

Township of Egg Harbor

Planning Board

Special Meeting

January 30, 2012

Solicitor: Christopher Brown, Esq., in attendance

Engineer: James Mott, P.E. (Mott and Associates), Robert Watkins, P.E., in attendance

Planner: Vincent Polistina P.P. (Polistina and Associates), in attendance

Call to Order/Flag Salute/Public Notice: Conducted

A special meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:30 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.

Roll Call was taken as follow(s):

|                                   |   |
|-----------------------------------|---|
| Manuel E. Aponte. another engage. | Robert Levy, present                            |
| Committeeman John Carman, present | Mayor James J. McCullough, Jr., another engage. |
| Milas Cook, Alt. #I, on vacation  | Peter Miller, Township Administrator, present   |
| Charles Eykyn, another engage.    | Paul Rosenberg, present                         |
| James Garth, Sr., present         | MD Shamsuddin, Alt. #II, present                |
| Frank Kearns, present             |   |

PUBLIC HEARING(S):

- SPPF 14-11 Preliminary/Final Major Site Plan  
New Jersey American Water 3403/1 & 16  
Zone: PO-1, 1.20 acre site, applicant is seeking Dogwood Avenue  
approval to construct a 150' ft. high water storage tank. Waiver of Time<sup>B</sup> Not Granted  
Additional improvements include a paved driveway, curbing along Dogwood Avenue and a  
storm water management facility. Pinelands c/f:

Checklist Waiver(s):

1. Item #8: Signature lines for Board Chairman and Secretary
2. Item #9: Survey of property
3. Item #13: Landscaping plan
  
4. Item #14: Lighting and signage plan
5. Item #15: Site characteristic maps
6. Item #26: Design of off-street parking and loading areas
7. Item #27: Photograph of site
8. Item #32: Site triangles, radii of curb line and street sign locations

Design Waiver(s):

1. '94-8.I.: Buffers
2. '94-22: Landscaping
3. '94-38: Sidewalk
4. '94-44.E.2.g.: Basin in front yard setback

Variance Relief:

1. '225-7: Minimum Lot Area (Table I): 2.5 acres required; 1.2 acres existing

Enid Hyberg, Esq., attorney for the applicant introduced herself. She indicated the applicant was present during the Planning Board's re-organization on Tuesday, January 17, 2012, however, due to unforeseen circumstances the application was not discussed and was ATabled@ tonight for a special hearing.

Attorney Hyberg also indicated during the last meeting she was unable to congratulate the board members for their re-appointment. Attorney Hyberg advised the applicant is seeking preliminary and final major site plan approval with a lot area variance and design waivers, as well as, a height variance for the proposed fence.

Attorney Hyberg stated she would like to mark the following into the record:

- Exhibit A1:** photograph of elevated water take in Whitesboro, New Jersey
- Exhibit A2:** sheet 6 of site plan referenced as the landscaping plan

**Exhibit A3:** visual analysis: showing tank from various location(s) in Township

Attorney Hyberg advised the applicant is seeking relief for an elevated storage tank on Dogwood Avenue, which is a permitted use in the zone. She stated the proposed tower is a critical element with respect to the infrastructure for New Jersey American Water Company. This tower will supply water for fire suppressions systems within the Township and for the residential and commercial users of the Water Company it will assist in providing better water pressure.

Board Solicitor Brown swore in the members of the Board and the Board Professional=s. He also apologized to the Board Member=s, their Professional=s, the Applicant and their representatives and the general public whom were in attendance during the meeting on the 17<sup>th</sup>. He indicated Attorney Strickland had a family emergency and was unable to attend the meeting.

Attorney Hyberg indicated that during the last meeting, since the applicant was not heard, she had an opportunity to discuss this proposal with the individual=s whom were present. She indicated the bank located on the corner of English Creek and Dogwood Avenue=s (Cape Savings) had concerns with respect to the storm water.

Attorney Hyberg offered that the applicant has revised their plans, addressing the concerns of the bank, which were communicated through their Attorney, Keith Davis. Attorney Hyberg indicated she believes the applicant has satisfactorily addressed the issued raised by the bank. Attorney Hyberg advised she is in receipt of a letter, dated today=s date, from Attorney Davis advising the revised plans he has received were acceptable and baring that there is no substantial issues raised this evening concerning the storm water they are satisfied. Attorney Hyberg indicated the items outlined within Attorney Davis= letter will be part of the approved plan.

