

Planning Board Professional(s):

Solicitor: Christopher Brown, Esq.: (present w/ Jennifer Torsiello-Cassett, Esq.)

Engineer: James A. Mott, P.E., of Mott Associates: (Robert Watkins, P.E., present)

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, 5:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call Taken as Follow(s):

Manuel E. Aponte, V-Chair., another engage.	Mayor James J. McCullough, Jr., another engage.
Charles Eykyn, present	Peter Miller, Township Administrator, present
James Garth, Sr., Chairperson, on vaca.	Committeewoman, Laura Pfrommer, present
Frank Kearns, present	Paul Rosenberg, 2 nd V-Chairperson, present
Robert Levy, another engage.	
Dennis Kleiner, Alt. #1, present	

May the record reflect: Board Member Rosenberg presided over meeting as the 2nd Vice-Chairman. Board Member Rosenberg introduced newly appointed Member, Dennis Kleiner to the Board. Board Solicitor Brown administered the oath of office to Board Member Kleiner.

PUBLIC HEARING(S):

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| 1. SD 01-15 | Minor Subdivision |
| US Realty Financial | 2302/10 & 20 |
| Zone: RCD, 73.31 acres, sewer/water | 6725 & 6727 Black Horse Pike |
| Applicant seeking approval for two (2) lot | Waiver of Time – Not indicated |
| Subdivision. One lot (proposed lot 10) will contain existing shopping mall other parcel (proposed lot 10.01) will | |
| will contain foundation remnants and paving associated with previously approved demolition. Existing lot 20 | |
| will be consolidated into proposed lot 10. Pinelands C/F#1981-0348.013, dated April 23, 2015. | |

Checklist Waiver(s):

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| 1. Item #1 (c): | CAD files |
| 2. Item #2: | Scale of plan |
| 3. Item #3: | Key map |
| 4. Item #5: | Existing topography |
| 5. Item #9: | Survey datum |
| 6. Item #13: | Sight triangles |
| 7. Item #21: | Temporary stakes |

Variance Relief:

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| 1. §225-7: | Minimum Lot Width: | (proposed lot 10.01) 15' ft. proposed; 300' ft. required |
| 2. §225-7: | Maximum Impervious Coverage: | (proposed lot 10) 92.5% proposed; 70% permitted |

Nicholas Talvacchia, Esq., introduced himself as attorney for the applicant US Realty Financial. He indicated the

applicant is seeking minor subdivision approval for what is currently known as Harbor Square, which is the former Shore Mall. He advised the subdivision consist of 70 plus acres. He advised the applicant is seeking the subdivision so there is no longer a mortgage on the rear property and it can be independently financed. He advised the applicant had originally requested a lot frontage variance, however, this has been amended and it is no longer needed. He indicated the applicant will have the sufficient frontage. Attorney Talvacchia stated the applicant is seeking a coverage variance.

Attorney Talvacchia asked that his witness be sworn. Board Solicitor Brown had duly sworn, Terry Combs, P.P., Adams, Rehman, and Heggan, Hammonton, New Jersey, New Jersey licensed planner for over 25 years.

Planner Combs advised the property is bounded by the Black Horse Pike, West Jersey Avenue and Broadway Avenue. The applicant is proposing a two (2) lot subdivision of over 73 acres. He indicated one lot will contain 38 acres and the other parcel will contain 34 acres. He indicated currently the property as it exist is over the 70% coverage requirements. He indicated when the parcels are subdivided the percentage of coverage proposed for lot 10 will increase to 92%. Planner Combs also added the parcel is within a split zone. He advised half is residential and the other is commercial. However, the ordinance does allow the site to be at as all commercial.

Attorney Talvacchia asked Planner Combs if any changes or improvements are proposed. Planner Combs advised the former footprint of the mall and portions of the parking area will be on the new lot. He further noted there were other parcels that are involved but were consolidated by current deed.

Planner Combs advised there is a wetlands corridor on site and even though the applicant is requesting a variance for coverage it will not impair the public good. He indicated this site has been a long existing lot in the Township. Attorney Talvacchia presented Exhibit A1: Satellite picture of mall (as submitted to office) to show the Board the overall site.

Board Solicitor Brown advised there are seven (7) checklist waivers he asked if the applicant is still requesting these waivers. Planner Combs advised the applicant is still requesting. He advised, however, the applicant is deleting their request for minimum lot width requirement of 15' ft.

Board Member Eykyn asked if the existing road in the rear will remain the same. Board Engineer Watkins stated yes. Board Member Eykyn asked if there was not a proposal to extent a road from the Parkway. Attorney Talvacchia stated this is something the applicant will look at closely in the future, if the applicant gets a significant new tenant to develop the site. He indicated at this point it is a costly undertaking and not something his client intends to fund at this time.

Township Administrator Miller advised the property owner had a plan and they started to developing one and our discussion with the Highway Authority was if they submitted a complete set of plans and plans they would enter into an access agreement with the municipality so the road could be constructed sometime in the future and the geometry of the off-ramp would be modified to accommodate that road at some later date. He indicated their failure to do anything at this time will cost them more money or tell us in the future that it is cost prohibited to do it. He indicated he was given a number if they come back later to do it; it could be as much as a \$250,000.00 for modifications in the R-O-W to accommodate the left hand exist lane.

Township Administrator Miller stated Attorney Talvacchia had corrected him because he was under the impression the permitting and design was some number between \$40,000.00 to \$50,000.00 and his client believes it is closer to \$75,000.00 to do it and this is why they do not want to spend the money now because there is no use proposed for the property they are subdividing.

Township Administrator Miller asked Board Solicitor Brown how far could the Board, because they do not have a

building going up, so to argue off-tract improvements. Board Solicitor Brown stated this is a minor subdivision. He indicated he would believe it would be hard put to force that type of condition on this approval. Attorney Talvacchia advised it will cost \$80,000.00 and they want fully designed engineered plans. He indicated the applicant does have a concept plan, but they want fully engineered plans. He indicate indicated under case law there is no nexus to spend this money for an improvement that has nothing to do with the subdivision that has no new development.

