

MAURICE RIVER TOWNSHIP LAND USE BOARD

Meeting Minutes: July 5, 2012

Present: B. Stowman, Chairman, C. Thompson, V. Chairman, Mayor K. Ireland, Committeeman K. Langley, R. Chard, J. Carrara, R. Hoffman, G. Gross, J. Lafferty, Jr., J. Pflaumer, Alt. #1, T. Imbaratto, Alt. #2, T. CuvIELLO, Planner, C. Morrissey, Engineer and M. Benson, Solicitor.

The Chairman announced that this meeting was being held in accordance with the Open Public Meetings Act of New Jersey.

The minutes of the 6-6-12 meeting were approved on a motion by Chard and seconded by Hoffman. Gross, Langley and Lafferty abstained. All other members voted in favor of the motion.

Resolution No. 2012-03 for the approval of a front yard setback variance granted to Rhonda Peterson for the construction of a porch at 123 High St., Leesburg, Block 289.01, Lot 31 was adopted on a motion by Chard and seconded by Thompson. Langley and Gross abstained. All other members voted in favor of the motion.

The Secretary announced receipt of the following correspondence:

1. Letter dated 6-22-12 from the Township Clerk to MV Engineering with regard to an additional 6-month extension (expiring on 12-6-12) approved by the Township Committee for Albrecht and Heun's mining license.
2. Letter from Township Clerk dated 6-22-12 regarding a 90-day extension (expiring on 9-28-12) approved by the Township Committee for Dominic Zanghi's mining license.
3. Notice that a DEP Freshwater Wetlands application dated 6-12-12 was filed by Robert & Joanna Brown for a Letter of Interpretation on Block 316, Lot 10, 199 Main St. Heislerville.
4. Notice of a Pinelands Orientation for Newly Elected and Appointed Local Officials and a refresher for other elected officials to be held on 7-31-12 from 4 PM to 7:30 PM in Pemberton Twp.
5. Notice from Robert Brewer, Cumberland County Planning Department that they are hosting NJ DEP for a workshop on their Landscape Project and Endangered Species habitat on Tuesday, 7-10-11 from 10 AM to Noon at the Conference Center at Cumberland County College.
6. Copy of a letter from the Cumberland County Department of Planning dated 6-28-12 and addressed to NJ DEP forwarding a map to initiate the preliminary review of Cumberland County's Wastewater Management Plan.
7. Copy of a letter dated 7-2-12 from Cumberland County Department of Planning addressed to the Township Clerk advising of the Wastewater Management Plan map

submission to DEP and advising that DEP will review for compliance with regulatory criteria.

8. Copy of a letter dated 6-27-12 from Gordon Gross, Zoning Officer to Victor Rone regarding a previous notice regarding an auto repair garage that needed approval of the Land Use Board.

DORCHESTER UNITED METHODIST CHURCH
Major Site Plan/Front Yard Setback Variance

BLOCK 273, LOTS 1&8
453 Main St., Dorchester

Evelyn Caterson, Attorney at Law, represented the applicant. She presented Jerome Irick, PE and Reverend William Hess as witnesses. Solicitor Benson swore them in. It was noted that Mr. Irick was previously accepted as an expert witness based on his credentials.

Board member Charles Thompson disclosed for the record that he is a member of the Heislerville United Methodist Church, which is also pastored by Reverend Hess. He stated that he does not serve on any boards for the Dorchester Church and felt that he could be impartial in his consideration of this application. Solicitor Benson saw no problem with him participating.

Reverend Hess stated that the reason for this application is to expand their social hall, which is not large enough for their family gatherings, dinners, etc. The proposed addition will consist of flexible space and will not interfere with the existing kitchen. He further stated that there are no plans to open the hall to the general public for rentals. There will not be separate gatherings at the social hall and the sanctuary at the same time. He also stated that the existing lighting on the site was adequate.

Hess explained in response to a question by Pflaumer, that this location was chosen because of the location of the handicap ramp and the kitchen. Pflaumer expressed concern about the encroachment on the right-of-way.

Irick stated that the proposed 850 sq. ft. addition has the same dimensions as the exiting social hall. There are currently five columns inside that restrict movement and the use of the building. They chose to go straight back and stay aligned with the existing building so that the existing septic system would not be impacted, but would bring the addition closer to the road because of its angle. The Church Street right-of-way is 49.5 ft. wide. The proposed addition would be 3.5 ft. from the property line and 22 ft. from the paved cartway. He also stated that due to the angle of Church Street, even a 10 ft. setback would restrict the size of the addition so that it would not be useful.

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Irick further stated that variances for frontage along Main St. (130.02 ft. existing where 200 ft. is required), lot size (.669 acres existing where 2 acres required) and front setback (3.5 ft. proposed where 40 ft. is required) would not impact the neighborhood or be a detriment to the zone plan.

