

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD**

**March 19, 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

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 follows:**

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

**\*\*\*\* May the record reflect:** Due to another engagement Mayor McCullough has sent, in his place, Committeeman Joseph Cafero to attend tonight’s meeting. Committeeman Cafero left the meeting at 6:17 p.m. Also, Board Member Aponte asked that it be announced he will not be in attendance this evening based upon an employment conflict. Board Member Aponte is currently is employed within a division of “Well’s Fargo”.

**\*\*May the record reflect:** Stephen Nehmad, Esq., introduced himself and advised he is the attorney of record for both the items scheduled for tonight’s agenda. He then asked if the order of the agenda can be switched. Attorney Nehmad asked if Atlantic Christian School could be taken first because the engineer for the Shore Mall is not currently present.

Chairman Garth advised Attorney Nehmad may proceed with Atlantic Christian School.

**PUBLIC HEARING(S):**

<b>1. <u>SP 01-12</u></b>	<b>Minor Site Plan</b>
<b>Shore Mall Associates</b>	<b>2302/20</b>
<b>“Wells Fargo Bank”</b>	Black Horse Pike and Tilton Road
Zone: RCD, 73.31 acres, sewer/water, applicant	Waiver of Time – <b>Not Indicated</b>
is proposing to convert a portion of the “Halloween Store” into a “Wells Fargo” bank with a drive-thru area on the southern side of building adjacent to the Garden State Parkway exit ramp on Tilton Road. Pinelands: C/F: #1981-0348.011, dated 3/21/12.	

**Checklist Waiver(s):**

- 1. Item #4: Zoning requirements**
- 2. Item #6: Name and address of owner/applicant and owners of land within 200’**
- 3. Item #9: Survey**
- 4. Item #11: Location of all existing structures**
- 5. Item #14: Sight triangles, the radii of curb lines, street sign**

- 6. **Item #17: Copy of existing and/or proposed protective covenants or deed restrictions**
- 7. **Item #18: Stormwater Management Plan**
- 8. **Item #20: Method of solid waste storage and disposal**
- 9. **Item #24: Lighting plan**

**Design Waiver(s):**

- 1. **§94-8.H: Buffers**
- 2. **§94-14: Environmental impact statement**
- 3. **§94-22A.10: Landscaping – Irrigation**
- 4. **§94-22A.12: Landscaping – Maintenance plan**
- 5. **§94-22D.12: Landscaping – Parking area**
- 6. **§94-37C: Shade Trees**

**Variance Relief:**

- 1. **§225-7: Side Yard Setback**
- 2. **§225-38D(3)(e): Overhead Signage**
- 3. **§225-28G: Traffic Directional Signage (area)**
- 4. **§225-63A.1: Number of building mounted signs (area)**
- 5. **§225-63B.2: Freestanding sign (area)**

Stephen Nehmad, Esq., introduced himself as attorney for the applicant, Shore Mall Associates, He indicated this application concerns Wells Fargo who want to place a branch office on a free standing pad site. He indicated this applicant will dress up the site. He advised Wells Fargo will be painting the building, place new signage up and provide new landscaping to make the site attractive.

The following individuals were sworn in, by Board Solicitor Brown:

Doug White, P.E., New Jersey Licensed Engineer, Adams, Rehmann, and Heggan, Hammonton, New Jersey  
 Robert Masandra, Director of Special Operations, Shore Mall  
 Vince Wahl, Architect

Douglas White, P.E., Adams, Rehmann, and Heggan advised he has been a licensed engineer 25 years and works for Adams, Rehmann and Heggan. Engineer White advised he has been involved in the last several applications concerning the Shore Mall, which includes the Golden Corral, the revised entrance along the Black Horse Pike (322). He advised his firm has represented the Shore Mall for at least 20 years, therefore, he is familiar with the on site provisions and is aware of the Township Code.

Engineer White referred to **Exhibit A1**: dated 3/19/12, colorized version of landscaping plan/site plan, specifically showing Tilton Road at the bottom of the plan and the Shore Mall entrance for Boscov's along 322. Engineer White advised the yellow bans shown on the plan refer to the concrete sidewalk and the darker colored area depicts the existing uses.

Engineer White advised the applicant is proposing a canopy for the drive through and there will be parking proposed adjacent to the actual building. Engineer White stated the the blue line shown on plans is the actual property line. Engineer White advised the Municipal Utilities

Authority has a pump station within the parcel and there are also two (2) existing billboards owned by separate individuals.

