

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

February 19, 2013

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 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 Taken as Follow(s):

Manuel E. Aponte, Vice-Chairperson, present
Committeeman John Carman, another engage.
Milas Cook, Alt. #I, present
Charles Eykyn, present
James Garth, Sr., Chairperson, present
Frank Kearns, present

Robert Levy, present
Mayor James J. McCullough, Jr.* See note
Peter Miller, Township Administrator, present
Paul Rosenberg, present
MD Shamsuddin, Alt. #II, present

May the record reflect: Committeewoman Laura Pfrommer is present for Mayor McCullough who has another engagement.

OTHER MATTER(S):

1. Egg Harbor Township School District: informational discussion concerning improvements proposed to the Egg Harbor Township High School and the Swift School.

High School Improvements:

- addition of concession stand to existing field house
- rehabilitation of boys locker room and toilet rooms
- rehabilitation of existing girls locker room and toilet rooms
- minor site work to accommodate new addition

Swift School

- modular replacement building

Scott Downey, P.E., duly sworn: Engineer Downey advised he is with the Architectural Group hired by the Egg Harbor Township School Board to construction an addition to the field house. Engineer Downey advised he is not ready to discuss the modular units for the Swift School since the layout may change. He stated they will be back in the future for the modular replacement.

Engineer Downey advised the field house addition is for a concession stand. He advised there will also be a rehabilitation of the boy's locker room and the girl's. He stated the School District wants an additional 1,400 sq. ft., which will allow for an expanded coaching area too.

Engineer Downey explained access to the field house will be similar to what it is now and the materials will match what currently exist. Engineer Downey indicated where the score board currently sits there is a drainage problem. He advised a swale area is being proposed that will drain the water into the wetlands.

Board Member Cook asked what will happen with the Township tax structure based on this addition. Engineer Downey advised he is not sure what will happen. Board Member Rosenberg stated financing is

with the School Board and there was a lot of thought taken into consideration with this proposal. He advised it was not the biggest plan. He stated the concession is for the different teams to make money. Board Member Rosenberg stated the facility will bring stability to the sports program.

Chairman Garth stated he is glad to see something is being done with the drainage. Board Member Aponte asked what the time line is for the proposal. Engineer Downey advised they will go to bid middle of next month and will be finished with the Pinelands Commission by at least May, 2013 with most the construction occurring over the summer. He advised some construction may go into the fall.

Chairman Garth advised the Board cannot turn down proposal, but would like to thank you for bringing this information to us. Board Planner Polistina stated the proposal looked fine and it needs Pinelands Commission approval. Engineer Downey advised they are subject to Department of Education approval and asked if a letter could be received advising the Planning Board had no issue.

Motion Aponte/Rosenberg to not object to proposed plan presented for Field House addition, rehabilitation of boy(s)/girl(s) locker room, and site improvements. Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Levy, Pfrommer, Miller, Rosenberg, Garth

**2. SP 02-13
South Jersey Transportation Authority**

**Atlantic City Expressway R-O-W
Milepost 7.5**

Discussion/Presentation: Pursuant to N.J.S.A. 40:55D-31 the South Jersey Transportation Authority is presenting discussion to the Planning Board of Egg Harbor Township as a courtesy for their review and recommendation to establish and maintain a new 65' foot high pole-mounted static billboard sign at Milepost 7.5 on the Atlantic City Expressway, adjacent to the Exit Ramp 38A of the Garden State Parkway. The proposed sign will be a back-to-back sign with 960 square feet of signage on each side. When erected this billboard will be a static sign, however, to be converted at a later date to a digital billboard sign.

Keith Davis, Esq., introduced himself as attorney for the applicant, South Jersey Transportation Authority. He advised this application is being submitted as a courtesy review pursuant to N.J.S.A. 40:55D-31 of the Municipal Land Use Law. He indicated this proposal involves the construction of a static billboard at mile post 7.5 on the Atlantic City Expressway.

Jon Barnhart, P.E., Ponzio Associates, Atlantic City, New Jersey, New Jersey Licensed Engineer, sworn in: Engineer Barnhart referred to **Exhibit A1:** Ariel shot of the Atlantic City Expressway and the intersecting Garden State Parkway. Engineer Barnhart advised this will be a double faced sign and will have a height of 65'. He indicated the Department of Transportation has issued a permit for its construction.

Chairman Garth asked such a tall billboard. Board Member Aponte stated they are normally 60' ft. Engineer Barnhart stated each sign is different. Township Administrator Miller stated he would like the sign at 60' ft. Attorney Davis advised the sign will be placed at 60' ft. in height no 65' ft.

