

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD**

**January 12, 2015**

**Planning Board Professional(s):**

**Solicitor:** Christopher Brown, Esq.: (present)

**Engineer:** James A. Mott, P.E., of Mott Associates: (Robert Watkins, P.E. in attendance)

**Planner:** Vincent Polistina, P.P., of Polistina and Associates: (present)

A regular and re-organizational meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:00 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:** Oaths of Office were administered to the following Planning Board Members: Peter Miller, Paul Rosenberg, and Manuel Aponte by Board Solicitor Christopher Brown, Esq.

**Roll Call Taken as Follow(s):**

Manuel E. Aponte, present

Charles Eykyn, present

James Garth, Sr., present

Frank Kearns, present

Robert Levy, present

Mayor James J. McCullough, Jr. \* **See below**

Peter Miller, Township Administrator, present

Committeewoman Laura Pfrommer, present

Paul Rosenberg, present

John Welsh, Alt. #II, III

**\*May the record reflect:** Mayor James J. McCullough has another engagement and has sent Committeeman Frank Finnerty in his place.

**RE-ORGANIZATION:**

1. Motion **Aponte/Rosenberg** to nominate/appoint **James Garth** as **Chairperson** for the Planning Board. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer
2. Motion **Pfrommer/Rosenberg** to nominate/appoint **Manuel Aponte** as **Vice-Chairperson** for the Planning Board. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer
3. Motion **Aponte/Pfrommer** to nominate/appoint **Paul Rosenberg** as **2<sup>nd</sup> Vice-Chairperson** for the Planning Board. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer
4. Motion **Rosenberg/Pfrommer** to nominate/appoint **Terry Wilbert** as **Secretary** to the Planning Board. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer
5. Motion **Aponte/Rosenberg** to nominate/appoint **Christopher A. Brown, Esq.** as **Solicitor** for the Planning Board. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer
6. Motion **Pfrommer/Rosenberg** to nominate/appoint **Vincent Polistina, P.P. & P.E.** as **Planner**

and Alternate Engineer for the Planning Board. **Vote 8 Yes:** Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer. **1 Abstention:** Aponte

7. Motion **Pfrommer/Aponte** to nominate/appoint **James Mott, P.P.**, as **Alternate Planner**, **Edward Walberg, P.P.**, as **2<sup>nd</sup> Alternate Planner**, **James Mott, P.E.**, as **Engineer**, **Edward Walberg, P.E.**, as **2<sup>nd</sup> Alternate Engineer** for the Planning Board. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer
  
12. Motion **Aponte/Finnerty** to adopt a resolution setting the Time and Days for Special and Regular Meetings for the Planning Board. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer
  
13. Motion **Eykyn/Levy** to adopt a resolution designating the Official Newspapers for the Planning Board as The Press of Atlantic City, The Mainland Journal and The Courier Post. **Vote 9 Yes:** Aponte, Eykyn, Finnerty, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer

**PUBLIC HEARING(S):**

1. **SPPF 01-04** **Amended Prel./Final Major Site Plan**  
**New Life Assembly** **4102/18**  
Zone: RG-1, 7.7 ± acre site, sewer/water, 5071 Fernwood Avenue  
Applicant is proposing to locate three (3) Waiver of Time – **Not Granted**  
temporary trailers on site to be utilized as classrooms for the church. Pinelands c/f: #2004-0124.003, dated 8/29/14.

**Checklist Waiver(s):**

1. **Item #3:** **Key map**
2. **Item #6:** **Names and date of 200' ft. list updated**
3. **Item #9:** **Survey**
4. **Item #11:** **Location of all existing and proposed structures**
5. **Item #15:** **Site characteristics map**
6. **Item #18:** **Stormwater management plan**
7. **Item #23:** **Landscaping plan**
8. **Item #24:** **Lighting and signage plan**

**Variance Relief:**

1. **§225-7:** **Maximum Impervious Coverage: 25% required; 31% proposed**

Pastor Rick Van Dyne, Robert Green, P.E., Green Engineering, Somers Point, New Jersey, and Board Planner and Board Alternate Engineer, Vincent Polistina, were all duly sworn: May the record reflect: Board Engineer, Robert Watkins step down from this application.

Engineer Green advised the applicant is seeking to place three (3) classroom trailers on site. He advised each trailer is 24' ft. X 60' ft. and will be utilized as classroom space on Sunday's. Engineer Green advised the applicant was present in 2005 seeking approval to construct the church. He stated the facility is over 300' ft. off Fernwood Avenue and is 400' ft. from the rear property line. He indicated there are 137 paved parking spaces existing currently.

Engineer Green advised the proposed trailers are a minor addition overall to the site, however, they are not attached to the existing building. He indicated there will be sidewalks and ramps leading up to the trailers for access.

Engineer Green advised the applicant is seeking waiver(s) associated with the site plan. He advised they are seeking a waiver from providing key map, the applicant will provide the 200' ft. updated property list on compliance plans if approved, he indicated the applicant is seeking waiver from providing a survey. He indicated this was provided when the church received approval. The applicant is will provide location of all existing and proposed structures, therefore this is no longer being requested and the applicant will provide a site characteristics map.

Engineer Green advised the applicant is seeking waiver from storm water management plan since the trailers do not cause any issue with the storm water. He advised the site is currently landscaped and additional plantings will be provided for the trailers, therefore, the applicant is seeking a waiver from providing a landscaping plan. He also indicated there will be lights on the trailers and there is an existing sign for the church so a waiver is being sought from providing a lighting and signage plan also. Board Planner Polistina advised the applicant is seeking waivers from items #3, 9, 18, 23 and 24.

Pastor Van Dyne advised the trailers will be utilized from 10:00 a.m. to 11:30 a.m. on Sunday's and on Wednesday they will be used from 6:00 p.m. to 8:00 p.m. He advised the trailers are actually being utilized as temporary class room space and that the children occupying the trailers will be non-driving age children. Township Administrator Miller asked what will happen with the area that is currently being used as classroom space. Pastor Van Dyne indicated this area will still be utilized for the education of smaller children.

