

Dennis Township Consolidated Land Use Board

Regular Meeting – April 25, 2024 at 7:00 P.M.

Attendance: Walsh, Penrose, Schwinn, Watson, Walters, McEvoy, Cowan, Batastini, Fralinger

Applications:

WALTERS, RONALD AND SHERRI – Block 257, Lot 4: Located on Kings Highway in an R3 (Rural Density Residential) zone. Applicant seeking a use variance and any and all waivers and/or approvals to construct an additional storage building on a non-conforming property. (Adjourned.)

SWAN, BENJIE AND RUSSELL – Block 4, Lots 10 & 11: Located on Eldora Avenue in an R3 (Rural Density Residential) and C (Conservation) zones. Applicants seeking amended site plan approval and variances, together with any and all waivers and/or approvals necessary to construct an additional storage building on the property.

DeROSE, JOSEPH F. AND WENDY – Block 253.03, Lot 18: Located on Route 9 in an R3 (Rural Density Residential) zone. Applicant seeking minor subdivision approval and bulk variances and waivers, together with any and all waivers and/or approvals necessary to subdivide the existing lot into two (2) lots.

Other Business:

Correspondence:

Discussion:

Resolutions: Poznek Family Holdings, LLC

Minutes: March 28, 2024

Bills:

Adjourn.

Walsh - call meeting to order

Roll call.

(McEvoy having trouble with audio, trying to fix.) (General conversation.)

Walsh – announce that Ron and Sherri application has been adjourned to the May, 2024 meeting. No further notice necessary.

Walsh – first matter this evening Swan.

Frank Corrado, Esquire – attorney for applicants, confirm that 7 voting members are present. Explain applicants' business which has to do with horseshoe crabs. Has previously been before the Board. Looking to add a 1200 square foot storage building. Describe property and business. Referred to Resolution #9 of 2012. Ask for witnesses to be sworn.

Batastini – administer oath to Benjie Swan.

Corrado – questions to Benjie Swan.

Benjie Swan – explain what is done on the property. Draws blood from horseshoe crab, blood is used for testing; horseshoe crabs are returned to the water after done. Explained need for proposed storage building. Has off-sight storage in Burleigh and would like to move to this location to be more efficient. Mostly glass bottles to be stored, no chemicals. All current operations will remain the same – hours of operation, number of employees, traffic, etc. Prepared to get letter regarding fresh water.

Corrado – no further questions.

Walsh – what is in existing 2 story building

Swan – would like to move storage from Burleigh to this site.

Cowan – ask what happens to crabs when she is done with them

Swan – released back into creek and they make their way back to the Delaware Bay.

Walsh – use of current storage building

Swan – washing station and describe use of building

Penrose – building looks like a 2 story building

Swan – no, height is used to stack pallets and for building appearance

Corrado – would like to Lew Conley sworn in

Batastini – knows he has been before the Board in the past, but due to new members, asked him to state his credentials.

Lew Conley – state his credentials

Walsh – accept Conley as expert.

Corrado – questions to Conley

Conley – review and explain architectural and site plan. Sheet 4 shows the addition of the proposed building and entrance way. Meets all of the zoning requirements except for the use. Site is large enough to construct 40 to 50 houses, but not their intention. Use gravel and clam shells for drive areas, except for asphalt where required for ADA compliance.

Corrado – how long there?

Swan – in operation since 2014.

Conley – lighting will remain as is, new building will probably have electric, site is 141 acres.

Corrado – continue with questions to Conley

Conley – describe how crabs are collected, rested and returned to the bay. The Delaware Bay is one of the largest breeding areas for horseshoe crabs. Discussed positive and negative criteria. No detriment. There are only 6 companies in the world (3 of which are in the United States) that do this work. Ecology friendly use of property. No additional surrounding property available.

Batastini – comment

Corrado – reconfirming frontage variance

Conley – discuss waivers and confirm that he has reviewed Farlinger’s report and able to comply. Only question is providing wetlands delineation.

Fralinger – acceptable to go with footprint of disturbance

Corrado – concludes his presentation

Walsh – any questions Conley – none

Fralinger – review engineer’s report

Walsh – any questions for Fralinger – none; open to public – none

Batastini – form of motion to approve expansion of use, etc.

Watson – motion to approve

Cowan – second

Roll call – all members in favor.

Walsh – next application Joseph F. DeRose, Jr. and Wendy DeRose

Robert Belasco, Esquire – attorney for applicants – describe location, currently single family use. Ask for witnesses to be sworn in.

Batastini – administer oath to Joseph F. DeRose, Jr.; Wendy DeRose – will administer oaths to others later.

Belasco – discussion of D1 use variance and his opinion and reason why he felt it was a non-issue.

Batastini – explain that use variance was not noticed, but did advertise for all waivers, etc. Believes that it was not intentional and up to Mr. Belasco if he wants to move forward or not.

Belasco – decides to move forward and willing to do so with conditions. Proceed with questions to Mr. DeRose.

Mr. DeRose – testify how long have owned property, reason for request; driveway will be shared; new lot would be for use of daughters; lot and new lot would be larger than most other lots in the area.

Batastini – administer oath the Mark Gibson.

Belasco – questions to Gibson (share screen)

Gibson – describe property, just under 3 acres, seeking to divide into 2 lots (each 1 plus acres); explain guardrail in area and how it impacts this property; propose that family will live on both properties (parents in front property and daughters in rear property); number of waivers needed. Property is extremely consistent surrounding properties and much larger than most by 3 to 5 times in some instances – referring to lot as requested after subdivision.

Walsh – will this make 2 undersized lots in the area

Gibson – yes, but lots will be consistent with other lots in area

Walsh – any other questions for Gibson

Penrose – what was steel garage in rear of property used for

DeRose – ran small fire protection business which has since been dissolved.

Belasco –

Batastini – administer oath to Mr. Scheidt

Belasco – questions to Scheidt

Scheidt – state qualifications; reviewed C variance requirements and how they pertain to this application; there are approximately 50 plus lots in the area that are smaller than what would result from the subdivision of the subject property; maintains the rural character of the land; how this lot currently exists it is very inconsistent with the area. Discussed lot frontage, lot width, lot depth, set backs, proposed flag lot that would be created. Driveway would be 20 feet wide and sufficient access for emergency vehicles. Asking for temporary use variance to put second house on property and then it would be moot.

Belasco – ask Mr. DeRose about time frame for new home on property.

DeRose – daughter has already picked out the home and is ready to go.

Belasco - continue with questions to Scheidt

Scheidt – discuss septic, soil borings; review positive and negative criteria; purpose of R3 zone; site is suited for requested relief

Belasco – will stop sharing screen and ask for any questions to Scheidt

Walsh –

Scheidt – each application stands by itself; the size of these lots are not inconsistent with neighborhood; thinks Dennis Township can always use one more good neighbor; believes it beneficial that a family reside near each other. If this property were in an area of 3 plus acre lots, this would be a different situation.

Walsh – still struggling with how to allow this and how it will affect other residents in the area.

Cowan –

Wendy DeRose – explain where their house is and that daughter's home would be in their back road.

Belasco – suggest preparing an easement agreement for filing with the County Clerk.

Cowan – what happens if sold, maintenance, etc.

Belasco – willing to put number of conditions in easement agreement; utilities could be run down flag lot; application does propose 2 undersized lots, but what exists in surrounding neighborhood are much smaller lots than than the 2 undersized proposed to be created.

Belasco – questions to Mr. DeRose

DeRose – property is in a trust, doesn't want to do anything detrimental to the area, no plans to sell, but can't know what will happen 100 years from now

Batastini – what were the lots zoned years ago when these lots were created

Scheidt – he believes that it was zoned something other than an R3 zone

Batastini – doesn't that appear that the Township then wanted to slow down development

Belasco – brought application because it was beneficial to the applicants and the neighborhood and what exists in the surrounding neighborhood

Gibson – thinks this is the type of application that the Land Use Board should grant, not developer coming in who will sell lots off; wouldn't bring applications if he didn't think it was appropriate and thinks it good for families to leave in same area.

Batastini – is trust irrevocable or revocable

Mr. DeRose – revocable trust

Batastini – discussion of use variance requirements in certain circumstances

Belasco – leans toward use variance not being required; client is ready to start process tomorrow if he could and is willing to start in a set amount of time; willing to make approval subject to certain conditions

Scheidt – his comments on subject

Batastini – ask for comments from the Board

Watson – discuss other areas where lots were of different sizes as there might be more involved such as dedication of a certain amount of land for a purpose, lot size averaging, etc.

Penrose – afraid may be setting a precedent

Walsh – should expert testimony be concluded first?

Batastini – feels it may be prudent to see if, in fact, a use variance is needed. May be a wise decision to hold off on this applicant and dig into the history the property and avoid possible issues.

Belasco – ask for a short break to discuss with his clients and experts.

Short recess taken at 8:44 p.m.

Meeting resumed at 8:50 p.m.

Roll call taken

Batastini – ask if Board has any comments and ask Mr. Fralinger to put his report on the record.

Penrose – sympathetic to applicants, but surrounding developments have smaller lots but also contain lots larger than the applicants

McEvoy – also sympathetic but agrees with Penrose

Cowan – sympathetic as well, suggest something such as a mother-in-law suite

Walsh – appears that current house is vacant

Mr. and Mrs. DeRose – daughter is hers and she and husband live in Colorado and comes here in the summer and other times during the year. Their plan to have both daughters live on the property.

Fralinger – engineer's report. Leaves need for use variance to Mr. Batastini's legal advice.

Walsh – open to public?

Belasco – ask that application be tabled to next month in order to give time to research and discuss, willing to waive time.

Batastini – thank applicants for presentation and will see at May 2024 meeting.

Walsh – Poznek Family Holdings, LLC – Resolution

Watson – motion to approve

Walsh – second

Roll call – 6 yes votes, 1 no vote

Walsh – minutes for March 28, 2024

Voice vote – all in favor

Walsh – bills

Cowan – motion to pay

Walters – second

Roll call – all in favor

Batastini – thank all. Meeting adjourned at 9:07 p.m.