Township Administrator Miller stated there appears to be no signs going west within 1,000' ft., however, he asked about the east? Engineer Barnhart stated bot signs are not within 1,000' ft. of the proposed. Attorney Davis stated verification can be submitted with respect to this. Township Administrator Miller stated he would like something that says they are not within 1,000' ft.

Attorney Davis stated if in the future this billboard were to go to digital will return to the Board and to the Department of Transportation. Board Engineer Watkins asked if the applicant will go with whatever the standards are at that time. Attorney Davis stated if the sign were on private property will comply, but if it is within the R-O-W of the Expressway not sure if South Jersey Transportation Authority would follow.

Motion Aponte/ Kearns to not object proposed 60' ft. high pole-mounted back-to-back static billboard with a total sign area of 960 sq. ft. (each side) which could be converted to a digital billboard in the future at Milepost 7.5 on the Atlantic City Expressway adjacent to Exit Ramp 38A of the Garden State Parkway. Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Levy, Pfrommer, Miller, Rosenberg, Garth

PUBLIC HEARING(S):

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| 1. SP 20-12
Fire's BBQ, LLC
Zone: HB, 44,850 sq. ft. site, sewer/water, applicant seeking approval for a 25 seat restaurant in a 1,260 sq. ft. one-story brick building, which was formally an automobile service station. Pinelands c/f: #1984-0789.005, dated November 19, 2012. | Minor Site Plan
2015/29 &30
6696 & 6698 Black Horse Pike
Waiver of Time – Not Granted |
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Checklist Waiver(s):

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| 1. Item #6: | 200' Certified property owners list |
| 2. Item #14: | Sight Triangles |
| 3. Item #18: | Stormwater Management Plan |
| 4. Item #23: | Landscaping Plan |
| 5. §198-15E: | EHT MUA Approval |

Variance Checklist:

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| 1. §225-7: | Front Yard Parking Setback: -0- ft. in lieu of 20' ft. required (existing) |
| 2. §225-7: | Front Yard Setback (Trash Enclose) 46' ft. in lieu of 20' ft. required |
| 3. §225-63B7: | Freestanding Sign Setback: 5' ft. in lieu of 25' ft. required |
| 4. §225-63A: | Façade Signs: 30 sq. & 60 sq. ft. (90 total): 2 proposed; 1 permitted |

Hans Jacquett, Esq., introduced himself as attorney for the applicant, advising the property in question is located in the HB zone and restaurants are permitted. He indicated with this application the applicant is also seeking relief for signage. He indicated this will be for both a façade and a free standing sign.

Board Solicitor Brown has duly sworn the following, Lance Landgraf, P.P., applicant's planner and the Planning Board Professional's.

Lance Landgraf, P.P., New Jersey Licensed Planner, Marathon Engineering, Atlantic City. Planner Landgraf advised there were some modifications made to the plans based on professional's report(s), he is presenting these modifications via **Exhibit A1:** site plan revised and **Exhibit A2:** sign package. Planner Landgraf advised there is an existing structure on site. He advised it was an old gas station. He noted all the tanks have been removed and there are existing poles on site for signage.

Engineer Landgraf advised in 1985 there was a plan to take down building but it never happened. He indicated the applicant is now wants to make into a restaurant. He advised the applicant will place

seating within the building and will be proposing nine (9) spaces to do so and they comply with the ordinance requirements.

Planner Landgraf stated the applicant is changing the direction how you would get around site. He advised the applicant is proposing to keep the ingress and egress from the Black Horse Pike, however, on Tilton Road you will only be able to turn into the facility. Planner Landgraf stated because of the reconfiguration there is additional non-conformities, however, this also occurred when changes were made to the road when the "Cardiff Circle" was removed. Planner Landgraf advised the applicant is proposing the trash enclosure at the correct setback, therefore, relief is not required.

Planner Landgraf explained the applicant will remove the Story Book Land billboard. He advised they will do so for consideration being given for the construction of curb and sidewalk. Township Administrator Miller stated the Township will accept the donation of the billboard. He advised one (1) has to be taken down in order for one (1) to go up within the Pinelands Jurisdiction. He advised knowing the value of credit the Township can install the sidewalk in order for them to transfer rights for the billboard. He indicated the owner can testify that they are willing to do so.

Attorney Jacquett asked if there will be a realignment of parking spaces. Planner Landgraf advised the area where the gas pumps were will be stripped out for parking. He indicated there will also be on-site signage for vehicle consideration. He advised under the ordinance the applicant meets the 20' ft. setback but drive isle is not included will need relief and the applicant also has a -0- setback because it is on the property line adjacent to the Department of Transportation and the other area is the County.

Planner Landgraf advised the closest edge of the building is about 20' ft. from the Black Horse Pike and the rest is about 70' ft. to 75' ft. from Tilton Road. Planner Landgraf advised the shape of the site is very odd. He indicated the existing sign along the Black Horse Pike is 4' ft. from property line and the existing sign along Tilton Road is 5' ft. from the property line. Again, he stated the applicant is not at the roadway with these signs but at the property line. He indicated the sign poles are existing and the applicant is utilizing them.

