

**Township of Egg Harbor  
Planning Board**

**May 16, 2011**

**Solicitor:** Christopher Brown, Esq.(Ted Strickland, Esq., in attendance for Solicitor Brown)  
**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, 6:30 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, conflict not present      Joseph Lisa, 2<sup>nd</sup> Vice-Chair., present  
Committeeman John Carman, another mtg.      Mayor James J. McCullough, Jr. anoth mtg.  
Charles Eykyn, present      Peter Miller, Township Admin., present  
James Garth, Sr., Chairman, present      Paul Rosenberg, Alt. #II, present  
Frank Kearns, Alt. #I, another mtg.      Dorothy Saslav, another engage.  
Robert Levy, present

**PUBLIC HEARING(S):**

1.      **SD 02-11**      **Minor Subdivision**  
         **Kathryn O’Bringer Subdivision**      **5953/7, 8, 11-13 & 15**  
         Zone: RG-1, 1.73 acres, sewer/water (existing)      Cottage Road and Wilson Avenue  
         the site is located on Cottage Road      Waiver of time - **Not Granted**  
         and Wilson Avenue. The properties in question total six (6) lots. Wilson Avenue is an  
         unimproved street and the lots which front on Wilson Avenue (7 & 8) are owned by Egg  
         Harbor Township. The lots owned by the Township are wooded and vacant. The lots  
         along Cottage Road (11, 12, 13, & 15) are owned by individual homeowners and are  
         currently developed with single family detached dwellings on each. The applicant(s)  
         proposed to subdivide existing lots 7 and 8, which will result in the expansion of lots 11,  
         12, 13, and 15. Pinelands: c/f: #2001-0297.003, dated January 12, 2011.

**Checklist Waiver(s):**

1.      **Item #1 ( c ): Digital copy of plans**  
2.      **Item #3: Key Map**  
3.      **Item #5: Existing topography at 1' ft. intervals**  
4.      **Item #17: Soil boring information**  
5.      **Item #22: Location of wells and septic**

**Variance Relief:**

1.      §225-7:      **Lot Area (Lot(s) 11-13 & 15):** the minimum lot area for lots within the  
   RG-1 zoning district is 30,000 sq. ft. (17,000 sq. ft. with PDC’s).  
   Proposed lot 12 proposes a lot area of 18,000 sq. ft. which does not  
   meet the minimum requirements and will require variance relief.  
   The remaining lots will require Pinelands Development Credits to  
   come into conformance with the requirements of the RG-1 zone.  
2.      §225-7:      **Lot Width (Lot(s) 12, 13, and 15):** 80’ ft. existing lot widths; 100’ ft.

**required in RG-1 zoning district.**

Thomas Prendergast, New Jersey Licensed Professional Land Surveyor, Ocean City, New Jersey, sworn in. Surveyor Prendergast advised this application is for a minor subdivision for Kathryn O'Bringer and a number of others. He indicated the applicant(s) have purchased lot(s) 7 and 8 in block 5953 from the Township. They would now like to subdivide these lots and add to their own properties which are located along Cottage Road.

Fill-in Solicitor Strickland sworn in Surveyor Prendergast.

Surveyor Prendergast advised when the original subdivision application was submitted in order to create the subdivision located on Cottage Road the zoning was different and at that time the lot area was permitted. He indicated that since this time the zoning changed and the applicant's must obtain variance relief because their lot area does not meet the requirements of the current zoning .

Township Administrator Miller explained variance relief is needed, even though the applicants are doubling their lot size, since they still do not meet the current zoning requirements. He advised at a later date these property owners may add an addition, pool or garage to their parcels. Township Administrator Miller stated the existing homes have been there for four (4) to five (5) years and there is sewer and water.

Surveyor Prendergast advised lot(s) 13 and 15 will actually obtain a little more property from the subdivision of lot(s) 7 and 8. Surveyor Prendergast advised all the applicant's lots face Cottage Road and all have existing homes. Township Administrator Miller advised that by subdividing these parcels and adding to the applicant's properties actually limits someone from bringing in another subdivision.

Surveyor Prendergast stated he will provide a digital copy of plans as compliance, should the Board approve the application.

**Motion Lisa/Levy to open public portion. Vote 6 Yes.**

May the record reflect no one came forward

**Motion Levy/Lisa to close public portion. Vote 6 Yes**

Township Administrator Miller stated the existing lots are 80' ft. wide, based on the previous zoning. He indicated 100' is now required. Again, he stated these lots were approved prior to the Township changing the zoning and there is no additional property available to increase the lot width. He advised as far as the lot area the applicant's have acquired what they can in order to make their parcels more conforming to the present zoning.

