

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 rescheduled regular 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.

Roll Call Taken as Follow(s):

Manuel E. Aponte, present

Charles Eykyn, present

James Garth, Sr., present

Frank Kearns, another egage.

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, present

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

Chairman Garth advised Board Member Levy wanted an opportunity to speak with the Board. Board Member Levy advised he is aware the members given up much time concerning the Seaview Harbor matter. He indicated he had discussed this with Board Secretary Wilbert when it first started. Board Member Levy explained he is out of town a lot. He stated at last count he would have missed a dozen of the meetings, therefore, it would not have been practical for him to be part of it.

Board Member Levy advised he wanted to give the other members an explanation as to why he has not been present concerning the Seaview Harbor matter.

PUBLIC HEARING(S):

1. SPPF 05-14

Iglesia Buenas Nuevas, Inc.

Zone: R-2, 4.23 acre site, septic/well,

Site currently contains two (2) existing buildings

one (1) which was utilized as a single-family dwelling and the other as a storage building. Applicant

proposing to convert the existing dwelling into a church. Applicant then proposes to construct off-street parking

for the church in two (2) phase. Phase I will consist of two (2) building additions and 20 parking spaces in stone

parking lot. Phase II will consist of an additional 29 parking spaces and expansion of the storm water basin.

CAFRA.

Preliminary and Final Major Site Plan

1048/50

9 Stafford Avenue

Waiver of Time – **Not Granted**

Chairman Garth stated this item will not heard this evening. He indicated there was a discrepancy concerning the

noticing. Board Secretary Wilbert advised this application can be scheduled for next regular meeting of the Planning Board which will be Monday, March 16, 2015. Township Committeeman Finnerty stated there is not a problem with the application other than formality. He indicated once this is cleared up the application may go forward.

Board Secretary Wilbert advised the applicant must re-notice Verizon New Jersey, as well as, Robert and Shaun Robertson.

Motion Aponte/Rosenberg to continue public hearing until Monday, March 16, 2015, 5:00 p.m., and requiring applicant to re-notice Verizon New Jersey, as well as, Robert and Shaun Robertson. Vote 9 Yes: Aponte, Eykyn, Garth, Levy, Finnerty, Miller, Rosenberg, Pfrommer, Welsh

MEMORIALIZATION RESOLUTION(S):

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| 1. <u>SPPF 07-09</u>
Egg Harbor Associates, LLC, an affiliate of
as authorized agent for Wal-Mart Real Estate Trust
for Wal-Mart Real Estate Business Trust
“Oak Tree Plaza” | Extension of Time
2118/1 and 16-21
7801 Black Horse Pike
6820 Old Egg Harbor Road |
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Motion Eykyn/Rosenberg to memorialize resolution granting first one-year extension of time pursuant to 40:55D-52(a) effective date of July 1, 2015 – July 1, 2016. Vote 7 Yes: Aponte, Eykyn, Garth, Levy, Miller, Rosenberg, Pfrommer. **2 Abstentions:** Finnerty, Welsh

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| 2. <u>SPPF 01-04</u>
New Life Assembly | Amended Prel./Final Major Site Plan
4102/18
5071 Fernwood Avenue |
|---|---|

Motion Eykyn/Rosenberg to memorialize resolution granting requested checklist waiver(s), variance relief, and conditional amended preliminary and final major site plan approval. Vote 7 Yes: Aponte, Eykyn, Garth, Levy, Miller, Rosenberg, Pfrommer. **2 Abstentions:** Finnerty, Welsh

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| 3. <u>SPPF 10-14</u>
Sport Hyundai | Preliminary/Final Major Site Plan
218/7 & 8
Black Horse Pike & Delancy Avenue |
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Motion Eykyn/Rosenberg to memorialize resolution granting requested checklist waiver(s), variance relief, design waiver(s), conditional minor site plan approval. Vote 7 Yes: Aponte, Eykyn, Garth, Levy, Miller, Rosenberg, Pfrommer. **2 Abstentions:** Finnerty, Welsh