Planner Landgraf advised the applicant is seeking variance relief for two (2) façade signs. He indicated the applicant is proposing a short sign for along the Black Horse Pike and a longer sign which would face where the "old circle" was. He indicated the applicant is proposing 30 sq. ft. sign for the short one and 60' sq. ft. for the longer. He indicated this is the maximum the applicant is permitted for one (1) façade sign that would be permitted, however, the applicant is seeking two (2) versus the one (1).

Planner Landgraf advised the site is located in a commercial zone and the applicant worked with the Township Ordinance(s) the best they could. He explained the applicant has a split façade, which is not unusual because of the three (3) existing frontages. Planner Landgraf advised the applicant wants this site to work. He indicated it has not been an attractive site/facility for many years.

Board Solicitor Brown asked if the applicant is still seeking the five (5) checklist waivers proposed. Chairman Garth stated his brother owns block 1116 lot 9. He asked if he has to step down. He advised his brother was willed the property and he lives in Williamstown. Board Solicitor Brown stated he would err on the side of caution because his brother owns a property within 200' ft. of the proposed. Board Solicitor Brown advised Chairman Garth recluse himself.

May the record reflect: Chairman Garth stepped down from this application and Vice-Chairman Aponte presided over the remaining portion of the hearing.

Planner Landgraf advised the 200' ft. certified owners list can be placed on plans, he advised a landscaping plan has been provided so it is no longer needed, the sight triangles will be added to plan, and the applicant has submitted to the Municipal Utilities Authority but they have not received approval.

Board Member Eykyn asked if this a franchise? Attorney Jaquett stated no, it is not. Board Member Eykyn asked if the proposed restaurant mostly take-out.

Patrick Tkcaz, Clarkstowne Road, Mays Landing, New Jersey, applicant, sworn in: Mr. Tkcaz advised there will be 24 seats available within the facility and everything is heat and serve. He indicated most will be served within 20 minutes and a half-hour would be the longest wait.

Board Member Rosenberg asked if the Story Book sign permitted and added he does not want to see someone's ability for revenue being taken away. Mr. Tkcaz stated he will accept the installation of the sidewalk and transferring the rights to the billboard and credit to the Township. Board Member Aponte asked if he has a partner. Mr. Tkcaz advised he is president and his brother is his partner. Michael Tkcaz, Harbor Avenue, Ventnor, New Jersey, sworn in: advised he and his brother are partners. He indicated he has heard the discussion concerning the billboard and he will give credits to the Township and they can do whatever they want with it.

Mr. Tkcaz advised there will be an open pit for the barbeque. He advised he ran the food service at King Pin's, which his family owned, and he experimented with many recipes. He advised he has been in many barbeque competitions and has become obsessed with it. Mr. Tkcaz advised the hours of operation will be between 11:00 to 8:00 p.m. Monday – Friday and from 11:00 a.m. to 9:00 p.m. on Saturday's. He indicated there will be box trucks delivering the meats and supplies. He further noted there will be no semi's deliveries. He indicated the biggest truck to deliver would be the Coke truck. Mr. Tkcaz advised he will sell burgers, hot dogs and specialty specials.

Township Committeewoman Pfrommer asked if there will be any outside seating. Mr. Tkcaz stated there is nothing permanent in mind. He indicated there may be six (6) to ten (10) tables inside and he will have five (5) to six (6) employees on a shift. Township Committeewoman Pfrommer indicated that would leave may two (2) available parking spaces, but do understanding parking is compliant.

Board Member Aponte asked if any other signs will be placed up when facility opens. Township Administrator Miller advised the Township does allow for a 30 day grand opening sign. Board Member Aponte stated on more than one occasion the opening signs have become semi-permthe signs can be changed. Manny can change signs. When building comes up will have anything else other then were open and when will it be out. Peter: we allow for 30 days a grand opening sign. Manny: on more then one occasion have semi-permanent. Planner Landgraf advised the zoning officer can make the applicant take down signs if they go past 30 days. Board Engineer Watkins suggested the applicant could have employee's park in the rear of building if an overflow is needed.

Township Administrator Miller advised the applicants sign person shows a brick facing. He asked if the applicant has made decision on what the building will look like. Mr. Tkcaz advised the building will be white and have red trim. Board Member Aponte asked if the applicant has reviewed all reports from the

Board Professional's. Planner Landgraff stated yes and the applicant is fine with them. Board Planner Polistina stated his report request the applicant place some more bushes in. He advised if there are any dead spots additional plantings should be installed and there should be some placed in where the trash enclosure was originally proposed for.