Board Solicitor Brown stated to a degree at their peril the understanding to be with any future development, we can make this a part of the decision and resolution, that they understand with any future development that they will be responsible for that. Township Administrator Miller stated this could be placed in as a condition of the subdivision that whatever development takes place on lot 10.01 that they need to provide access from the Parkway in. Attorney Talvacchia stated he would rather it say we look at it. He indicated it depends upon what the development is and it may not warrant that type of off-tract improvement. He indicated if it does it does. He advised if it is an IKEA maybe but if it is a restaurant pad maybe not. He indicated certainly the Board could require it if the traffic analysis at a later date warrants but he does not think you can say five (5) years from now requires that type of connection. He indicated this could be a 2 million dollar connection.

Township Administrator Miller asked how much square footage was demolished. Attorney Telvacchia stated it was around 200,000 sq. ft. He stated he would agree that if a chain restaurant was developed could not be made to provide ramp, but if maybe adding another 175,000 sq. ft. or greater would trigger the need. Board Solicitor Brown advised the issue is trying project out into the future in a resolution today you could say a lot of things. He indicated the law will require what the law requires them to do when they come back in for it and if it does than an objective side would be a traffic study or traffic flow or legitimate concerns of the Township. He stated it is a little difficult now to given an exact if it is this square footage or it is this type of use but they are proceeding now with the understanding that as it gets developed they are choosing to deal with it in the future and they are doing it with the understanding that just because this subdivision is being permitted does not mean somehow the Township foregoing its right to require that off-tract improvement.

Attorney Talvacchia stated they agree to this to the extent we do something in the future, an improvement, whatever the law is they will comply. Township Administrator Miller stated in the decision and resolution in the whereas there is a discussion of the application can it be incorporated that this discussion occurred, we did not make a decision this time, but it will be something that when the next application comes in it puts the property owner on notice that we think it is an economic boom to them and the community if that access is built.

Motion Kearns/Eykyn to open public portion. Vote 6 Yes

May the record reflect: No one came forward

Motion Kearns/Eykyn to close public portion. Vote 6 Yes

Township Committeewoman Pfrommer asked 10.01 is currently by the access road and coming up West Jersey. She indicated she has seen tire prints going to the back lot and whether it be people going in at night just driving around. Township Committeeman Pfrommer stated it is very attractive for motorcycles or people that want to go in and do different things can get back there and do it. Township Administrator Miller stated they are going over the berm area before the fence and gaining access. He also stated there were some pot holes where the West Jersey extension is and is the applicant's property. He asked if they have been repaired.

Board Engineer Watkins stated this area was recently repaved. He also suggested that maybe a condition of the

approval require a 4' ft. fence on the inside of the berm that is not visible from the street. Attorney Talvacchia asked instead of fence maybe phrase the condition as a barrier. Township Administrator Miller stated it can be worded as a barrier to restrict access to the vacant parcel. Attorney Talvacchia advised if it can also say "acceptable to the Board Engineer" or something along those lines so it can be discussed. Township Committeewoman Pfrommer stated something aesthetic not a guard rail. Board Engineer Watkins again stated by placing it on the inside of the berm you will not be able to see it and he will make sure it matches.

Motion Eykyn/Kearns to grant requested checklist waiver(s). Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer, Rosenberg

Motion Kearns/Kearns to grant requested variance relief. Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer, Rosenberg

Board Solicitor Brown stated there will be two (2) conditions: the applicant understands and agrees that the applicant will address off-site road improvements on the south west corner regarding constructing an access road off the Parkway which will be addressed by the applicant upon future development of lot 10.01. Township Administrator Miller asked if the Board wants to restrict to lot 10.01. He stated the applicant could demolish the existing building on lot 10 and construct something new. Attorney Talvacchia asked for the language to be read again onto the record. Board Solicitor Brown then read for the record the first condition again and included lot 10.01 and 10. Attorney Talvacchia asked if language could be included that states "if required". He stated the way it reads it almost seems that we have to do off-site road improvements.

Board Solicitor Brown indicated the applicant agrees and understands that they will address road improvements. He stated addressed meaning just because the Board is approving this today doesn't mean that you understand when you come back there is going to be an issue that you are going to address either by doing it or by showing you do not have to. Attorney Talvacchia stated this is fine. Board Solicitor Brown stated the second condition is applicant agrees to place a barrier that restricts access to lot 10.01 from West Jersey Avenue to meet the approval of the Board Engineer. Attorney Talvacchia advised this is fine also.

Motion Miller/Eykyn to grant conditional minor subdivision approval. Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer, Rosenberg

<p>2. <u>SPPF 02-15</u> Vitali Mytnik Zone: SHD, 26,000 sq. ft. site, sewer/water, Applicant proposed to retain existing 655 sq. ft. office building and construct a new 2,400 sq. ft. auto sales facility. other improvements consist of 27 vehicle display spaces and 10 customer parking spaces, landscaping, lighting, fencing and storm water management. CAFRA</p>	<p>Preliminary and Final Major Site Plan 4204/8 & 9 7012/7014 Black Horse Pike, Genoa & Palermo Avenue's Waiver of Time – Not Granted</p>
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Checklist Waiver(s):

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| <p>1. Item #15:</p> <p>2. Item #18:</p> <p>3. Item #19:</p> <p>4. Item #20:</p> <p>5. Item #21:</p> <p>6. Item #22:</p> | <p>Site characteristics map</p> <p>Storm water management plan</p> <p>Sewer and water report</p> <p>Traffic report</p> <p>Fiscal impact report</p> <p>Modification report</p> |
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- 7. **Item #24:** **Cross sections and profiles of roadways**
- 8. **§198-15E:** **Sanitary approval from the EHTMUA**

Design Waiver(s):

- 1. **§94-11 (c):** **Curbing on site**

Variance Relief:

- 1. **§225-7:** **Lot Area:** **26,000 sq. ft. existing; 80,000 sq. ft. required**
- 2. **§225-7:** **Front yard setback:** **26' ft. proposed (Palermo); 50' ft. required**
- 3. **§225-7:** **Rear yard setback:** **20' ft. proposed; 30' ft. required**
- 4. **§225-7:** **Front yard setback (parking):** **19' ft. prop. BHP R-O-W; 25' ft. required**
- 5. **§225-7:** **Rear yard setback (parking):** **9' ft. proposed; 20' ft. required**
- 6. **§225-55(F):** **Parking lot curbing**
- 2. **§225-55(M):** **Parking distance from bldg.:** **7.5' ft. proposed; 10' ft. required**

Michael Peacock, Esq., introduced himself as attorney for the applicant. He advised this is an application for preliminary and final site plan approval to allow for an auto sales facility. He indicated the property is known as Block 4204 Lots 8 & 9, 7012/7014 Black Horse Pike and is located in the West Atlantic City section of the Township. He advised the property is zoned SHD (Special Highway Development) where auto sales is a permitted principal use. Attorney Peacock advised the applicant is seeking variance relief tonight most of which is associated with setbacks because this is an existing isolated, undersized lot of record. He advised the parcels shown represents all the commercially zoned land in the vicinity. He indicated everything else is either zoned residential or already developed, which would necessitate a use variance if the applicant were try to acquire more land.