Board Member Eykyn asked how long is considered temporary. Pastor Van Dyne indicated at least five (5) to seven (7) years. Township Administrator Miller stated if the applicant is still using the trailers as temporary in seven (7) years they should come back to the Board and request they be made permanent structures. Pastor Van Dyne stated they would come back if required. He advised the trailers were actually used by the Egg Harbor Township Schools. He indicated Ralph Clayton had donated them to the church.

Board Member Rosenberg stated there are no proposed parking spaces, however, from the information he received there appears to be more shown. Engineer Green advised there was paving done and 26 additional spaces were paved. Township Administrator Miller asked if applicant paved more spaces than what was approved. Engineer Green stated there was a phase I and Phase II parking/paving plan with the original church application. He indicated the 26 additional spaces were part of phase II. Board Planner Polistina advised the paving work was done that was shown on original site plan for church and basins work satisfactorily.

Engineer Green advised the applicant will be connecting to sewer. Township Administrator Miller asked if the Municipal Utilities Authority has reviewed this application. Board Planner Polistina stated yes. He also stated there are additional improvements shown on the plan that are noted sheds. He asked what they are used for. Engineer Green stated the garage shown on the plan was originally approved with the church. Pastor Van Dyne stated there are two (2) sheds. He indicated they are temporary and one (1) can be picked-up and removed. Township Administrator Miller stated they required building permits.

Engineer Green stated the shed in back of the garage does comply with setbacks. He indicated the applicant will submit to the building department for permits. Board Planner Polistina stated the site plan should include everything that has been placed on site. Township Administrator Miller stated if the sheds meet the accessory structure requirements and coverage requirements then the Board may be able to deal with this issue tonight. He indicated the applicant should have come to the Board to receive approval before placing sheds on the property. He further noted that building permits were required to be obtained.

Board Planner Polistina stated the shed is part of the calculations referenced. Board Solicitor Brown advised if the Board approves he can add to the resolution that that applicant will obtain building permit for the existing sheds. Board Planner Polistina advised the zone allows for impervious coverage to be 25%. He advised the existing coverage is 29% and with the inclusion of the trailers coverage will now be 31%. Board Planner Polistina stated this is a large site and the storm water works so he has no issue with the coverage proposed. Engineer Green advised churches are inherently beneficial and the increase of 1.3% coverage does not impact neighbors.

**Motion Kearns/Eykyn to open public portion. Vote 9 Yes**

William Dilley, 6333 Mill Road, Egg Harbor Township, New Jersey, sworn in: Mr. Dilly stated he understands the trailers are for Sunday school. Pastor Van Dyne indicated the trailers will be used on Sunday's and on Wednesday's. Mr. Dilley asked if the trailers will be connected to sewer. Pastor Van Dyne stated yes and they have water also. Mr. Dilley asked if a privacy fence for the neighbors has been considered. Pastor Van Dyne stated no. Mr. Dilley stated he is concerned since he backs up to property.

Township Administrator Miller asked Mr. Dilley if there has been any negative impact concerning his property. Mr. Dilley stated he would rather not have children running onto his property. He stated he is concerned with the children because of the trailers. Township Administrator Miller asked if Mr. Dilley would rather have a fence or evergreens. Board Member Aponte indicated it appears Mr. Dilley's property has wooded area. He asked if church site can be seen through the trees. Mr. Dilley advised he does have a lot of trees. He stated there is about 200' of woods, however, he does hear noise from the activities that occur such as baseball. He indicated there is a recreation area adjacent to his property.

Pastor Van Dyne indicated there are times when the church does have kickball games and community activities but this does not occur in the area where the trailers are. Mr. Dilley indicated he is lot 21, his daughter is lot 23 and the other parcel he owns is lot 25. Township Administrator Miller asked on the plan presented there is an area shaded green. He asked if this is a storm water basin and does it have a fence. Engineer Green advised there is a 3' ft. post and rail fence around the basin. Township Administrator stated maybe the Board should consider in the basin area either a 6' ft. evergreens or a stockade fence since the trailers are now there and it will assist Mr. Dilley. Mr. Dilley stated either recommendation is preferable.

Township Committeewoman Pfrommer stated the trailers are for religious education. She asked if the children will be going straight to trailer from church. Pastor Van Dyne stated the children will be inside the buildings. Board Member Levy stated Mr. Dilley's is not buffer the church from his property with his existing woods.

Board Planner Polistina stated the church nor the trailers is the issue it is the other uses on site that are creating the problem that were not discussed. Engineer Green asked if a condition of approval include that if the gentleman’s property (Mr. Dilley’s) is cleared then the church will put arborvitae up as a buffer. Township Administrator Miller indicated it appears that the Board did not approve the athletic fields, garage, and the applicant is asking for a waiver of the survey. Engineer Green stated the athletic fields were approved, but they are not shown on the plan that he submitted to the Board for the trailers.

Mr. Dilley stated he thought he would just raise his concerns. He indicated whatever the Board decides is fine. Board Member Eykyn asked with the parking spaces along the property line with Mr. Dilley. He asked if the headlights will shine into their homes. Township Committeewoman Pfrommer stated the parking spaces are already existing on site. Board Member Aponte stated the applicant has been doing things on this property and it appears they did not receive approvals, however, the Board is trying to work with them. Board Planner Polistina stated the kickball or recreation field’s need to be shown on the compliance plans. Engineer Green stated the applicant will place in Arborvitae or a fence. Board Member Aponte suggested as a condition of approval the applicant will either have to place arborvitae or fence along property line with Mr. Dilley. This can be discussed with the Board Planner in order to a determination to be made as to what will be installed.

**Motion Eykyn/Rosenberg to close. Vote 9 Yes**

Board Solicitor Brown stated the conditions of approval included the applicant returning within seven (7) to discuss the status of the trailers and to determine if they will be permanent, applicant will show shed on plan and obtain building permit, applicant will show recreation area on compliance plan, and a either a stockade fence or arborvitae will be placed 200’ ft. along the property line of applicant’s parcel with adjacent lot 21.

