that matter this application is significantly different from previous application. Opened to the Board for their opinion.
7:18:53 PM - - Watson - agrees with Walsh - differences significant
7:19:14 PM - - Penrose - agrees
7:19:21 PM - - Chambers - agrees
7:19:44 PM - - Walsh - anyone else
7:19:54 PM - - Batastini - present motion regarding res judicata
7:20:30 PM - - Cowan - motion to approve
7:20:50 PM - - Chambers - second
7:20:56 PM - - Roll call - all in favor
7:21:49 PM - - Batastini - advise that applicant needs to prove positive and negative criteria - explain and provide examples - and how applicant must meet the standards. Explain C variance and how it fits in.
7:26:57 PM - - Walsh - findings of fact, but first wants to advise that all experts have been sworn in and accepted by the Board. Reviewed findings of fact - Brian Murphy - described surrounding area, as well as the site in question. Indicated what exist on applicant's site at this time. Advise where proposed concrete plant would be located on subject site; already disturbed area, no vegetation to be removed, no endangered species or wildlife, air quality would meet standards, as well as other details. Shropshire's testimony was then summarized as to traffic conditions existing and proposed; also provided a sound level report and visual characteristics opinion; also that no further mitigation was recommended or needed; site will remain wooded and no significant impact. Pierson representative Mr. Todd - described hours of operation; operations on site; concrete primarily for residential construction; testified as to how much concrete would be made as well as other matters. Tiffany Morrissey - reviewed her testimony with respect to this application - provided examples of other sand/concrete plants in the area; use will be an accessory use; suitability of this use is not near other zones; confirmed that truck traffic will be exacerbated and acceleration/deceleration lanes will assist traffic; plant is not readily visible and is similar to that of cell towers; no need to disturb any additional areas and, in fact, rehabs an already disturbed area; site is already on a

truck traffic road; is in a B zone. Peter Lomax - environmental expert for applicant - any impact would be negligible impact; no impact on R10 zone due to its location; will be no impact on Great Cedar Swamp; additional trips will have no adverse impact on surrounding roads; confirmed items from Shropshire's report; as well as other items. Inform Board of what needs to be considered and special reasons, etc. in order for them to make a determination. Read into record various requirements that must be met and how application meets those requirements.

7:52:05 PM - - Batastini - wants to clarify couple of things - wants to confirm that Walsh's findings of fact were taken as factual from expert's testimony

7:53:08 PM - - Walsh - yes

7:53:13 PM - - Batastini - this is the time to have a discussion of Board members

7:53:46 PM - - Watson - have been on this application for about 25 hours of testimony; wants to mention couple of things. Reclamation - explain what that means and that landscaping comes at end of gravel pits life. Grew up in South Dennis near Matalucci's gravel pit. It was a wooded area, thriving with wildlife - now it's a lake, which has reduced those. Just had to say that. Discussed importance of Great Cedar Swamp - world class ecosystem. Doesn't think that plant will have any impact on Great Cedar Swamp - long ways away. Noise was discussed - doesn't believe concrete plant will substantially increase the noise and site is correct place. Doesn't believe that dust will be a problem. Traffic - not a secret that there is a lot of traffic and is bad all over Cape May County - believes acceleration and deceleration lanes will help. Visual - site is so far back that it can't really be seen. Pit is already there; trucks are already there.

8:00:17 PM - - Walsh -

8:00:21 PM - - Penrose - the proposed plant is well over 1,000 feet away from any sensitive areas; feels that environmental impact is minimal; additional noise may affect certain areas, but there is already noise from activity in area. His feeling is that Township may want to review future projects in the zone.

8:03:15 PM - - Walsh -

8:03:22 PM - - Cowan - asked to join Board to help the Township. Believes a gravel pit does draw a lot of animals. It was said that the application only benefits Pierson, believes it is a public benefit having it local. Trucks and traffic is here already and extra proposed lanes will help. Believes it's a perfect place for concrete. Only thing he notices as to height is the neighbors crane.

8:06:00 PM - - Walsh -

8:06:04 PM - - Chambers - it's pretty much all been said. Plant will blend in, good fit.