Attorney Peacock advised the proposed is a much better improvement to the sight because it is currently overgrown with vegetation. He indicated there is currently and an existing office building on site that the applicant will use as part of their business.

Attorney Peacock asked if the following individuals could be sworn: May the record reflect Board Solicitor Brown had duly sworn the following individuals:

Jon Barnhart, P.E., New Jersey Licensed Engineer, Arthur Ponzio and Associates, Dover Avenue, Atlantic City, New Jersey
 Vitali Mytnick, applicant

Engineer Barnhart referred to Exhibit A1: Ariel Photograph of Site, advising the site in question is outlined in yellow is located along the Black Horse Pike in West Atlantic City running from Palermo Avenue to Genoa Avenue and the entire parcel falls within the SHD zone. He advised there is a jug handle directly across the Black Horse Pike, across Palermo is the Integrity Bus Facility site and behind the site going down both Palermo and Genoa Avenue's it is residentially developed and zoned.

Engineer Barnhart advised the office currently existing on site has been renovated and to the rear of the site there was a dilapidated building that was demolished. He indicated the site has been utilized over the years, but it was haphazard type uses and never developed properly. Engineer Barnhart then referenced Exhibit A2: Colored Version of Site Plan submitted with the application.

Engineer Barnhart advised the site is a 26,000 sq. ft. lot. He advised the frontage along Palermo is 130' ft. and 200' ft. of frontage along the Black Horse Pike. He indicated the existing 600 sq. ft. existing office will be utilized for a proposed used auto sales facility. The applicant is proposing a new building on site which will be 60' x 40' garage (2,400 sq. ft.)

and it will be adjacent to the existing office. Engineer Barnhart advised there will be a single two (2) way access drive off the Black Horse Pike. He explained there will be nine (9) customer parking spaces and one (1) handicap space for a total of ten (10) and there will be a two (2) way access drive off Genoa Avenue.

Engineer Barnhart advised there will be a loading and trash area off Genoa Avenue. He indicated the site will be an asphalt paved area and there will be a display for 27 vehicles. He explained the proposed building will be for vehicle preparation for the used vehicles. Engineer Barnhart advised this will include washing of the cars and whatever maintenance needs to be done in order to have the cars ready for sale, which will all occur within the building itself. He advised the hours of operation as indicated by his client will be Monday – Friday from 10:00 a.m. – 7:00 p.m., Saturday's will be 10:00 a.m. to 5:00 p.m., and closed on Sunday's. Engineer Barnhart advised the applicant anticipates three (3) employees at the site.

Engineer Barnhart explained the applicant proposes a freestanding sign at the corner of Genoa Avenue and the Black Horse Pike, which meets the requirements. He indicated the applicant is also proposing, which is considered a second freestanding sign based on ordinance requirements, an icon feature of a lighthouse and the applicant is seeking a variance for setback. He indicated the site will be known as "Lighthouse Motors" advising this is the brand. Engineer Barnhart stated this will be an identifier of the site and it will house the address of the site. Engineer Barnhart added the site will be graded in such a way that all storm water run-off will run to landscaped areas. He indicated this site does not meet the definition of major development so the applicant does not have to meet storm water management regulations but the applicant is proposing swales to retain storm water on site.

Engineer Barnhart advised the deviation to zoning is based upon the size of the lot. He indicated the ordinance requires 80,000 sq. ft. and we have 26,000 sq. ft. with a residential zone in the rear, which is an existing non-conforming condition because the site is already developed commercially. He explained the front yard setback for this area is 50' ft. he indicated based upon the length and depth of the property this is impossible to meet. He indicated the applicant is proposing to match the existing front yard setback along Palermo with what the existing building enjoys and the proposed building along the Black Horse Pike will conform. Again, he stated it is because of the existing size of the lot that generates the relief.

Engineer Barnhart stated the applicant is proposing a rear yard of 20' ft. versus 30' ft. He further noted the entire rear yard will be landscaped and a fence will be placed along the property line to provide adequate buffer to for the residential properties. Engineer Barnhart stated there is one (1) deviations in the front yard for the handicap space. He indicated the requirement is 25' ft. and the applicant is proposing 19' ft. He indicated the applicant could push this space closer to the building and not request the relief but believe it is a better plan to allow some green space along the foundation of the building to allow for a more aesthetic look, therefore, variance relief is sought.

Engineer Barnhart advised parking to the rear yard is to be 20' ft. to the rear property line he indicated the applicant is proposing 9' ft., but it is only the display spaces. He advised there will not be a lot of cars coming in and out as if were customer parking. He stated it will be a calm area. Engineer Barnhart further noted the applicant will buffer this area with a planting row, as well as, a 6' ft. high solid fence to screen for the neighbors.

Engineer Barnhart advised the Township Ordinance for driveways into a site is 30' ft. and for internal aisles is 25' ft. He indicated based on this site size he believes it is oversized and not appropriate for a site this small, therefore, the applicant is proposing 24' ft. in all these locations and the design is appropriate for this type of use. Engineer Barnhart advised the Ordinance requires separation of parking to the building. He indicated the applicant is proposing a 7' ft. separation were 10' ft. is required along the side of the building.

Engineer Barnhart stated he has already mentioned the storm water management plan for the site. He indicated the Township Ordinance requires curbing around the perimeter of the parking lot. He stated with the proposal of the applicant's storm water management they are not proposing the curbing because it will not allow sheet flow to the areas for water infiltration on the site. Engineer Barnhart stated the parking area within the buffer area is the same variance already mentioned with the setback of parking along the rear. Engineer Barnhart advised there is a deviation for loading access directly from the street. He indicated he has designated an area on site for loading but it is not really loading it is for trash. He indicated there is a garage door at this location for a vehicle to come out of the building and to access Palermo Avenue so it does not have to go back onto the Black Horse Pike, but because there is a direct access of that area that is being utilized for trash and potential loading this is a deviation from the ordinance.

