

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

January 11, 2010

Solicitor: Christopher Brown, Esq.
Engineer: James Mott, P.E. (Mott and Associates) Robert Watkins, P.E. in attendance
Planner: Vincent Polistina, P.P. (Polistina and Associates) Craig Hurless, P.P. in attendance

A re-organizational and regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 6:30 p.m., prevailing time, Egg Harbor Township hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

* **May the record reflect:** Mayor McCullough opened the meeting by reading the open statement and sought roll, as follows:

Roll Call:

Manuel E. Aponte, V-Chair., present	Joseph Lisa, 2 nd V-Chair., present @ 6:34 p.m.
Committeeman John Carman, present	Mayor James J. McCullough, Jr., present
Charles Eykyn, present	Peter Miller, Township Admin., present @ 6:33 p.m.
James Macon, Alt. #I, present	Dorothy Saslav, another engage.
James Garth, Sr., Chairperson, present	Frank Kearns, Alt. #II, present
Robert Levy, present	

Mayor McCullough suggested the Board conduct the re-organization differently this year. He advised if it appears that there will be no changes with respect to the professional staff then the Board may present a consent calendar motion. He indicated this would list each of the professional's, as well as, the members seeking appointments to the various positions. Thus eliminating the need to make individual motions and taking individual roll calls.

Board Member Aponte advised he has no problem with doing so, however, he must abstain from any motions concerning Vincent Polistina of Polistina Associates, therefore, he asked if any motions concerning this individual/firm be taken separately.

Motion Carman/Eykyn to appoint: James Garth as Chairperson, Manuel Aponte as Vice-Chairperson Joseph Lisa as 2nd Vice-Chairperson, Terry Wilbert as Secretary, Christopher Brown, Esq., of the Law Firm of Christopher A. Brown as Solicitor, James Mott, P.P., of Mott Associates as Alternate Planner, Edward Walberg of Remington, Vernick and Walberg as 2nd Alternate Planner, James Mott, P.E., of Mott Associates as Engineer, and Matthew Doran, P.E., of Doran Engineering as 2nd Alternate Engineer for the Planning Board of Egg Harbor Township . **Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.**

Motion Carman/Eykyn to appoint: Vincent Polistina, of Polistina and Associates as Planner and Vincent Polistina, of Polistina and Associates as Alternate Engineer for the Planning Board. **Vote 8 Yes: Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller. **1 Abstention:** Aponte.**

Motion McCullough/Carman to adopt a resolution setting the **Time and Days for Special and Regular Meetings** for the Planning Board. **Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

Motion **Carman/Lisa** to adopt a resolution designating the **Official Newspapers** for the Planning Board as **The Press of Atlantic City, The Mainland Journal, Courier Post.** **Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

Motion **Eykyn/Kearns** to adopt a resolution concerning the fee to be paid by those wishing advance notice of meetings by mail as \$60.00 annually or by fax as \$70.00 annually. **Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

FINAL APPLICATION(S):

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| 1. | SDF 05-06 | Final Major Subdivision |
| | Ridgewood Point, LLC | 5203/1 |
| | Zone: RG-1, 10.87 acre site, sewer/water, applicant is final major subdivision approval to create a 13 lot subdivision of which 12 lots will be utilized for the construction of single-family detached dwellings and one (1) lot will be utilized for storm water management purposes. Pinelands: c/f: #89-1552.012, dated 10/06/06. | Mill Road, Delaware and Tremont Ave.'s
Waiver of Time – Not Granted |

Checklist Waiver(s):

- 1. Item #17: Location of all monuments**
- 2. Item #20: Performance guarantee**
- 3. Item #22: Updated certificate of taxes paid**

Thomas Bonner, Esq., introduced himself as the attorney appearing on behalf of the applicant, Ridgewood Point, LLC. Attorney Bonner advised the Board consultants have recommended conditional approval be granted to this application. He indicated the parcel is located on Delaware Avenue with the intersection of Tremont Avenue. He advised the site overall is eight (8) acres. He indicated this site received conditional preliminary approval in March of 2007.

Attorney Bonner further noted the applicant will address the comments outlined within the Board Engineer's report dated November 3, 2009. He indicated preliminary approval for sewer has been granted by the Municipal Utilities Authority and conditional final from the County Planning Department has been granted.

Board Engineering Representative Watkins stated his firm has no issue with the application. He did, however, stated there are some comments concerning the trees. He indicated if the applicant can not plant the required number of trees on site then they must be planted somewhere else in the Township.

Attorney Bonner advised the applicant is withdrawing all waivers requested. He indicated the applicant will provide monument locations on final plat, an updated certificate of insurance will be forwarded to the Board Office and performance guarantees will be submitted before the signing of the final plat.

Jay Schule, P.E., Marathon Engineers, of Third Street Hammonton, New Jersey, New Jersey Licensed Engineer, was introduced as the applicant's engineer incase there were any quesitons.

Motion Carman/Eykyn to grant conditional final major subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

SUBDIVISION(S)/SITE PLAN(S):

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| 1. | SD 13-09 | Minor Subdivision |
| | Parminder Singh | 310/1 |
| | Zone: GC, 5.60 acre parcel, sewer/water, applicant is proposing a two (2) lot subdivision. Proposed lot 1.01 will be a total of 4.46 acres and will be (vacant/wooded). Proposed lot 1.02 will be 1.15 acres containing an existing one (1) story mini-mart and gasoline filling station. Other associated improvements on proposed lot 1.02 consist of off-street parking and an accessory shed. Pinelands: C/F (Inconsistent): #1990-1053.004, dated 8/18/09. | 6501 Delilah Road
Waiver of Time – Not Granted |

Checklist Waiver(s):

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| 1. | Item #1 (c): | Copy of plans in CD format |
| 2. | Item #5: | Existing topography within 100' ft. |
| 3. | Item #17: | Soil boring information |
| 4. | Item #21: | Location of temporary stakes |

David DeClement, Esq., introduced himself as attorney for the applicant. Scott Brown, P.E., New Jersey Licensed Engineer with Dante Guzzi Engineering Associates, LLC, 418 Stokes Road, Medford, NJ 08055, was sworn in. Engineer Brown advised for the record there is no relation between himself and Planning Board Solicitor, Christopher Brown.

Attorney DeClement:advised the applicant has no opposition to the comments made by the Engineer and Planner, as outlined within their reports. He indicated this application has been submitted in order to move a lot line. He indicated the subdivision line will move the existing business (mini-mart/gasoline filing station) away from the dominant vacant parcel.

Planning Representative Hurless asked when will the lease end for the billboard and when will it be removed? Attorney DeClement advised the lease will be up and the billboard will be removed in September, 2010. He indicated they will send a copy of lease agreement information to the Board Office.

Board Engineering Representative Watkins stated the applicant will provide a C.D. reflecting the plat, therefore, this waiver can be withdrawn. He indicated all other items are acceptable to waive. He also noted the applicant will be providing sidewalk along the gas station portion of this subdivision, however, the remaining vacant commercial portion will be installed later.

Motion Carman/Kearns to grant requested checklist waiver(s) Items 2-4 (as listed on agenda). Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

Motion Eykyn/Carman to grant conditional minor subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

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| 2. | SD 11-09 | Minor Subdivision |
| | Joel Jacovitz | 5820/62 |
| | Zone: RG-1, 1.74 acre parcel, sewer/water, applicant is seeking approval for a three (3) lot minor subdivision of which all three parcels will be utilized for the construction of three (3) single-family detached dwellings. Pinelands: c/f: #2009-0060.001, dated 5/7/09 | 598 Zion Road
Waiver of Time – Not granted |

Checklist Waiver(s):

- 1. Item #6: Name and address of adjacent owners of land**
- 2. Item #9: Bearings and datums**
- 3. Item #14: Site characteristics map**
- 4. Item #27: Certificate of taxes paid**

Joel Jacovitz, applicant, sworn in: Mr. Jacovitz advised he has submitted a minor subdivision application for a property fronting along Zion Road. Mr. Jacovitz indicated the parcel(s) will meet all the requirements of the RG-1 zoning district. He further noted all three (3) proposed lots will be serviced by water, sewer and gas. Mr. Jacovitz further noted he will have to purchase half (½) a Pinelands Development Credit in order to construct.

Mr. Jacovitz noted he agrees with the comments outlined within the reports of the Board Professionals, however, he indicated he does not agree with submitting a recreation contribution. Mr. Jacovitz advised he believes the recreation contribution is still the subject of litigation and if he must pay the contribution, he is paying under protest. Mr. Jacovitz stated if it is found that the contribution of recreation fees is incorrect and illegal he wants his contribution returned to him.

Mr. Jacovitz indicated he has not received a refund for the recreation contribution(s) he has made for subdivided properties within the CAFRA Jurisdiction. Township Administrator Miller stated the settlement for recreation fees within CAFRA Jurisdiction did not include a refund. He indicated a refund for monies will not happen until a Court requires the Township to do so.

Board Solicitor Brown advised, as he understands, the applicant will comply with all requirements within the reports of the Board Engineer and Planner, which does include the recreation fee, however, Mr. Jacovitz is not happy with paying for the recreation contribution, but he still will do so. Mr. Jacovitz indicated this is correct. Board Engineering Representative Watkins advised the applicant must supply checklist items 1, 2, and 4, however, checklist item 3: site characteristics map can be waived. Mr. Jacovitz advised he will provide this information when revising his plans.

Motion Carman/Kearns to grant requested checklist waiver item #3 (as listed on the agenda). Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller

Motion Carman/Eykyn to grant conditional minor subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

MEMORIALIZATION OF RESOLUTION(S):

- 1. SP 06-09 Minor Site Plan**
MetroPCS Pennsylvania, LLC 6601/6
3067 Ocean Heights Avenue
- 2. SP 08-09 Minor Site Plan**
MetroPCS Pennsylvania, LLC 1305/15
6518 Black Horse Pike
- 3. SPM 40-88 (Amended) Amended Prel./Final Major Site Plan**
Chapman Properties, Inc. 2121/4-6 and 12
6744 Black Horse Pike

Motion Miller/Eykyn to memorialize resolution as listed on agenda. Vote 8 Yes: Carman, Eykyn,

Garth, Kearns, Levy, Lisa, Macon, Miller **2 Abstention(s):** Aponte, McCullough

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

- a. Discussion concerning section §94-38 Sidewalks and section §94-11 Curbs and Gutters
- b. Discussion concerning Developers Agreement for A. & P. Associates (Bahia Vista) filling operation

Board Engineering Representative Watkins stated he would like to discuss the filling operation first. He indicated the applicant's of Bahia Vista Hotel within West Atlantic City have provided a developers agreement to Township Committee in order to proceed with filling the site, as well as, a trucking agreement to bring the fill to site. He indicated he has reviewed a plan that was submitted and he has approved it based on the provision(s) of soil erosion being met and performance guarantees with their cash requirements being submitted.

Township Administrator Miller stated the Board is familiar with the K. Hovnavian site and their filling activity. He indicated that during the period of time when their operation was occurring no major concerns were noted. Board Engineer Representative Watkins stated the applicant is bringing piles in for the hotel and it will be clean material. He advised the truck route is proposed to go through Pleasantville via the Black Horse Pike to this facility. Township Administrator Miller stated Township Committee will be approving the developer's agreement, not this Board, therefore, he wanted to update the members.

Curb/Sidewalk:

Board Solicitor Brown advised on December 11, 2009, he forwarded correspondence to Township Administrator Miller concerning a review of the curb and sidewalk ordinance within Chapter 94. Township Administrator Miller indicated he is seeking a concurrence from the Board. Township Administrator Miller advised that in section 94-38 it was the intent that sidewalks are mandatory and there is no discretion with granting waivers by the Board, however, the way in which this section is written there is a contradiction to the intent. He further noted that within section 94-11 where it discusses curb and gutters a sentence needs to be added that allows an in lieu payment to be required if they are not installed.

Board Solicitor Brown advised if the Board agrees the Township Committee would be asked to amend the current ordinance. Township Administrator Miller stated the Board already requires an in lieu payment if the curb and sidewalk are not installed, therefore, nothing is different then what is already being done. Board Solicitor Brown advised he was asked to review the ordinance and found this concern. He indicated the amendment to this ordinance is really a house keeping issue more then anything else. Board Member Aponte stated he agrees that both sections should be clear and not contradict.

Motion Kearns/Aponte to recommend Board Solicitor Brown's letter dated December 11, 2009, to Township Committee with the anticipation of amending chapter 94-38 Sidewalks and chapter 94-11 Curbs and Gutters, with the Planning Board further finding this amendment meets the intent of the master plan. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller.

Motion Miller/Carman to adjourn at 7:30 P.M. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, Lisa, McCullough, Miller

Respectfully submitted by,

Theresa Wilbert, Secretary