Board Member Eykyn stated the applicant should not remove their trash from the site in the middle of the night. He indicated there are people living in this area. He advised trash should be picked up after 7:00 a.m. Board Member Aponte stated the applicant should want to be a good neighbor. Mr. Tkcaz advised he will do so.

Motion Kearns/Rosenberg to open public portion. Vote 8 Yes

May the record reflect no one came forward.

Motion Kearns/Eykyn to close public portion. Vote 8 Yes.

Township Administrator Miller stated he has no problem with granting the variance relief. He indicated this is an odd shape parcel and the poles where the applicant is proposing their free standing signs are existing. He indicated the signs are greater than 25' ft. from the edge of road. He stated at one time the signs were compliant. He also advised he does not have an issue with the request for the façade signs. He indicated the applicant is proposing 90 sq. ft. for the two (2) signs and considering the impact of the roadway they need to be seen.

Motion Eykyn/Rosenberg to grant requested checklist waiver(s) Item #3 on agenda only. Vote 8 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin.

Motion Miller/Rosenberg to grant requested variance relief. Vote 8 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin.

Motion Rosenberg/Eykyn to grant conditional minor site plan approval. Vote 8 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin.

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| <p>2. <u>SD 05-12</u>
Duane Hauck
Zone: RA, 28.7 acre site, septic/well, applicant
Proposes a two (2) lots. The first lot will contain the existing Single-family dwelling and accessory structures. The newly created lot will be for the construction of a proposed single-family dwelling. The site does not have frontage on an improved street and access to site is gained from an existing access easement across adjacent lots 44 and 46. The newly created lot will be provided access by a 20' ft. wide access easement via the remainder portion of lot 43 and the existing easement. CAFRA.</p> | <p>Minor Subdivision
7602/43
50 English Lane
Waiver of Time – Not Indicated</p> |
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Checklist Waiver(s):

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| <p>1. Item #2:</p> <p>2. Item #3:</p> <p>3. Item #11:</p> <p>4. Item #14:</p> <p>5. Item #16:</p> | <p>Scale of not less than 1 inch equals 50' ft.</p> <p>Key Map showing land uses within 200' ft.</p> <p>Locations of all existing structures</p> <p>Site characteristics map including significant trees 15" dbh or larger shown</p> <p>Protective covenants or deed restrictions</p> |
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6. **Item #23: The location of all monuments whether set or to be set**

Design Waiver(s):

1. **§94-24A: Building Lot Abutting Street:No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure**
2. **§94-45A: Streets:Every principal building to be constructed shall be built upon a lot with frontage directly upon an improved street.**

Variance Relief:

1. **§225-7: Lot Width: Proposed lot 43.01: 144' ft. in lieu of 200' ft. required**
2. **§225-13F: Lot Development: Applicant is proposing a minor subdivision which will create a lot that does not abut a public street**
3. **N.J.S. 40:55D-35: Permit to build on a lot not abutting a street: no permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure.**

Duane Hauck, applicant/owner, sworn in:

Rami Nassar, P.E., New Jersey Licensed Engineer, Cantillon Boulevard, Mays Landing, New Jersey, sworn in

Mr. Hauck advised he did properly notice. He indicated everything was correct that was sent to the post office. However, he would like to advise that one of the property owners handed him the "Green Receipt" card. Township Administrator Miller asked why would a neighbor hand Mr. Hauck the green card? Mr. Hauck advised that the Vaino's had received several green cards and they gave him theirs.

Engineer Nassar stated the existing property is located off English Lane. He advised there is an existing home on the property and it uses an easement for access. He indicated Mr. Hauck has lived at this site for over eighteen (18) years. He indicated his property backs up to English Creek and the property is cleared.

Engineer Nassar advised the applicant proposes to subdivide one (1) lot. He indicate there is an existing R-O-W that comes off English Lane that says private road. He indicated this will remain and the applicant proposes to leave access easement in order to access new lot.

Engineer Nassar advised the applicant is seeking a waiver from the scale of plans. He stated because the property is large could not do 1" = 50' so provide 1" = 60' ft. He advised the applicant is seeking relief from checklist item #3 because of the scale is shown smaller than what is required. He indicated the plans do show the location dimensions of the existing structures and the proposed. He indicated the trees are in the wetlands or wetlands buffer and the applicant will not be doing anything with them.

Engineer Nassar advised he does show easements on plans and the monuments that will be set as shown on plan. He indicated there are some monuments that cannot set because the property line goes into the pond.

Engineer Nassar indicated the ordinance is written in a way that the design waiver and variance relief is the same. He indicated the applicant does not comply with either requirement. He stated the applicant

can eliminate the width variance and and face home on the private road, but the other variance relief is required. Engineer Nassar advised the applicant is proposing a septic system for the new home. He advised the proposed elevation will be 13 or 14 to ensure the applicant will have no problem with flooding and meeting the new map requirements.

