

DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting – May 22, 2025 – 7:00 p.m.

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

Applications:

DENNIS 47 DEVELOPERS, LLC – Block 64, Lot 30: Located on Route 47 in a VC (Village Commercial) zone. Applicant seeking a four (4) year extension of the period of zoning protection pursuant to N.J.S.A. 40:55D-52(a) and (d) for property located at 1089 Route 47, Dennisville.

COLLINSON, WAYNE & PATRICIA – Block 97, Lot 74.01: Located on Route 83 in a R-3 (Residential) zone. Applicant proposes to subdivide the existing Lot 74.01 into two (2) newly-created lots for development. Proposed Lot 74.01 will continue to contain all existing improvements on the property. Proposed Lot 74.03 will be subdivided as a vacant parcel that meets all of the bulk/area requirements of the R-3 Zoning District and which will be utilized for future residential development. Applicant requires the issuance of variance relief for continued use of a pre-existing non-conforming residential garage that contains living quarters on the existing Lot 74.01.

SAVKOV, NICOLE – Block 96, Lot 36.01: Located on Route 83 in a VR (Village Residential) zone. Applicant is seeking to convert an existing farm property into a mixed-use retail/workshop, specifically through converting the existing 8,813 square foot barn into a retail and workshop space, converting the existing commercial building to a home office, and the existing 863 square foot barn into a storage space. The conversion of the 8,813 square foot barn is intended to be converted into 4,800 square feet of retail space with the remainder of the building being used as workshop space. (Adjourned)

I & H BUILDERS – Block 226, Lot 20: Located on Route 9 in a R3 (Residential) zone. Applicant seeking to construct a single-family dwelling on an existing undersized lot. Bulk variances from R-3 zoning requirements (lot area, lot frontage, lot width, lot depth, front, side and rear yard setback, building coverage and impervious coverage). (Continued from April 24, 2025.)

Walsh – call meeting to order.

Roll call.

Walsh – first matter Dennis 47 Developers, LLC.

William Kaufmann, Esquire – attorney for applicant. Seeking extension of final approvals for the Wawa application. Also seeking highway improvements through the New Jersey DOT. Subdivision deed has been filed creating new lots. Introduced professionals he has with him this evening.

Batastini – well informed on application and would like to move along. Administered oath to Nick Verderese.

Kaufman – questions to Verderese.

Verderese – answered questions – explained highway permitting needed; applications submitted to NJDOT; applications were considered complete; still waiting for approvals since 2023. Summarized process and periods of time taken by DOT – applicant diligent in complying with DOT requests, but still at least a year away and possible 1 – 2 years or more away from getting final approval. Familiar with other projects before DOT and length of time they are taking. Delay is completely out of applicant’s control.

Kaufmann – ask for any questions.

Walsh – ask for questions.

Batastini – how long is applicant looking for extension.

Kaufmann – asking for 4 years, with a start day of June 22, 2025 and ending June 22, 2029 (based on initial approval of June 22, 2023 with 2 year statutory approval and now the additional permitted 4 years. Also has Joseph Mizrahi, a principle, and would like to ask questions directed to him.

Batastini – administer oath to Joseph Mizrahi.

Kaufmann – questions to Joseph Mizrahi.

Mizrahi – principle of company.

Kaufmann – gave details of deed filing.

Mizrahi – at this time they are over three quarters of a million dollars already spent on this project and they are ready and willing to continue and get started and finish the project.

Walsh – any questions from Board – none; any questions or comments from public – none.

Kaufmann – read from statute regarding extension of time and how it applies to this application.

Batastini – proposed motion to grant extension for the full amount of time permitted by Statute.

McEvoy – motion to approve.

Walters – second.

Roll call – all in favor.

Walsh – next matter Wayne and Patricia Collinson.

John Amenhauser, Esquire – attorney for applicant. Has applicants, John Scheidt with him tonight.

Walsh – asked if he has plans he can share.

Amenhauser – doesn’t have an electronic copy.

Batastini – will try to pull from website; administered oath to John Scheidt and Patricia Collinson.

Amenhauser – questions to Patricia Collinson.

Patricia Collinson – have owned property for about 4 years; primary residence; barns on property when purchased (for horses); have made improvements to residence. Daughter lives in the additional living space which pre-existed their purchase and that living space was the reason they purchased the property. Their daughter takes care of the horses.

Batastini – able to share plan.

Amenhauser – questions to Scheidt.

Schedit – property is 70 plus acres; every item conforms and after subdivision one lot will be 60 plus acres; the property conforms in every aspect except for the fact of the existing apartment. Apartment has existed and been there for a very long period of time and needs a use variance to make something that has existed for a very long time legal. It is a unique and proper use of land. People who have farms sometimes need help and a living area for that person is helpful. He doesn’t see any downside to approving the application; can’t be seen from road; has been there for a very long time; plus to have additional living space for person to help maintain farm is beneficial. Reviewed positive and negative criteria. Knows that additional outside agency approvals will be necessary. Very conforming application except for the pre-existing condition.