Engineer Barnhart advised the applicant is proposing two (2) wall mounted signs. He indicated they will be vinyl lettering on the plate glass windows. He explained they meet sign area requirements but the deviation is because it is two (2) individual windows so it is considered two (2) signs. He indicated even though the applicant is seeking approval for two (2) signs they are dramatically under the square footage requirements for a building mounted sign.

Engineer Barnhart stated the last deviation requested is for the trash enclosure. He indicated it is technically located in the front yard. He indicated considering the other uses around it this is the most appropriate site because it is across from another commercial use and it is away from the residential. He indicated the applicant will comply with the comments within the reports of the Board Professional's seeking additional landscaping and buffering around the trash enclosure.

Engineer Barnhart stated this is really a "C1" type relief because this is really a hardship situation. He indicated there is an existing commercial property that is bound by three (3) streets and fully developed residential properties behind the property. He indicated the site is in scope and scale with the amount of area that exist. He advised the buildings will not be too big, the parking is at a minimum, in order to have a successful business. He also noted this is a redevelopment of the site that has been derelict for years and the applicant is willing to spend resources to bring this up to today's standards. He indicated based on this he believes the positive criteria has been met. He indicated with respect to the zone plan and ordinance the proposed is a permitted use in the zone, we meet the parking requirements and we have nice circulation for the site. Engineer Barnhart stated the applicant is coming into more conformity with the zoning plan than what has been existing for years.

Engineer Barnhart stated with regards to the substantial detriment to the public good. What the applicant is proposing is a dramatic improvement to the surrounding properties as compared to what they had to deal with for many years at this site. He indicated he believes the variances are justified and the applicant has established both negative, positive criteria. He further noted they have reviewed both the reports from the professional's and we are able comply with all comments within their reports.

Board Member Kearns asked if there will be any outdoor P.A. Systems where the neighbors would have to hear the noise. Mr. Mytnik stated he does not use a P.A. System. Board Solicitor Brown asked if Mr. Mytnik if he has any issue with this being a condition of approval. Mr. Mytnik stated no. Board Member Kleiner stated his concern is with the neighbors behind this facility and the lights being on. He asked if there are any reflectors to keep the lights from shining onto the neighbors. Engineer Barnhart stated that was one of the concerns that the Board Professional's had. He stated the light poles that are along the back are actually shining away from the houses, as well as, house side shields to prevent the glare.

Board Member Eykyn asked if the 6' ft. fence going to be along the entire rear of the property. Engineer Barnhart stated it is 6' ft. until the end of parking lot and then it drops down to 4' ft. because of front yard. He indicated it is the same

way on the other side of property because of the front yard. Board Member Kearns asked if you can see through fence. Engineer Barnhart stated the applicant will provide whatever the Board wants. Township Administrator Miller stated he would like to see a 6' ft. cedar board on board fence. He also asked why the landscaping was not extended to Palermo and Genoa Avenue's. Engineer Barnhart stated some people do not like to see a hedgerow along the front of their property. He indicated if they would like we can extend. Township Administrator Miller stated if they are here we may ask them if they would like it. Engineer Barnhart advised the applicant does not have an issue and is fine with it, if either the neighbors or the Board desires. Township Committeewoman Pfrommer stated she agrees with Township Administrator Miller. Engineer Barnhart stated the applicant will amend the application and continue the same hedgerow out to Palermo and then out to Genoa.

Board Member Rosenberg asked Mr. Mytnik if he currently operates a business with the Township. Mr. Mytnik stated no. He advised he has the same business is Philadelphia. He advised he has operated the business for seven (7) years closer to eight (8). Board Member Rosenberg asked Mr. Mytnik what brings him to West Atlantic City. Mr. Mytnik stated he lives in Egg Harbor Township and has since 2007. Board Engineer Watkins asked if the lights could be dimmed at a certain time. He advised maybe after closing hour they can be dimmed. Board Engineer Watkins stated we have had similar applications that dim their lights. Mr. Mytnik stated he can dim the lights. He advised he can dim around 8:00 p.m. Board Member Watkins stated the dimming will only be associated with the rear lights. Board Member Eykyn stated the applicant needs to make sure the trash is removed during the day and not picked-up in the middle of the night. Mr. Mytnic stated he will make sure.

Township Committeewoman Pfrommer stated the new building is for processing cars out. Mr. Mytnik stated it is just to prep the cars out. Township Administrator Miller asked what type of auto repair work will be done in the building. Mr. Mytnik advised nothing heavy. He indicated breaks, tires things along this line. Board Member Rosenberg asked if they will be doing any paint work or body work. Mr. Mytnik stated he has two (2) lifts. Board Member Rosenberg stated he does not normally request this, however, considering the proximity of the residential he would like to place a restriction on the use of body repair, paint repair and torches/flammable/ignition tools. Mr. Mytnik the Rosenberg: would like restriction or condition on body repair, paint and torches/flammable tools. Mr. Mytnik stated this is fine they were not planning on using anyway.

Motion Kearns/Pfrommer to open to public portion. Vote 6 yes

Carlos Montes, 118 Genoa Avenue, Egg Harbor Township, duly sworn: stated his mother lives directly behind this facility. He indicated they have no problem. There are other car dealers around. Board Solicitor Brown asked if he is o.k. with the application. Mr. Montes stated yes. Township Administrator Miller asked if bringing the cypress trees down to almost the sidewalk along his mother's property o.k. Mr. Montes stated it is more privacy.

Motion Kearns/Eykyn to close public portion. Vote 6 yes

Attorney Peacock advised checklist waiver #3 and #8 are removed

Motion Kleiner/Pfrommer to grant requested checklist waiver(s) items #1-2 and 4-7. Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer Rosenberg,

Board Planner Polistina stated there is another design wavier not listed on the agenda. He indicated it is Section 94-8: Buffer. He advised there is supposed to be a 20' ft. buffer to the residential.

Motion Kearns/Kleiner to grant requested design waiver(s). Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer

Rosenberg,

Board Planner Polistina stated there are seven (7) variances listed on the agenda, however, there additional variances requested that are listed within the reports of the Board Professional(s) for a total of 16. He indicated the applicant’s professional did provide testimony for all 16 variances.