Engineer White advised the building contains the Halloween Store, Jalapeno's, AT & T, and Dairy Queen. He advised Well's Fargo is proposing to occupy the area depicted on the plan in lighter orange. Engineer White advised there will be a drive thru for the bank. He the material will be sent via an overhead system into the bank. He indicated there will be two (2) tellers working the drive thru and it will be done by television screens and speakers.

Engineer White advised Wells Fargo proposes a number of signs as referenced on **Exhibit A2:** a plans showing proposes signs and elevation from Tilton Road and where the existing doorway is for the Halloween store. He indicated there will be a 60 sq. ft. sign on front of the building and on the north face of the building, in addition there is a free standing monument sign which will be 30' ft. from the r-o-w and 50' from the road way. He indicated there will be three (3) directional signs that tell people how to proceed through site and there will be a "Clearance" sign for the drive thru.

Attorney Nehmad asked if there will be landscaping in the newly installed aisles? Engineer White advised there will be a new drive where the drive thru is proposed and it will be landscaped. He indicated the plans depict that the applicant has also taken out an odd shaped island to create additional parking. This is being done so the applicant could establish a controlled access point so people will not be so close to Tilton Road. Engineer White advised there will be a large landscaped island placed in front of the AT & T store and Jalapeno's. He indicated there will also be a stop sign in this area. He noted there will also be another landscaped island toward the entrance of the drive thru.

Attorney Nehmad stated there is a proposed side yard setback. Engineer White advised there is so much of a cross between the Mall and the Movie Theater. There is no obvious property line. He advised there really are no barriers between the two (2) sites and there are easements that allow this. He indicated the applicant is proposing a 13.2' ft. setback versus the 30' required. He indicated this is adjacent to the drive thru property and there are no improvements in the area where this setback is requested.

Attorney Nehmad advised the applicant is proposing a free standing sign. He indicated the the formula to calculate the square footage of the sign is based on the frontage of the parcel along the road way. He indicate based upon the frontage of the applicant could only have a 14 sq. ft. sign, however, the applicant is proposing a monument sign that is 48 sq. ft. Attorney Nehmad advised the applicant is also proposing two (2) façade signs and a "clearance sign" for the drive thru which requires variance relief as well as a variance from the property lines where existing parking is located. He indicated nothing is being changed. Attorney Nehmad further noted this site has been in existence from the time the Shore Mall was prepared. Engineer White advised no checklist waivers are being requested. He indicated the applicant will address all checklist waivers under the compliance plan.

Attorney Nehmad stated to clarify, under normal conditions there is a -0- setback between the Shore Mall, the Movie Theater and this site. Engineer White advised Cedar Reality Group (a.k.a. Shore Mall) maintains this site in whole. He indicated the applicant is adding landscaping to this site and will provide spot water so growth of the proposed plans will occur. He advised currently there is no irrigation system and the applicant would like to continue in this

manner. Engineer White advised there are islands proposed with this application and the applicant has a landscaper that maintains the whole mall.

Board Engineer Watkins stated he wanted a landscaped island where sign is proposed. Also, he indicated he would like, in the northwest corner of the site, some type of curbing or river rock to prohibit people from hitting the building. He also advised he does not believe the "Clearance" sign requires variance relief.

Architect Wahl advised the "Clearance" sign will be mounted on the drive thru canopy but it will be overhead. Board Planner Polistina advised the applicant is allowed directional signs that are 2 sq. ft., and his office noted there were four (4) signs including the "Clearance" sign as directional.

Board Member Cook asked about the safety of people going into the lobby of the bank. What will be done so no one can be hit from the drive thru traffic. Engineer White stated there are stop signs and stop bars for the drive thru. He indicated there is also parking along the front of the building so people do not have to cross over. Architect Wahl stated there are stop bars for people to stop. He indicated the drive thru and parking arrangement is not uncommon it happens at many branches. Attorney Nehmad advised the McDonald's is the same way where there is parking across from the drive thru, which is actually busier than a bank. He indicated this situation has been seen and is proven to be safe situation. He indicated Wells Fargo has liability coverage. Architect Wahl added the peak hours of the drive thru are not the same for lobby area.

Board Planner Polistina stated if another use goes into the empty spaces will have cross over situation also. Board Member Rosenberg stated he is concerned with the drive thru tube system. Architect Wahl advised these systems are at other locations and they work well. Board Member Eykyn stated since the bank will be going into what was the Halloween Store how much will be utilized? Will it be the whole store? Attorney Nehmad indicated about one half ( 1/2 ) of the store will be utilized for the bank.