**Motion Lisa/Eykyn to grant requested checklist waiver(s) Items 2-5: Vote 6 Yes:** Eykyn, Garth, Levy, Lisa Miller, Rosenberg

**Motion Miller/Eykyn to grant requested variance relief: §225-7: Lot Area (Lot(s) 11-13 & 15): the minimum lot area for lots within the RG-1 zoning district is 30,000 sq. ft. (17,000 sq. ft. with PDC's). Lot 12 proposes a lot area of 18,000 sq. ft. which does not meet the**

minimum requirements and will require variance relief. The remaining lots will require Pinelands Development Credits for conformance with the requirements of the RG-1 zoning district, §225-7: Lot Width (Lot(s) 12, 13, and 15): 80' ft. existing lot widths; 100' ft. required in RG-1 zoning district. **Vote 6 Yes:** Eykyn, Garth, Levy, Lisa Miller, Rosenberg

**Motion Eykyn/Rosenberg to grant conditional minor subdivision approval: Vote 6 Yes:**  
Eykyn, Garth, Levy, Lisa Miller, Rosenberg

**2. SPPF 26-08**

**Mira Vista Investments - "Walgreens"**

Zone: CB, 5.77 acre site, sewer/water, applicant is seeking reconsideration concerning certain condition(s) placed upon them during original approval. Applicant is seeking modification to hours of operation. Proposing a 24 hour operation. CAFRA.

**Condition Reconsideration for Preliminary/Final Major Site Plan**

**6101/12.02**

2247 Ocean Heights Avenue

Waiver of Time - **Granted**

Jeff Herskowitz, Esq., of the firm Fox and Rothchild, introduced himself as attorney the applicant. Attorney Herskowitz advised in 2009 the applicant received approval for the current Walgreens. He advised during discussions at that hearing a time period of between 7:00 a.m. and 10:00 a.m. was discussed as hours of operation, however, the applicant is seeking approval to go to 24 hours

Mark McOrmond, of Mira Vista, LLC, 1012 Maratecka Parkway, Deptford, New Jersey sworn in: Mr. McOrmond advised he is here to clarify what was an understanding in the original resolution. He indicated he is present to seek permission to open 24 hours, if and when Walgreens decides to do so. Mr. McOrmond advised he is in agreement with the Polistina Report that was issued.

Mr. McOrmond advised there are concerns that have been raised by Mr. Doran, neighbor whom lives across the street from this site. Mr. McOrmond explained free standing sign is a reader board and the illumination has been lowered during the evening from a ten (10) to a one (1) with it actually being turned off at 10:00 p.m. Mr. McOrmond advised when Walgreens goes to 24 hours they have agreed to place evergreen trees on Mr. Doran's property to the height of 15' ft. to shield.

Township Administrator Miller asked when the Walgreens is open later than 10:00 p.m., what will they do with the site lighting. Mr. McOrmond advised there is no spillage of the lighting off site. Township Administrator Miller asked if the lights can be lowered by 20% to 25%. Mr. McOrmond stated he is not sure. He further advised the site has a large buffer since there is natural growth throughout and since they are in the CAFRA zone only 30% of the site can be used.

Township Administrator Miller stated his concern are the homes located across the street, since this is transitional neighborhood. Mr. McOrmond stated Mr. Doran is the only neighbor that voiced concerns so far and there is only one other residential neighbor whose front corner is 200' ft. from the Walgreen's plus there is a buffer. Township Administrator Miller advised there is an 80 year old woman whom lives in the house across from this site.

Township Administrator Miller asked if the message board can be turned off for six (6) hours a night? Board Member Eykyn suggested rather than it changing all the time the reader board

could say the same thing. Township Administrator Miller stated maybe the applicant can change the message every ten (10) minutes versus every few seconds during the evening hours. Mr. McOrmond advised he will work with the neighbors.

Township Administrator Miller stated he would like to see the site lighting be reduced by 25% during the evening hours and the message board should hold the message longer. He stated he does not believe the Walgreens will see impulse purchases at 2:00 a.m. in the morning. Mr. McOrmond stated he will agree that the message board will not move every ten (10) minutes and the tone of the sign will be taken down on the Ocean Heights Avenue sign from 12:00 a.m. to 6:00 a.m.

**Motion Miller/Eykyn to open public portion. Vote 6 Yes.**

Eric Doran, Ocean Heights Avenue, Egg Harbor Township, sworn in: Mr. Doran stated he is not opposed to the applicant operating 24 hours. He indicated the only issue is the signs and the reader board. He stated even though the lighting has been lowered it is still intense. He suggested maybe the applicant could plan three (3) trees on his parcel in order to block the light.