Mr. Hauck stated he and his wife have three (3) children. He indicated he loves the property and the neighbors are his friends. He advised he is subdividing off to make a smaller home. He indicated two (2) of his children have graduated with honors and do not live home and the third is a freshman. He stated his home is five (5) bedrooms and do not need that much. He indicated he does not want to leave property. He wants to subdivide in order to construct a smaller house.

Board Planner Polistina stated the applicant needs to submit the easement documents for both the existing and the proposed. He advised they must be reviewed and then they can be filed. He stated he is concerned in the future that they will not come up in a title search. Engineer Nassar indicated this ia a rural area and the existing easement services one (1) house. He indicated he has a letter from the Fire Official who did not object to the proposed development. Board Solicitor Brown stated if the road already is used it can be tied into the existing the R-O-W if necessary. Board Planner Polistina stated the applicant will have to place another mail box out front.

Township Administrator Miller stated the plans show a gravel driveway with access easement. He asked if this is to the benefit of Mr. Hauck. Mr. Hauck stated he has a recorded easement. He stated he actually has two (2) from each of the neighbors and then another from Mitzle English's, wife that allows me to go through their property. Township Administrator Miller stated he wants to make sure you have on record the easements and that you have additional ways to come out of the property.

Board Member Aponte asked when Mr. Hauck believes he will begin this project? Mr. Hauck stated he is not sure when it will happen. He stated he has a mortgage on his existing home. Board Member Aponte asked if the raising of the property is because of the new flood zones. Engineer Nassar stated yes. He indicated at elevation 14 there will be no problems. He indicated the applicant will have a good flood level. Mr. Hauck advised he will not begin new house under he has a contract on old.

Motion Aponte/Kearns to open public portion. Vote 9 Yes

May the record reflect no one came forward

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

Motion Eykyn/Rosenberg to grant requested checklist waiver(s) Item #1-4 and 6 as referenced on agenda. Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

Motion Rosenberg/Eykyn to grant requested design waiver(s). Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

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

Motion Eykyn/Kearns to grant conditional minor subdivision approval. Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

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| <p>3. <u>SPPF 19-12</u>
 Regent Realty Group, LLC
 Zone: GC, 5.87 acre site, sewer/water, applicant
 is proposing to construct additional paved off-street parking on western side of existing building and reconfigure existing handicap accessible parking in the front of the building. Stormwater management basin is proposed to handle increase in runoff from the proposed parking. Pinelands c/f: #2012-0143.001, dated January 17, 2013.</p> | <p>Preliminary/Final Major Site Plan
 404/13 & 14
 200 West Parkway Drive
 Waiver of Time – Not Granted</p> |
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Checklist Waiver(s):

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| <p>1. Item #9:</p> <p>2. Item 10:</p> <p>3. Item #15:</p> <p>4. Item #18:</p> <p>5. Item #20:</p> | <p>Certified survey</p> <p>Existing and proposed elevations/contours at 1' foot intervals</p> <p>Site characteristics map</p> <p>Stormwater management plan</p> <p>Traffic report</p> |
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Design Waiver(s):

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| <p>1. §94-11A & B:</p> <p>2. §94-22:</p> <p>3. §94-44(1)(i)[1][a]&[b]:</p> <p>4. §94-44E(1)(j)[1][a]:</p> | <p>Curbing</p> <p>Landscaping</p> <p>Basin setback and basin landscaping</p> <p>Minimum top width of basin</p> |
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Variance Relief:

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| <p>1. §225-55F:</p> <p>2. §225-55F:</p> <p>3. §225-55M7:</p> | <p>Buffers: 4.7' ft. in lieu of 10' ft. Required</p> <p>Curbing</p> <p>Separation between parking and building: 4.7' ft. in lieu of 10' ft. Required</p> |
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Mitchel Grayson, Esq., introduced himself as attorney for the applicant. Attorney Grayson stated the tenants of the facility have requested an expansion of the parking lot. He indicated this is an industrial park and we are surrounded by industrial buildings and the Atlantic City Expressway.

Brian Peterman, P.E., New Jersey Licensed Engineer, Peterman – Maxcy Associates, Gibbsboro, New Jersey, sworn in: Engineer Peterman advised he is familiar with the property and the plan. He advised there is a demand for additional parking from the tenants on the site. He indicated currently they are parking on the road way.

Engineer Peterman advised the applicant is proposing 148 parking stalls total and a reconfiguration of the parking on the north east side of the building. He further advised the additional run off creates a need to construct a small basin. Engineer Peterman advised additional lighting on the building will be proposed, as well as, additional landscaping to screen the building.