8:06:29 PM - - Walsh -

8:06:37 PM - - VanArtsdalen - perfect place; also concrete is usually poured in the morning

8:07:24 PM - - McEvoy - thinks site is perfect

8:07:35 PM - - Caprioni - everyone else pretty much covered what she had on her list

8:07:58 PM - - Batastini - proposed motion to approve D1 and D5 variances

8:08:18 PM - - Chambers - motion to approve

8:08:52 PM - - McEvoy - second

8:08:58 PM - - Roll call - all voting members in favor

8:09:37 PM - - Batastini - motion to approve D6 variance (height variance)

8:09:57 PM - - Cowan - motion to approve

8:10:11 PM - - McEvoy - second

8:10:17 PM - - Roll call - all voting members in favor

8:10:58 PM - - Batastini - motion to approve waivers and preliminary and final

8:12:22 PM - site plan - ask members to indicate reason for their vote
 - Walsh - address waivers for Board as well as preliminary and final site plan

8:13:26 PM - - Cowan - motion to approve

8:13:38 PM - - McEvoy - second

8:13:43 PM - - Roll call -all voting members in favor

8:15:04 PM - - Batastini - thank everyone involved with this application - Resolution will be adopted next month

8:15:28 PM - - Walsh - next matter Pickering Real Estate Investments, LLC and Cambridge Development Company

8:16:25 PM - - Batastini - have several applications

8:16:54 PM - - Robert Belasco, Esquire - appearing on behalf of Cambridge and Gibson

8:17:21 PM - - Eliot Goldstein, Esquire - attorney of Pickering

8:17:41 PM - - Belasco - review application - describe districts involved; property is wooded - 2 lots; seeking to create 3 lots from the existing 2 lots; Steve Filippone had conversation with Township's Fire Officer regarding driveway and will testify as to concerns and recommendations. Require variance relief - seeking lot frontage for 1 lot and lot frontage and lot area variances.

8:20:38 PM - - Batastini - administer oath to Steve Filippone

8:20:55 PM - - Filippone - take oath - parcel is fully wooded; describe surrounding area and size of those lots. Advise size of lots in question as they now exist. Had conversation with Fire Official and will comply with his recommendations and will incorporate it into plan.

8:22:42 PM - - Belasco -

8:22:54 PM - - Filippone - doing best to try to comply with current zoning requirements as to R-3 standards

8:23:28 PM - - Walsh - could plan be put up so all could see

8:23:51 PM - - Filippone - share screen showing plan - refer to plan and describe each lot and what is proposed. Access driveway and easement will be provided to 2 rear lots. Very high property and able to permit basements. No plans for single family homes as this point, but will comply.

8:27:42 PM - - Belasco - nothing further at this time, but will address questions

8:28:01 PM - - Walsh - asked where lots are in connection with Petersburg Road. Looks like it is landlocked.

8:28:59 PM - - Filippone - describe lots and how access will be gained through driveway - showed location of driveway

8:29:42 PM - - Penrose - where is turn-around requested by Fire Official

8:30:02 PM - - Filippone - about 300 feet back - refer to plan and show area

8:31:01 PM - - Belasco -

8:31:06 PM - - Filippone - explain how 1 lot will be brought up to 3 acre standard

8:31:32 PM - - Batastini - ask Board for questions

8:31:46 PM - - Walsh - any questions - none

8:31:55 PM - - Batastini - administer oath to Bob Mulford (Board Engineer for this evening)

8:32:25 PM - - Mulford - take oath - review engineer's report

8:33:07 PM - - Belasco - no objections in complying with engineer's comments/suggestions

8:33:25 PM - - Batastini - open to public - none - close. Ask Belasco for summary of standards.

8:34:09 PM - - Belasco - unique pieces of property; applicant has proposed subdivision to bring lot into 3 acre requirement; proposal is similar to surrounding properties; need lot area variance for one lot; propose uses; no substantial detriment; believe application as presented justifies approval; thank Board.