Attorney Hyberg explained the applicant is seeking variance relief for lot size. She also noted she is providing a certification that the applicant has notified both property owners either surrounding this parcel or abutting this parcel to either purchase or sell. Attorney Hyberg indicated the applicant did not receive anything. She advised the adjacent property owner did not want to purchase the land which is the subject of tonight=s hearing and since the adjacent parcel is improved the applicant has no obligation to purchase it. Therefore, she believes the applicant has provided proof that an attempt to increase of the lot area of this parcel to eliminate the variance relief has been satisfied.

Kevin Brown, employee of the New Jersey American Water Company, 3215 Bargaintown Road, New Jersey. Mr. Brown advised he has four (4) different type of licenses in conjunction with water collection and sewer collection within the State of New Jersey, sworn in:

Mr. Brown advised the New Jersey Amercian Water Company has worked to support infrastructure in this area. He indicated there was unprecedented growth and based on statistics this area was the fastest growing in America.

Mr. Brown explained the placement of tanks are based upon elevations of a particular area, as well as, the location of adjacent; existing infrastructure. Mr. Brown indicated . The tank works off higher

elevations, as well as, being adjacent to existing infrastructure. Mr. Brown advised New Jersey American Water Company tries to locate these tanks in quasi-commercial areas. He further described that pressure is a component of the height and the height creates the pressure. Mr. Brown noted with this tank sustaining a higher pressure the benefits will allow for better fire protection and an equalization of the system to both current and future customers

Mr. Brown explained the site will be unmanned, however, it may be visited at least once a week to check on equipment. He indicated the tank will have a twenty year life with regards to its painting system. Attorney Hyberg asked in order for the tank to be painted how is the water removed? Mr. Brown indicated the water retained in the tank can be pumped back into the system. He indicated the tank is operated through a radio system that talks to the wells in order to stop pumping, there is also a hydraulic system that will shut down and there is also a valve that will automatically close off the water to there are actually three (3) fail safes that will be used so the tank will not overflow.

Mr. Brown stated there will be no truck traffic, no noise, or odor coming from the site. Solicitor Hyberg asked if the applicant is proposing a black fence? Mr. Brown indicated yes. He stated it will be 6' ft. in height with barb wire on top. New Jersey American Water Company wants to ensure the protection of the facility and the fence height will help.

Bruce Connely, P.E., New Jersey Licensed Engineer with Birdsall Engineering, Route 9, Barneget, New Jersey, received a BA from Coast Guard Academy in engineering and has been with Birdsall for nine (9) years, sworn in:

Engineer Connely advised this site is located on the east side of English Creek Road along Dogwood Avenue. He explained there is an existing M.U.A. pump station located adjacent to the site and there is a bank located on the opposite side of Dogwood Avenue. Engineer Connely indicated the applicant is providing curb and sidewalk along Dogwood Avenue which includes the unimproved section of DeCarlo Avenue.

Engineer Connely advised the area around the tank is open in order to conduct maintenance on the tank. He also stated the tank will have an underground recharge system for storm water. Attorney Hyberg explained the bank had concerns with the proposed storm water system. Engineer Connely stated the plans originally had direct overflow into Dogwood Avenue. He indicated all storm water from this site will go into the applicant's infiltration system up to a 100 year storm. Engineer Connely advised there is a drainage system along Dogwood Avenue, but it is for the improvements proposed (curb/sidewalk) and the straightening of Dogwood Avenue.

Attorney Hyberg asked where the location of the proposed fence will be? Engineer Connely advised the proposed fence will be placed along the frontage of Dogwood Avenue, 25' ft. back with an additional 15' ft of evergreen trees being planted along its front and if more should be required during the inspection phase of the project the Board Engineer can advise.

Engineer Connely indicated lights will be installed for the facility which will operate from dusk to

dawn and there is no signage proposed. Engineer Connely indicated the applicant is seeking a waiver for the location of basin. He explained based upon an unimproved paper street the basin is considered within a front yard setback. He further noted the applicant will place some buffer plantings around it, however, because it abuts the paper street there is also natural vegetation that will be utilized for the buffer. Engineer Connely indicated the applicant has also provided a 50' ft. undisturbed (natural) buffer from the residential home abutting this property to the east.