Engineer Peterman advised the applicant is proposing additional checklist and design waivers. He indicated there is some angled parking proposed. He advised there is a 4.7' ft. setback proposed for buffering and the applicant is proposing surface drainage to the rear of the basin so we can have run off go to the rear of the site. He indicated the applicant is also seeking a waiver from providing a survey,

contours, and a site characteristics map. He advised the ground water recharge is less than one (1) acre and no traffic report is necessary since the applicant is proposing only 33 more spaces.

Engineer Peterman stated the applicant is providing landscaping along the parking area and also along the basin so it will be more pleasing. He advised the landscaping will be private and maintained by the applicant. He advised the applicant has worked with the Board Professionals concerning the landscaping in order to screen and fit the area.

Engineer Peterman stated the applicant is no seeking any addition to the building. Attorney Grayson stated there will be no parking along the south east portion of the site. He indicated this is for the trucks. He indicated the applicant does not want a conflict with parking cars and moving trucks. He stated the improvements along the front will have curb and sidewalk.

Board Member Eykyn asked if some type of pump will be used for the landscaping. Attorney Grayson stated the applicant has an irrigation well for the landscaping. Board Solicitor Brown advised the applicant is seeking five (5) checklist waiver(s), four (4) design waivers, and three (3) variances.

Engineer Peterson stated a detail for soil erosion will be placed on the plan and will provide a detail for the de-watering of the basin.

Motion Kearns/Eykyn 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

Motion Miller/Rosenberg to grant requested checklist waiver(s). Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

Motion Eykyn/Kearns to grant requested design waiver(s). Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

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

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

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| <p>4. <u>SP 17-12</u>
Capital Telecom Acquisition, LLC
Zone: NB, 4.48 acre site, sewer/water, applicant
is proposing a 150' ft. telecommunications monopole
on a site that contains an existing warehouse and office with associated off-street parking and
stormwater management. Applicant's other improvements include a 2,500 sq. ft. fenced
equipment compound and the construction of three (3) separate carrier shelters for the
wireless telecommunications tower and the co-location of three (3) wireless communication
antennas at the height(s) of 130' ft., 140' ft. and 150' ft. Pinelands c/f: #1998-0584.002, dated
October 25, 2012.</p> | <p>Minor Site Plan
1613/90
3089 English Creek Avenue
Waiver of Time – Not Granted</p> |
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Checklist Waiver(s):

1. **Item #10:** Topography of site
2. **Item #14:** Sight triangles
3. **Item #18:** Stormwater Management Plan
4. **Item #21:** Location of existing wells and septic
5. **Item #23:** Landscaping plan

Variance Relief:

1. **§94-57C(3):Side and Rear Yard Setback for PWTF: 44.39' ft. in lieu of 70' ft. Required (Side)
37' ft. in lieu of 70' ft. Required (Rear)**

Kevin Sheehan, Esq., introduced himself as attorney for the applicant, Capital Telecom. He indicated the site in question is located at 3089 English Creek Avenue. He advised the applicant is seeking approval for the placement of a 150' ft. monopole, which is a permitted use in the NB zone district. He indicated the applicant is seeking minor site plan approval and variance relief since the PWTF will be less than 75' ft. from the property line. He indicated T-Mobile, Verizon, and Metro PCS have contracts to co-locate on this monopole.

Scott Von Rein, Senior Director of Development, Capital Telecom, sworn in: Mr. Von Rein stated a few years ago Capital approached the Township with this cell tower at this site. He indicated the property owner had some issues concerning their property which have been addressed in the site plan that he had received approval for a year and half ago.

Mr. Von Rein advised the property owner has a construction start date of February 25, 2013, however, if something should delay the construction they will begin in March. Mr. Von Rein stated Capital has Verizon, T-Mobile and Metro PCS coming on this monopole and as per the Pinelands Commission a storm water basin will be constructed.

Mike Fisher, P.E., New Jersey Licensed Engineer, advised he has a BA in electrical engineering from Widner University and he is a Principal Engineer within the States of Pennsylvania and New Jersey. He indicated he has been before at least fifty (50) municipalities within the State of New Jersey. Engineer Fisher referred **Exhibit A1: Ariel of existing location, Exhibit A2 and Exhibit A3: coverage maps for Verizon.**

Engineer Fisher advised Exhibit A2 is a coverage plot for Verizon. He stated the blue dot in the center of plan shows the proposed site. He indicated the proposed is a 150' ft. monopole and there are three (3) co-locaters placing their antennas at the height of 130' ft., 140' ft., and 150' ft.

Engineer Fisher stated the green area shows the coverage area and the white shows the non-reliable coverage area, which is the area around the blue dot. He indicated the white area encompasses three (3) miles east to west of the blue dot and two (2) miles north to south of the blue dot.