Board Member Eykyn stated he has no issue with the variance relief requested based upon the lot size and the existing conditions. Township Administrator Miller stated he agrees for the reasons Board Member Eykyn noted.

Motion Kleiner/Pfrommer to grant requested variance relief. Vote 6 Yes: Eykyn, Kearns, Kleiner, Mille, Pfrommer Rosenberg

Board Solicitor Brown noted the following items as condition(s) of approval: applicant agrees No outside speaker system installed, 6’ ft. high wood fence along the northerly property line of lots 7 and 10, applicant agrees to extend the hedgerow from Palermo Avenue and continue down to Genoa Avenue, applicant agrees to dim the lights in the rear of the property for lots 7 and 10 after 8 p.m., applicant agrees trash dumpster will only be emptied during daylight hours, applicant agrees there will be no painting, auto body work or the use of blow torches on the property.

Motion Kearns/Eykyn to grant conditional preliminary and final major site plan approval. Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer Rosenberg

<p>3. <u>SPM 47-86</u> Tilton Square, Inc. Zone: RCD, 2 acres, sewer/water, Applicant is seeking amended site plan approval for an existing 22,344 sq. ft. office building which currently contains offices for Merrill Lynch and Atlantic Medical Imaging. Applicant is proposing to construct a 1,748 sq. ft. building addition onto the first floor where a bank drive-thru was previously located. Applicant is also proposing an additional eight (8) parking spaces along the northeasterly side of the addition. This consist of 2 acres and contains two (2) existing buildings, the Tilton Inn Restaurant and Bar and the existing office building. CAFRA</p>	<p>Amended Preliminary/Final Major Site Plan 2201/19 3100 Hingston Avenue Waiver of Time – Granted</p>
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Checklist Waiver(s):

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| <ol style="list-style-type: none"> 1. Item #2: 2. Item #10: 3. Item #14: 4. Item #15: 5. Item #18: 6. Item #20: 7. Item #33: | <p>Scale of plans
Existing and proposed elevations and contours at 1’ ft. intervals
Lighting and signage plan
Site characteristics map
Stormwater management plan
Traffic Report
Soil erosion/sediment control plan</p> |
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Variance Relief:

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| <ol style="list-style-type: none"> 1. §225-55E: 2. §225-56A: 3. §225-63A: 4. §225-63B7: 5. §225-7: | <p>Parking – buffer:
Off-street parking:
Building mounted signage:
Freestanding signage – setback:
Impervious coverage</p> | <p>4’ ft. buffer prop. Btw. bldg. and parking; 10’ ft. req.
119 spaces prop., 171 spaces required
1 per tenant, 8 proposed; 4 permitted
8’ ft. prop. (Hingston); 25’ ft. required</p> |
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Joel Fleishman, Esq., introduced himself as attorney for the applicant Tilton Square, Inc. Attorney Fleishman stated present this evening with him is Robert Hordes, principal of the applicant and Thomas Sidrane, Architect. He indicated he mailed notices of the hearing on May 7th, May 8th published notice in the paper, and provided affidavit of such to Board Secretary Wilbert. Board Secretary Wilbert advised this is correct.

Attorney Fleishman stated he believes the Board is very familiar with this site it is 3100 Hingston Avenue. He indicated currently there are two (2) buildings on site the first of which is the Tilton Inn located at the intersection of Tilton Road and Hingston Avenue. Attorney Fleishman stated further down Hingston Avenue is the building in question. He advised it is an office building that is about 22,000 sq. ft. and is occupied by Merrill Lynch and Atlantic Medical Imaging.

Attorney Fleishman explained that at one time Ocean City Home Bank occupied the far eastern side of the facility but they have been out since 2011. He further there are also four (4) drive-thru lanes to the eastern side of the building. He indicated what the applicant is proposing tonight is for amended preliminary and final site plan approval to demolish the four (4) drive-thru lanes and place a 1,740 sq. ft. addition onto building so the building will be squared off along with installing eight (8) additional parking spaces on the Tilton Inn side.

Attorney Fleishman advised parking is one (1) of the variances proposed, as well as, parking buffer, canopy signs and freestanding sign setback. He then asked if the following individuals could be sworn in. May the record reflect: Board Solicitor Brown had duly sworn: Tom Sidrane, Architect and Robert Hordes, applicant

Thomas Sidrane, Licensed New Jersey Architect. Architect Sidrane advised everyone knows this as the Merrill Lynch Building with the green metal roof at the corner of Tilton and Hingston Avenue. He explained there are three (3) modifications proposed. He stated, as explained, the applicant wants to remove the drive-thru space. He indicated the two (2) outboard lanes would be converted to parking and the two (2) inboard lanes would be converted into building area. Architect Sidrane advised the second modification is that the applicant has had individuals whom have requested a medical use for the entire building, which it is not approved for. He indicated the applicant is seeking approval to allow at least three (3) practitioners within the facility. Architect Sidrane the last request would be for a freestanding sign at the drive aisle along Hingston Avenue.

Architect Sidrane advised the applicant is required to have to have 130 spaces. Currently there is 111 existing and the applicant is adding eight (8) additional for a total of 119 spaces. He advised the applicant does have cross over easement agreement with Heather Croft Square which surrounds this property on both sides. He stated based on his analysis of Heather Croft they currently have 534 parking spaces but are required 433 spaces so they have an excess of 101 spaces. He indicated if you took those 101 spaces and added it to our 119 spaces it is much more than the 130 spaces required. He indicated this is the agreement with the adjacent parcel so if you add their parking onto this site you have more than adequate parking.

Architect Sidrane stated what is interesting is that the applicant's existing building is very close to the common property line so it appears the existing parking is associated with the applicant's parcel but it is really Heather Croft Square parking. He advised this is about 14 parking spaces there are immediately adjacent to the applicants parcel and if you were to add the 14 spaces to the applicants existing 119 it is more than the 130 parking spaces needed. Architect Sidrane advised the Tilton Inn is open for lunch, dinner, and beyond. He indicated the applicant's office is open from 8:00 a.m. to 5:00 p.m. He stated his office is right across the street and he has seen the use of both buildings every day, five (5) days a week. He indicated he has not seen an over flow of parking at lunch time. Architect Sidrane stated he cannot say the same for dinner because he is not there.