Amenhauser – nothing further.

Walsh – ask Board for questions - none.

Fralinger - engineer’s report.

Walsh – open to public – none.

Amenhauser – nothing to add, thank Board for time.

Batastini – form of motion to approve.

Cowan – motion to approve.

Martucci -second.

Roll call. Motion passes with 2 abstentions.

Walsh – next matter – Savkov – sees that application has been adjourned – will be heard next month.

Batastini – no further notice necessary; but applicant will have to re-notice neighbors.

Walsh – next matter I & H Builders.

Kristopher Facenda, Esquire – attorney for applicant who is contract purchaser of the property. Appeared back in March and presented entire application. After discussion with Board gets the feeling that the proposed house was too large. Applicant is now proposing a 3 bedroom, 1 story house. Many of the variances previously are no longer necessary.

Batastini – administer oath to Joseph Maffei.

Facenda – questions to Maffei.

Maffei – previously proposed a 4 bedroom 2 story house, now proposing 3 bedroom 1 story house with garage with house fronting on Route 9; height variance still needed – now at 22 feet where only 12 feet is permitted. Only way to meet height requirements is to have a flat roof. Understands that Township is in the process of revising requirements and this creates a hardship at the present time. Under building coverage, impervious coverage. Proposed construction is consistent with other properties in the area. Review positive and negative criteria. Believes the proposed home will fit in with surrounding neighborhood.

Facenda – that is all he has.

Walsh – any questions.

Cowan – if someone was to have a flag lot how big could it be, how many homes are on DeVaul's Lane, can a fire truck access, how does a trash truck turn around.

Maffei – respond that he has seen different numbers with respect to flag lot size; explained that house will face Route 9 and the driveway will be on DeVaul's Lane; complies with parking and trucks can access now.

Walsh – lot is over 10 times undersized – how does it provide for open air, etc.

Maffei – open space, etc. is reduced by 10 times, but still need setbacks, etc.

Penrose – ask for more specifics on proposed home – is it a modular?

Batastini – administer oath to Steve DeVito.

Facenda – questions to DeVito.

DeVito – it will be stick built with truss attic.

Penrose – question regarding septic.

DeVito – septic was designed for 4 bedrooms; there will be no bedroom/living space in the attic.

Walsh – ask Board for further questions – none.

Facenda – presentation completed; thanked Board; doesn't think that a smaller structure could be placed on the property.

Walsh - open to public – none.

Fralinger - engineer's report.

Batastini – form of motion to approve. Ask Board members to explain their vote when voting.

McEvoy – motion to approve.

Martucci- second.

Roll call.

Facenda – has agreed to no living space in attic area so not sure why that is being a concern.

Application vote – Yes – 3; Abstain – 1; No – 6. Motion to approve fails.

Walsh – next – minutes from April 24, 2025 meeting.

Voice vote – all in favor.

Walsh – bills (read into record).

Motion – Cowan.

Second – Martucci.

Roll call – all in favor.

Batastini – one other thing on agenda (Hawks Ridge Lane Subdivision/Deed Restrictions) – last month there was a discussion regarding the fence along the lumber yard. Actually there is a part B. Shared the screen with a prior Resolution. The applicant prior to selling any lots was to file a Declaration of Covenants and Restrictions. Reviewed certain of the restrictions. Unfortunately, the lots have been sold and the applicant no longer has the ability to identify the covenants and restrictions because it was so long ago. In order to cure this, all of the owners will now have to sign off and then the document will have to be recorded. The applicants are looking to the Board as to what to do. Options are to come in for amended site plan, requiring owners of individual lots and getting everybody's signature. Not comfortable to say "don't worry about". Talking about drainage and other items.

Fralinger – the development has an "L" shaped drainage basin toward the back and another basin near the lumberyard and because there is no HOA, etc., they are the responsibility of the Township and the Township doesn't want the responsibility. There are also concerns regarding grading, sheet flow and other sensitive items that should be recorded. There are also vegetation clearing issues.

Batastini – will come back to this because it needs a lot more research and discussion, will take a lot of discussion between Board and Township.

Walsh – thinks they should come back to the Board and get it all on the record.

Batastini – thinks more investigation needs to be done, will speak with Kyle Weinberg, it's an issue that is going to grow and is going to take some time to resolve.

Fralinger – believes all lots have been sold and only 2 have not been developed.

Batastini – nothing for us to do at this time.

Walsh – there being no further business, the meeting adjourned at 8:25 p.m.