Attorney Sheehan asked Engineer Fisher when a call is made by a Verizon customer in the area of the blue dot is it reliable. Engineer Fisher stated it is not. Board Member Rosenberg asked how does Verizon determine what is reliable and what is not. Engineer Fisher advised the area referenced in green meet the threshold. He indicated there are standards to be able to generate a call within a building. He referred to A2: coverage map advising this depicts what is generate at street level.

Engineer Fisher stated Verizon has a drive testing that receives signal levels and this determines the areas. Board Member Rosenberg asked if this information is based on a week ago or now. Engineer Fisher stated testing is done with a software simulation tool that takes into account the terrain. He advised most carriers use this software. He then referred to Exhibit A3: Coverage map, advising the blue dot now is pink. He indicated it is pink because of the reliable coverage that will occur once this pole is up and operating. He indicated to the west of this site there will be a spillover of coverage at the border of Hamilton Township and he indicated to the south coverage will be to the County Fire Training Academy.

Engineer Fisher then referred to Exhibit A4 and A5: advising is it Metro PCS coverage and he referred to Exhibit A6 and A7: T-Mobile coverage. Engineer Fisher stated Exhibit A4: shows gap. He advised the site is depicted by the black dot and again to the south, west, and north there is the same lack of coverage as referenced in the exhibit showing the white coverage area. He then referred to Exhibit A5: showing once the monopole is constructed what coverage will be gained for Metro PCS. He indicated to the west to the border of Hamilton will be filled in and to the east and south it will also be covered with reliable coverage.

Engineer Fisher referred to Exhibit A6: T-Mobile, showing a pink dot where the site is proposed. He advised currently T-Mobile co-locates on a utility water tank, however, the antennas will be removed from the tank and this site will be used. He then referred to Exhibit A7: advising the green area is reliable coverage and the yellow is not. He stated once the monopole is constructed the reliable area will be south to the fire academy.

Dr. Kenneth Foster, sworn in, Dr. Foster advised he has a P.H.D. in physics since 1971. He stated he studies the effects on radio frequency. He indicated he is familiar with the FCC requirements concerning cell sites and this site complies, with a very wide margin, the requirements established by the FCC.

Joseph Gigantiello, P.E., New Jersey Licensed Engineer, sworn in: Engineer Gigantiello referred to **Exhibit A8: site plan**, advising the site is an existing commercial property with warehouse buildings, a converted house used as an office, and an area for trailer parking. Engineer Gigantiello stated the plan also shows what was approved with the previous site plan submitted by the property owner and what is proposed by Capital Telecom.

Engineer Gigantiello advised Capital will construct a basin that is required by the Pinelands Commission. He stated the facility will be located in the northwest corner of the lot. He indicated this will be a 150' ft. monopole with a 50' X 50' compound area. He indicated the setback requirement to the side property line is 75' ft. He indicated the monopole does comply, however, the equipment cabinets do not. He advised they will have a setback of 44.39' ft., and from the compound fence it will be 37' ft. from the property line.

Engineer Gigantiello advised the fencing around the compound will be 8' ft. chainlink with barb wire. He indicated to the west of the site there is a natural tree area that will act as a buffer. He stated the compound will not be visible. Engineer Gigantiello stated there will be no signs for this facility. He indicated the monopole will be galvanized steel and there will be someone coming to site every six (6) weeks in an S.U.V. to maintain the equipment. He advised there will be no noise generated from this facility.

Board Engineer Watkins asked if the applicant is proposing a generator. Engineer Gigantiello stated no, however, with typical installation there is a plug that is constructed to allow one to be wheeled up. Attorney Sheehan advised the monopole itself will have a battery backup for up to eight (8) hours and Verizon will have a generator in the cabinet. Board Solicitor Brown advised the Board can make as a condition of the approval that each carrier have an emergency generator. Engineer Sheehan advised Metro PCS has three (3) cabinets. He stated he is not sure they have the ability to put generators at each cabinet, but will discuss with the carrier. Board Engineer Watkins stated it appears Capital will be removing six (6) parking spaces from the trailer storage area. He asked if this will create a variance.

Attorney Sheehan advised the trailers can be jockeyed. Board Engineer Watkins advised with this proposal the property owner will be limited to nine (9) trailer parking spaces. Township Administrator Miller advised the Board previously approved the trailer parking. He asked if the trailer parking that is amended will be in the same area that was previously approved. He indicated if it is he will have no problem, however, if the location has to change based upon this proposal it will be a concern.

Attorney Sheehan advised he can propose an amended application tonight concerning the parking and then submit the information as a condition. Township Administrator Miller stated the Board could continue this application until next month. Board Planner Polistina suggested the property owner submit an administrative review for the trailer parking since the bonding form this project has been submitted. Attorney Sheehan advised Capital Telecom will agree, that a building permit not be issued for their project, until the property owner has completed their project.