**Motion Finnerty/Eykyn to grant requested checklist waiver(s) #1, 3, 6-8. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

**Motion Aponte/Rosenberg to grant requested variance relief. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

**Motion Rosenberg/Finnerty to grant conditional amended preliminary and final major site plan. Vote:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

<p><b>2.     <u>SPPF 10-14</u></b>  <b>      Sport Hyundai</b>  Zone: RCD, 4.735 acre site, sewer/water, applicant proposing a 12,229 sq. ft. addition onto the existing 19,850 sq. ft. building. Other associated improvements include curbing, sidewalk, paving, lighting and a new traffic circulation pattern. CAFRA</p>	<p><b>Preliminary/Final Major Site Plan</b>  <b>218/7 &amp; 8</b>  Black Horse Pike &amp; Delancy Avenue  Waiver of Time – <b>Not Granted</b></p>
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**Checklist Waiver(s):**

- 1.     Item #9:       Survey Datum**
- 2.     Item #13:     Landscaping plan**
- 3.     Item #15:     Site characteristics map**

- 4. **Item #20:** Traffic report
- 5. **§:198-15E** EHT MUA report

**Variance Relief:**

- 1. **§225-7:** Front yard setback (Delancy Avenue): 80' ft. required; 31' ft. proposed
- 2. **§225-7:** Side yard setback (trash enclosure): 25' ft. required; 3' ft. proposed
- 3. **§225-7:** Front yard parking setback (Delancy Avenue): 20' ft. required; -0- ft. prop.
- 4. **§225-55M(3):** Parking in buffer zones: No off-street parking spaces shall be permitted in any required buffer areas. The applicant is requesting a variance.
- 5. **§225-63A:** Number of building mounted signs: one (1) building mounted sign permitted; seven (7) existing; applicant proposing nine (9) total.
- 6. **§225-63A(1):** Building mounted sign area: 250 sq. ft. area permitted; 577 sq. ft. proposed
- 7. **§225-63B(7):** Free standing sign setback: applicant proposing two (2) signs: both at 14' ft. from Delancy Avenue and 23' ft. from Black Horse Pike.

**Design Wavier(s):**

- 1. **§94-9B:** Community impact statement
- 2. **§94-14B:** Environmental impact statement
- 3. **§94-22C(2):** Landscaping
- 4. **§94-22E:** Stormwater management basin landscaping
- 5. **§94-43B:** Outdoor storage – Trash Enclosure Setback Distance

Thomas Darcy, Esq., introduced himself as Attorney for the applicant. Attorney Darcy advised with the exception of Checklist Waiver 4 noted on the agenda as Item #20: Traffic Report. The applicant will provide all other information listed. Board Solicitor Brown asked Attorney Darcy to confirm that the only checklist waiver being sought by the applicant is Item #20 the traffic report. Attorney Darcy stated yes, this is correct. All other information will be supplied.

**May the record reflect:** the following individual(s) were duly sworn by Board Solicitor Brown:

- Robert Bruce, P.E., New Jersey Licensed Engineer, Somers Point, NJ
- Scott Lurie, New Jersey Licensed Architect, Oradell, NJ
- Tiffany Cuviallo, P.P., New Jersey Licensed Planner, Galloway, NJ
- Pete Polino, applicant, General Manager Sport Hyundai

Robert Bruce, P.E., New Jersey Licensed Engineer, duly sworn, accepted by the Board as an expert witness: Engineer Bruce stated the site is located on the Black Horse Pike and Delancy Avenue. Engineer Bruce advised across Delancy from this facility there is an Advanced Auto and Sam's Wholesale. He advised in the rear of Sport Hyundai it is wooded and there is a residential zone. Engineer Bruce advised adjacent to this facility going towards the mall there are some hotels.

Engineer Bruce advised the property is seven (7) acres and meets the size requirements for the zoning area, as well as, the lot width requirements. He indicated they actually exceed the requirements. Engineer Bruce advised on site there is an existing car dealership with a display parking area along the Black Horse Pike and down the side of site. He indicated toward the rear there is a storage parking area.

Engineer Bruce stated the applicant will abandon the septic system, pave over it, and connect to sewer via Delancy Avenue. Engineer Bruce advised the applicant is proposing an addition to the rear of the building which will be utilized as a service area and toward the Harbor Square f.k.a. Shore Mall side of the building the applicant is proposing a small parts addition. He indicated the additions will total an additional 12,000 sq. ft. of area. He indicated even with the addition the applicant will meet the lot coverage requirements.

Engineer Bruce advised the front yard setback for the Black Horse Pike is 80' ft. and the existing building meets or actually exceeds this requirement and will remain to do so. He indicated the front yard setback for Delancy Avenue is 80' ft., the applicant currently has an existing setback of 53' ft., and is requesting, based upon the proposed addition/canopy a 31' ft. setback. Engineer Bruce advised the applicant is seeking relief for a side yard setback of 22' ft. versus the 25' ft. required for the principal building. He indicated there is only about 30' ft. of the building where this setback is required. Engineer Bruce further advised this section of the site is also a very narrow area and the applicant is proposing a one (1) way traffic drive aisle that will be utilized for service vehicles.

Engineer Bruce stated the applicant is proposing curb and sidewalk along both the Black Horse Pike and Delancy Avenue. He indicated the basin has been resized but it will remain in the general area where it currently exist. He advised the applicant currently has street trees along Delancy Avenue, as well as, the Black Horse Pike. Engineer Bruce advised the existing basin is landscaped, however, the applicant would like to meet the Planner in field to determine what additional plantings will be required the applicant can provide the buffer the Township is looking for.

Engineer Bruce advised the applicant is required to provide 71 parking spaces for employees and customers and this has been provided. Engineer Bruce advised the trash enclosure at the present time exist in the rear of the building. He advised the trash enclosure will remain in the rear, however, it is being placed in an area where it can be more accessible. He stated it will be accessed by the proposed service drive along the side of the building. He indicated the enclosure will be placed perpendicular from its existing location. He advised the trash enclosure was originally 20' ft. to 25' ft. away from the setback, however, it was awkward. He indicated it is now proposed at 3' ft. from the property line, which is more accessible, but variance relief must be sought. He added the area along the property line where the enclosure is proposed is fenced.