**Motion Rosenberg/Miller to open public portion. Vote 8 Yes**

May the record reflect that no one came forward

**Motion Eykyn/Carman to close public portion. Vote 8 Yes.**

Engineer White advised the applicant will be providing nine (9) shade trees. Board Engineer Watkins advised he believes variance relief is needed for parking. He indicated the applicant did not create this parking situation, however, relief should be granted for the re-existing non-conforming parking spaces

**Motion Rosenberg/Carman to grant request design waivers. Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

**Motion Rosenberg/Eykyn to grant requested variance(s) item # 1, 3-5. Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

**Motion Carman/Rosenbergt to grant conditional minor site plan approval. Vote 7 Yes:**  
 Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

- 2.     **SPPF 21-02 (Amended II)**   **Amend. Preliminary/Final Major Site Plan**  
       **Atlantic Christian School**   **6706/3.01, 3.02, & 3.04**  
       Zone: R1, 36.54 acres, sewer/water,                         Zion Road and Almond Avenue  
       Applicant is proposing the placement of six (6)            Waiver of Time – **Not Granted**  
       classroom trailers totaling 10,719 sq. ft. within the existing school site. Other  
       improvements include a regulation size soccer field, a batting cage area, and 43  
       additional parking spaces for a total of 183 spaces for the entire site. CAFRA

**Checklist Waiver(s):**

- 1.     **Item #3:         Key Map**
- 2.     **Item #9:         Survey**
- 3.     **Item #10:        Topography at 1' ft. intervals**
- 4.     **Item #15:        Site characteristics plan**
- 5.     **Item #20:        Traffic report**
- 6.     **Item #35:        Providing architectural plans**

**Design Waiver(s):**

- 1.     **§94-9A:                 Community impact statement**
- 2.     **§94-14:                Environmental impact statement**
- 3.     **§94-44N(2)I:         2' instead of 12" for basin freeboard**

**Variance Relief:**

- 1.     **§225-7:                 Accessory building height: 30' ft. prop.; 15' ft. permitted**
- 2.     **§225-7:                 Maximum impervious coverage: 19.3% prop.; 10% permitted**
- 3.     **§225-14.1C:           Fence:fences may be erected, altered or reconstructed to a  
   height no to exceed four feet above ground level when I  
   located within 25' ft. of a R-O-W. The applicant proposes a  
   six (6) foot high fence along Zion Road within the 5' ft. of the  
   R-O-W due to the soccer field location and along first 25' ft. of  
   side yard property line in lieu of 25' ft.**
- 4.     **§225-7:                 Front Yard Setback Parking (Zion Road): 27.8' ft. proposed;  
   50' ft. required**
- 5.     **§225-7:                 Front Yard Setback (Soccer Field):         30' ft. proposed; 50'  
   ft. required**

Stephen Nehmad, Esq., introduced himself as attorney for the applicant, Atlantic Christian School. Attorney Nehmad indicated it has not yet been ten (10) years since the school was originally submitted and approved by this Board. He stated the school has been a benefit to the community and the applicant is now seeking approval for additional classroom space.

Attorney Nehmad explained the school has received, from the Egg Harbor Township Board of Education, six (6) modular trailer(s), amounting to an additional 10,000 sq. ft. of classroom area. He further noted the applicant is also proposing a batting cage area, a new soccer field and additional parking.

Attorney Nehmad indicated the applicant is proposing to increase the height of the proposed fence that will be placed around the soccer field. He explained the applicant will provide an 8' ft. fence, based upon discussions with the Technical Review Committee, whom asked for it be higher to help prohibit balls from going out onto Zion Road.

Attorney Nehmad advised there are several individuals present this evening to discuss this proposal with the Board. He then introduced Dr. Lyons, which is the Chief Operating Officer for the school, Mr. Clayton, whom is the chief benefactor of the school and Rami Nassar, Professional Engineer, with Schaeffer, Nassar and Scheidegg, who prepared the plan submitted.

Board Solicitor Brown duly swore in the following individual(s): Rami Nassar, P.E., Ralph Clayton and the Planning Board Professional's (Watkins & Polistina)

Rami Nassar, New Jersey Licensed Engineer, Schaeffer, Nassar, and Scheidegg, Cantillon Boulevard, Mays Landing, New Jersey, introduced himself. Engineer Nassar advised he has been the design engineer for this site plan based on the last amendment submitted to the planning office. Engineer Nassar indicated he is familiar with the site in question, as well as, the Egg Harbor Township Land Development Ordinance.