Mr. Doran stated he has taken pictures of the red glow that comes from the sign. He stated as long as this stops he has no problem. Township Administrator Miller asked if the reader sign is the one that has the greatest impact? Mr. Doran stated it is the red sign. He explained that it is like someone hitting the brake light constantly.

Township Administrator Miller asked what is the distance that Mr. Doran wants screened? Mr. Doran explained that he would like a 15' ft. tree, not sure, however, of what the girth would be. Township Administrator Miller asked if there are any other trees on Mr. Doran's property that help block? Mr. Doran indicated he wants something like a Christmas tree that has girth. Township Administrator Miller advised this can be discussed with the Board Planner as to what type of tree is the best to block the sign.

Board Planner Polistina indicated a Leland Cypress is the best and they will go quicker. He asked if the 15' ft. requested is in order to block the second (2<sup>nd</sup>) floor of his home at night. Peter: any other trees currently on your property that helps? Mr. Doran stated he believes a 15' ft. tree would do, however, it is just his estimation.

**Motion Lisa/Eykyn to close public portion. Vote 6 yes.**

Attorney Herskowitz advised the applicant does agree with Mr. Doran. Township Administrator Miller stated the following should be conditions of the approval. The applicant has agreed they will install, on Mr. Doran's property, three (3) to four (4) evergreen trees, which will be selected by the planner at the direction of Mr. Doran. The applicant will see if they can dim the parking lights by 255 and the applicant will keep sign from flashing during the hours of 12:00 a.m. to 6:00 a.m.

**Motion Eykyn/Rosenberg to grant condition modification allowing existing "Walgreens" on block 6101/12.02, 2247 Ocean Heights Avenue, to become a 24 hour operation. Vote: Eykyn, Garth, , Levy, Lisa, Miller, Rosenberg**

**MEMORIALIZATION OF RESOLUTION(S):**

1. **SDF 10-07** **Final Major Subdivision**  
**3054 Ivins Avenue** **1703/17 & 18**  
Ivins Avenue

**Motion Miller/Eykyn to memorialize resolution granting requested checklist waiver(s) and conditional final major subdivision approval: Vote 4 Yes: Eykyn, Garth, Levy, Miller**

2. **SDF 13-07** **Final Major Subdivision**  
**Joseph Steward and George Miller** **7101/133.06**  
Nathan and Isaacs lane

**Motion Miller/Eykyn to memorialize resolution granting requested checklist waiver(s) Items #1 and #2 and conditional final major subdivision approval: Vote 4 Yes: Eykyn, Garth, Levy, Miller**

3. **SPPF 01-07 (Amended III)** **Amended Prel./Final Major Site Plan**  
**Bismarck Real Estate Partners, Inc.** **1508/33.01 & 33.02**  
**“Bridgestone-Firestone Center” a.k.a** **6040 Black Horse Pike**  
**Aspen Acquisition”**

**Motion Miller/Eykyn to memorialize resolution granting checklist waiver(s), design waiver(s), variance relief: §225-7: Minimum side yard setback: 6' ft. proposed; 20' ft. required: Applicant is proposing to construct a building which will have a side yard setback of 21' ft. from the southeastern side of property line. There is a 15' ft. wide access and utility line on the subject property along this property line. The applicant is proposing a 6' ft. side yard setback as measured to the access and utility easement, §225-55A: Driveway Distances: Applicant is proposing a driveway for the Bridgestone-Firestone facility a distance of 94' ft. from the street line, whereas a minimum of 100' ft. (½ the lot frontage) is required, §225-55E: Distance between parking and building: there shall be a minimum of 10' ft. of separation between a building and the parking area. There shall be minimum of four (4) feet for sidewalk and five (5) feet for landscaping. The applicant is providing six (6) feet between the building and parking area whereas a minimum of ten (10) feet is required, §225-55M7: Distance between parking and building: Parking shall be located ten (10) feet from the building and provide a landscaped strip between the sidewalk and building a minimum of four (4) feet in width. The applicant is providing an are of six (6) feet for the sidewalk between the building and the parking area whereas a minimum of ten (10) feet is required and §225-63A: Number of facade signs: two (2) signs proposed on Western Facade; one (1) permitted, and amended conditional preliminary/final major site plan approval. Vote 4 Yes: Eykyn, Garth, Levy, Miller**

4. **SPPF 02-11** **Preliminary/Final Major Site Plan**  
**Group 1 Automotive** **1602/44**  
**“BMW of Atlantic City”** **Black Horse Pike**