Irick also talked about design waivers and variances for parking requirements. A waiver for a reduced size parking space of 9'x18' where 10'x20' is required was requested along with a waiver for a reduced aisle width of 24 ft. where 25 ft. is required. A variance was requested for the number of parking spaces required (37 spaces required and 36 spaces proposed). There are 18 spaces provided on the site and an additional 18 spaces across the street on Block 275, Lot 1, which is owned by the Church. Irick stated that there is also space to park along Church St. A letter was submitted from the Dorchester Shipyard to permit overflow parking on their property, which is close by. He stated that this site would provide another 20-25 spaces.

Irick stated that no buffering was proposed since the neighboring houses were well removed. He stated that curbing would create a barrier. The new building will have thermal windows, a water saving device and a 95% efficient boiler to comply with energy conservation. The site is currently well lit and adequate lighting will be placed on the shed when moved and on the new building. Bollards were proposed rather than landscape boxes between the parking lot and the walking area. Solid waste is currently stored inside the building and will continue to be. A parking lot striping plan as well as stop sign detail will be submitted. He stated that roof runoff onto the pavement would have minimal impact. He requested a waiver from providing a Stormwater Management Plan as the site is already paved where the addition will be placed resulting in no additional drainage issues. He also noted that he prepared and notarized a letter with regard to the non-existence of wetlands on the site.

There was discussion regarding a deed restriction of Block 275, Lot 1 across the street. Irick stated that there would be no problem in deed restricting this property for parking associated with the church, but asked to be able to leave it as is rather than stripe it.

Caterson stated that the applicant is not proposing any changes or requesting any approvals for Block 275, Lot 1. She also stated that she spoke with the Township's Assessor regarding the consolidation of Lots 1 & 8 in Block 273. The Assessor advised her that this is normally addressed by the Board when an application is before them. The applicant had no issue with combining the lots if the Board so requires.

Tiffany CuvIELLO, Board Planner, referenced her review report dated 6-27-12. She stated that variances were needed for front setback on Church Street and number of proposed parking spaces. The requested variances for undersized lot and lot width were not required as these are existing lot conditions and this application would not impact them. She stated that parking is not a problem on the site currently and since the applicant does not propose the use of both the

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church and the social hall at the same time, existing parking would be adequate for both uses. She further stated that the setback appears greater than it actually is.

Cormac Morrissey, Board Engineer, as per his review report dated 6-27-12, stated that the submitted sketches of the front and side building elevations were sufficient and had no objection to a waiver being granted for sealed architectural plans as well as a waiver for an architectural floor plan. He had no objection to a waiver from submission of a Natural Resources Plan since the addition is proposed in an already disturbed area of the site; no objection to a waiver for a Landscaping Plan since the addition will have minimal impact on the existing site; no waiver required for a Facilities Plan since the addition will utilize existing services. No waiver would be necessary from State and Federal approvals since applicant represented that none are required. No waiver required for Drainage Facilities since the site improvements do not meet the threshold of major development and the stormwater runoff generated by the proposed addition would be minimal.

Morrissey further stated that he would like to see a longer lease with Dorchester Shipyard than the one-year lease obtained. He also recommended guttering with downspouts going into the ground and wanted to make sure that lighting did not impact neighboring properties.

Irick stated that the applicant will install guttering on the addition and make every effort to get the runoff to the grass. Any new lighting will be directed downward and would not be in close proximity to any residences. He further stated that at least 20-25 parking spaces would be available at the ship yard property.

Carrara asked about landscaping and the possibility of flooding. Irick responded that there will be no additional runoff as the proposed addition will cover existing pavement. Morrissey added that since there is no flooding now, there should not be a problem with the addition.

On a motion by Carrara and seconded by Chard, the application was deemed complete. The Board agreed to accept the submitted architectural sketches and grant a waiver for sealed architectural elevations and floor plans. Waivers were also granted for providing a Natural Resources Plan, Landscape Plan and Facilities Plan. The Board determined that an EIS is not applicable as the site is already disturbed and that a Drainage Plan is not applicable since no additional runoff will be generated. Unanimous roll call vote.

As to design waivers, Morrissey stated that he had no objection to the granting of waivers for Buffers and Screening because of the existing use; no objection Curbs and Gutters as this is an expansion of existing development as well as Parking Space Dimensions Minimum Aisle Width both being slightly smaller than required as per testimony from Irick. Lighting and Energy Conservation measures were addressed in Irick's testimony and accepted by the Board. The

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applicant proposed bollards for the separation of the parking area and walkway. Morrissey stated he would like to see landscape planters on the Church Street side of the building.

On a motion by Ireland, seconded by Langley and a unanimous vote, the public hearing was opened. There was no public comment. On a motion by Lafferty, seconded by Ireland and a unanimous vote, the public hearing was closed.

On a motion by Gross, the site plan and front yard setback variance was approved subject to the consolidation by deed of Lots 1 & 8, a conditional deed restriction for off-site parking on Block 275, Lot 1, installation of bollards to separate the parking spaces from the walkway, the submission of a revised plan showing stop sign detail and the striping of the parking lot as per the Engineer's review report. The approval was further conditioned on any approval required by outside agencies having jurisdiction. Chard seconded. Unanimous roll call vote.