Engineer Nassar referred to Exhibit A1: rendered site plan, advising the burgundy colored buildings shown are the existing school and the two (2) modular units. Engineer Nassar explained the applicant is now seeking approval to place 43 additional parking spaces along the front of the school facing Zion Road. The applicant is also proposing six (6) modular classroom trailers. He indicated each trailer has two (2) classrooms within it so there will be actually twelve (12) new classroom(s). Engineer Nassar continued by advising the applicant is proposing access off of Zion Road, which does not currently exist, and a loop road will be made from this access point that will be used for the buses only. Engineer Nassar indicated other improvements include a new soccer field and a fully enclosed batting cage area.

Attorney Nehmad indicated the applicant is proposing a lighthouse be placed on site. He indicated the placement of the lighthouse will be central on site. The structure will be 30' ft. in height and nothing will be contained or stored within in it. Attorney Nehmad added the lighthouse is an icon structure for the school, since its (school) logo is a lighthouse.

Engineer Nassar advised the applicant is seeking variance relief for the height of the proposed lighthouse. He explained the lighthouse is considered an accessory structure which requires a height of no more than 15' ft. Engineer Nassar explained the height of the lighthouse is 30' ft., thus relief must be requested. He further noted the applicant is proposing lot coverage to be 19.3% versus the 10% permitted, thus relief must also be granted.

Engineer Nassar advised the coverage and height requirements fall under the residential zoning requirements for this zone. He went on to explain all storm water will be placed into the existing system. He indicated some piping will be completed in order to make sure this occurs. Engineer Nassar stated if the basins were to over flow the storm water would then go into the wetlands.

Engineer Nassar explained the proposed fence will be situated between the soccer field and Zion Road. Since the applicant does not want balls kicked out onto Zion Road the fence will be

30' ft off the road and it will be 8' ft. in height. He further noted, the soccer field will be level and has a 5' ft. elevation lower than Zion Road. Engineer Nassar indicated this creates an overall height difference of 13' ft. He also noted the applicant will be providing additional landscaping between the fence and Zion Road. Attorney Nehmad indicated increasing the height of the fence will require variance relief, however, the enhancement is for the safety of vehicles traveling along Zion Road by providing a barrier.

Attorney Nehmad indicated the applicant is requesting several checklist waivers. Engineer Nassar advised most components of the checklist requirements are throughout the plan. He indicated the applicant is only developing a small portion of the site. Engineer Nassar indicated the applicant is seeking a waiver from the key map of the whole parcel, as well as, survey. He advised the applicant previously provided a survey for this site to the Township and does not believe there is a need for a new one. Engineer Nassar advised he also did not feel topography was necessary since there are really no substantial improvements proposed. He also noted the site characteristics map is provided, but it is not all referenced on one sheet of the plan.

Engineer Nassar stated the applicant is seeking a waiver from providing a traffic report, as well as, architectural plans since the trailers already exist. He further explained the applicant is seeking a waiver from providing a community impact statement. He advised there is no impact to the community, based upon this proposal, he in fact noted many of Egg Harbor Township's children go to this school. Engineer Nassar advised the applicant is seeking a waiver from providing an environmental impact since this is an existing site. He indicated the applicant is also seeking a waiver for basin freeboard. He advised in order to meet the requirements the applicant would have to enlarge the basin to meet this requirement and it would cause a problem to the fields. Engineer Nassar stated the basin does go into the wetlands and it works.

Attorney Nehmad asked if any of the variance(s) requested create a substantial issue. Engineer Nassar stated it is a good civic design and is not an issue. Engineer Nassar advised the additional parking proposed will organize where people will go. Rather than it remain as it currently is where people parking everywhere. Attorney Nehmad asked if he has reviewed the reports from the Board Engineer and Planner. Engineer Nassar stated yes and there are no issues.

Board Engineer Watkins stated he was originally was looking for a landscaping island to break parking, however, after speaking with Board Planner Polistina's office having the trees along the front will help buffer. Board Engineer Watkins stated he would like to see the driveway for the residence coming in and out on the loop. Attorney Nehmad advised as long as the County does not have a problem with it. Township Committeeman Carman stated as long as the school keeps the driveway off Zion Road it does not matter how the internal connection is. Township Administrator Miller advised they can go both ways on the one way loop road since it is not a public road.

Engineer Nassar stated there are no grease traps for this site. He indicated the school does not produce food all they do is heat up the food. Board Planner Polistina stated he appreciates what the applicant is saying but this must be something that has to be discussed. Attorney Nehmad stated the only reason this item was raised because of comments within the Planner's report. He indicated the applicant is not pre-empting the MUA and not saying Planning Board did not mandate a grease trap.