**Motion Miller/Eykyn to memorialize resolution granting requested checklist waiver(s) Items 1, & 23-31, variance relief: §225-7: Side yard setback (trash enclosure): 15' ft. proposed in lieu of 20' ft. required, §225-7: Lot coverage: 72% proposed, 73.4% existing, 70% required, §225-58G:**

**Directional sign area: 21.5 sq. ft. proposed; 2 sq. ft. permitted, §225-63A: Building mounted sign area: two (2) signs proposed (front facade); one (1) sign permitted and conditional preliminary/final major site plan approval. Vote 4 Yes: Eykyn, Garth, Levy, Miller**

**SUMMARY MATTER(S):**

1. Discussion of matters pertaining to the Board:

Chairman Garth welcomed Boy Scout Troop 389. He asked if anyone had any questions?

Due to the casual nature the Boy Scouts were not sworn in:

**Boy Scout:** what is the Mayor's roll on the Planning Board? Township Administrator Miller advised the Planning Board is a nine (9) member entity. The Mayor is the Class I member and is re-appointed every year. He stated the Mayor is the bridge between Township Committee and the Planning Board. Township Administrator Miller also explained that he is the Class II member of the Board and the Class III member of the Board is a Township Committee member and the remaining six (6) individuals whom make up the Board are Class IV members and they are private Township Residents.

**Boy Scout:** can an elected official vote on more then one Board? Township Administrator Miller advised an elected official can be on the Planning Board and the Township Committee, but they can not be on the Zoning Board.

**Boy Scout:** are there any State or Federal laws that make the determination of an application? Chairman Garth advised the Fire Department likes larger cul-de-sacs in order to operate the fire trucks into, however, the State, however, mandates the size of a cul-de-sacs.

Township Administrator Miller advised the laws for the Land Use process is large. He indicated the Township is within the Pinelands Jurisdiction, the CAFRA Jurisdiction and the Township has to meet the Residential Site Improvement Standards. Township Administrator Miller stated 6,000 acres of the Township is within the Pinelands and this is where the smaller lots are because the Pinelands Commission requires smaller lot sizes. He also noted the Board has a Planner and Engineer that goes through the laws and gives the Board guidance. Township Administrator Miller advised the Board Planner is actually the Township's State Assemblyman, Vincent Polistina.

**Boy Scout:** what is a zoning district? Township Administrator Miller advised we have zoning districts that allow for certain uses in the Township. He explained there are residential zones and commercial zones that service the people who reside here. Township Administrator Miller gave as an example that along the Black Horse Pike there is a highway that moves people in and out of the town. This area requires larger parcels in order to have the commercial development. He also explained that the Township has coastal regulations out by the Great Egg Harbor River that have to be abided by. He further stated the Township has one of the most coastal waterways in New Jersey.

**Boy Scout:** what kind of powers does the Mayor have and is it the same on Planning Board? Township Administrator Miller indicated the Mayor has the same power on the Planning Board as the other member's. He explained the Township Committee selects a Mayor every January and that individual will serve for 12 months. He advised that for the last 23 years the Township Committee has picked James J. McCullough as the Mayor of Egg Harbor Township. Township Administrator Miller indicated that as Mayor he chairs the Township Committee meetings, he performs weddings and he has the power

to oversee all department's in the Township.

**Boy Scout:** do hospitals need building permits. Township Administrator Miller stated yes. He advised Atlantic Care, which is along English Creek Avenue and the Black Horse Pike, had to go through the Board process and be issued building permits. He further advised the Planning Board recently approved Shore Memorial Hospital to place a similar health care complex for our community at the other end of English Creek Avenue by the Township Community Center.

**Boy Scout:** how long does the Mayor serve office. Chairman Garth advised the Mayor's position is a one (1) year term. Township Administrator Miller stated the members of the Governing Body are elected to a three (3) year term. He stated the resident's of the Township do not vote for their Mayor. He indicated on January 1<sup>st</sup> of every year the member's of the Governing Body appoint whom they want for mayor.

**Boy Scout:** what if it is a 4/4 tie does an application it get approved? Township Administrator Miller advised it does not get approved. He explained sometimes if an applicant's attorney listens and they realize they do not have five (5) votes, they may wait for the 9<sup>th</sup> member of the Board to be present so they can vote.

**Boy Scout:** did the FAA have to go through the Planning Board? Township Administrator advised the FAA came to the Township in 1971 or 1972, at that time the facility was known as N.F.F.A.C. He indicated during that time period the Township did not have zoning.