Attorney Darcy asked Engineer Bruce if the proposed application moves parking spaces closer to Delancy Avenue. Engineer Bruce stated no. He advised some spaces are being eliminated. Attorney Darcy asked Engineer Bruce if a community impact statement was submitted. Engineer Bruce stated no. He advised the applicant is seeking a design waiver from this item. He indicated there is no impact to the community and these type of statements are required more for residential projects. Engineer Bruce stated this is a developed site and there is no wetlands in area therefore the applicant is seeking a waiver from providing an environmental impact statement also.

Engineer Bruce advised the lighting is around the perimeter of the building and toward the rear of the site. He indicated there are some pole mounted fixtures within the cartway and on the addition(s) facades. Engineer Bruce advised the applicant is seeking variance relief for off street parking. He explained that within 50' of the basin buffer there will be a parking area for overflow storage of vehicles. Engineer Bruce further noted the applicant is seeking relief to allow this overflow area to be stoned versus the required paving.

Board Engineer Watkins asked if the existing fence along rear will remain. Mr. Polino stated it will remain. Engineer Bruce advised there is a storage of vehicles along Delancy Avenue for inventory. He indicated the applicant wants to keep the site free flowing and there will be a 25' ft. cartway throughout the site, except in the one (1) way are near the trash enclosure. Board Engineer Watkins should designate the inventory parking area better. He indicated the applicant should work with Board Planner Polistina concerning this.

Attorney Darcy asked Engineer Bruce if there are existing direction signs for the facility. Engineer Bruce stated there is a sign that is about 4' ft. high along Delancy Avenue that is used for directional purposes. He indicated the applicant would like to maintain this sign. Engineer Bruce stated the applicant has two (2) existing free standing signs. He advised the applicant will keep the existing sign along the Black Horse Pike at 32' ft. and the along Delancy Avenue the applicant also proposes a freestanding sign but it will be moved back to meet the 25' ft. setback. He advised the applicant is not seeking variance relief from the free standing sign setback requirements. He advised this request has been eliminated.

Engineer Bruce did explain the only change for the free sign along the Black Horse Pike is a text change and nothing else. He advised the other free standing sign along Delancy Avenue will meet the sign area requirements and the height requirements.

Engineer Bruce advised there are four (4) wall mounted signs along the frontage of the Black Horse Pike. He indicated the ordinance permits the applicant 190 sq. ft., existing is 144 sq. ft., however, the applicant wants to remove these signs, make them smaller and have an area of 134 sq. ft. He indicated it is less square footage but the applicant is only allowed one (1) sign so variance relief must be sought. Engineer Darcy advised the applicant had originally requested relief from the vertical height requirements concerning the wall mounted signs but this relief has also been eliminated.

Engineer Bruce advised the applicant is also proposing signs along the Delancy Avenue façade. He indicate currently there are five (5) signs existing. The applicant would like to keep one (1) existing sign and place four (4) new signs along the façade. He indicated the signs would have a total combined square footage of 238 sq. ft., which is less than what the ordinance allows. He advised the proposed signs along Delancy Avenue will include "Sport's Certified" sign, a service sign, the existing sign that says Sport's and under which a sign is proposed to say "Quick Lube". Again, he advised the total square footage will be 238 sq. ft. Engineer Bruce stated along Delancy Avenue the current square footage of all signs equal a total of 376 sq. ft. He advised the square footage of the signs drop down and is now less than what the ordinance requires. Engineer Bruce advised the sign package does reduce the square footage of the signs, however, variance relief must be requested for the number of wall mounted signs being proposed.

Scott Lurie, New Jersey Licensed Architect, Oradell, NJ, duly sworn: Mr. Lurie advised the proposed improvements include a storage area and a night drop off. He indicated a customer can drive under the canopy into the bay for service drop-off. He explained additional services bays have been added to the site. He advised the additions provide a more organized manner in which the dealership can work.

Tiffany CuvIELLO, New Jersey Licensed Planner, Galloway, NJ, duly sworn: Planner CuvIELLO advised the applicant is requesting three (3) variances for the proposed additions, a setback for the trash enclosure and relief for the number of wall mounted signs.



Planner CuvIELLO advised the property is located within the RCD zoning area. She advised the site was constructed in the late 1980's. She advised the site is a corner lot, but is shaped like a funnel. She advised the variance relief sought would fall under the "C1" criteria. She advised the applicant must seek variance, hardship relief because of the property features and the location of the existing structure on the property.

Planner CuvIELLO stated the front yard setback for the zone is 80' ft. The applicant is actually maintaining a 130' ft. from the Black Horse Pike but only 31' ft. from Delancy Avenue based upon the proposed canopy addition. She advised the canopy is proposed on the far side of the existing facility, but it creates a hardship because Delancy Avenue is a front yard setback. Planner CuvIELLO stated the applicant is also proposing a side yard setback. She advised this area of the site is narrow and at one corner is where the variance relief is requested. She stated the adjacent uses are an office building and the former Clarion Hotel.

Planner CuvIELLO advised there is adequate light and open space for sign variance relief under the "C2" criteria and the applicant does promote the zoning. She indicated when you look at the "C2" relief as a whole the applicant will have two (2) free standing signs, which will be conforming. She indicated with the façade signs the applicant will meet the square foot requirements and they are being utilized to direct the customers to their appropriate locations. She indicated though the sign application package is complicated it is not in excess for a dealership. She indicated the applicant is reducing the square footage of facades sign that exist and again the two (2) freestanding signs will be conforming. Planner CuvIELLO advised the applicant needs to have adequate visibility along the Black Horse Pike with their signs and they also are giving motorist to go to the Delancy Avenue entrance of the site.

Planner CuvIELLO stated this is a long standing business in the community and the applicant has satisfied the negative criteria. She indicated there is no substantial detriment to the zoning plan or the master plan. Planner CuvIELLO advised the variance relief requested is diminutions concerning the addition. She indicated the applicant, though asking for setback relief along Delancy Avenue, still provides open space along Delancy Avenue. Planner CuvIELLO stated within the master plan the Board encourages applicants to maintain and observe commercial are lands for industrial and commercial development. Planner CuvIELLO stated the relief sought is based on upgrades for a business that was approved over 30 years ago. She advised these upgrades also include curb and sidewalk along the Black Horse Pike and Delancy Avenue and removing the septic system and providing sewer to the site. She advised it is her belief the benefit of approving the relief outweighs the detriment.