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| 4. <u>SDP & SDF 10-07</u>
3054 Ivins, LLC | Preliminary/Final Major Subdivision
Withdrawal/Abandonment Acceptance
1703/18 & 19
3054 and 3056 Ivins Avenue |
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Motion Eykyn/Rosenberg to memorialize resolution accepting the withdrawal and abandonment of SDP 10-07 conditional preliminary major subdivision approval granted 7/21/08 and memorialized on 8/18/08 and SDF 10-07 conditional final major subdivision approval granted 4/18/11 and memorialized on 5/16/11 for the applicant known

as 3054 Ivins, LLC. . **Vote 7 Yes:** Aponte, Eykyn, Garth, Levy, Miller, Rosenberg, Pfrommer. **2 Abstentions:** Finnerty, Welsh

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

Board Secretary Wilbert advised Board Engineer Watkins will be discussing ordinance changes concerning administrative reviews and signs.

Board Engineer Watkins stated the one thing proposed for change in the administrative review process concerning the square footage requirements. Often times someone will come in with a 1,200 sq. ft. addition request and it does not meet the 1,000 sq. ft. or below requirement. He suggested possibly increasing this to 1,500 sq. ft. Board Engineer Watkins stated he has reviewed the parking calculations and with increasing to 1,500 sq. ft. the need for additional parking still falls under the requirements for administrative reviews. He indicated by increasing the square footage it is not a detriment.

Township Administrator Miller suggested using a parking analogy rather than square footage. He stated the administrative review can do anything that does not warrant more than nine (9) additional parking spaces. Board Engineer Watkins stated it is already at ten (10) parking spaces. Board Planner Polistina stated the ordinance reads 1,000 sq. ft. or ten (10) parking spaces. Township Administrator stated even though it currently allows for ten (10) the 1,000 sq. ft. limits. Board Engineer Watkins stated this is correct.

Township Administrator Miller asked how many feel between 1,000 sq. ft. and 1,500 sq. ft. in last year. Board Planner Polistina stated people opted for the 1,000 sq. ft. rather than submit a site plan. He indicated he does not know how many scale back to fit within that 1,000 sq. ft. Board Member Aponte asked what is the difference for the applicant. Board Planner Polistina stated the difference could be at least \$5,000.00.

Board Engineer Watkins stated he believes this would be a benefit to the applicant. Board Planner Polistina stated just so everyone is aware, an administrative review is reviewed by the Engineer and Planner. He indicated no board action is required. He stated it gives people who are doing a non-residential addition, parking spaces, lighting and landscaping the ability to submit the information to the Board Office and have the professional's review.

Board Engineer Watkins stated another suggestion is the consistent waiver from the checklist concerning the "Key Map" at a certain scale. So he stated eliminating this requirement but still have a map, such as an aerial plan, he stated it seems to work better when they present an aerial showing what is around the whole area. He indicated this should not be waived and the applicants can make part of their package. Township Administrator Miller stated the aerial could be a full sheet versus a small map. Board Engineer Watkins stated it could be. He stated it could be any scale the board wants.

Township Committeewoman Pfrommer asked how hard is it to get an aerial. Board Engineer Watkins advised it can be retrieved from "Google Maps". He stated it is not hard. Board Member Eykyn stated sometimes they are not updated. Board Engineer Watkins stated he believes they just updated the 2011 maps and the applicant may also go to "bing". He advised there is also DEP maps. It is something to give the Board a view of where they are proposing and an idea concerning what is around. Township Administrator Miller suggested we require the aerial to be within three (3) years of the date of submission and it is not then can consider a checklist waiver. He stated Board Member Eykyn's concern is that if we have an aerial from five (5) years ago certain improvements to the applicant(s) property or other parcels

would not be shown.

Board Engineer Watkins stated as far as the subject property this is why a survey is requested so that it shows current conditions. He advised the aerial is just a picture of the surrounding area. He indicated he is not sure about putting a date on the ordinance, but the Board could require it not be older than 2010. Township Administrator Miller stated it would have to be changed every year. Township Administrator Miller stated again it should state no older than three (3) years.