Township Administrator Miller advised that the FAA is a Federal Installation and the Township does not know what they are doing, they are secretive. Chairman Garth advised the site was originally known as N.S. Pomona (Naval Airstation) and it was build in 1942 during World War II.

Township Administrator Miller asked the troop if they visited the FAA? One of the Boy Scouts stated yes. Township Administrator Miller advised they must have went to the Air National Guards, whom protect our coast lines. He advised they can go from Egg Harbor Township to New York City in 20 minutes. Township Administrator Miller advised that he understands they give tours of the hangers and certain planes.

**Boy Scout:** what does the Planning Board have for the future for Egg Harbor Township? Township Administrator Miller advised there are couple of things that have recently been approved. He explained that the old Holman Licoln Mercury on the Black Horse Pike will become a BMW dealership. Next to "Lowe's" they are construct a Chick-Fil-A, a liquor store, and a Firestone retail store. The Planning Board just recently approved Oak Tree Plaza which is a 225,000 sq. ft. commercial center where the old Atlantic Electric Building is located on the Black Horse Pike and Fire Road. Township Administrator Miller advised at the corner of Ocean Heights and English Creek Avenue there may be a shopping center constructed and along English Creek Avenue across from the English Creek Shopping Center and next to TD bank there is a site currently under construction. He stated this will be a hotel "Homewood Suites" and they will cater to the people who use the airport and the FAA Center.

He then again advised down English Creek Avenue toward Ocean Heights Avenue, Shore Memorial proposes medical offices and an urgent care facility. Township Administrator Miller indicated this project is in conjunction with the University of Pennsylvania. He also advised at the corner of Ocean Heights and Zion Road there is a Cumberland Farms. He stated they were to demolish the site and construct a facility like the super WaWa, but they never perfected it.

**Boy Scout:** in front of the Canal's Liquor Store they have canopies. What are they? Township Administrator Miller explained the owner of the site had to come before the Board and receive variance relief because the canopies were too close to the property line. He advised these canopies will hold solar panels. The owner will be using solar power for electric. Township Administrator Miller explained that solar panels are also being proposed in the basin of Canal's and on their roof.

Township Administrator Miller also advised that on Delilah Road there is a 20 acre site that consist of all solar panels. He advised all the power from this facility is going to Pleasantville High School and Pleasantville Middle School.

**Boy Scout:** would someone have to come to Board if they wanted to build a residential home? Township Administrator Miller explained the Planning Board deals with permitted uses and the applicant must comply with zoning in order to have their application heard. He advised if someone wants to build a home and they can not meet the zoning then they must apply to the Zoning Board which is a seven (7) member board. He also noted that someone would go to the zoning board if they wanted to place something that not is permitted. He used as an example someone wanting to place a factory in a retail area.

**Boy Scout:** asked how does what happen in Egg Harbor Township effect New Jersey. Chairman Garth advised many things happen in Egg Harbor Township that does not happen in other places. Township Administrator Miller indicated that about thirty (30) years ago, a developer received approval for a floating home community. After this approval the State passed a law not to allow. He stated based on what occurred the Township is the only community where floating homes exist in the Township.

**Boy Scout:** how many people come in and complain? Per day about buildings and complaints. Township Administrator Miller stated the Township tracks how many people come in and out of town hall and there is maybe 15,000 to 16,000. He advised last year the building department issued 1,500 permits for construction. He indicated of that group about one-half (1/2) came into the office and asked questions, but most were builders. He further noted that zoning gets maybe two (2) or three (3) complaints a day. He asked Board Secretary Wilbert how many complaints she receives? Board Secretary Wilbert advised she receives about four (4) to five (5) complaints a day concerning approvals and zoning.

Board Member Rosenberg stated there will always be a group of people that make things happen. He advised the Township Administrator is one of those and his administrative staff. They show respect to the community.

**Boy Scout:** asked if floating homes are illegal? Township Administrator Miller advised the floating homes located in the Township are alright, however, future one's can not exist. He stated if anyone is familiar with the floating homes they would see that when the tide goes out every six (6) hours the homes actually sit on mud.

**Boy Scout:** if someone moves into floating home is it illegal? Township Administrator Miller advised no. He indicated the home can also be sold.

Ms. Dianna Fauntleroy introduced herself as the leader of Troop 389, she thanked the Board for their time and answering the questions the boy's had.

**Motion Lisa/Rosenberg to adjourn at 7:41 P.M. Vote 6 Yes : Eykyn, Garth, Levy, Lisa, Miller, Rosenberg**

Respectfully submitted by,

Theresa Wilbert, Secretary