**Motion Levy/Eykyn to open public portion. Vote 9 Yes.**

**No one came forward.**

**Motion Levy/Kearns to close public portion. Vote 9 Yes**

Board Member Rosenberg stated he is concerned with the oil coming from the cars parked within the stoned area. Mr. Polino stated there will be a combination of both new and older cars within the stoned area. Board Member Rosenberg asked where the new car inventory will be primarily. Mr. Polino advised they will have new cars along the front and rear of the facility. He indicated vehicles they service will be within the facility parking area along Delancy Avenue and within the proposed canopy area. Mr. Polino stated they do estimates at site and repairs, however, they do not have a body shop.

Board Member Rosenberg stated he is concerned with the crushed stone along the retention basin and possible leaking. Mr. Polino stated the cars that have the potential to leak would be placed more in the area of Delancy Avenue along the pavement.

Board Member Aponte asked if more shrubs will be placed along the basin fronting Delancy Avenue. Board Planner Polistina stated they will look at the improvements in field and advised the applicant of what will be placed in. Township Administrator Miller stated the formula used for the placement of bushes, trees, and shrubs may not be met. He advised if they are deficient on what can be planted the plantings have to go somewhere. Board Planner Polistina stated can make as a condition of approval if the applicant cannot place all landscaping requirements on parcel then they will be planted elsewhere in the Township.

Board Planner Polistina asked Engineer Bruce since the lighting is over .1 foot candles will they have shielding. Engineer Bruce stated yes, the lighting fixtures will be shielded.

Board Member Eykyn asked if the trash is removed during working hours. Mr. Polino stated they use Waste Management and they come between 8:00 and 10. Board Member Eykyn advised he would asked they come in for trash during working hours.

Township Administrator Miller stated the variance relief sought by the applicant does not hurt the zoning plan and is consistent with the existing conditions of the site. He did add, as a condition of approval, that no cars for sale or display be parked between the curb and parking area within the grass strip of the Black Horse Pike or Delancy Avenue. Mr. Polino stated he understands.

**Motion Eykyn/Rosenberg to grant requested checklist waiver(s) #4. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

**Motion Rosenberg/Finnerty to grant requested variance relief. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

**Motion Finnerty/Aponte to grant requested design waiver(s) #1 and #2. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

**Motion Aponte/Levy to grant conditional preliminary and final major site plan approval. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

<p><b>3.     <u>SPPF 12-14</u>        <u>SD 04-14</u>        Egg Harbor Family Associates, LLC        Zone: M-1/AHO-A, 49.94 acre site,        water/sewer, applicant is proposing        a two (2) lot subdivision. One lot will        contain (proposed lot 1.01) 19.5 acres the second lot lot 1.02) will contain 27.42 acres.</b></p>	<p><b>Preliminary/Final Major Site Plan (Phase I) Minor Subdivision 029/1 Columbus Ave., Fire and Doughty Rd's, and Decadon Dr. Waiver of Time - <b>Not Granted</b></b></p>
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Applicant is proposing a major site plan to construct two (2) phase multifamily and senior housing development. Phase I of the project will be located on proposed lot 1.01 and will consist of 76 "family" affordable dwellings in four (4) buildings, a clubhouse with tot lot, and off street parking for 152 vehicles. Off-tract improvements include improvements to the Gravesmith Drive and Ravenworth Court

R-O-W's. The improvement and extension of Ravenworth Court will create the Township Road connection between Fire Road and Gravesmith Drive and the Phase I entry drive. Other improvements include sanitary pump station and force main and bio-retention and stormwater management basins. Applicant is proposing a future development in Phase II and at which time additional an additional stormwater management basin will be constructed.

**Minor Subdivision - Checklist Waiver(s):**

1. **Item #2:** Plan scale 1" = 50' ft.
2. **Item #3:** Key map
3. **Item #13:** Site triangles
4. **Item #14:** Site characteristics map
5. **Item #16:** Proposed/existing protective covenants and/or deed restrictions
6. **Item #21:** Location of temporary stakes
7. **Item #24:** Purpose of proposed easement of land reserved or dedicated to public/common use.

**Major Site Plan – Checklist Waiver(s):**

1. **Item #3:** Key map
2. **Item #5:** North arrow/graphic scale on each sheet
3. **Item #14:** Lighting and signage plan
4. **Item #15:** Site characteristics map
5. **Item #17:** Existing and/or proposed protective covenants, deed restrictions
6. **Item #19:** Sewer and water report
7. **Item #20:** Traffic report
8. **Item #24:** Profiles of all proposed streets
9. **Item #30:** Location of existing wells and septic systems
10. **Item #32:** Sight triangles, radii of curb line and street sign locations

**Design Waiver(s):**

1. **§94-8(A):** Buffer
2. **§94-8(H):** Buffer – parking setback
3. **§94-22(E):** Landscaping – Stormwater Management Basin

**Variance Relief:**

1. **§225-7:** Front yard setback: AHO-A 30' ft. required; 26.4' ft. proposed
2. **§225-40(1)H(3):** Buffer strip of 225' ft. in width shall be required along all property lines and shall be in accordance with §94-8. Applicant is proposing improvements including the off-street parking and stormwater management basins within the required buffer.

Ben Zeltner, Esq., introduced himself as attorney for the applicant Egg Harbor Family Associates, LLC. He explained the applicant is an affiliate of the Michael's Group who are the largest owner of affordable housing within the United States. He indicated the property in question is off Fire Road and is zoned M-1 with an AHO-A. Attorney Zeltner advised five (5) years ago the Township proposed an overlay zone and the proposed development is within the entire AHO-A area.