8:36:16 PM - - Batastini - form of motion to approve minor subdivision from 2 lots to 3 lots; with 1 lot becoming more conforming; agreed to

provide roadway and turn-around; variances necessary for 121.02; no negative impact with respect to neighbors; will be residential use

8:38:28 PM - - Turner - motion to approve

8:38:36 PM - - McEvoy - second

8:38:41 PM - - Roll call - All members voting in favor to approve

8:39:57 PM - - Walsh - Baldacci Properties - next application

8:40:36 PM - - Ron Gelzunas, Esquire - attorney for applicant - provided history on property. Was before Board previously in October, 2021. Here now to seek amended site plan approval, as well as necessary variances. Introduce

8:42:29 PM - - Batastini - administer oaths to Joe Maffei, Fran Cifelli (partner of Baldacci Properties), Momin

8:43:40 PM - - Gelzunas - questions to Maffei

8:43:57 PM - - Maffei - share screen to show plan - site is still the same, describe changes being requested, property fronts on Route 9, portion of property is wetlands and not usable. Described previous application from 2021. New application is 1 single building; describe configuration; parking, etc. Describe variances being requested. Requesting additional parking. Property shape is unique. A lot of the property can't be seen from the road. Not a use that is uncommon in the area. Property is suitable for the proposed use, will be less traffic than what would have been with previous application and less intense than previous application. Will be on-site manager.

8:49:59 PM - - Gelzunas - questions to Cifelli

8:50:22 PM - - Cifelli - explain operation, will have third party management company, one or two people working on site, stated hours of operation, want to take it from 12 buildings to 4; will be climate controlled and a Class A facility. Called surrounding storage spaces and they were all at or near capacity. Feels that climate control will be a great benefit. Buildings will be single story and low profile.

8:53:18 PM - - Gelzunas - ask Board if they have any questions

8:53:34 PM - - Walsh -

8:53:45 PM - - Maffei - lot is wooded

8:53:53 PM - - Batastini - ask for hours of operation again

8:54:09 PM - - Cifelli - repeat hours of operation

8:54:28 PM - - Batastini - ask Board for any questions

8:54:40 PM - - Watson - question about charging facility

8:54:53 PM - - Filippone - charging station will be provided

8:55:12 PM - - Batastini - ask for brief testimony from architect

8:55:51 PM - - Macelli (spelling) - architect - screen shared plan of buildings and described - small office where employee would work; would have a private and public bathroom; describe how customer would enter and exit units - climate controlled and exterior units; metal building similar to others in area

8:58:46 PM - - Batastini - any other questions from Board - none - ask for Engineer's report

8:59:06 PM - - Mulford - Engineer's report

9:01:23 PM - - Cifelli - no food waste on site; trash pick-up will be done by a third party service and picked up every week or every 2 weeks; will get more details; will also have small dumpster for waste and another for recycling

9:02:53 PM - - Mulford - continue with engineer's report

9:04:11 PM - - Maffei - address comment

9:04:27 PM - - Mulford - continue with engineer's report

9:04:47 PM - - Walsh

9:04:54 PM - - Gelzunas - no issue with engineer's comments

9:05:13 PM - - Batastini - ask Board for questions/comments - none; open to public - none.

9:05:49 PM - - Batastini - proposed form of motion to approve D1 variance; applicant will meet all recommendations of engineer's report;

hours of operation; access; and other requirements as discussed, as well as preliminary and final site plan and use variance

9:07:30 PM - - Chambers - motion to approve

9:07:43 PM - - Cowan - second

9:07:48 PM - - Roll call - all members voting were in favor

9:10:07 PM - - Gelzunas - thank everyone

9:10:14 PM - - Walsh - next application Weigel (Henry and Cheryl)

9:10:44 PM - - Dottie McCrosson, Esquire - attorney for applicant - long narrow lot, small A-frame home with 2 bedrooms; a detached garage with loft; applicants seeking use variance for long-standing apartment in garage; no other changes to be made

9:12:47 PM - - Batastini - administer oath to Henry Weigel

9:13:03 PM - - Weigel - take oath

9:13:11 PM - - McCrosson - questions to Weigel

9:13:19 PM - - Weigel - purchased this property recently; home with 2 bedrooms with detached garage with apartment; about 200 feet between house and garage; house was built about 1977 and garage about 10 years later; existing septic service both buildings; septic is in compliance per Cape May County; no approvals issued by Township for apartment. Son lives in apartment. No changes proposes, only wishes to legalize apartment. Aware that may need to seek other approvals from other agencies.