JERRY PANTELIDIS

BLOCK 229, LOT 7

APPEAL DECISION OF ZONING OFFICER

Solicitor Benson explained that the applicant has the right to appeal to the Board if he thinks the Zoning Officer is in error. The Zoning Officer has raised concerns and denied the applicant's proposal for a plant stand based on its departure from the Zoning Ordinance in that the planters represent an impediment to traffic and an encroachment on parking spaces and site triangles. The applicant must prove that there are no departures from the Zoning Ordinance.

Benson further stated that since this is a potentially a matter for the Township Committee, Mayor Ireland and Committeeman Langley were asked to step down.

Jerry Pantelidis was sworn in. He stated that he was an agent for Cape May Bamboo. He further stated that the plant stock is used by designers and real estate architects as an ecological choice as it cleans the air, etc. Their retail location is currently on the internet. Their proposal is to beautify an unsightly building site that will function as a living billboard. The hours of operation would be by appointment.

Pantelidis stated that Gross's letter, he stated that site triangles may be compromised; however he could not provide him with the site triangle dimensions. He further stated that there was a clearance of 20 ft. between the planter boxes and the building which would allow for two-way traffic on the site.

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Gross stated that this type of business would be acceptable if the planter boxes did not cause any safety issues. He talked about the size of the boxes and display areas and expressed his concern with traffic flow on the site and that a "wall" would be created at each end possibly creating visibility issue. He noted that there is a curve just prior to the entrance to this site.

Pantelidis stated that he would want the bamboo to be as tall and as beautiful as possible to attract people to the site.

Benson informed the Board that the only site plan on file is dated 1986 and does control the property. It shows traffic flow in one direction.

Imbaratto asked if the planter boxes eliminated parking spaces shown as 1, 2 & 3 on the site plan. Carrara stated that it would be dangerous if the bamboo blocked visibility of oncoming highway traffic.

Benson stated that the Board was asking site plan type questions, when the question was should the applicant or should he not be required to submit a site plan.

Morrissey stated that he visited the site prior to the meeting. He noted that what is shown on the site plan as parking spaces and the drive aisle is not what's actually there. There is some level of non-compliance as the clothing box and planter box on the north end of the site consumes some of parking spaces numbered 1, 2 & 3 on the site plan. This would be an alteration of an approved site plan. He went on to state that the planter boxes must not create any site triangle issues, but there was no dimensions for site triangles shown. He spoke of AASHTO standards which are 14 ½ ft. from the travel lane and another 5 ft. back into the site. The current parking pattern would have cars in the site triangle before the boxes. Parking spaces are actually in the Rt. 47 right-of-way. Some planter boxes are located in the drive aisle of the site plan.

Morrissey stated that a site plan or a waiver of site plan must be considered as new features are being added. He referred to former Township Engineer, George Schock's comments on the site plan that the existing site works well enough, implicating that the site was limited to begin with. He did not see enough information to make a determination.

Cuviello stated that the question at hand is whether the Zoning Officer made the right decision. The standards that need to be met relate to the health, safety and welfare.

Stowman stated that the planter boxes have changed the dynamics of the site.

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Cuviello stated that even though the situation has existed, this applicant is proposing the change. Parking is not allowed in a right-of-way and the site is already tight as acknowledged by the engineer in his 1986 review comments.

Pantelidis stated that if the planters are not allowed, the business must go elsewhere. He then asked if any parking spaces could be eliminated.

Cuviello stated that a variance would be required and the applicant must prove that there is ample parking for both businesses.

Benson stated that the Board would have to act in a different capacity and would need more detailed information.

On a motion by Chard, seconded by Hoffman and a unanimous vote, the Board denied the appeal of this applicant and upheld the Zoning Officer's decision.

Cuviello stated that since it was 9:23 PM, a worksession should be scheduled for later in the month. Adoption of the Master Plan amendment and the Development Regulations Ordinance amendment to comply with the Pinelands Comprehensive Management Plan amendments dealing with mandatory clustering, wetlands management and forestry must be adopted by the end of September. She stated that Sue Grogan of Pinelands is willing to give a little more time if the Board keeps moving forward. The time frame Cuviello proposed was adoption of the Master Plan at the Land Use Board's September meeting; first reading at the September Township Committee meeting and public hearing and adoption at the October Township Committee meeting.

Cuviello provided additional information that required Board review. Chairman Stowman appointed a Master Plan Committee consisting of K. Langley, C. Thompson, T. Imbaratto and himself to attend the worksession. This committee will meet on Wednesday, 7-25-12 at 7:00 PM. No advertisement of the worksession will be necessary since it does not constitute a quorum of the Board.

There being no further business, Chard motioned to adjourn at 9:30 PM. Hoffman seconded. Unanimous.

Respectfully submitted,

Barbara D. Sutton, Secretary