Attorney Nehmad stated there is a variance requested from the front yard along Zion Road. Board Member Rosenberg asked if there will be any problems traversing the parking lot. Dr. Lyons stated they do want to be cautious with pedestrian traffic. He indicated the school will be reconfiguring some of the classrooms. He indicated the school is looking at the trailers laboratories. He indicated they are for future growth. He advised the school does have to watch who moves out there and they have pedestrian path ways. Dr. Lyons advised there are students and staff coming in and out and the school has to maintain traffic flow and bus loop will help with the current congestion. He advised he has been at the school for about a year.

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

John Scullion, 403 Zion Road, Almond and Zion Road, sworn in: The additional parking is where the parking is now. Attorney Nehmad stated the dark grey area is new parking. The new entrance is going to be off Zion Road and parking will be back off 25' ft. Mr. Scullion asked if the existing drop off be an issue? Engineer Nassar stated they will have a separate bus pickup for the trailers nothing will change with the current drive way.

Township Administrator Miller asked how long Mr. Scullion has lived in his home. Mr. Scullion advised the school was constructed before he moved in. Township Administrator Miller asked if the school was a good neighbor. Mr. Scullion stated he never had any problems with students or property.

Sally Watson, Trustee of Flemming's Property that surrounds school), sworn in. stated she understands the basin overflows and goes into wetlands. She stated her property already has wetlands and is already flooded do not need more. Attorney Nehmad advised the ordinance requires the applicant to retain all storms. He indicated if the basin overflows it goes into a natural wetlands, should there ever be an overflow. Board Engineer Watkins stated the applicant is not discharging anymore than what they are suppose to. Ms. Watson stated she is concerned with the school and not sure 43 more spaces work. Do not want to seek parking on Zion Road. Board Engineer Watkins stated Atlantic County will review the Traffic off Zion Road and because they are in control of the traffic along their road.

**Motion Cook/Eykyn to close public portion. Vote 7 Yes:**

Township Committeeman Carman stated he has no problem with the variance(s) requested. He indicated they are either because of safety concerns or to make the school better and he will be voting yes. Board Member Cook stated it sounds like a good project and asked if it passes with the professional's. Board Engineer Watkins stated he has no problem with variances requested. Board Member Cafero stated it is a great benefit.

Attorney Nehmad stated he would like to ask on behalf of the school that they not post a performance surety. He indicated banks and bonding companies are having issues. Attorney Nehmad stated when we originally built school we were waived from a surety guarantee. Township Committeeman Carman can find many reasons not to, however, can we? Board Solicitor Brown stated it can be done. Board Engineer Watkins stated they will still have to provide an inspection escrow. Township Committeeman Carman would like to make a motion not to require.



**Motion Carman/Cafero to waive bonding requirements. Vote 6 Yes:** Carman, Cook, Eykyn, Rosenberg, Shamsuddin, Garth. **1 No.** Miller

**Motion Carman/Rosenberg to grant requested checklist waivers. Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

**Motion Cafero/Rosenberg to grant request design waivers 1-5. Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

**Motion Rosenberg/Cafero to grant requested variance(s). Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

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

**MEMORIALIZATION OF RESOLUTION(S):**

- |   |   |
|---|---|
| 1. <b><u>SP 17-11</u></b><br><b>Gannon &amp; Davis Brothers Masonry</b> | <b>Minor Site Plan</b><br><b>1440/1</b><br><b>6216 Black Horse Pike</b> |
|---|---|

**Motion Miller/Eykyn to memorialize resolution granting requested checklist waiver(s), design waiver(s), variance relief, and conditional minor site plan approval. Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

**SUMMARY MATTER(S):**

1. Discussions of matters pertaining to the Board:
  - a. **Egg Harbor Township Ordinance No. 8 of 2012:** an ordinance to amend Chapter 225 of the Township Code entitled "Zoning" as it relates to Automotive and Retail Uses.

Township Administrator Miller stated several months ago the Township amended the code for banks, as a conditional use, he indicated tonight's application is a positive outcome with good planning. Township Administrator Miller stated Ordinance No. 8 of 2012, deals with gas and retail as a mix use. He indicated applications for this have went to the Zoning Board such as the Cumberland Farms. He indicated this Ordinance allows them as a permitted use in every commercial zone. He indicated this Ordinance also defines automotive repairs.

**Motion Rosenberg/Eykyn to recommend Ordinance No. 8 of 2012 to Township Committee for review and approval finding it meets the requirements of the Master Plan. Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

**Motion Carman/Eykyn to adjourn at 7:00 P.M. Vote 7 Yes:** Carman, Cook, Eykyn, Miller, Rosenberg, Shamsuddin, Garth

Respectfully submitted by,  
Theresa Wilbert, Secretary