Attorney Zeltner advised the applicant is proposing 76 affordable homes to be placed within four (4)

buildings. He advised other improvements will include a playground, club house and parking area. Attorney Zeltner advised the proposed units will assist the Township in meeting their COAH obligation and applicant has agreed to enter into an agreement with the Township concerning this.

Attorney Zeltner advised the applicant is seeking minor subdivision and site plan approval along with variance and checklist waiver relief. He stated assuming the Board sees fit, the applicant and the Board Professionals have worked on a decision and resolution and applicant is asking that it be adopted this evening so the applicant can work on the financing.

Board Member Eykyn asked if the units will be deed restricted. Attorney Zeltner advised there will an affordable deed restriction for rental units placed upon the. He indicated the applicant is proposing no Section 8 Units.

Andrew Schaeffer, New Jersey Licensed Engineer and Planner, Mays Landing, NJ, duly sworn: Attorney Zeltner asked if Engineer Schaeffer was involved with preparation of the plan that has been submitted. Engineer Schaeffer advised he is familiar with the application and the plans that have been submitted to the Board. Engineer Schaeffer referred to **Exhibit A1**: areal of area in question with overlay of proposed units. Engineer Schaeffer stated the site in question is 45 acres and is bounded by the Atlantic City Expressway, Fire Road, Columbus Avenue and Decadon Drive.

Engineer Schaeffer advised the applicant is proposing to subdivide 19 acres from the 45 acres. Engineer Schaeffer explained the applicant requires to obtain a CAFRA permit. He stated anything east of the Parkway will have a two (2) to one (1) mitigation for migratory song birds. He indicated the applicant will be saving an area for a proposed 60 unit senior housing development, but based on CAFRA requirements the applicant will have to deed restrict 13 acres for mitigation.

Engineer Schaeffer advised the applicant will be constructing Gravesmith Drive, which is currently a paper street to Columbus. He indicated Ravenswood, also a paper street, will come out to Fire Road. He advised Ravenswood will have a right in/right out ingress/egress. He stated Fire Road is a County Road and they do not want people making left's from Ravenswood because of the overpass. He indicated this is not a retail business that would have only one access. He stated there will be sever different access with different ingress and egress to there is no back-up.

Engineer Schaeffer stated the site also has an Atlantic Electric Easement along the property. He indicated the applicant is proposing four (4) buildings. Three (3) of the proposed buildings will have 24 units in each. He indicated there will be one (1) building that will only have four (4) units. He indicated the applicant does propose playground areas and the furthest walk to the club house from any unit will be 130' ft. He indicated the applicant has meet the both the requirement of the Township, as well as, CAFRA concerning the storm water management and the proposal for development is totally within the AHO-A zone.

Engineer Schaeffer advised there is some variance relief being sought. He stated the applicant is proposing a front yard setback to the R-O-W of Ravenswood Court. He advised the setback requirement is 30' ft. and the applicant is proposing 26.4' ft. He stated the request is based upon the bump out architectural design of the units. Engineer Schaeffer stated the applicant is also seeking relief concerning the parking buffer area. He indicated the ordinance requires 225' ft. Engineer Schaeffer advised he believes this is a typographical error with the ordinance but even so the applicant still must

request relief. Engineer Schaeffer indicated the applicant will not be development Hudson, another paper street within the proposed area. He indicated this is based upon the grading of Hudson. Attorney Zeltner asked if the site could be developed with a 225' ft. buffer. Engineer Schaeffer stated no. He noted the Board Professional's believe this is a typographical error in the ordinance also.

Engineer Schaeffer stated the community will have an assigned mail box area, there will be shed for the maintenance equipment, and the manager of maintenance will live on site. Attorney Zeltner asked what the purpose of the setback and buffer controls that the applicant is seeking relief from. Engineer Schaeffer explained it was to create distances between uses and have light, air and open space. He indicated part of the development of this site was addressing the large easement from Atlantic Electric. He indicated it forces distance between the Expressway and the buildings. He indicated he does not see any determinant to the surrounding area based upon the request of the applicant.

Engineer Schaeffer advised the applicant is seeking checklist waivers with respect to the minor subdivision. He advised the applicant is seeking a waiver for the scale of the plans. He advised they created the information on a larger scale so that the plan could be on one (1) sheet and not multiple sheets. He advised the applicant also is seeking a waiver of the key map. He again noted it has was provided but on a larger scale. Engineer Schaeffer stated the applicant will supply site triangles so this waiver has been eliminated. He advised the applicant does provide the site characteristics map, but the information is shown throughout the plan and not just on one (1) sheet. Engineer Schaeffer stated the applicant does show existing covenants and restrictions and will disclose future, therefore, this waiver can be eliminated. He advised the applicant is seeking a waiver for the temporary stakes and he believes the checklist waiver for the easement of lands goes along with the checklist for the covenants. He stated this will be provided, therefore, this waiver has been eliminated also.

Engineer Schaeffer advised the applicant is also seeking checklist waivers associated with the site plan. He indicated the applicant is seeking a waiver of the key map for the same reason previously noted. Engineer Schaeffer explained the applicant is also seeking waiver of the site characteristics map, again for the same reasoning and the applicant will provide the restrictive covenants. Engineer Schaeffer stated the applicant did provide a traffic report, as well as, profiles of the street. He indicated the applicant is seeking a waiver from the location of existing wells and septic systems. Engineer Schaeffer stated this is an undeveloped site and the applicant is proposing sewer connections. Engineer Schaeffer advised the applicant will provide site triangles.

Engineer Schaeffer advised again the applicant is seeking a waiver from the 225' ft. buffer, which is meant to be a 25' ft. buffer, based on the typographical error. Engineer Schaffer advised the applicant is providing mounded landscaping along Ravenswood. He stated the applicant has no need for parking buffer, however, may need when the applicant submits the senior housing portion of this development. Engineer Schaeffer also advised the applicant is seeking a waiver from landscaping around the basin. He advised the applicant will provide the quantity of plantings around the basin, but they are seeking a change in the type of species to be planted.