Architect Sidrane stated there is non-simultaneous use of the parking between the Tilton Inn and the office building. He

advised the applicant is short a few spaces, but when you consider what is available adjacent to the site. He indicated they do not have a parking problem with respect to the two (2) uses and it has worked historically.

Attorney Fleishman advised Architect Sidrane has been referencing the site via Exhibit A1: site plan. Architect Fleishman stated the applicant is requesting a variance for the buffer where the eight (8) proposed and two (2) handicap spaces are proposed. He indicated the ordinance requires a 10' ft. buffer between the parking and building, however, the applicant is requesting 4' ft. Architect Fleishman stated it is enough to provide a sidewalk for the people to utilize but it will provide access for people coming out of Heather Croft Square and delivery trucks going to the Tilton Inn. He advised the parking will be perpendicular. Township Committeewoman Pfrommer stated if the cut thru between Heather Croft and the office remains she would like something visible for the individuals backing out of these spaces because people do speed in this area. Architect Sidrane advised the signage will remain that indicates it is one-way and there will be no obstructions in this area for when people back-up.

Attorney Fleishman presented Exhibit A2: Architect rendering of front elevation. Architect Sidrane advised the applicant is proposing a stone wainscoting across the front of the façade along Hingston Avenue. He advised there is currently a sign for Atlantic Medical Imaging and there is another sign along the front of the building for Merrill Lynch. He indicated the applicant is proposing four (4) canopies, as well as, four (4) building mounted signs. He indicated the signage provides a system for people to know where they are going and have the ability to go to the correct location. He advised even though the applicant is seeking eight (8) signs, which are four (4) building and four (4) canopy they are still under the maximum square footage permitted for building façade signs. He indicated since each tenant has their own entrance and not a central entrance it is essential to have additional signs so people can identify where they need to go.

Township Administrator Miller asked what the depth. He asked if they are uniform. Architect Sidrane stated the main tenant, Merrill Lynch, will have an 8 sq. ft. sign in the front and the other tenants will each have 5 sq. ft. canopy signs and the lettering will be less 1' ft. in height and centered.

Architect Sidrane advised the Technical Review Committee suggested the applicant change the proposed pylon sign to a monument sign. He indicated the applicant is now proposing a monument sign and its height will be 9' ft. in height with a sign area of 40 sq. ft. and will be internally illuminated with the street address. He indicated it was also suggested that the monument sign be moved to the edge of the r-o-w. He indicated everyone has been down Hingston Avenue there is well maintained, mature landscaping along the front of this site so the applicant wants to make this sign visible as possible without destroying or cutting down the landscaping. He indicated this sign will require a setback variance. He advised the building has been in existence for 25 years but they did not have a free standing sign and the applicant is constrained with what exist now than if they had a clean site and they were constructed building now. Attorney Fleishman stated they believe this is a better planning alternative to request the variance and save the parking spaces then to conform and seek additional relief for parking. Architect Sidrane stated the applicant is a little off with the number of spaces currently and the proposed relief being sought is a better alternative than trying to eliminate spaces. He also noted the height of the sign has been lowered so it is visible from the street and not obscured by mature landscaping.

Board Member Rosenberg asked if the location of the sign will impair someone making a left out of site. Architect Sidrane stated it will not. Attorney Fleishman stated the sign is outside of the site triangle. Township Administrator asked what the setback is for the monument sign. Architect Sidrane stated it will be closer to the r-o-w than what was proposed for the pylon sign. Architect Sidrane advised the monument sign will be 2' ft. in width, the sign area length will be 8' ft. and the overall length of the sign from one edge to the other will be 10.6' ft. Board Engineer Watkins stated the monument sign should be outside the site triangle and if placed at an 8' ft. setback it will not be an issue. He indicated nothing smaller should be requested. Board Solicitor Brown stated he will reference within the resolution the applicant

will place the sign at an 8' ft. setback, as demonstrated on, Exhibit A2.

Township Committeewoman Pfrommer asked what will be on the sign. Architect Sidrane advised the names of the businesses and the address and is internally illuminated and back lit. Architect Sidrane advised the applicant will address all comments contained within the reports of the Board Planner and Engineer.

Architect Sidrane advised there will be a slight improvement to impervious coverage by eliminating the four (4) drive-thru lanes. Board Member Pfrommer asked by changing to medical does it affect the parking, lighting. Board Planner Polistina stated medical is permitted, however, the parking ratio that they are using would require them to have three (3) practitioners operating from the building. He stated the parking ratio for anything less than three (3) is one (1) parking space for every 200 sq. ft. Board Planner Polistina advised when you go to three (3) practitioners it is one (1) parking space for every 300 sq. ft. He indicated the applicant would have to have three (3) practitioners in the building in order to meet the parking standards that they are trying to meet.

Architect Sidrane stated the Board should keep in mind the cross over easement agreement and they have an excess of 101 parking spaces. He stated added to the 119 the applicant has 220 spaces. Architect Sidrane stated the applicant has had numerous request for medical uses. Architect Sidrane stated even if the applicant had to go to the higher parking ratio there is still enough. Township Committeewoman Pfrommer asked if there is any time limit on the cross over easement. Attorney Fleishman stated it is perpetual so there is no expiration date. Board Engineer Watkins asked if the applicant is proposing three (3) medical offices, plus Merrill Lynch. Attorney Fleishman stated no. He indicated the three (3) medical would be considered if Merrill Lynch were to move out.

Board Planner Polistina stated with consideration being considered for the Tilton Inn and this use as 100% medical the applicant would need 171 spaces and they have 119. Township Administrator Miller stated Architect Sidrane indicated there an excess of 101 spaces in the shared agreement for the restaurant and the medical offices would really not overlap the time.

Township Committeewoman Pfrommer asked if there is any public access to the rear portion of the offices. Architect Sidrane stated there are doors but not a public access.

Architect Sidrane stated there is no detriment no matter how you calculate we are good on the requirements.

Board Planner Polistina stated he does believe there may be a variance for impervious coverage it may be small but believe it exist.

Motion Kleiner/Kearns to open public portion. Vote 6 Yes

May the record reflect no one can forward

Motion Kearns/Kleiner to close pubic portion. Vote 6 Yes

Motion Eykyn/Pfrommer to grant requested checklist waiver(s). Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer Rosenberg

Motion Pfrommer/Eykyn to grant requested variance. Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer Rosenberg

Motion Kleiner/Pfrommer to grant conditional amended preliminary/final major site plan approval. Vote 6 Yes:

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

A. Discussion: Review and Consideration:

1. Presentation by Vincent Polistina: "Determination of Need Report" based upon recommendation of Township Committee for the designation of Block 1029 Lot 1 as an area in need of rehabilitation.
2. Referral of Resolution 211 from Township Committee entitled "Resolution determining that Egg Harbor Township senior development provides for and meets the affordable housing needs of Egg Harbor Township".

Board Planner Polistina advised he has provided a study that relates to the governing body of the Township initiating a study of a particular property off of Fire Road bounded by Fire Road, the Atlantic City Expressway and Doughty Road, which was the site of Phase I of an affordable housing project from the Michael's Group for Egg Harbor Family, which was heard three (3) to four (4) months ago. He indicated one of the items Michael's asked for as part of Phase II, which is the senior development and is still affordable but is a senior development would be for the municipality to undertake a study to determine if the site is either in need of redevelopment or rehabilitation pursuant to the Local Redevelopment and Housing Law.

Board Planner Polistina stated he believes the Governing Body discussed a proposed resolution related to the property housing and based upon that his office initiated a study, which the Board has been provided. He indicated there are two (2) things the Township could do. He stated the redevelopment is more common and for which the Board has seen before in the West Atlantic City project that the Township did is an area in need of redevelopment. He advised there is another one which is an area in need of rehabilitation and he believes is the area that applies to this site. .

Board Planner Polistina stated he indicated there are three (3) ways you can designate an area in need of rehabilitation. He indicated the first is the standard for blight where you have either run down or substandard buildings that have been deteriorating over time creating a blighted condition. He advised we do not have this here because the property is vacant. Secondly there is if there has been a period of time where the property has been underutilized or vacant, as this has. The Board can determine this is an area in need of rehabilitation, of course this site has been zoned commercial for a number of years and does have the affordable housing overlay for a portion of it, which has been in place since 2009, but the Township still has not seen any actual construction at the site. He indicated there was a site plan approval but no actual construction and the third thing is simply is if you think you can foster additional development and growth within the municipality by determining something in an area of rehabilitation you can go ahead designate the site.

Board Planner Polistina stated they did the study and we look at those three (3) issues. He indicated as mentioned we do not meet the first one but we do meet the second two (2). To the extent that there is a pattern of vacancy at the property and by naming it an area in need of rehabilitation we will foster redevelopment and growth within the municipality. He indicated based on meet these two (2) and the property does qualify for an area in need of rehabilitation. He indicated the Board was referred a resolution by the Governing Body which they asked for the Board to review and there is a proposed resolution for the planning board to establish this area as an area in need of rehabilitation. Board Planner Polistina stated the net effect would be if the affordable housing project would like to seek State assistance for financing for the project the area in need of rehabilitation actually gives them more points on their application.

Township Administrator Miller indicated that is the primary focus because of our COAH needs that we have to meet and whatever points we can give them to assist them in going forward. He indicated Board Planner Polistina did cover it his report but this was the Decadon Drive- Interstate Commerce Center, which was a wonderful concept in the 1980's. He advised, however, they constructed only two (2) office buildings and we now have New Jersey Transit in this area and we had a bulk mail depot and some non-profits ended up in here. He further noted that a portion of site there is a large whole in the ground where they had excavated for the Parkway and the Expressway years ago. He indicated it has not been developed in 30 years so it is truly is in need of rehabilitation.

Township Administrator Miller asked Board Planner Polistina to change two (2) items within his report. He stated footnotes two and three. He indicated footnote two should be changed to the Census Bureau because he does not consider Wikipedia and expert and footnote three he does not believe he needs to provide a footnote saying the advent of casino's, the pinelands, and the expressway forced the growth in our area. He stated as a planner he say this without a footnote.

Motion Kearns/Eykyn to memorialize resolution of the Planning Board of the Township of Egg Harbor Recommending the designation of Block 1029, Lot 1 within the Township of Egg Harbor as an area in need of rehabilitation and referral of Resolution 211 to Township Committee for their review. Vote 6 Yes: Eykyn, Kearns, Kleiner, Miller, Pfrommer, Rosenberg

Township Committeewoman Pfrommer asked since this is marked senior, do they have the right or the ability, to change this down the road. Township Administrator Miller stated not once we grant approval for senior. Board Planner Polistina stated phase I was family affordable and phase II would be senior affordable and the Planning Boards adoption of the resolution will be senior development. They would not be able to change without coming back and the application to the New Jersey housing mortgage financing agency for phase I they were able to receive with family with this rehabilitation it gives them additional points for senior development.

B. Discussion: Proposed Landmark Tree Protection Ordinance

Township Administrator Miller stated we have been having issues with trees and when we went through Advance Auto there was an issue whether they had a specimen tree or not and how is it defined. He indicated the applicant's professionals argued that if you read certain standards it is not, however, the Township's Environmental Commission stated by their standards it was. So the Township asked the Environmental Commission to help clarify what it is and what would they like to see so they put together a proposed ordinance addressing some of those issues. He indicated he did ask Board Planner Polistina to review in anticipation of this meeting.

Township Administrator Miller asked Environmental Commission Member Weatherby if he could speak with the Board. Environmental Commission Member, Kevin Weatherby introduced himself. He indicated he was asked to do some research on a Landmark Tree Ordinance. He indicated every community around the Country has some form or level of a Landmark Tree Ordinance. He indicated the Commission has taken pieces of various ordinance and pieced them together and they are now presenting them to the Board for comments and assistance to come together and prepare something that works for everyone.

Commission Member Weatherby further noted that what has been presented is a really rough outline and there other components that must be added including a registry system and how it would be handled on a Township level. Again, he stated the Commission is looking for input from the Board. Township Administrator Miller asked what the Commission found on the State and Federal level for defining Landmark Trees. Commission Member Weatherby stated

that is the issue. He indicated everyone defines them differently. He indicated his expertise is environmental remediation and he is not a tree expert. He advised he has looked at the State list and other organizations across the country.

Commission Member Weatherby stated the Commission would like to sit down with the Board and compare this information and see what works for us. Township Administrator Miller stated in our current ordinance developers have to identify trees greater than 15" inches in diameter. He indicated the Board then can decide if the trees may be removed or not. He asked on the Landmark Trees is there a minimum diameter that we can establish. He indicated one of the interpretations with Advance Auto was to be a specimen tree it had to be the largest of its type in the State and they found an oak tree somewhere else which was bigger than the tree on their site so the tree on their site was not a specimen tree by the State because there is a larger one somewhere else.

Commission Member Weatherby stated this is what the Commission is running into and we are trying to look at the other side and the arguments that we will run into. He indicated this is why the Commission is seeking guidance from the Board. Board Member Rosenberg stated he is the liaison to the Commission. He advised Commission Member Weatherby is correct. He advised anytime they looked at one of the advocacy groups they were so far off to one side and there was no legal basis especially from a governance stand point. He indicated when you look at State and Federal programs they were very general and broad and did not apply to Egg Harbor Township.

Board Member Rosenberg advised he had given Commission Chairperson, Kim Johnston about a half dozen ordinances that he had found from of which three (3) were from New Jersey and another three (3) from other parts of the Country (Texas, California, and Wisconsin). He indicated he never had a chance to match together but they were more centrist as far as being able to enforce from Planning and municipal points of view. He indicated there were percentages rather than an absolute diameter, there are different species importance, and some of the suggestions were to have contest for species. He stated he would recommend trying to find something down the middle because you are going to advocacy that wants everything, development that wants nothing and we need to make sure we protect.

Township Administrator Miller stated in our area do we have a half dozen trees that are indigenous to our area and are not in other areas which are the trees we want to preserve and should we identify what they are. He indicates he would like to give the commission the ability to say "this tree is a specimen tree because" and give their criteria for it and it goes on list so when someone goes to develop a site we can say a particular tree has been identified as a specimen tree because of its diameter, height, age. Board Member Rosenberg also offered because of its historical significance. Commission Member Weatherby stated this is what the Commission is looking for including possibly an extraordinary piece to the Township. He indicated the Commission does list some criteria that is generic but the Commission believes this is what they would like and the ability to say this is what we like, this is it and here is our reasoning's and to do our best to protect it. He indicated obviously there are exceptions such as if it is a hazard, if it really impedes a project.

Board Member Kleiner asked how this apply to a homeowner who has a tree and now becomes a Landmark Tree. Commission Member Weatherby stated this has been discussed by the Commission Members. He actually stated this is an issue he is concerned with. He indicated as a homeowner he did not feel comfortable with forcing anything like that on a private property owner. He indicated this is one of the biggest concerns. Board Member Rosenberg stated this is what he meant by enforceability. He indicated if you give exceptions to a homeowner and not a business owner there may be a legal issue. Commission Member Weatherby stated we have to be all in with this.

Township Committeewoman Pfrommer asked if there is case law on this issue. Board Solicitor Brown stated when you are developing a piece of land it is one thing and it's another thing when someone owns a home and they have lived there and you come in and tell them they cannot do something with their property. He indicated he believes this is hard

to enforce and to do and so many of what use to be our private homeowner's rights have slowly been dwindled away by these type of arguments. Board Solicitor Brown stated based on what you're trying to do, if he understands, if someone wants to develop a particularly larger type of development you want to be able to control and curtail and have reasons why that person has to do the things the Township would like to see them do. Board Solicitor Brown advised you could deal with the arguments later on but it is smart to better define so that you have better standing.

Board Solicitor Brown suggested this matter be put off to allow the Environmental Commission time to prepare and ordinance that allows the Board to recommend. Township Administrator Miller suggested the Board provide some direction. He asked if everyone is in agreement that we need some type of tree preservation ordinance for specimen tree or Landmark Tree so whether it is a major residential subdivision or a commercial shopping center where such trees may exist we have the ability to preserve them. Board Solicitor Brown stated you are creating a history so when you enforce this in the future you can demonstrate why. He indicated this is wise.

Township Committeewoman Pfrommer stated on a residential development there is only a certain amount of trees based upon a percentage that can be removed. This will remain. So this particular Landmark Tree included in the calculation or separate from this. Township Administrator Miller stated it would be part of the overall calculation. Board Solicitor Brown stated this tree could be right in the middle of the development and this is the problem. Township Administrator Miller stated he will pick an area in the CAFRA area. He stated you could have 200 acres and we cannot see that there is a 28" in diameter tree. He indicated they will have design around this tree so the tree does not come down. He advised in our ordinance currently there is currently requirements for tree wells to be placed around larger trees. He indicated we do have ways currently to protect trees.

Township Administrator Miller stated on raw land we can preserve trees but the issue with someone who has a 10,000 or 14,000 sq. ft. lot who got the tree 30 years ago when they purchased the home and it doubled in size to now 24" inches in diameter and they want to put an addition on we do not want to take away the homeowners right to do so. Board Member Kleiner stated this would include inhibiting them to selling the land with a Landmark Tree and someone coming in with an addition. Board Member Rosenberg stated the only other thing he would encourage to consider is that we were listing to a different application and he believes it had a parking lot. He stated when you are speaking of tree whether it is significant or not it is not just 2' ft. on either side of the trunk. He indicated in order for the tree to survive you are speaking of a much larger impact. He indicated it may not be a minor impact to the overall design it is major. He indicated this is not an insignificant challenge to the planners.

Board Member Kearns stated when the Garden State Parkway as constructed just south of Ocean City existing coming North from Cape May there was a rest stop and they moved the Parkway toward the ocean because there was a historical holly tree and it use to be lighted but over the years it began to die. Township Committeewoman Pfrommer stated there is a tree on English Lane in Egg Harbor Township that looks dead but it is spectacular and it is massive. Board Member Rosenberg stated the Board is not going to take any particular action on this beyond discussion so the Environmental Commission will be coming back.

**c. General public discussion: Motion Kearns/Kleiner to open public portion. Vote 6 Yes.
May the record reflect no one came forward
Motion Kearns/Eykyn to close public portion. Vote 6 Yes**

Motion Miller/Kearns to adjourn at 7:02 P.M. Vote 6 Yes: Eykyn, Kearns, Kleiner, Mille, Pfrommer Rosenberg

Respectfully submitted by,

Theresa Wilbert, Secretary