9:16:40 PM - - McCrosson - call engineer Louis Scheidt

9:16:57 PM - - Batastini - administer oath to Louis Scheidt

9:17:15 PM - - Scheidt - take oath and state credentials

9:17:35 PM - - Batastini - accept Scheidt as expert

9:17:47 PM - - McCrosson - questions to Scheidt

9:17:57 PM - - Scheidt - very narrow property, about 1,000 feet in depth, uniquely shape property - goes from Fider Road to Johnson's Pond - similar to other properties in area; property is heavily wooded and difficult to see house from road; no other changes are proposed; here for use, which has been a use for many decades; allowing apartment to remain would be like a 3 bedroom home and other homes in area have more bedrooms than that; adequate parking onsite; no impact on visuals from street or water; residential area, basically a single family home with 1 extra bedroom over the garage

9:22:03 PM - - McCrosson - that is all she has

9:22:11 PM - - Walsh - similar applications have come before the Board; would applicant be willing to deed restrict to family member only

9:22:48 PM - - McCrosson - clients would do that; that intend this to be their forever homes; if circumstances changed in the future, the Board could be certain of no disruption, would like the flexibility, but if necessary would agree with that

9:24:11 PM - - Walsh - no reason they couldn't come back to change that restriction in the future

9:24:39 PM - - Watson - there was a similar situation recently and it was agreed in that case that if the family member no longer lived there, it would be dismantled

9:25:20 PM - - McCrosson - when they purchased the property, it was advertised as a home with a rental unit and they purchased it thinking it had all approvals

9:25:58 PM - - Walsh - understands, but not Board's decision to decide what the sale entailed

9:26:21 PM - - McCrosson - understands and will be guided by Board

9:26:35 PM - - Batastini - ask Board for questions - none - ask for engineer's report

9:26:53 PM - - Mulford - engineer's report

9:27:24 PM - - Cowan - can attest that the septic that was in property and new system was designed and installed for both

9:27:55 PM - - McCrosson - has letter from County as to approval and will provide

9:28:13 PM - - Batastini - any questions from Board - none; open to public -

none
 9:28:34 PM - - McCrosson - pretty simple application, asking for use variance to allow apartment to remain
 9:28:56 PM - - Batastini - form of motion to approve application with conditions, including family members only. Also, received letter from Tony Monzo, Esquire advising that he represented their neighbor who was willing to sell their property to the applicants. He doesn't believe that this buy/sell letter applies because both lots are developed and law is for undeveloped lot.
 9:31:19 PM - - McCrosson - applicant's lot is developed and lot next door is 3.42 acres and is vacant and wouldn't bring lot in question to compliance and wouldn't change the circumstances.
 9:33:06 PM - - Batastini - buy/sell letter doesn't apply = rephrase form of motion to approve to include that applicant is not to required to purchase any additional property from neighbor and deed restricted
 9:34:12 PM - - Cowan - motion to approve
 9:34:26 PM - - Martucci - second
 9:34:33 PM - - Roll call - all members voting in favor
 9:35:42 PM - - Walsh - minutes 7/27/23
 9:35:55 PM - - Voice vote - all in favor
 9:36:06 PM - - Walsh - bills
 9:36:55 PM - - Turner - motion to pay bill
 9:37:12 PM - - Penrose -second
 9:37:17 PM - - Batastini - before roll call, ask Board to allow him to go to his approved rate to prepare Pierson application
 9:37:56 PM - - Cowan -motion
 9:38:05 PM - - Walsh - second
 9:38:12 PM - - Roll call for bills and Jon's billing for Pierson Resolution - all in favor
 9:40:06 PM - - Martucci - explain to Board that she wasn't able to hear all of the Pierson application and told Board what a great job they did and she was proud to be on the Board
 9:41:06 PM - - Meeting adjourned.
 9:41:28 PM - -
 9:41:36 PM - - Stop Recording

