

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

July 15, 2013

Solicitor: Christopher Brown, Esq., (Teddy Strickland, Esq., in attendance)

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

Planner: Vincent Polistina, P.P., of Polistina and Associates, (Vincent Polistina, P.P. 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 Follow(s):

Manuel E. Aponte, Vice-Chairperson, present
John Carman, Township Committeeman, present
Milas Cook, Alt. #1, present
Charles Eykyn, III
James Garth, Sr., Chairperson, vacation
Frank Kearns, present

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

***May the record reflect:** Township Committeeman, Joseph Cafero is in attendance for Mayor James J. McCullough.

PUBLIC HEARING(S):

1. **SPPF 09-13** **Preliminary/Final Major Site Plan**
Hope & Comfort a NJ Nonprofit Corporation **8701/5.04**
Zone: CRW, 22.42 Acres, septic/well, applicant **170 Wharf Road**
Proposes to construct a 9,331 sq. ft. building to be utilized Waiver of Time – Not Granted
as a 15 bed hospice facility with 18 off-street parking spaces. Other improvements include a storm water
management facility, landscaping and a free standing sign. CAFRA

Motion Kearns/Carman to continue application until Monday, August 19, 2013, 5:30 p.m. Vote 7 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero, Miller

2. **SPPF 05-13** **Preliminary/Final Major Site Plan**
Michael Eisele **2303/11**
Zone: RCD, 3.8 acre site, sewer/water, site presently **3168 Fire Road**
Has an existing 5,903 sq. ft. building being used as Waiver of Time – Not Granted
office space with 28 paved parking spaces with two (2) entrances from Fire Road. Applicant is proposing
to renovate the existing 5,903 sq. ft. building, as well as, construct a new 10,000 sq. ft. warehouse
building with an additional 29 paved parking spaces, for a total of 57 spaces. Other associated
improvements include storm water basin, landscaping and signage. CAFRA

Checklist Waiver(s):

1. **Item #3: Key map**

Design Waiver(s):

1. **§94-8: Buffers**
2. **§94-22E(4) Landscaping (Basin)**

Variance Relief:

§225-7: Front Yard Setback (Basin): **The required front yard setback for the RCD zoning district is 80' ft., applicant is proposing to construct a storm water basin within this setback**

§225-55M(7): Curbing against building: parking shall be located 10' ft. from the building and provide a landscaped strip between the sidewalk and building at a minimum of 4' ft. in width. Curblin along both the existing and proposed buildings is less than 10' ft

Christopher Baylinson, Esq., introduced himself as attorney for the applicant. He stated this is a relative clean application, however, there are two (2) variances a couple design waivers. He advised this application is for a new warehouse to be constructed for the use of Bally's gaming.

Andrew Schaeffer, P.E., New Jersey Licensed Engineer, Cantillon Boulevard, Mays Landing, New Jersey, duly sworn: Engineer Schaeffer referred to Exhibit A1: site plan, depicting dark green area as wetlands and the orange area as existing 5,900 sq. ft. building. He advised the applicant is eliminating some existing parking and is showing there will be some existing along the front of the new building. He advised the applicant has received County approval and will be meeting their conditions.

Engineer Schaeffer advised the applicant is seeking a waiver from the depth of the sidewalk from the existing building. He advised this is an existing condition. He advised the applicant will attempt to fix, however, it will not be to the 10' ft. required by ordinance. He also advised there is a small amount along the new building that waiver request is also sought.

Engineer Schaeffer advised the existing parking is 28 spaces and the applicant is proposing another 29 spaces, therefore, there will be a total of 57 spaces and this complies with the ordinance requirements for the proposed office and warehouse use. Engineer Schaeffer advised the storm water currently flows to rear in wetlands. He stated the applicant has taken this into consideration with the proposed basin. He advised the proposed basin is in front and would like to have more shrubs than trees.

Township Administrator Miller asked on Exhibit A1: how much is not being met with the sidewalk for the red building. Engineer Schaeffer stated it is 7' ft. versus 10' ft., because of the bump out design.

Steven Fenwick, Architect, New Jersey Licensed Architect, Linwood, New Jersey, duly sworn, Architect Fenwick stated the door in front of the bump out comes out. He stated it presents a tower motif and this is where the waiver is requested.

Architect Fenwick advised the applicant has upgraded and improved the look of the existing building and the renovation meets the existing needs of Bally's and there is connection between the two (2) sites. Architect Fenwick stated the existing building will be renovated and the warehouse will work in conjunction with the proposed. Township Administrator Miller asked if this is not a bump out and actual columns does the need for relief still exist. Architect Fenwick stated yes, based on design.

Architect Fenwick presented a colored rendering of the renovated office building with store fronts to the side. The indicated the warehouse will be a steel building but will modified to look the same. Attorney Baylinson referred to Exhibit A2: which is the plan of the existing office and A3: plan of warehouse and A4: Architect layout.

Attorney Baylinson advised the sign package will comply, therefore, no variance relief is sought. Engineer Schaeffer stated all signs proposed will comply with ordinance requirements. Engineer Schaeffer also stated the basin is as shallow as possible and the applicant has created a landscaped area. He stated the applicant is maintaining drive aisles without having a problem with the flow of traffic.

Vice-Chairman Aponte asked if there will be any cross easements proposed. Engineer Schaeffer stated there will be sidewalk at the property line, however, this parcel has different ownership than the Bally's site. Board Engineer Baylinson stated the sidewalk is enough between the two (2). Attorney Baylinson stated this site will be single-ownership.

Engineer Schaeffer advised the applicant had made application to CAFRA. Attorney Baylinson advised the applicant did make application, however, the Department of Environmental Protection cannot find it. He stated asked if this could be made as a condition of approval and it will be supplied.

Township Committeeman Carman stated he has no problem making the CAFRA information, as a condition of approval.

Motion Kearns/Carman to open public portion. Vote 7 Yes

May the record reflect no one came forward

Motion Kearns/Carman to close public portion. Vote 7 Yes

Township Administrator Miller stated he is support of the variance for the basin. He indicated this application is the rehabilitation of an old property.

Motion Carman/Cafero to grant requested checklist waiver #1. Vote 7 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero Miller

Motion Carman/Kearns to grant requested design waiver(s). Vote 7 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero, Miller

Motion Miller/Carman to grant requested variance relief. Vote 7 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero, Miller

Motion Carman/Cafero to grant conditional preliminary/final major site plan approval. Vote 7 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero, Miller

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| <p>3. <u>SD 13-13</u>
 Seaview Water Company
 Zone: R-6, 21,187 sq. ft., sewer/water, applicant
 is proposing to subdivide existing parcels into three (3)
 lots. Two (2) proposed lots will be for the construction of single-family detached dwellings and the
 remaining lot will be utilized to maintain the existing water company and its related infrastructure.
 CAFRA</p> | <p>Minor Subdivision
9501/62 & 63
Longport Somers-Point Boulevard
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 #23:</p> | <p>Wetlands location and letter from N.J.D.E.P.</p> <p>Monuments set.</p> |
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Variance Relief:

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| <p>1. §225-7:</p> | <p>Lot Width (proposed lot 63):</p> | <p>50' ft. required; 10' ft. proposed</p> |
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Attorney Nehmad, Esq., introduced himself as attorney for the applicant Seaview Water Company. He advised this is an application for a minor subdivision with variance relief. He indicated this application is a very important application. He advised it is being made to allow Seaview Water Company to sell to Aqua NJ Link, LLC.

Attorney Nehmad stated Seaview Water is a small water company consisting of three (3) principal(s), Ralph Henry, Joseph Stewart, whom currently reside within the Seaview Harbor and are present, as well as Mr. George Miller who is not present this evening.

Attorney Nehmad stated this application is to allow for two (2) new single-family building lots that will meet the

requirements of the residential standards for this zone and the third lot created will be used for the existing water company. He advised the water company facility will be renovated and the parcel in question will be a large enough to maintain the water for the 95 residents within Seaview Harbor. He advised the parcel that will house the water facility has 14.09' ft. frontage, but all other aspects of the zoning will meet the requirements of development.

Attorney Nehmad stated Seaview Water Company wishes to make this sale. He stated the water company was started in 1957 for McCullough's island. He stated it was started when small mom and pop utilities were around and has stayed this way. He advised because of the requirements of the Department of Environmental Protection you are finding larger companies purchasing these smaller ones so they can spread the cost over a larger rate base.

Attorney Nehmad stated the applicants are seeking approval to allow for two (2) residential luxury lots that meet the requirements for the residential area of Seaview Harbor. He advised the site in question is located along Hospitality Drive. Attorney Nehmad stated there is a need for a new utility company to purchase the water company and this will be in conjunction with the land use approval for the proposed residential lots.

Attorney Nehmad asked that Mr. Henry and Mr. Stewart be sworn, Board Solicitor Strickland has duly sworn both individuals.

Ralph Henry, 22 Sunset Boulevard, Egg Harbor Township, New Jersey, having been duly sworn advised. He has resided within Seaview Harbor for the last 18 to 20 years. He stated he has been an active member of Seaview Harbor's Home Owners Association and was the Chairperson for about five (5) to six (6) years.

Mr. Henry advised he is familiar with the Seaview Harbor Development its general needs and the character of the community. Mr. Henry advised he is 1/3 owner of Seaview Water Company along with Mr. Stewart and Mr. Miller. He indicated Mr. Stewart lives there also. He stated they have owned Seaview Water Company for six (6) years and are providing water to 95 homes within the Seaview Harbor Development.

Mr. Henry advised the water company deals with the Board of Public Utilities and the State of New Jersey both. He indicated they also have a licensed water person come in to preform testing for contamination. He advised his company is currently under contract to sell to Aqua NJ Link, LLC. Mr. Henry advised at one time the water company had been owned by someone in Pennsylvania. He indicated there was a time when he turned on his water and it was black. He called the owners and he could not get an answer as to why and when it was to be fixed. Mr. Henry advised a water buffalo had to be brought in to help the resident's.

Mr. Henry advised when the water company came up for sale he felt it was better that someone local own it. Therefore, he purchased along with Mr. Stewart and Mr. Miller. Mr. Henry stated this water company has never been owned by a real water company, but rather different individuals. Mr. Henry stated the State of New Jersey requires that we have backup licensed people to operate. He stated if Aqua purchases the site the fees will be spread out among all the customers. He advised the Seaview Harbor Development rate will stay the same until all the other customers associated with Aqua reach this rate. He stated currently Seaview Water's rate is the 2nd to the 3rd highest rate in New Jersey.

Mr. Henry advised if there is a major repair needed at this site there will be a company to chip in and repair. He advised this is a real water company seeking to purchase Seaview Water. He indicated they have a large base in order to operate. He advised Seaview Water Company is nothing like Aqua.

Attorney Nehmad stated the sale will consummated so that Aqua holds the franchise. Mr. Henry stated yes. Vice-Chairman Aponte asked that the rates will stay the same until the thousands of people in New Jersey come up to yours. Mr. Henry stated this is correct. Township Administrator Miller stated the former owner of the water company lived in Pennsylvania and they purchased this utility without any experience. He asked what Mr. Henry's thoughts were wwhen he purchased the site several years ago.

Mr. Henry stated he did not want to lose money. He indicated it was an investment and wanted to make it better for the resident's. He stated if there is any repairs whether it is \$100,000.00 it is paid by the resident's.

Mr. Stewart advised the holding tank has to be inspected regularly. He stated if the well that operates were to be closed down the back up well can be utilized. Mr. Stewart stated Aqua will upgrade and have a different tank and will use a different type of chlorine, which cannot be obtained by Seaview Water. He advised the Department of Environmental Protection is making it difficult to operate.

Township Administrator Miller asked why after 60 years of this being a lot for a water utility no homes were built upon it. He stated this includes the original developer of Seaview Harbor Development. Attorney Nehmad stated this is not relevant. He indicated that through all that time and through all the master plan reviews this area remained an R6 zone, which is the bulk of Seaview Harbor. He stated the applicant is not seeking a use variance approval. Township Administrator Miller stated most utility companies are in residential zones. Attorney Nehmad stated the Seaview Harbor Community is a number of small lots. He indicated a 20,000 sq. ft. lot is a large parcel. He advised the parcel in question is an excessively large lot.

Township Administrator Miller asked again why the property in question was never constructed with residential. Mr. Henry stated he cannot answer. Township Administrator Miller stated when the property was purchased it was for a water company, which included a pump station, hoses, piping, etc.. he stated it was a contractors yard. He asked Mr. Henry if the water company not a utility yard. Mr. Henry stated no it is not.

Board Member Cook stated the new company will deal with the supplying of water. He asked if there is any guarantee that they will not have a problem.

Scott Mitchell and Jim Barbato, duly sworn:

Scott Mitchell, Director of Corporate Development, Aqua NJ, Inc., Mr. Mitchell stated his company answers the phone when there is a problem. He indicated they currently serve over 1 million customers in nine (9) states. He advised currently they serve over 165,000 in nine (9) municipalities in New Jersey and he advised they are regulated by the BPU (Board of Public Utilities) and the Department of Environmental Protection. He stated Aqua is also on the New York Stock exchange.

Township Administrator Miller asked why a contract purchaser is discussing the situation. Attorney Nehmad stated the purchaser will show that the proposed residential lots are not needed. Township Administrator Miller stated he does not see the relevancy. Board Member Aponte stated he does not mind if they speak. Board Solicitor Strickland asked if it relevant to the variance relief sought. Attorney Nehmad indicated the Planner will link up all the information provided by Aqua. Mr. Mitchell handed out books, which were subsequently marked as **Exhibit A1A1:** annual 2012 report for Aqua he then produced **Exhibit A1A2:** background information about Aqua. Mr. Mitchell advised the information being presented is the information that will be sent to the Seaview Harbor residents. He advised Aqua has an asset agreement which is for one (1) lot with two (2) wells and hydrants. He stated Aqua will hold ownership and will perform maintenance. He advised if there is any problems with the site all customers will be directed to Aqua NJ. He stated the rate paying base is from a large pool and they have an annual capital of 14 million for improvements throughout New Jersey. He indicated the rates will stay the same for a number of years, at least maybe three (3) years.

Attorney Nehmad asked Mr. Mitchell if he is familiar with the lot in question. Mr. Mitchell stated yes. Attorney Nehmad asked Mr. Mitchell if what is proposed can service Seaview Harbor. Mr. Mitchell stated yes, he advised Aqua can service Seaview Harbor into the future. He advised it is currently maintained with one (1) well now and there is a back-up well. He stated with this subdivision the remaining area for the utility lot is over 11,000 sq. ft. and is ample for their purposes. Mr. Mitchell advised they have operated on smaller parcels.

Mr. Mitchell stated sometimes they have an issue with keeping access around their water facilities. He stated this is especially so in a State like New Jersey, however, this site is not an issue. Attorney Nehmad asked what is the responsible response time for maintenance should something go wrong. Mr. Mitchell stated they are on call 24/7 and they respond quickly. He stated they have an access drive to the utility lot for the well house. He stated his company will rehabilitate the exterior of the building to make it more attractive. He also advised there will be a computerized monitoring system and personnel will access site on weekly basis and their operators will perform routine maintenance. Mr. Mitchell indicated anyone going to site will be utilizing a pick-up truck or a van.

Attorney Nehmad referred to Exhibit A2: rendering showing rehabilitation of water company building, showing new roofing and siding.

Jim Barbato, Senior Engineer for Aqua NJ, Inc, entire New Jersey division. Mr. Barbato stated the biggest machines going to site would be either a back hoe or a drill rig if there was any significant well maintenance that would have to occur, which can get through the proposed entrance way.

Attorney Nehmad asked Mr. Mitchell if there is any reason to need more land to expand the infrastructure in the future. Mr. Mitchell stated no. Township Committeeman Cafero stated he has a few questions. He advised Seaview Harbor is a tight knit community within Egg Harbor Township. He stated he is concerned with a 15' ft. wide access way being provided to the water company lot especially in the event a new well has to be drilled.

Mr. Mitchell stated they can access site with proper equipment. He also advised there is a back-up well that can be utilized during construction. Mr. Mitchell advised his company, whose closest facility to this, is located in Blackwood, Gloucester County and they have over 18,000 customers. He stated any response to the site will be good.

Board Engineer Watkins asked if Aqua has their own contractors. Mr. Mitchell stated they have over 50 employees and they do sometimes contract work out. He stated, however, normally their in-house personnel can handle. Mr. Barbato stated normally Aqua has standing contracts with locals and he advised they will also look in this area. Board Engineer Watkins asked what would occur in the event of an emergency. Attorney Nehmad stated depending upon the nature of the emergency Aqua would use a contractual firm to get to site. Board Engineer Watkins stated this cannot be made as a condition of approval, however, he did want this information placed on the record for the benefit of the residents present.

Vice-Chairman Aponte asked what Aqua would do in a "Sandy" situation that would be different than the current company. Mr. Mitchell advised they have a phase plan for emergency situations such as Sandy. Mr. Stewart advised Seaview Water Company was one of the few utility companies that were working during Sandy.

Township Committeeman Carman asked if this whole situation could not be avoided if the applicant just sought approval for two (2) lots versus the three (3) that are proposed. Attorney Nehmad stated yes, however, Aqua wants fee ownership over the land that it currently has.

Andy Schaeffer, P.E., New Jersey Licensed Engineer, Cantillon Boulevard, Mays Landing, New Jersey, duly sworn. Engineer Schaeffer advised his firm prepared the minor subdivision plan referenced as Exhibit A1. He indicated this plan is providing for a three (3) lot minor subdivision. He indicated the existing lot is a little over 20,000 sq. ft. he advised the proposed water company lot will be 11,188 sq. ft. and there are two (2) proposed residential lots that will each be 5,000 sq. ft. He advised all frontages will be from Hospitality Drive and both residential lots will have water access. He advised the frontage for the proposed water company lot will be 14.89' ft. along Hospitality Drive. He indicated the residential lots will be for the construction of single-family dwellings and they will comply with the requirements of the zoning. He indicated each individual that purchases property will design their own home.

Engineer Schaeffer stated the applicant has been issued a water front development permit and water quality certificates for each of the proposed lot. He presented these as Exhibit(s) A3 and A4 respectfully. Board Planner Polistina asked if the water front permit for the jet skis and ramp. Engineer Schaeffer stated yes. Vice-Chairman Aponte asked if the water company lot will have fence. Engineer Schaeffer stated the proposed lot for the water company resembles a wine glass. He advised the wine glass section of the lot will have fence, however, the stem will not.

Township Administrator Miller asked how the gas and electric will be supplied to the water company parcel. Engineer Schaeffer stated these utilities will be placed underground down the stem or the access drive. Board Engineer Watkins asked Engineer Schaeffer what the typical size of an easement is for Egg Harbor Township. Engineer Schaeffer stated 20' ft. Attorney Nehmad asked Engineer Schaeffer what is the smallest r-o-w size. Engineer Schaeffer stated 10' ft.

Township Administrator Miller stated Aqua has to service this site and he asked if the area proposed is big enough. He asked if the depth for the new water main can be placed in so that it not encroach on property. Attorney Nehmad stated the access way or frontage is not an easement. He stated it is the applicant's position that a 14.89' ft. frontage can access the lot for water infrastructure and the new improvements proposed. Township Administrator Miller stated the water mainline will be running down the middle of the 14.89' ft. access way.

Attorney Nehmad stated the proposed water purveyor and his engineer are both saying the proposed width is enough. Mr. Barbato indicated for the record that the frontage is fine and is not a problem. Board Planner Polistina asked if there is sufficient area for gas, electric and a water line. Mr. Barbato advised they like to keep 5' ft. between the utilities. Township Administrator Miller stated the gas and electric will be 7' ft. Mr. Barbato stated there is a 2" line for both the electric and gas and a track hoe could be utilized for the installation. Mr. Henry stated gas lines are usually at a depth of 3' ft. to 4' ft. and when you cannot excavate with equipment they can be hand dug. He stated he has been in business for over 40 years installing utilities.

William Crane, P.P., New Jersey Licensed Professional Planner, duly sworn, Planner Crane stated he has been a planner for over thirty years and he has represented applicants throughout New Jersey. He advised he was a member, as well as, the chairman of the Egg Harbor Township Zoning Board and was the Planner for Atlantic City. Planner Crane advised he currently is a resident of Egg Harbor Township.

Planner Crane stated when he first looked at the subdivision plan the stem access was actually 10' ft., however, it is now increased to 14.89' ft. He stated Aqua did not have a problem with the 10' ft. width, however, based upon discussions at the TRC, the applicant made it as close to a 15' ft. frontage as possible. Planner Crane stated the only variance relief sought is for lot 63 and this is the frontage. He indicated the applicant is 14.89' ft. where 50' ft. is required.

Planner Crane stated when you review the State statute that regulates bulk requirements it is mainly is based upon the effected intensity of the area and the character of the zoning area. Planner Crane stated Seaview Harbor is different than most. He advised there are only two (2) lots that do not front water since there is a lagoon on one side and the bay on the other. He further noted Seaview Harbor is unique since you will find some of the smallest lots in the Township improved in this area.

Planner Crane stated when he was first on the Zoning Board years ago he voted no with respect to the marina. He stated he thought they could not do a marina without effecting the residential. However, the marina was constructed and it is worked well with the residential. He also, advised when he was on the Zoning Board the Board had suggested the Township change the width requirements for Seaview Harbor because every lot was coming in for variance relief.

Attorney Nehmad asked Planner Crane his opinion concerning the remainder lot that needs variance relief for frontage. Planner Crane stated there will be no structure within the stem of the water company lot. He advised the contract purchaser (Aqua) does not have a problem digging for addition utilities. Planner Crane stated whether you look at plan as a Board Member or a Professional you do not want to see a pump lot along a highway. He stated you want to see a residential structure. Planner Crane stated the average accessed value for lots in Seaview Harbor is \$800,000.00 with some being worth over 1.2 million dollars. He advised there is only (1) child within this development. He advised the creation of the residential lots will have a positive impact by receiving at least \$15,000.00 in taxes going to the schools. He stated this is the type of community and subdivision the Township wants.

Attorney Nehmad asked Planner Crane if the purpose is advance and why for granting the relief sought. Planner Crane stated the applicant meets the standards of open space and light. He advised by having the utility stem frontage and allowing grass pavers to be placed it will be open and look like green lawn space. He stated by providing a new water company it promotes a solid stable base to the neighborhood.

Attorney Nehmad asked if there is concerns with the population density. Planner Crane stated it meets the property requirements for density and there is no detriment to the positive impact of the community. He advised the subdivision proposes two (2) new residential homes and a larger water company.

Township Administrator Miller asked what the average width size of homes. Planner Crane stated he did not prepare a width surveyor. Township Administrator Miller stated most easements are 20' ft. He asked what about reducing the frontage of the proposed lots. Planner Crane stated Aqua needs to explain why this cannot occur. Attorney Nehmad stated there is a requirement placed on the applicant with respect to well head protection. Mr. Mitchell stated the sizes and the widths proposed provides Aqua with a 10' ft. well head protection area. He advised by reducing it would not.

Township Administrator Miller asked if they could explain where the 50' ft. is measured. Engineer Schaeffer stated there are two (2) wells and the applicant is providing a 50' ft. cleared area from each. Township Administrator Miller stated he would like to see a stem that is 20' ft. versus the 14.89' ft. He advised there will be three (3) utilities going into this stem and he would like the applicant to place an extra 5' ft. to it. Attorney Nehmad stated Aqua has said there is more than enough room within the stem. He further noted Mr. Henry has advised if the equipment was not able to access it can be dug by hand.

Motion Kearns/Cafero open public portion. Vote 7 Yes.

Edward McGlinchey, 7 Sunset Boulevard, Egg Harbor Township, sworn in: Mr. McGlinchey stated the residents of Seaview Harbor are present this evening to support this application. Mr. McGlinchey advised he has been president of the Home Owners Association for a number of years and all the members are aware of what has been brought before the Board. Mr. McGlinchey stated he cannot speak for 100% of the residents, but everyone here is seeking an endorsement from the Board. He indicated Seaview Harbor needs a real purveyor of water.

John Dabek, 36 Sunset Boulevard, Egg Harbor Township, sworn in: Mr. Dabek stated he does not want to repeat what Mr. McGlinchey has but he feels the same way. He also noted that many of the members who have water enjoy an electronic monitoring system and fluoride, he stated Seaview Harbor does not. He stated if the Board approves they will. He indicated that having Aqua behind the residents and performing the improvements makes him feel better. He asked the Board to approve the variance.

Michael Hull, 37 Sunset Boulevard, Egg Harbor Township, sworn in: Mr. Hull advised he was a member of this Planning Board a number of years ago and he understands what is required. He stated he has lived in Seaview Harbor since the 1980's and he has seen changes. Mr. Hull advised there is not one person in the community against this project and it will supply Seaview Harbor with clean water.

Bob Lowry, 23 Sunset Boulevard, Egg Harbor Township, sworn in: Mr. Lowry stated he is in favor of what everyone else is and Seaview Harbor needs a first class water company.

Malcom Brown, 102 Hospitality Drive, Egg Harbor Township, sworn in: Mr. Brown stated there are two (2) bare spots as he pointed to Exhibit A1: stating here and here. He stated he lives on the other side of this area and it is a sore spot. He advised with the proposed the Seaview Harbor community will have stabilization to their water and there will be two (2) more tax ratable's. He indicated if this area has another "Sandy" it may not matter if the stem is 10' ft. wider, he stated it will not matter. He advised if they have to bring something in to repair a line and the people have given permission what is the difference. He stated the proposed will provide two (2) new homes, which at least allows Seaview Harbor to fill up their community. He indicated it is a win/win situation.

Catherine Stanley, 39 Sunset Boulevard, Egg Harbor Township, sworn in: Ms. Stanley stated where she lives she observes a dirty lot and a building that is falling apart from her back deck. She stated she agrees this proposal will be more stable and she knows the water company will beautify the area.

Adam Tancredi, 24 Sunset Boulevard, Egg Harbor Township, sworn in: Mr. Tancredi stated it would be a great idea to support the

application.

Gary Krause, 30 Sunset Boulevard, Egg Harbor Township, sworn in: Mr. Krause advised he fully supports project as a resident of this community.

Motion Kearns/Cook to close public portion. Vote 7 Yes

Attorney Nehmad advised the applicant agrees to all comments contained within the reports of the Board Engineer and Board Planner. Board Planner Polistina advised he would like to see the proposed homes have garages that face the stem frontage to allow for more open space. Mr. Mitchell advised there will be a chain link fence around the water company.

Township Administrator Miller asked if the water company lot will be open to the bulk head. Engineer Schaeffer stated it will remain open to the water. Township Administrator Miller asked if maybe a board on board or a vinyl fence can be proposed rather than a chain link. Township Administrator Miller suggested along the property line of the water company and the residential there are "fingers" to the water he asked that something be placed there other than chain link. Attorney Nehmad stated the applicant will do something decorative along the fingers. He also advised the property to the rear of the water company can be closed in. Attorney Nehmad advised the applicant can provide a fence detail to the Planner for his review. Vice-Chairman Aponte stated a condition of approval should require the proposed fencing to be 6' ft. or less along the frontage of the water company (access stem), however, it should be up to the individual homeowners of the residential lots to determine what they desire.

Township Administrator Miller stated he would rather see a 20' ft. frontage than a 14.89' ft. frontage. He indicated he still believes the applicant will be able to have conforming lots with the change. He advised they can even deed restrict. He advised he does not believe this would be hindering the situation. He is just concerned and the Board would be providing from the future unknown.

Attorney Nehmad stated he believes the record is sufficient. He stated the residential lots will be for luxury single-family homes and he does not want the perspective buyers to have in their mind issues with well head protection. He advised he would ask the Board to approve the 14.89' ft. frontage.

Board Engineer Watkins stated the homes are normally constructed at the setback line. If the property owners could gain another 8' to 10' ft. the open space would be better. Attorney Nehmad stated he does not believe it is needed. Township Administrator Miller stated he believes a 20' ft. frontage is needed to receive support. He indicated the additional 6' to 8' ft. section needed could be kept landscaped.

Mr. Henry stated Seaview Harbor is represented from the highway. He advised the narrow frontage is more beneficial. Vice-Chairman Aponte stated if they went five (5') feet more the market ability of the homes may be an issue because a smaller home would have to be constructed. Township Committeeman Carman stated there is a water main going down the stem and there are small services to the site. He indicated the frontage is very serviceable. He advised they could have requested a subdivision with an easement.

Board Solicitor Strickland advised the following conditions are subject to an approval: residential homes will construct garages facing the stem (frontage access way) of the water company property, fencing for the water company will be 6' ft. or lower and will be decorative in nature, applicant will supply a fencing detail to the Board Planner for review and approval, applicant has agreed a gate will be installed at the beginning of the stem (frontage access way), and the applicant will comply with all comments referenced within the reports of the Board Engineer and the Board Planner.

Motion Carman/Cafero to grant requested variance relief §225-7: Lot Width (proposed lot 63): 50' ft. required; 10' ft. proposed. Vote 6 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero. 1 No: Miller

Motion Carman/Cafero to grant conditional minor subdivision approval. Vote 6 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero. 1 No: Miller

MEMORIALIZATION OF RESOLUTION(S):

1. **SD 01-13**
Scott & Melanie Silver

Minor Subdivision
7702/4 & 5
175 & 177 Asbury Road

Motion Carman/Kearns to memorialize resolution granting checklist waiver(s) and grant conditional minor subdivision approval.
Vote 5 Yes: Aponte, Carman, Cook, Levy, Cafero. 1 No: Miller,

SUMMARY MATTER(S):

Discussions of matters pertaining to the Board: SECTION I : a. **General public discussion**

Motion Carman/Levy to open general public discussion. Vote 7 Yes

May the record reflect no one came forward.

Motion Levy/Carman to close general public discussion. Vote 7 Yes

Motion Kearns/Cafero to adjourn at 8:02 P.M. Vote 7 Yes: Aponte, Carman, Cook, Kearns, Levy, Cafero, Miller.

Respectfully submitted by,

Theresa Wilbert, Secretary