Board Engineer Watkins advised the ordinance for wall mounted signs it does not state how many are permitted or required. He stated usually we advise it is one (1) per tenant but does not state this ordinance. He indicated the Board should clarify this. He subjected the ordinance read "Sign(s) attached to the main building advertising each business conducted within the building, subject to the following regulations:". Township Administrator Miller stated he is concerned because you could have three (3) businesses being conducted within the same unit. He indicated he could run three (3) businesses out of the same office and what to put up three (3) signs for each. Township Administrator Miller advised he thinks the ordinance should say "one (1) sign per unit/tenant unit/business unit. He indicated we have to define it to the business space.

Board Planner Polistina stated he believes this section is really addressed. He advised there is a section within the ordinance where it states "such signs shall not exceed two (2) square feet in area for each one (1) foot of width of the front building façade which is devoted to the business and to which it is attached". Board Member Levy stated Township Administrator Miller is concerned if the person in that unit has three (3) businesses. Board Planner Polistina stated the way the ordinance is currently written it is 2 sq. ft. per the width so even if you had a hundred people you only get 2 sq. ft. per width. He indicated it is one (1) sign.

Board Member Aponte asked if it should be left alone or should it be clarified. Board Engineer Watkins stated it should be clarified. Township Administrator Miller asked what needs to be clarified. He asked what issue is professional's dealing. Board Planner Polistina stated the first section of the sign ordinance states "a" sign, which means one (1) sign. Township Administrator Miller stated so it is saying you get "X" amount per square feet to a maximum of 250 sq. ft. He asked if it could be modified to say it is subdivided to multiple signs to accommodate tenants in the building. He indicated that is what the Board has done. He stated often time someone will ask for five (5) signs and we say yes, as long as they do not exceed 250 sq. ft.

Board Member Watkins stated there has been instances when you have a corner lot where the applicant feels they are allowed a sign on Street "B" but they are taking that sign on Street "A" and they are over the quantity they are permitted Street "A". He indicated if they are a corner lot they are placing the sign at the corner and then stating it's for "Street B" but it is actually along "Street A". He indicated there have been questions on how many are permitted on the streets so they came up with the language stating they are allowed to place that sign outside the building setback and not located on the second street.

Township Administrator Miller drew a picture very quickly using Sport Hyundai as an example. Township Administrator Miller then depicted the Black Horse Pike and Delancy Avenue. He indicated they had their free standing sign 25' ft. off the right of way of the Black Horse Pike and the way he wrote the proposals is the building setback is either 50' ft. or 75' ft. so instead of him saying this is Delancy I can go 25' ft. from Delancy and 25' ft. from the Black Horse Pike so technically it looks as if there are two (2) signs on the Black Horse Pike. The proposal would be you have to go behind the building setback line for the other street and meet your 25' ft. setback on the other so your visibility would actually be on Delancy so you don't have to signs parallel to the road both facing the Black Horse Pike. So if someone wants a

sign on a road such as Delancy then it must go back to whatever the front yard setback is so that you're not in the front yard of the Black Horse Pike you're in the front yard of Delancy Avenue.

Board Member Rosenberg asked if this prohibits corner signs altogether. Board Planner Polistina stated there is a restriction of 300' ft. He indicated that scenario is not being considered. Board Engineer Watkins stated there have been instances when they would not place any signs on a one (1) street but propose three (3) or four (4) signs on the one road. Board Planner Polistina stated if they are meeting their 300' ft. separation why should it be an issue.

Township Administrator Miller stated it will remove sign clutter. He indicated you will not have people coming in that only have 300' ft. and what more than one (1) free standing sign and use places as examples that have two (2) and we must explain that it is not two (2) signs on one street it just looks as it is. He indicated the applicant on the corner looks as if they have additional signage and the person next door will not be allowed to have a second free standing sign. Board Member Watkins stated the Board is granting a variance because they are only allowed to have one (1) sign per every 300' ft. of frontage. Board Member Aponte stated he does not have a problem with this. He indicated it seems to be unfriendly to businesses as proposed. He stated he understands what is being discussed. He indicated he would rather see the two (2) signs.

Board Planner Polistina stated if they place one (1) sign at 300' ft. and another at the 100' ft. then there is 300' ft. of separation. Board Member Watkins stated they are allowed one (1) sign for every 300' liner feet of frontage. He indicated if they do not have 600' liner feet of frontage they cannot have two (2) signs. Board Planner Polistina stated he does not interpret same way. Township Administrator Miller stated we have been enforcing that is one sign for every 300' liner feet. He indicated in order to have two (2) signs must have 600' liner feet.

Board Member Aponte asked if this is a big problem to have two (2) signs. He indicated especially for a car dealership. He indicated they want as many signs as possible. Board Engineer Watkins stated it comes down to the variance relief. He indicated he was trying to eliminate the variance request. Board Member Aponte stated he sees what Board Engineer Watkins is doing but does not know if anyone else feels the same way. He indicated in the application packages received where other checklist and variance(s) are sought he hates to say it is irrelevant but it is.

Board Member Watkins stated these are items that have come up in the past and he is here to discuss. Township Committeewoman Pfrommer stated signage is valuable for a business coming in especially like the Black Horse Pike. She stated it is high traffic and you have to see it quickly.

Township Administrator Miller stated if the Board feels that a corner lot in real estate is valuable so if you are able to place a second sign on "B" Street to make it look like it is on "A" Street than there is no need to address it now. Board Engineer Watkins stated he was just trying to clean up some of the interpretations. Board Member Aponte thanked Board Engineer Watkins for bringing these items up. He indicated he agrees with the key map, but he not so sure he agrees with the free standing sign suggestion. Board Member Rosenberg stated he would like to see the discretion of the Board maintained. He advised he is not so sure he would like to see the requirements for the free standing sign changed.

Board Engineer Watkins stated the Board will allow for the one sign per tenant use. We will not address the freestanding sign requirement at this time. Township Administrator Miller stated the Board must decide if they want to use a date saying anything after 2010 or do they want to say within three (3) years. He indicated depending what is proposed may have to change the ordinance every year. Chairman Garth what the average time is for the maps. Board Engineer Watkins stated google maps stated 2013. Board Member Levy stated he believes it should be three (3) years otherwise will have to change the ordinance every year. Board Engineer Watkins stated he will recommend three (3)

years within date of submittal.

Township Administrator Miller stated he would like a motion from the Board that allows him to present these recommendations from the Planning Board. Township Administrator Miller stated if the Board wants to see corrections then it can be brought back before it is recommended Township Committee. The Board Member(s) did not vote but verbally requested the correction be made and submitted for their approval and recommendation to Township Committee.

SECTION I:

a. General public discussion:

Motion Rosenberg/Pfrommer to open public portion. Vote 9 Yes

May the record reflect no one came forward

Motion Rosenberg/Finnerty to close public portion. Vote 9 Yes

Motion Aponte/Eykyn to approve planning board minutes of September 22, 2014. Vote 6 Yes: Aponte, Eykyn, Garth, Kearns, Pfrommer, Rosenberg. **4 Abstentions:** Levy, Miller, Finnerty, Welsh

May the record reflect: Township Committeeman Finnerty left for the evening, as well as, Board Member Levy.

Board Secretary Wilbert advised she presented the member(s) with a calendar for March. Would like to have an idea of who will and will not be available in March. Board Member's reviewed their schedules advising March, 11th, 24th, and 30th could be special meeting dates for the Seaview Harbor matter.

Township Committeewoman Pfrommer stated when the public portion of this hearing is open she is concerned. Board Member Aponte stated he has advised Attorney Doyle when he has chaired the meetings has been up front. He indicated they are not going to come back and rebut witnesses that you already did. He indicated he had his bite of the apple and the Township is bringing people in to rebut this testimony then we cannot give another bite and go back and forth. He indicated we need to be firm.

Motion Aponte/Pfrommer to adjourn at 5:40 P.M. Vote 7 Yes: Aponte, Eykyn, Garth, Kearns, Miller, Rosenberg, Pfrommer, Welsh

Respectfully submitted by,

Theresa Wilbert
Secretary