Engineer Connely indicated the applicant will provide one (1) parking space for the utilization of New Jersey American Water Company personal, which is normally a pick-up truck. Engineer Connely stated the proposed fence will be six (6' ft.) in height with three (3) strands of barb wire in order for keeping people off the site. No trash will be generated from this facility, again, it will be an unmanned facility.

Township Administrator Miller suggested that since the property owner to the east of this site is being left with a 50' ft. buffer what about also fencing? Board Member Levy stated he would be concerned with the amount of trees that would be removed to place a fence. Engineer Connely advised the removal of any trees to place a fence in would be minimal. Township Administrator Miller asked where is the applicant=s driveway in relationship with drive way across the street? Engineer Connely advised it will be directly across.

Township Administrator Miller asked what the height of the tower will be? Attorney Hyberg indicated it will be 150' ft. Board Member Rosenberg suggested the plan presented seems to be geared toward the protection of Dogwood Avenue. He asked what would happen if DeCarlo or Setton Avenue=s were ever developed. Will this proposal be a problem? Township Administrator Miller advised the streets being questioned will not be Developed. He indicated they are part of the DeCarlo Track, which the Township owns many of the properties within.

Township Committeeman Carman asked if the fence can be pulled farther back from Dogwood Avenue? Engineer Connely indicated the water company needs an area to go around the tank for maintenance. He indicated by planting the additional evergreens it will help. Solicitor Hyberg indicated the fence along Dogwood will be black vinyl in order for it to blend in, which galvanized steel does not. She did advise if the Board would like another color, such as green. The applicant will comply. Chairman Garth suggested the color of the fence be left up to the Board Professional=s.

Engineer Connely advised he has spoken with the property owner directly across Dogwood Avenue. He indicated the property owner has asked that the proposed fire hydrant be moved down 20' ft. in order facilitate his proposed development. Township Administrator Miller asked what type of development is proposed across the street? Engineer Connely stated he has no idea what is proposed, however, he does know the property owners driveway was where the hydrant was proposed.

Township Administrator Miller asked where is the zoning line between the PO-1 zone and the residential zone. Board Solicitor Hyberg referenced Exhibit A4: Egg Harbor Township Zoning Map,

advising the subject property of this application is within the commercial zone, as well as, the property located across the street (PO-1).

Board Engineering Representative Watkins asked for Engineer Connely to explain the overflow pipe that is shown on the plan detail. Engineer Connely advised if something happens to tank the water will go through a pipe and it will go into an area maintained by New Jersey American Water Company. He indicated the water will not be released into the street nor will it go on to adjacent properties.

Board Member Shamsuddin asked if there will be any employment opportunities for Township residents with respect to this proposal? Engineer Connely advised there will job opportunities with respect to the construction of the tank, however, once it is completed New Jersey American Water Company will add to its rotation of facilities and he is not sure additional personnel will be needed.

Ronald Reiniston, P.P., New Jersey Licensed Planner, with Birdsall Engineering, in Eaton, New Jersey, sworn in.

Planner Reiniston advised he is well versed with respect to this type of application. Attorney Hyberg asked if Planner Reiniston can describe the zoning limits between the commercial and residential? Planner Reiniston advised the zone parallels the Atlantic Electric R-O-W to the east and this parcel is within the PO-1 zone. He also noted the PO-1 zone extends both north east to Ocean Heights Avenue and south west to English Creek Avenue. Planner Reiniston indicated this parcel is about dead center within that zoning corridor. Attorney Hyberg asked if the proposed tank is a permitted use within the zone. Planner Reiniston stated yes. He explained he does have a visual analysis of the proposed.

Planner Reiniston referred to **Exhibit A3**: two (2) photo-simulations of proposed tank. He explained a crane is placed on site to the height of the tower and pictures are then taken. Planner Reiniston indicated this exhibit was prepared to show what the tank will look like from the Egg Harbor Township High School and other parcels in the area. Planner Reiniston explained the applicant made good faith efforts in order to increase the size of the property. He indicated the DeCarlo Tract is an interesting area. He advised many of the parcels are owned by the Township, however, there are still lots owned by private individual=s. Thus the applicant could not obtain the non-municipal parcels and there was no response from the private ownership to purchase the applicant=s parcels. Planner Reiniston indicated the applicant=s parcel is well buffered, as well as, being close to the lot size required for the PO-1 zoning. Planner Reiniston advised there are resident=s that live along English Creek Avenue to the right. He then referred to **Exhibit A3b**: photo taken October, 2011 at 610 Dogwood Avenue, with a superimposed tank in distance. Planner Reiniston explained this photograph was taken from the driveway of 610 Dogwood Avenue, which is about 400' ft. way from the project site. He indicated that based upon the foliage covering it was difficult for him to see the crane.

Planner Reiniston referred to **Exhibit A3c**: photograph taken from 24 High School Drive, which is

3,725 ft. south, south, west of the proposed project location, advising this picture was taken from the parking lot of the Egg Harbor Township High School. He indicated once the tank is superimposed on the photograph all that is visible is the Aball@ (storage area) of the tank.

Planner Reiniston explained New Jersey American Water Company is a public utility and is considered under the Municipal Land Use Law as an inherently beneficial use. He indicated the applicant must take into account the infrastructure and the need to supply to the customer base. Planner Reiniston advised the negative impact this project has is to the zone plan where 2 2 acre lots were envisioned, however, based on the type of lots that are available in this area of the project it may be non-existent. Again, Planner Reiniston explained the applicant did make good faith efforts to increase the size of the subject parcels. Planner Reiniston stated it is hard to hide a 150' ft. tank. He indicated the tank will be seen from the houses along Dogwood Avenue, however, the applicant has tried to limit the visual impact.

Planner Reiniston stated in Whitesboro, New Jersey the Water Company has a similar tank, which is actually by residential subdivision(s) and those resident=s have a complete view. He indicated the Board must take into consideration the purpose of the tank and how it will effect the whole public good.

Planner Reiniston advised security is a concern with these type of facilities, especially post 9-11, therefore, the height of the proposed fence serves this purpose. He indicated the applicant will provide whatever color fencing the Township desires. He also explained the applicant is seeking a waiver from providing a basin in the front yard, however, where the basin is located there are existing trees and an undeveloped roadway and it will not be visual, therefore, he believes variance relief can be granted.

Board Member Rosenberg asked if New Jersey American Water Company will have any additional security such as camera=s. Planner Reiniston stated no.

Chairman Garth asked if the tank has any type of logo? Engineer Connely stated there will be no ground mounted signs. Chairman Garth asked if the tank will say E.H.T. or Egg Harbor Township? Township Administrator Miller stated the Township has requested that the tank maybe could say AEHT Eagles@, however, the tank is a little further away from the High School then anticipated. He further noted that should New Jersey Avenue Water Company place their corporate logo on the tank he would limit it to being seen from English Creek Avenue versus Dogwood Avenue.

Board Solicitor Brown indicated the agenda list several checklist waivers. He asked if the applicant=s professional=s could explain. Engineer Connely stated the applicant has provided a site characteristics map, however, information concerning the 50' buffer was not placed within it. He also noted the applicant is seeking a partial waiver for off-street parking, since the applicant is providing one (1) space. Engineer Connely indicated the applicant is seeking a waiver from providing a buffer around the basin, again, there is natural vegetation that will be used and the applicant will provide curb and sidewalk down Dogwood Avenue, however, they will be providing

an in lieu contribution, rather than installation of curb/sidewalk along the paper streets.

**Motion Carman/Rosenberg to open public portion. Vote 7 Yes**

Susan Cincotti, 610 Dogwood Avenue, Egg Harbor Township, New Jersey, sworn in: Ms. Cincotti stated she has lived at this location since 1997. She advised she is concerned with the 2<sup>nd</sup> picture from the visual analysis, which is from her driveway.

Ms. Cincotti explained this photograph was taken in October when foliage was still present. She indicated when foliage is gone and the trees are bare there will be a clear view of this facility from her driveway. Ms. Cincotti stated the proposed application will drop her home value. She also advised that along the front of this facility there is a bus stop, as well as, Dogwood Avenue being a thoroughfare to the schools in this area.

Ms. Cincotti advised this proposal will force her to connect to water versus the well she has been utilizing. She also asked why is the applicant seeking variance relief for an undersized lot. She indicated this application is very concerning to her and she is having a difficult time envisioning a 15 story water tower. She advised this is a residential area and the barb wire is unattractive.

Ms. Cincotti advised the overflow for the pump station currently floods down the street in front of her home, now adding this there are concerns. She indicated there are many areas in the Township that have vast amounts of space. Ms. Cincotti indicated this site is in the center of Egg Harbor Township. Ms. Cincotti explained she does not believe the bank on the corner of English Creek and Dogwood Avenue=s is not an eyesore, however, the water will be an eyesore. She went on to say she can not understand why the applicant should be waived for a parcel that is more than an acre shy of what the zoning requirements are in order to build.

Township Administrator Miller asked if Ms. Cincotti had any information that property values can be effected by this proposal? Ms. Cincotti stated if someone comes to her home, which is currently for sale, she asked if he thinks someone would move in? Ms. Cincotti referred to **Exhibit A3b**: advising you will see the proposed structure from her driveway. Township Administrator Miller stated that having a water tower in neighborhood has no impact on Ms. Cincotti=s home. He indicated he has went to other areas where water towers are located, such as, Longport, Margate, etc.. and the prices of those homes did not go down. He indicated no one is going to say your property is going down 30 to 35% because of the proposed.

Township Administrator Miller advised there is currently an existing water tower on Shires Way and it has not effected the property value of the resident=s living in the shires development. Township Administrator Miller asked if Ms. Cincotti has any information or documentation showing that the property value will go down? Ms. Cincotti stated no, but she indicated she is sure she can obtain and bring it to him.

Township Administrator Miller stated one of the reasons this area was proposed is because of where



the schools are located and the need for fire suppression system within them, plus providing water service to the 1,000 + homes that are in the area. He indicated the purpose of this system is to work efficiently and to have volume where it is needed.

Ms. Cincotti stated the subject parcel does not conform to the lot sizes required, however, she advised the parcel across Dogwood Avenue from this site does. Ms. Cincotti explained the parcel in question is 1.2 acres of the 2.5 acres required, which is half the space allowed for the office professional zoning. She indicated this site will be visible to everyone. Ms. Cincotti also suggested that even if she places a shrub line within her own property the tower will still be seen from Dogwood and English Creek Avenue. Ms. Cincotti stated this is a commercial zone and it really does not a visual issue for English Creek, but why allow the applicant to go on a lot that is half the size allowed when other parcels in the area are better suited and could even allow the tower to be tucked back further onto the property.

Township Administrator Miller advised that even if the applicant had a conforming parcel and were to move the tower back another 50' ft. the height would still be an issue. Ms. Cincotti advised she had grown up in upstate New York and their water towers were placed in commercial areas so that it would not be considered an eyesore for the community. Ms. Cincotti stated her driveway is a bird eye=s view of the water tower and it will be a burden to the residents during its construction.

Township Administrator Miller indicated water is not being extended to Ms. Cincotti=s parcel. Ms. Cincotti asked if by constructing this tank will it effect her well? Engineer Connely indicated the construction of the tank will not.

Albertson Rice, 209 Dogwood Avenue, Egg Harbor Township, New Jersey, sworn in: Mr. Rice explained he has resided on Dogwood Avenue since 1969. He also stated he does not understand why the Township would place a 150' ft. water tower on Dogwood Avenue.

Mr. Rice explained he will be looking from his kitchen window at a water tower which is 300' ft. from his home. He indicated the tower will look like a big moon coming down. Mr. Rice also indicated he was suspect, since The Press of Atlantic City, the week before last published a large story with respect to the DeCarlo land tract that extends from English Creek Avenue to the Egg Harbor Township High School.

Mr. Rice asked if there is not one (1) piece of property that is not big enough to place this tank somewhere else. He indicated for people living in this area they will have sight of it and 15 ferns being planted do not grow to be 150' ft. Mr. Rice stated if this water tower was intended for the high school would it not be reasonable to place it on their property. He stated he does not understand that with all the land in the DeCarlo tract and the fact the Township owns most of it. The tower is being placed at this location.

Mr. Rice asked what happen with the proposal for this tower to be located at the High School? Attorney Hyberg advised New Jersey American Water Company tried to negotiate with the High

School and the Board of Education but could not secure a contract. She further noted that within the DeCarlo tract much of its area has been designated wetlands. She indicated the applicant has met the legal concerns associated with this application. Attorney Hyberg explained the Board has an obligation to balance the overall good and welfare of the Township. Attorney Hyberg stated the applicant tried very hard to address the concerns of the individuals present and again, they tried to make the subject parcels as conforming as possible, but unfortunately, they could not.

Board Member Kearns advised he was an Egg Harbor Township School Board Member when placement of the water tower was discussed. He indicated there were four (4) locations, however, one (1) was where Jake Glassey Drive is located, another is where a new building has been construct and the other two (2) were where additions were going. He indicated based upon the needs of the Water Company there was not an area on the High School property where a tower could be placed.

David Scheidegg, 174 Winnepeg Avenue, Egg Harbor Township, New Jersey, sworn in: Mr. Scheidegg advised that as the design engineer for the Cape Bank and would like to thank Attorney Hyberg and Birdsall Engineering for taking care of the overflow concerns, which have now been taken care of.

Mr. Scheidegg went on to explain that he actually owns a parcel across the street from the proposed (along Dogwood Avenue). He wants assurance the area along Dogwood Avenue for this property will be buffered. Mr. Scheidegg also indicated a crane was placed on the subject site and in order for it to gain access two (2) driveways were created. He like to make sure these openings are temporary and they be buffered and plantings will be provided for them.

Engineer Connely indicated there will be 15 evergreens planted where the drives are along the front of Dogwood Avenue. He indicated even more plantings may be provided by the applicant once they are in the field and construction begins. He advised when he speaks of evergreen trees he would like to provide American Holly=s and Leland Cypress, however, he is hoping there will be no negative issues with the Pinelands Commission. Mr. Scheidegg indicated there was discussion concerning evergreens being placed though out the wooded areas? Engineer Connely stated the woods will not be cleared. The evergreens will be placed within the wooded area around the existing vegetation.

Mr. Scheidegg indicated at the last meeting he had asked about the applicant=s placement a fire hydrant. He indicated that as the owner of the property across the street he has had several plans proposed, he has marketed the project and would like to sell. Therefore, he would like to place the proposed driveway toward the center of his property along Dogwood Avenue. Mr. Scheidegg explained with keeping this in mind he had requested the fire hydrant be placed further down Dogwood Avenue. Engineer Connely indicated the hydrant can be extended to the end of the applicant=s property and piping can be placed across Dogwood for hook-up.

Mr. Scheidegg indicated that typically an applicant is required to extend sanitary sewer, however, he is of the understanding this applicant does not. Township Administrator Miller advised this is correct. There is no requirement for New Jersey American Water to extend sewer down Dogwood Avenue

since they do not have any bathroom facilities.

Township Administrator Miller asked if Mr. Scheidegg believes this project will impact his ability with moving forward with commercial development on his parcel. Mr. Scheidegg stated he does not believe placement of the tower will increase his property value. He also advised he believes the proposal will have a negative impact.

Joseph Dugandzic, employee of New Jersey American Water Company, sworn in: Mr. Dugandzic stated if the water company were to provide underground piping toward English Creek Avenue the water quality would not be good. He suggested the hydrant be placed by the applicants driveway and the design of the piping could loop around to keep the water moving and fresh. Township Administrator Miller indicated that whatever the water company needs to do, do. He stated it does not matter if the hydrant is on the north or south side of Dogwood Avenue. He explained the goal is to provide a hydrant as close to the homes as possible so the resident=s can obtain insurance benefits. Mr. Scheidegg indicated he would like the hydrant on his side of the street, however, he would like it moved down 20' ft. from its present location so it does not create a problem for his driveway.

**Motion Kearns/Rosenberg to close public portion. Vote 7 Yes**

Attorney Hyberg advised the applicant agrees to the contents of the reports issued by the Board Engineer and the Board Planner. Board Planner Polistina advised if the fifteen (15) trees are not enough the applicant will have to place more in. Attorney Hyberg stated the applicant will defer to the Board Planner concerning the planting of additional landscaping. Township Administrator Miller advised he would rather see trees being planted versus evergreens. He suggested oak trees. Attorney Hyberg advised the applicant will work with the Board Planner and will provide whatever is deemed necessary.

Attorney Hyberg explained the applicant understands the issues raised by the resident=s. The applicant tried to make the subject parcels conforming. She stated this is a critical infrastructure proposal to provide fire suppression and increase water pressure to the Township residents. Attorney Hyberg indicated though there are some detriments with respect to this proposal they are minor in comparison to the benefits the whole Township will receive.

Chairman Garth explained to the residents in attendance that once the proposed hydrant is installed along Dogwood Avenue they should advise their Home Owners Insurance Agencies in order to obtain lower rates. Attorney Hyberg advised the only checklist waiver(s) sought are the items listed as #5 and #6 on the agenda.

Township Administrator Miller indicated he does not feel it is necessary for the applicant to provide a landscape buffer for Setton and DeCarlo Avenue=s, since they will not be developed. He further noted the proposed will not be a detriment for the property owner to the south of Setton Drive. Township Administrator Miller explained sidewalk and curb will not be installed on DeCarlo and Setton Avenue=s, therefore, the applicant will be providing an in lieu contribution.

Township Administrator Miller advised based upon the residents concerns he knows they believe the applicant is making an odd request. However, he explained this side of Dogwood Avenue has been free of the regional growth zone requirements, which has brought close to 30,000 people moving into Egg Harbor Township within the last 30 years.

Township Administrator Miller indicated the applicant and the municipal professionals have tried to buffer this tower, as well as, making the applicant comply with the zoning the best that can be. He indicated that regardless the tower will be 150' ft. in height and it will be seen above the existing 80' ft. trees.

Township Administrator Miller stated if school buses do pick-up and drop-off in front of the subject parcel then there will be curb and sidewalk to ensure the safety of the children. Township Administrator Miller advised the applicants abuts the a Municipal Sewer Pumping Station, which is also a utility. Township Administrator Miller explained this is a commercial property. The zoning of this area was changed a number of years ago. He advised that even though this area was zoned commercial the resident=s are still able to maintain their residential units, however, if and when they were to sell they could sell for commercial purposes.

Township Administrator Miller explained that the Planning Board has had to make some hard decisions in many neighborhood=s over the years because of the Pinelands impact and this is one (1) more application that the Board will have to grant in order to provide service needs to the community.

Board Solicitor Brown advised the following items will be incorporate within the resolution, should the Board agree, as condition(s) of approval. Board Solicitor Brown advised the applicant has agreed the proposed chainlink fence will now become a vinyl clad fence and the color will be determined by the Planner. Also, the proposed fence will be setback a distance of 25' ft. or further, which will be determined by the Board Planner and as many plantings as deemed necessary will be planted by the applicant, again at the direction of the Board Planner. Board Solicitor Brown advised when New Jersey American Water Company drains the subject tank all water will be released into the New Jersey American Water Company system. Board Solicitor Brown stated the plans will be revised for in order for the fire hydrant to be placed 20' ft. further then where the plan currently shows it terminating.

**Motion Miller/Kearns to grant requested checklist waiver(s) Items: #5 & #6: Vote 7 Yes: Carman, Kearns, Levy, Miller, Rosenberg, Shamsuddin, Garth**

**Motion Miller/Kearns to grant requested design waiver(s) Items #1, #3, #4: Vote 7 Yes: Carman, Kearns, Levy, Miller, Rosenberg, Shamsuddin, Garth**

**Motion Miller/Kearns to grant requested variance relief: '225-7: Minimum Lot Area (Table I): 2.5 acres required; 1.2 acres existing. Vote 7 Yes: Carman, Kearns, Levy, Miller, Rosenberg, Shamsuddin, Garth**

**Motion Carman/Rosenberg to grant conditional preliminary/final major site plan approval. Vote 7 Yes: Carman, Kearns, Levy, Miller, Rosenberg, Shamsuddin, Garth**

**Motion Kearns/Miller to adjourn at 7:04 P.M. Vote 7 Yes: Carman, Kearns, Levy, Miller, Rosenberg, Shamsuddin, Garth**

Respectfully submitted by,

Theresa Wilbert, Secretary