Engineer Schaeffer advised there is no pedestrian sidewalk along Gravesmith Drive, but will have a sidewalk along the developments side of Ravensworth Court. He indicated there is a bus stop along Fire Road. Engineer Schaeffer stated the curb and sidewalk waiver request if for a portion of Gravesmith, Fire Road, Doughty Road and Decadon Drive. Township Administrator Miller stated he would recommend granting waiver of curb and sidewalk requirements because this project is an affordable

housing development. He indicated the Township will assume the cost of the curb and sidewalk as its contribution to the construction of the affordable housing development.

Johnathon Lubonski, Development Officer, Michaels Development Company, duly sworn: Mr. Lubonski advised he would like to clarify that currently there is a bus stop by the Social Security Building along Fire Road. Township Administrator Miller advised there is also a stop on Washington and Fire Road. Mr. Lubonski indicated the applicant is not proposing any additional stops. Engineer Schaeffer stated he does not see where there would be a lot of people using public transportation from this development. Engineer Schaeffer stated he believes school buses will be utilizing the road ways the applicant paves for the development versus having a stop on Fire Road.

Attorney Zeltner advised Engineer Schaeffer can go through the comments contained within the reports of the Board Professional's. Engineer Schaeffer explained the applicant is seeking a waiver from providing a 15' perimeter access way. He advised the basin will not be a public basin it will be private. He indicated on private property the access is usually smaller since the Township will not be maintaining. Engineer Schaeffer stated the applicant is in agreement with comments outlined within the professional reports. Board Engineer Watkins stated this would include straightening Ravensworth Court during construction.

Township Committeewoman Pfrommer asked if there will be street lights. Engineer Schaeffer advised the streets lights will be public and they will be at the intersections. He indicated the developer does plan on having lights around the site, as well as, building mounted lights.

Engineer Schaeffer advised the applicant is not proposing any type of traffic signals on the road ways. He indicated once the roads are open it will not increase the flow to any one location. Township Administrator Miller stated phase II will be a 60 unit senior development that will be restricted. He stated it will be one (1) building with a few stories. He indicated with the proposal as such there will be more green area within the development. Engineer Schaeffer stated he stated there will be additional green space based upon the CAFRA permit.

Mary Johannesen, Kitchen and Associates, New Jersey Licensed Architect, duly sworn: Architect Johannesen stated she has three (3) exhibits. She indicated exhibit A3 and exhibit A4 are identical. She indicated each building will have 24 units. She indicated there will be a combination of one (1), two (2) and three (3) bedroom units and they can be accessed through an enclosed breezeway through the front of the buildings. She then referred to exhibit A5: advising this is considered building "d" and will contain four (4) two (2) bedroom units within the second floor area and within the one (1) story floor area of the building there will be a community room, exercise room, common laundry, and superintendent's office.

Architect Johannesen stated advised the units will be income restricted and residents will reside on site. She advised each unit will be energy efficient and meet the sustainability requirements. She advised there will be Energy Star 3 appliances, will have both recycled and green flooring, low flow fixtures and will have hearing and air conditioning for each unit. Chairman Garth asked if they will have a fire suppression system. Architect Johannesen stated yes, they will have a full fire suppression system.

Township Administrator Miller asked what type of materials are being used with the design of the buildings. Architect Johannesen stated she advised the proposed shakes will either be vinyl or concrete.

She indicated there is no wood being used for the outside façade. She advised they will have synthetic stone and the breezeway will be constructed with concrete. Township Administrator Miller asked if here firm has done similar designs within Atlantic County. Architect Johannesen stated she is not sure she does not believe they have. Township Administrator Miller advised he believes her firm proposed the design for the housing located on the Peter Lumber Project in Pleasantville. Architect Johannesen stated it may have been before her time with the firm. She advised there are two (2) projects located in Middle Township that are currently under construction that were designed by Kitchen Associates.

Mr. Lubonski stated the Michaels Development Group is the largest owner of affordable housing in the country. He advised their head office is in Marlton, New Jersey and the owner of the Michaels has a home in Ventnor. Mr. Lubonski advised the Michaels tackle large scale neighborhood development and they have a broad range of experience. He indicated they have placed a lot of thought for the design of this development and the coastal feel of Egg Harbor Township.

Mr. Lubonski advised there are unique financing opportunities due to Sandy funding and the municipality will receive COAH credit for the units. Mr. Lubonski advised one (1) bedroom units will be \$596.00 a month, two (2) bedroom will be \$856.00 a month and three (3) bedroom units will be \$1,060.00. He advised typically the tenants will be entry level teachers and police officers. Mr. Lubonski advised this is not a Section 8 Development. There will be credit and police checks done on the tenants. He indicated there is oversight and it will be maintained.

Township Committeewoman Pfrommer asked if the units are intermixed or are the larger units in one area and the smaller in another. Mr. Lubonski stated they will all be mixed. Board Member Kearns asked if someone has a history of drug use and they have violations will this prohibit them from applying. Mr. Lubonski advised their application for financing is due at end of month and there will be a tenant selection plan within that information outlining what will be required. Mr. Lubonski advised there will be 24 three (3) bedroom units, 44 two (2) bedroom units, and eight (8) one (1) bedroom units.

Township Administrator Miller asked what if a tenant fails to pay rent. Mr. Lubonski stated they will be evicted just like anyone else. He indicated Michaels has to maintain the property at a level as it is designed out. He indicated their properties need to operate successfully. He indicated if this site were to be below 75 units there would not be a support staff present or a maintenance person on staff and who will live on site.

Board Member Eykyn asked what about having multiple people living within a unit. Mr. Lubonski stated there will be annual inspections of the units and there is an onsite management company. Mr. Lubonski advised during the tenant's initial approval process they must document who will be living in unit. He advised the onsite management company, as well as, live-in superintendent will know. He advised a property of this size can be controlled. Diane Markser, Interstate, Management Company for Egg Harbor Family Associates, LLC, duly sworn: Ms. Markser stated the size of the unit rental will be based upon the number of individuals whom will be living within the unit. Mr. Lubonski stated this project will have vehicle traffic. He indicated he does not believe there will be much public transportation being used by the residents. He stated the residents renting the units are working residents.

Ms. Lubonski advised he worked out of a community in East Greenwich for about two (2) years and everyone (residents) has cars. Board Member Aponte asked if each unit will have an assignment for parking cars. Mr. Lubonski stated based on the number of parking spaces there will not be a need for

assigned parking spaces. He advised the ratio is two (2) for one (1). He indicated once the site is up and operating if there is a problem they will look at the parking again and number spaces. Board Member Eykyn asked what happens when a person's income goes up. Mr. Lubonski stated there are re-certification. Board Member Eykyn asked would they have to leave. Mr. Lubonski stated yes. Mr. Lubonski stated if someone's level income goes from 50% of the requirement to 60% they will make every effort to qualify them at the 60% level.

Mr. Lubonski stated they need to maintain the affordability of this property so the community can realize its COAH requirements, but they also have standards in order to meet their financing. Ms. Markser stated with the street tax credit drops if they go over a \$1.00 because they received a raise we will not remove them because there is a window of a 140% of median because this is when people can leave and live in the conventional world. She stated if they received \$2.00 an hour raise we would not put them out on the street.

Township Committeewoman Pfrommer asked if you cannot fill this site with the economic base that you are looking for. Would they accept higher income people? Ms. Markser stated they cannot. She advised due to the tax credits they work with the maximum income limits cannot exceed the 50% and 60% level.

Board Member Levy asked if all buildings will be constructed at once. Mr. Lubonski stated yes. Township Administrator Miller advised he would like to refresh everyone concerning the COAH plan that was approved by the Court. He advised it was adopted about six (6) years ago which causes us to take affirmative action to bring affordable housing to fruition in Egg Harbor Township. He stated we have a requirement for roughly 763 units. He indicated we have approved the project on Winnipeg Avenue, which is around 44 to 45 units, the Clarion Hotel has been approved for 144 units and this project will eventually be 136 units, but we are only doing the first 76 now. He indicated we are only about half-way to our number, so we still have a way to go.

Township Administrator Miller stated this site was looked at about five (5) years ago. He indicated some of the member present this evening will recall the project proposed on Cottonwood Avenue where there was a Nimby problem. This property was identified as an overlay zone thinking we would not have this problem. He indicated this is close to public transportation and public road ways. He indicated why the resolution was prepared in anticipation is to make this work without the Township being on any financial hook and the applicant being able to submit their application to the New Jersey Housing Mortgage Financing Agency before the end of the month with their approvals.

Township Administrator Miller stated the Clarion was successful in their funding they are going forward and we are optimistic Michaels Group going to be successful in their application to have this project funded and built.

**Motion Rosenberg/Kearns to open public portion. Vote 9 Yes**

**May the record reflect no one came forward**

**Motion Rosenberg/Kearns to close public portion. Vote 9 Yes**

Board Member Aponte asked if the pads show on the plans reflect the trash enclosures. Engineer



Schaeffer stated yes. Board Member Aponte stated he would like in the resolution the standard requirements for trash removal. He indicated it should not be picked-up earlier than 8:00 a.m.

**Motion Aponte/Kearns to grant requested checklist waiver(s) Minor Subdivision: Items #: 2,3,14,&21 and Major Site Plan: Items #: 3,15, and 30. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty.

**Motion Rosenberg/Aponte to grant requested design waiver(s) §94-8(A), §94-22(E), Basin Perimeter access 15' ft., Basin Egress, and sidewalk/curb. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty.

**Motion Rosenberg/Pfrommer to grant requested variance relief. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty.

Township Administrator Miller stated he supports the buffer strip relief because he believes it is a typo. He indicated Section 94-8 talks about the buffer being between 25' ft. – 100' ft. and there is no standard for 225' ft. buffers and he indicated due to the nature of the project the front yard setback is a small amount because of the configuration of the buildings. Board Member Rosenberg agreed with Township Administrator Miller concerning the variance relief.

**Motion Rosenberg/Kearns to grant requested conditional minor subdivision approval. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty.

**Motion Aponte/Kearns to grant conditional preliminary/final major site plan approval (Phase I only). Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty.

**Motion Miller/Eykyn to memorialize resolution granting requested checklist waiver(s), design waiver(s), variance relief, conditional minor subdivision approval and conditional preliminary/final major site plan approval (Phase I only). Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty.

Township Committeewoman Pfrommer asked when will the applicant know they received the funding? Mr. Lubonski stated on March 30, 2015 there will be announcements and if they are successful they will need to close by July, 2015 on the financing so they should be receiving foundation permits by July 1<sup>st</sup>, 2015.

**SUMMARY MATTER(S):**

- 1. Discussions of matters pertaining to the Board:**

**SECTION I:**

- a. General public discussion:**

**Motion Eykyn/Kearns to open public portion. Vote 9 Yes**

**May the record reflect no one came forward**

**Motion Kearns/Eykyn to close public portion. Vote 9 Yes**

- b. Motion Miller/Eykyn to set regular meeting date for February as Monday, February 9, 2015, 5:00 p.m. prevailing time. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty
- c. SDF 10-07, Block 1703 lot(s) 18 & 19, 3054 Ivins Avenue, LLC:** Board Secretary Wilbert advised she received a letter from applicant advising they were withdrawing this application. She advised, however, the Pinelands Commission is looking for the Board to take formal action acknowledging they are withdrawing/abandoning this application/approval.

**Motion Aponte/Pfrommer to recognize the application as SDF 10-07, Block 1703 Lot(s) 18 and 19, 3054 Ivins Avenue, LLC, has formally been withdrawn/abandoned by applicant. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

Board Member Rosenberg stated he did not like that a waiver had to be requested from the 225' ft. buffer requirement. Board Planner Polistina advised this is being worked on. He indicated it will be removed. Board Member Aponte stated it seems that the key map waiver is continually sought. Board Planner Polistina stated the key map is being provided but it is just one that is being placed. Board Engineer Watkins asked what the Board feeling were about requiring applicants to provide aerials as part of their presentation to the Board. Board Members were in favor of this.

**Motion Aponte/Rosenberg to adjourn at 8:37 p.m. Vote 9 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Rosenberg, Pfrommer, Finnerty

Respectfully submitted by,

Theresa Wilbert, Secretary