Attorney Sheehan stated Capital will have to reconfigure parking as part of their site plan and as a condition of approval they will agree that an administrative review will be submitted for the trailer parking. Board Planner Polistina asked if any of the proposed improvements associated with Capital affect the force main. Attorney Sheehan advised no. He indicated the force main is on the other side of the proposed basin.

Township Administrator Miller asked what is on the property to the north of this site. Attorney Sheehan stated it is a commercial facility. Board Planner Polistina stated the applicant may see some additional landscaping being required for the trailer parking.

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

Jeff Ludwig, 6092 and 6098 Reega Avenue, Egg Harbor Township, sworn in: Mr. Ludwig asked how will access be gained to the facility. Attorney Sheehan indicated it will be from English Creek Avenue. Mr. Ludwig advised he has been working with the property owner with respect to a driveway easement in the rear of the site, however, a signed filed one has not happened yet. Attorney Sheehan stated Capital will only access drive through the front of property.

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

Motion Miller/Eykyn to grant requested checklist waiver(s). Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

Motion Miller/Eykyn to grant requested variance relief. Vote 8 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Shamsuddin, Garth. **1 No:** Rosenberg

Motion Eykyn/Kearns to grant conditional minor site plan approval. Vote 8 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Shamsuddin, Garth. **1 No:** Rosenberg

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

SECTION I:

- a. **Egg Harbor Township Ordinance No. 4 of 2013:** an ordinance to rescind Ordinance 37 of 2011 and Ordinance No. 22 of 2012.

Township Administrator Miller stated in 2011 in accordance with the housing element and fair share plan the Township introduced an ordinance for a 20% set aside within the Pinelands Jurisdiction. He indicated the Township than was sued by the Builders League and the Pinelands Commission was named as a third part.

Township Administrator Miller indicated that as a result of the litigation with the Builders League and the Pinelands Commission the Township would like to rescind Ordinances 37 of 2011 and Ordinance 22 of 2012 and start all over again.

Motion Aponte/Kearns to recommend Ordinance No. 4 of 2013 to Township Committee for review and approval finding it meets the requirements of the Master Plan Housing Element and Fair Share Plan. Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

- b. **Egg Harbor Township Ordinance No. 5 of 2013:** an ordinance to amend the code of the Township of Egg Harbor, Chapter 94 thereof, entitled "Design, Performance, and Improvement Standards".

Board Engineer Watkins advised there are no drainage requirements for ground water recharge with respect to parcels that are one (1) acre or less. He indicated, however, the design standards does not specifically state this and defeats the purpose of smaller projects. He indicated this ordinance will amended the standards to incorporate the language concerning the smaller parcels. He indicated this proposal is consistent with storm water management plan.

Motion Rosenberg/Eykyn to recommend Ordinance No. 5 of 2013 to Township Committee for review and approval finding it meets the requirements of the Master Plan. Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

Township Administrator Miller stated during the billboard hearing(s) some Board Members have been going through the binders and asking questions concerning the information within them. He indicated we're not to evaluate the booklets. He indicated the attorney is to lay the ground work concerning the exhibit and then he will introduce the documents, at which time this Board may than review. He advised there is a chance that half the information contained within the exhibits will not be placed into evidence.

Board Member Cook advised he is concerned with the counselor going quickly through the information and answering questions for people coming up. Township Administrator Miller advised the Board has to

let them put case on and if he is answering questions the Chairman and Board Solicitor will stop and require witness to do so. Board Member Eykyn advised this has been done at few times by the Board Solicitor. Township Administrator Miller stated the Court has provided the attorney the ability to put his case on.

Board Member Aponte stated he believes it is a public good to have generators with commercial establishments. He asked what would the Board need to do in order for them to be required. Township Administrator Miller stated he does not believe the Board can tell a private business that they have to have generator. He also advised the Board cannot regulate a utility company to install a generator. He advised this would be up to the Board of Public Utilities (BPU). He indicated the Board may ask that a generator be installed because it would be a benefit to the residents, but not sure we can require. Chairman Garth stated many cell phone companies have eliminated the generators because they have to start them up once a week. They are utilizing batteries since they believe they work better.

SECTION II:

a. General public discussion

Motion Miller/Aponte to open general public discussion. Vote 9 Yes.

May the record reflect no one came forward.

Motion Kearns/Eykyn to close general public discussion. Vote 9 Yes.

Motion Miller/Aponte to adjourn at 8:30 P.M. Vote 9 Yes: Aponte, Cook, Eykyn, Kearns, Pfrommer, Miller, Rosenberg, Shamsuddin, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary