

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

July 19, 2010

Solicitor: Christopher Brown, Esq., present
Engineer: James Mott, P.E. (Mott and Associates) Robert Watkins, P.E., in attendance
Planner: Vincent Polistina, P.P. (Polistina and Associates), Wes Becker, P.P., in attendance

A regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 6:30 p.m., prevailing time, Egg Harbor Township hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call:

Manuel E. Aponte, V-Chair., present	Joseph Lisa, 2 nd V-Chair., present
Committeeman John Carman, present	Mayor James J. McCullough, Jr., present
Charles Eykyn, present	Peter Miller, Township Admin., present.
James Macon, Alt. #I, present	Dorothy Saslav, present
James Garth, Sr., Chairperson, present	Frank Kearns, Alt. #II, present
Robert Levy, another engage.	

FINAL APPLICATION(S):

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| 1. SDF 26-02 | Final Major Subdivision |
| Kiejdan Family, LLC | 1209/4-7, 1210/1, 1211/32, & 1212/1 |
| Zone: RG-4, 5.95 acre parcel, sewer/water, applicant received preliminary approval in 2004 to subdivide seven (7) lots in order to create thirty (30) lots of which 28 lots will contain two -family dwelling lots, one (1) lot will contain a single-family dwelling and one (1) lot will be utilized for storm water management purposes. Applicant is now seeking final major subdivision approval. C/F: #02-0520.01, dated February 14, 2003. | Silver Avenue & Second Avenue
Waiver of Time – Not Granted |

Checklist Waiver(s):

- 1. Item 14A(9): Survey with datums in NAD 83 and NGVD**

Kellyanne Kennedy, Esq., of the firm Fox Rothschild, introduced herself as attorney for the applicant Kiejdan Family, LLC, whom is seeking final major site plan subdivision approval. She indicated the site is known as block(s)/lot(s) 1209/4-7, 1210/1, 1211/32 and 1212/1, located along Silver and Second Avenue, within the RG-4 zoning district. Attorney Kennedy advised the parcel is a total of 5.95 acres, which received preliminary subdivision approval, of which the applicant has met all conditions of.

Andy Schaeffer, P.E., Schaeffer, Nassar, and Scheidegg, Cantillon Boulevard, New Jersey Licensed Engineer, sworn in. Also, sworn in were the Board Professional's.

Engineer Schaeffer advised he prepared the original plans and he reviewed all the conditions of the preliminary which were addressed. He indicated there a few items listed within the reports for the final , however, the applicant agrees to address all comments within the Board Engineer and Board Planner's report. He indicated the project will conform to the final approval also.

Township Committeeman Carman indicated the application appears to be a straight forward final. Engineer Schaeffer stated there is a checklist waiver sought for the survey datum. He indicated the survey was done a number of years ago, but not in this form.

Board Solicitor Brown suggested the Board open for public commentary. Board Secretary Wilbert stated there were member's of the public whom came into the office concerning this project.

Motion McCullough/Aponte to open public portion. Vote 9 yes

May the record reflect no one came forward

Motion Aponte/Eykyn to close public portion. Vote 9 yes

Motion McCullough/Eykyn to grant requested checklist waiver. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Lisa, McCullough, Miller, Saslav.

Motion Eykyn /Saslav to grant requested conditional final major subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Garth ,Kearns, Lisa, McCullough, Miller, Saslav

PUBLIC HEARING(S):

- | | |
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| 1. <u>SP 15-10</u>
Community Partnership for
EHT Public Schools, Inc.
Zone: NB, 15.52 acres, sewer/water, applicant
is seeking approval for the placement of a freestanding sign .
The proposed sign will be constructed within an easement area granted to the Egg Harbor Township Board of Education by Wawa, Inc. The sign will be constructed to include a digital LED display on both faces and this sign will replace the existing sign located on the opposite corner High School Drive. Pinelands. | Waiver of Minor Site Plan
3301/1
English Creek Ave & High School Drive
Waiver of Time – Granted |
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Variance Relief:

- 1. §225-63B(5): signs shall advertise only such businesses as conducted on the premises**

*** May the record reflect:** Wes Becker removed himself as the Planning Professional representing the Board in order to present this application for the School District.

Mark Stein, Esq. introduced himself as attorney for the Egg Harbor Township Board of Education. Mayor McCullough asked if Mr. Becker can represent the Board of Education in this matter. He stated he has concerns with Mr. Becker representing the Planning Board and the Board of Education.

Board Solicitor Brown stated Mr. Becker prepared the plans for Polistina Associates. He indicated Polistina Associates are the Engineers for the Board of Education. Board Solicitor Brown advised Mr. Becker did not prepare the plans and then review them for the Planning Board. Board Engineering Representative Watkins stated his firm reviewed the plans submitted by Polistina Associates as the Board Engineer and as the conflict Planner. He indicated no review of these plans were performed by Polistina Associates.

Attorney Stein advised Mr. Becker was previously sworn. Board Solicitor Brown advised this is correct Mr.

Becker was sworn in. Engineer Becker advised the sign proposed is actually within an easement area on the Wawa property at the intersection of English Creek Avenue and High School Drive. He stated the proposed sign will be of an LED style. He indicated the new sign will replace the existing sign located on the opposite side of High School Drive.

Attorney Stein clarified that the Egg Harbor Township Board of Education was granted the easement by Wawa, however, the Community Partnership for Egg Harbor Township Public Schools are donating the sign (funding), however, the sign will be maintained by the Board of Education.

Engineer Becker advised the applicant is seeking variance relief for the placement of the sign. He indicated relief must be obtained from section 225-63b(5) of the Township Code. He indicated this section discusses a sign shall advertise only such businesses as conducted on the premises. Engineer Becker advised High School Drive is the main entrance for the High School, however, the sign will not be on school property.

Engineer Becker advised the second variance needed is from section 225-63C(4)(b): which does not allow a sign within 500' feet of any residential district. He indicated this site will be within 500' ft. of a residential zone. He stated the Wawa property borders the RG-1 zoning district. Engineer Becker stated the third variance is from section 225-63B(4)(c) which prohibits off premises signs to be within 1,000 ft. of an intersection. He indicated the sign is proposed for the intersection of High School Drive and English Creek Avenue, which is actually about 100' ft. away.

Attorney Stein asked if by granting the variance relief will the benefit outweigh the detriment. Engineer Becker stated the proposed sign will promote the welfare of public. The sign will provide information concerning school functions and activities and will provide an aesthetic improvement to the neighborhood, which will include landscaping at the base of the sign. Engineer Becker further noted there are no other signs in this area for the school therefore, without the proposed sign there would be no way for people to know where the high school is located. Attorney Stein asked if there was any negative criteria associated with this sign. Engineer Becker stated he does not believe there is any negative criteria associated with this application. Attorney Stein noted that just the mere fact the applicant is seeking variance relief would be considered negative criteria. Engineer Becker stated this is correct, however, the positive criteria for this application far outweighs any negative criteria.

Motion McCullough/Saslav to open public portion. Vote 9 Yes

May the record reflect no one came forward

Motion McCullough/Carman to close public portion. Vote 9 Yes

Engineer Becker stated the applicant is seeking waivers from certain checklist requirements. He indicated the applicant is seeking a waiver from providing a key map. He also advised the applicant will provide the name and address of property owner(s) within 200' ft., as well as the approval signature lines on any revised plans. Engineer Becker advised a copy of a survey prepared for the Wawa will also be provided.

Engineer Becker indicated there are no wetlands or wetland buffer areas within 300' ft. of this proposal. He advised a statement can be provided outlining this. He further noted the applicant is seeking a waiver from storm water management, water and sewer services, and method of solid waste disposal since they are not applicable. Engineer Becker advised wells and septic systems are also not applicable. He also explained

the base of the sign will have some landscaping, however, a waiver is still need with regards to the landscaping. Engineer Becker indicated since this proposal is for a sign a certificate of filing from the Pinelands Commission is not needed.

Township Committeeman Carman stated he does not see any detriment if this application is approved. He stated the benefit of this application is public safety. It will advise individuals where the school is and provide information on events. He also stated this sign replaces an existing sign that far exceeds the variance relief being requested. The existing sign sits further into the front yard setback alone then what is proposed. Board Member Kearns stated he was on the Board of Education when this easement and sign were discussed, therefore, he will be abstaining from the application. Mayor McCullough advised that considering the state of the older; existing sign the proposed will be an upgrade.

Motion Carman/Saslav **to grant requested checklist waivers. Vote 8 yes.** Aponte, Carman, Eykyn, Garth, Lisa, McCullough, Miller, Saslav. **1 Abstention:** Kearns

Motion McCullough /Eykyn **to grant requested variance relief: §225-63B(5): signs shall advertise only such businesses as conducted on the premises, §225-63C(4)(b) Off Premises signage Distance to Residential, and §225-63B(4)(c). Vote 8 yes:** Aponte, Carman, Eykyn, Garth, Lisa, McCullough, Miller, Saslav. **1 Abstention:** Kearns

Motion McCullough/Eykyn **to grant requested waiver of minor site plan approval. Vote 8 yes:** Aponte, Carman, Eykyn, Garth, Lisa, McCullough, Miller, Saslav **1 Abstention:** Kearns

<p>2. SP 02-10 MetroPCS Zone: NB, 3.25 acre site, no water or sewer, applicant is proposing a six (6) antenna array at the height of 108' ft. on an existing 150' monopole tower. Other associated improvements include a 12' X 16' lease area to include a 10' X 16' concrete equipment platform, cable bridge and battery cabinet. CAFRA</p>	<p>Minor Site Plan 5205/49 114 Pennsylvania Avenue Waiver of Time – Not Granted</p>
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Checklist Waiver(s):

- 1. **Item #6: Name of owners of land within 200' ft and dated**
- 2. **Item #9: Certified survey**
- 3. **Item #10: Existing topography based on U.S.G.S. datum**
- 4. **Item #13: Block and Lot on Title Block**
- 5. **Item #14: Sight triangles, radii of curb line and street sign locations**
- 6. **Item #16: Location of all wetland areas**
- 7. **Item #18: Storm water management plan**
- 8. **Item #23: Landscaping plan**

Victoria Fannon, Esq., of Parker McCay introduced herself as attorney for the applicant, MetroPCS. Attorney Fannon advised MetroPC of Pennsylvania is a telecommunications carrier that has appeared before this Board on previous occasions with other co-location application.

Attorney Fannon advised the applicant is seeking approval this evening on the property known as block 5205 lot 49, located at 114 Pennsylvania Avenue, which is a municipal owned parcel. She advised the applicant

is seeking placement of six (6) antenna's on an existing 150' ft. monopole.

Attorney Fannon advised the proposed is a permitted conditional use and will be the sixth (6th) and last carrier on this monopole if approved. She indicated she is ready to produce a number of witnesses this evening, which includes the Radio Frequency Engineer. Attorney Fannon stated within this area of the Township MetroPCS does have gap's in coverage. She indicated to show the gap's the applicant is prepared to place plot plans into evidence exhibiting this is.

Attorney Fannon explained the applicant is proposing the six (6) antennas on the 150' ft. monopole at a height of 108' ft. and there will be three (3) equipment cabinets placed within the existing compound area to facilitate the antennas. Township Administrator Miller stated the proposed complies with the ordinance requirements and this will be the last carrier on the tower. Attorney Fannon advised the applicant is seeking a few waivers, however, there are no bulk variances requested. She further noted she has received the reports of the Board Engineer and Planner, of which the applicant will comply with all their comments and concerns.

Attorney Fannon asked that clarification be placed on the record. She indicated there is some confusion as to whether the applicant is placing three (3) antennas or six (6) antennas on the tower. Attorney Fannon confirmed there will be six (6) antennas affixed to this tower.

Township Committeeman Carman stated this is a straight forward application. There is no variance relief sought and the applicant will be the sixth (6th) and last carrier on site.

Motion Kearns/Saslv to open public portion. Vote 9 yes.

May the record reflect no one came forward

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

Board Engineer Watkins advised checklist items #1 and #4, as listed on the agenda, should be provided on the compliance plans, however, the remaining can be waived.

Motion Carman/Kearns to grant requested checklist waiver(s) Item #2-3 & 5-8. Vote 9 yes: Aponte, Carman, Eykyn, Garth, Kearns, Lisa, McCullough, Miller, Saslav.

Motion Miller/Carman to grant requested conditional minor site plan approval. Vote 9 yes: Aponte, Carman, Eykyn, Garth, Kearns, Lisa, McCullough, Miller, Saslav.

3.	SP 04-10	Minor Site Plan
	Thomas Family Enterprises, LLC	407/7
	Zone: GC, 7.98 acres, sewer/water, the site currently contains an 113,508 sq. ft. warehouse/office with 103 paved parking spaces and a storm water management basin. Applicant is proposing to construct a 14 space trailer staging area with a gravel surface. Access to this area will be through the existing paved area in the rear of the building. Additional improvements include bio-retention basin, infiltration basin and landscaping. Pinelands: C/F: #2005-0297.002, dated: 3/24/2010.	6587 Delilah Road Waiver of Time – Granted

Checklist Waiver(s):

1. **Item #1b: Half scale plans**
2. **Item #1c: Plans on CD**
3. **Item #10: Elevation contours extending 100' ft. from the property**
4. **Item #20: Methods of solid waste storage and disposal**
5. **Item #25: Architectural plans**

Design Waiver(s):

1. **§94-14: Environmental impact statement**
2. **§94-22.A.10: Landscaping - irrigation system**
3. **§94-23B: Lighting**
4. **§94-38A: Sidewalks**
5. **§225-55I: Surfacing**

Variance(s):

1. **§225-55I: Parking-surfacing**

Jack Plackter, Esq., introduced himself as attorney for the applicant. The applicant is proposing a trailer storage area at the existing Thomas Family site. He indicated the Board previously approved the interior area with offices. Attorney Plackter stated the Thomas Family has there whole business operating from this facility.

John Halburner, P.E., New Jersey Licensed Engineer, Hyland Design Group, Ocean City, New Jersey, sworn in: Engineer Halburner advised the site plan presented was prepared by him. He indicated he has reviewed the reports of the Board Professional's in preparation of this meeting.

Engineer Halburner stated the building proper has no changes proposed and there are no changes proposed to the existing parking area. He indicated the applicant is however, proposing a staging are for tractor trailers and two (2) basins. Engineer Halburner stated the applicant is seeking waivers from certain checklist requirements. He indicated the applicant has show topography within 35' ft. of the basins but not 100' ft. as required by ordinance. He also advised the applicant is not presenting any architectural plans based on the fact there is no building proposed.

Attorney Plackter stated the applicant is seeking a waiver of an Environmental Impact Statement. Board Member Lisa indicated the Environmental Commission supports this request based on the fact that this is a developed site. Engineer Halburner advised the applicant is proposing a waiver of irrigation. He indicated the applicant proposes native species and they do not need irrigation to survive. He further noted lighting will not be in the staging area for the trailers. Engineer Halburner indicated the hours of operation are usually 7:00 a.m. - 5:00 p.m. Engineer Halburner advised there is existing lighting on the building and existing parking area also has lighting. He advised the applicant is only seeking waiver in the staging area.

Engineer Halburner explained this parcel is within an industrial park and there is no pedestrian traffic. There is a variance being requested from paving the staging area. The applicant is proposing gravel and grass. This proposal is not a parking lot for people comin gin and out daily or even weekly. This staging area is for raw products or finished products that will be amassed for placement on job sites. He did indicate the trailers may be staged for a month or two (2) before they are removed. Engineer Halburner indicated there is an environmental benefit to proposing the gravel and grass versus asphalt so water can flow through it.

Board Member Lisa asked who will be cutting the grass. He advised the trailers will compact the soil and will kill the vegetation. Engineer Halburner stated when trailers are placed on site they will kill some vegetation, however, it will grow back in a week. Board Member Lisa advised he is concerned about high grass and rodents. Engineer Halburner advised the applicant will maintain staging area with a weed wacker versus a lawn mover to cut the grass. Township Committeeman Carman advised Mr. Thomas has made improvements to the building and it looks great. He advised Mr. Thomas will keep the grass cut.

Board Member Lisa stated he believes the staging area will be a muddy mess and he see's this may be a problem spot for future owners. Board Member Aponte stated he agrees with Board Member Lisa. He further explained that the municipal tow lot has rocks and when it rains or snows there are problems removing the vehicles. He also advised he has seen town trucks having a hard time leaving the facility.

Engineer Halburner advised the applicant has proposed dga and grass, not gravel. Board Engineering Representative Watkins asked if there is something the applicant's engineer could use for rutting so the trucks can be removed easily? Engineer Halburner suggested maybe a dga and 6" of soil. He stated that with the amount of limit travel for this trailers it should work well. He further advised, if there is a problem with the staging area it becomes an operator issue and not one for the public. He indicated that if Mr. Thomas can not pull the trailers out in a storm it is his problem. Engineer Halburner advised the environmental benefits will outweigh the detriments since the staging area is for private vehicles and it is privately owned.

Engineer Halburner indicated there is fencing around the existing basin, however, if the Board wants additional fencing around the proposed basin the applicant will provide, however, he indicated he does not see the need. He explained that in a two (2) year storm the new basin will have 4" of water and the old will have 8". Attorney Plackter explained that if the Board wants a fence for safety purposes the applicant will place in.

Engineer Halburner stated he believes this minor site plan can be approved.

Motion Saslav/Carman to open public portion. Vote 9 yes.

May the record reflect no one came forward

Motion Miller/Carman to close public portion. Vote 9 Yes

Board Solicitor Brown advised he believes the fencing for basins should be in place. Board Engineering Representative Watikins advised the fence can be chainlink, which is the same type that currently exist. He also advised if the Board does not require the sidewalk then the applicant will have to pay an in lieu fee. He stated it will not be a complete waiver all together. Township Administrator Miller stated the Board previously allowed the applicant not to install the sidewalk along Delilah Road until this application was submitted. Board Solicitor Brown indicated he will make the Decision and Resolution clear that the Board is not seeking an in lieu fee twice.

Township Committeeman Carman stated this is an industrial area and the staging area will not be for public use. This parking/staging area will be used specifically for the applicant's business, therefore, he sees no problem granting waiver. Board Member Aponte stated he sees lots where paving does not exist and he knows what will happen. Board Chairman Garth indicated yes, he has also, however, this staging area will not be used for daily, therefore, he does not believe it will be of issue. Board Member Lisa advised he

believes the detriments out weight the benefits in granting the requested relief for paving.

**** May the record reflect:** Board Member Eykyn advised he will abstain from voting on this application since he works for the business that owns the building next door from this facility.

Motion Carman/Kearns **to grant requested checklist waiver(s) #3 and #5. Vote 8:** Aponte, Carman, Garth, Kearns, Lisa, McCullough, Miller, Saslav. **1 Abstention:** Eykyn

Motion Carman/McCullough **to grant requested design waiver(s) #1-4: Vote 8:** Aponte, Carman, Garth, Kearns, Lisa, McCullough, Miller, Saslav. **1 Abstention:** Eykyn

Motion Carman/McCullough **to grant requested variance relief. Vote 6 yes:** Carman, Garth, Kearns, McCullough, Miller, Saslav **1 Abstention:** Eykyn **2 No:** Aponte, Lisa.

Motion Carman/Kearns **to grant requested conditional minor site plan approval. Vote 6 yes:** Carman, Garth, Kearns, McCullough, Miller, Saslav **1 Abstention:** Eykyn **2 No:** Aponte, Lisa.

<p>4. SD 02-10 SPPF 10-10 Seashore Solar, Inc. Zone: M1, 28.64 acre site, current site consist of six (6) existing lots which will be consolidated and then subdivide the parcels into three (3) conforming parcels. Proposed lot 13 will consist of 4.0 acres and contain an existing warehouse with no development proposed for this parcel. Proposed lot 14 will consist of 3.63 acres and will contain access and utilities easements which will serve all three (3) of the proposed lots, including an access easement to proposed lot 15 which will consist of 21.3 acres. Proposed lot 15 is the subject of the preliminary/final major site plan. Applicant is proposing the development of a photovoltaic generating facility. This solar facility includes 740 racks containing 24 solar panels. Gravel pathways will be constructed throughout the project site to provide access to the panels. Other improvements include installation of a chain link fence along the perimeter of the site. CAFRA</p>	<p>Minor Subdivision Preliminary/Final Major Site Plan 903/13-16 & 905/1 & 13 Delilah Road and Adams Road Waiver of Time – Not Granted</p>
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Checklist Waiver(s) - (Minor Subdivision):

- 1. Item #1c: Plans in CD format**
- 2. Item #2: Scale of plan**
- 3. Item #9: Survey datum in NGVD 88**
- 4. Item #14: Site characteristics map**
- 5. Item #15: Location of wetlands**
- 6. Item #16: Copy of existing and/or proposed protective covenants or deed restrictions.**

Checklist Waiver(s) - (Major Site Plan):

- 1. Item #1c: Plans in CD format**
- 2. Item #2: Scale of plan**
- 3. Item #9: Survey datum NGVD 88**
- 4. Item #13: Landscaping plan**
- 5. Item #14: Lighting and signage plan**

- 6. **Item #15: Site characteristics map**
- 7. **Item #16: Location of wetlands**
- 8. **Item #20: Traffic report**
- 9. **Item #21: Fiscal impact report**
- 10. **Item #23: Utilities plan**
- 11. **Item #26: Design of parking area**
- 12. **Item #36: Method of solid waste.**

Design Waiver(s):

- 1. §94-8B: **Buffers**
- 2. §94-8I: **Evergreen vegetative buffers (buffers for generating facilities)**
- 3. §94-8L: **Perimeter buffers**
- 4. §94-9: **Community impact statement**
- 5. §94-11A: **Curbs and gutters**
- 6. §94-14B: **Environmental impact statement**
- 7. §94-22A: **Landscaping plan**
- 8. §94-22B: **Open area landscaping**
- 9. §94-22C: **Buffer landscaping**
- 10. §94-22E: **Stormwater basin landscaping**
- 11. §94-23K: **Site lighting**
- 12. §94-32C: **Specimen Trees**
- 13. §94-38A: **Sidewalks**
- 14. §94-43A: **Solid waste management**
- 15. §225-50.6D: **Cultural resource survey**
- 16. §225-55L: **Pavement marking & signs**
- 17. §225-55M: **Parking standards**
- 18. §225-55N(2): **Loading areas**
- 19. §225-55O: **Parking areas**
- 20. §225-55P: **Parking for handicapped**

Variance Relief:

- 1. §225-7: **Front Yard Setback: (proposed lot 15): 50' ft. req., 25' ft. prop. (Highland Avenue)**
- 2. §225-7: **Rear Yard Setback: (proposed lot 15): 50' ft. req., 25' ft. prop.**
- 3. §225-7: **Side Yard Setback: (proposed lot 15): 25' ft. req., 20' ft. ± prop.**
- 4. §225-14.1: **Fence Height:** *fences may be erected, altered or reconstructed to a height not to exceed four feet above ground level when located within 25' ft. of a right-of-way. When located more than 25' ft. from a right-of-way, fences shall not exceed a height of six feet. The applicant is requesting a waiver from this requirement and is proposing eight fee high chain link fencing with on strand of security wire at the top, around the perimeter of the site and within 25' feet of the right-of-way of Highland Avenue.*
- 5. §225-55: **Off-street parking:** *in accordance with §225-54B no land shall be used or occupied, and no structure shall be designed, created, altered, used or occupied, unless off-street parking and loading facilities are provided as required by this article. The applicant is requesting variances from providing the plan and design standards as set forth in §225-55, specifically pertaining to pavement markings and*

signs, parking standards, loading areas, parking areas and parking for the handicap. The applicant is providing only parking for service vehicles within the equipment yard.

**** May the record reflect:** Chairman Garth excused himself from this application. He advised the applicant's property abuts the Farmington Fire House and he is the Chief of Farmington, as well as, being a member of the Board of Trustee's.

Christopher Baylinson, Esq., introduced himself as attorney for the applicant. He advised this presentation is to seek minor subdivision approval and preliminary and final major site plan approval for a solar energy facility.

Daniel Galletta, P.P., New Jersey Licensed Professional Planner, Dixon Associates, Galloway Township, New Jersey, sworn in: Planner Galletta advised he was involved with the preparation of the site plan and the subdivision, as well as, Engineer Willis.

Planner Galletta explained the property in question is located along Delilah Road and is bounded by the City of Pleasantville. He indicated the site is 29 acres in total and there is an existing warehouse on site that was constructed but never occupied. Planner Galletta advised of the three (3) proposed lots, the existing warehouse will be maintained on its own, another lot will remain vacant and third parcel will have the solar units. Planner Galletta explained there are existing vacant (small) buildings which will be demolished and the vacant home that existed has burned down.

Planner Galletta advised parcels proposed will front on Delilah Road. He indicated two (2) of the lots conform with the industrial zoning requirements and they will be used for future development and the third (3rd) lot will be used for access to the site. Planner Galletta stated the unimproved portion of Adams Avenue will be vacated through a pending Street Vacation application currently being processed by the Township Clerk's office.

Planner Galletta indicated there are no variances associated with the minor subdivision and the two (2) lots that are not being used, which front on Delilah Road will be for future development after a site plan is submitted to the jurisdictional board.

Planner Galletta advised proposed lot 15 will be a 21 acre site utilized for the installation of a solar project placed in a north/south direction. He indicated as the site exist it has a gentle slope that is ideal and conducive to this type application. Planner Galletta stated the energy created will be provided to the Pleasantville Middle School and the Pleasantville High School.

Planner Galletta explained there were two (2) basins created when the warehouse was originally constructed. He indicated basin #1 will be used for the run off of the proposed solar development and the impervious run-off for the access way. He indicated the basin is actually flat and is not your typical type of basin.

Planner Galletta again advised that this property has a gentle slope, therefore, the proposed solar panels can be placed in a step down design. He indicated they can be from 18" to 30° degree angle and there will be two (2) post per rack that will driven into the ground. Planner Galletta advised there will be an access way between the actual units and there will also be an access way, via gravel, for the vehicles coming to site for

maintenance. Planner Galletta stated this will be an unmanned facility.

Planner Galletta advised the applicant is not proposing any landscaping within the solar array, however, he did explain the applicant is proposing landscaping around the perimeter of the site and there will be evergreens on the westerly and southernly portion of the facility.

Planner Galletta indicated the applicant is seeking a front yard setback variance and a rear yard setback variance and the side yard variance has been eliminated. He explained the applicant has frontage off Highland Avenue, however, there is an emergency access that comes off of Highland Avenue, but Delilah Road will be the main access point. He indicated the applicant does not require any side yard setback variances.

Planner Galletta indicated the applicant is seeking variance relief for the proposed fence. He advised a 6' ft. fence is not allowed within the front yard setback, however, the applicant needs to place within the front yard for security purposes, especially for unwanted trespassing. He also advised the applicant is seeking variance relief for parking. He advised there will be a parking area for the personnel who come to site for maintenance, however, there is no parking spaces proposed because this type of use does not require. The solar facility is not for public use.

Planner Galletta stated solar energy is considered an inherently beneficial use. He indicated there is no pollution emitted from site, nor is their traffic or any type of noise and the solar facility will open. Planner Galletta advised the panels are not considered impervious coverage because they are not on the ground, with this being taken into consideration, there will be very little impervious cover associated with the solar facility. He indicated the total coverage calculated for the solar facility is about 7%. Planner Galletta advised he does not believe the proposed is a detriment to the zone plan.

Planner Galletta explained the applicant is seeking many checklist and design waivers. He indicated this is not a conventional site plan there are no buildings proposed, no parking required, and no major storm water issues.

Planner Galletta also advised the applicant is requesting a waiver from the buffering requirements. He indicated the applicant is maintaining a 75' ft. buffer from the residential zone, however, in other areas of the site the applicant will only provide a 10' ft. buffer. He indicated the buffers do not meet the perimeter buffer and screens, however, the applicant will propose evergreens around the perimeter. He also noted there is a stand of forest along the property line, but to the western end of the property it was cleared for the original warehouse construction. Also, there is additional cleared area that was used for farm land that did not grow back. He indicated the applicant will maintain the existing forested area and in lieu of the perimeter buffer the applicant can supplement the vegetative area's if they are sparse.

Planner Galletta advised the applicant is seeking a waiver from providing a community impact study. He explained this facility will have no impact to community. He stressed no services will be required since it will be an unmanned facility. Planner Galletta indicated there will be curbing along Highland Avenue and the applicant will place curb and sidewalk along Delilah Road. Also, he indicated the applicant is seeking a waiver from the environmental impact study. He indicated the applicant has dealt with buffering and wildlife with the Department of Environmental Protection application.

Planner Galletta indicated the site was abandoned and many individuals dump on the property. He advised the applicant had to go in and clean up the debris and junk on site. Board Member Lisa asked if a mature tree

study or E.I.S was prepared. Planner Galletta stated there was a consideration to the forested area for the migratory song birds. He indicated the applicant has addressed issues raised by the Department of Environmental Protection.

Attorney Baylinson advised even if a mature tree study was done could there have been any kept? Planner Galletta advised in order to place the solar panels in the applicant has to clear cut the site. Board Member Lisa suggested the applicant could redesign the site and place panels on the warehouse property. He indicated if tree study had been submitted this could be discussed. Board Member Lisa asked what type of pesticides would be used to keep the grass down? Planner Galletta advised the applicant was proposing clover, but soil conservation wants vestibules, which can be mowed if needed

Planner Galletta advised the site plan is not being proposed for aesthetic purposes. He indicated once on the solar panel site it will be private and there is no benefit to providing landscaping on the inside or outside of the facility. He further noted basin #I will be located behind the fence within the solar facility and basin #II will be outside and can be supplemented with landscaping. Planner Galletta indicated the basin #I is not a conventional basin and part of solar array will be in it, but above the water sequence. Again, he noted the applicant provided landscaping requirements for the perimeter of basin #II. Planner Galletta advised that for the shade trees and evergreens that can not be planted the applicant has agreed to plant them off site at the direction of the Township.

Planner Galletta advised the applicant does not want lighting on site , nor interior lighting by the panels. He indicated maintenance will be done during the day, but there is a small light that will be used for the equipment shelter area. He advised solid waste will be removed from site by the maintenance people.

Planner Galletta advised the applicant is seeking a waiver from providing a cultural resource survey. He indicated this site was an old farm plot and the existing buildings are in deplorable condition. He indicated there is no historical benefit attributed to the site. Again, he noted the applicant does not want to provide parking spaces since no public will be coming to the solar facility.

Planner Galletta advised the checklist waivers for the minor subdivision deals with the scale of the plans. He indicated the scale provided is so that everything could fit onto one page. He advised the applicant has provided NGVD 29, not 88, and there are no wetlands within 300' ft. of site. Planner Galletta indicated the applicant will place an ariel on the site plan to be used as a site characteristic map. He also advised there are no existing covenants.

Planner Galletta stated the applicant is proposing a small sign. The applicant is also seeking checklist waivers from the major site plan checklist that include lighting and a traffic report. Again, he advised this is not a public facility and there will be no public impact. Only thing coming to site will be the maintenance vehicles. Planner Galletta also noted the applicant will have electric connections, however, there will be no sewer or water supplied to the solar facility.

Board Member Lisa asked if the solar facility is only being used for the schools? Planner Galletta indicated the power will go to the schools and when demand is not there the power goes back into the grid. Board Member Lisa asked why the panels could not be placed on the physical school buildings. Planner Galletta advised he not answer this question. He did indicate the amount of power this facility would generate could not be accomplished by just placing panels on the school roofs.

Board Member Lisa asked if the applicant is affiliated with the Pleasantville Board of Education? Attorney Baylinson advised the applicant is not affiliated. He did however advised there is a push of rules to promote wind and solar energy. He indicated the State and the Federal Government is looking at providing solar projects on old landfills. Hethe wind requirements are much more involved then the solar requirements. He indicated the new rules are rather lengthily.

Board Member Aponte advised the applicant is looking for an 8' ft. fence. He asked if it was because of the light? Planner Galletta advised the panels do not provide radiant heat. Attorney Baylinson advised no power will come off of the site. He indicated all unused power will go back to the grid. Board Member Lisa asked if there is any variance or waiver needed to place the solar panels in basin #1? Board Engineering Representative Watkins stated there is noting in the ordinance that prohibits the applicant from proposing panels in the basin, as long as, the basin can be maintained.

Board Member Aponte asked if the applicant were to remove some of the panels. Would they comply with ordinance requirements? Planner Galletta indicated the applicant could eliminate the variance relief sought, however, it would impact the site. He indicated the setbacks established by ordinance are normally for structures to be maintained. He indicated the panels are really not structures and can be removed. He advised the panels can have a 25 year life space, as well as, the post they are affixed too. He advised the panels can be removed very easily if a better use were to be proposed for this site. Board Member Lisa asked how often will people go to the site. Attorney Baylinson advised the site will be visited weekly and the rest of the time it will be done by computer monitoring. Planner Galletta advised there will be a monitoring system placed in the schools so the children can watch where their power is coming from.

Township Administrator Miller asked how many kilowatts will this facility generate for a typical school year? Planner Galletta advised this is a 4 megawatt facility. Matt Feinstone, principal Seashore Solar, was sworn in: Mr. Feinstone advised the electric company does not allow someone to place power back into the system. He indicated what goes in is what comes out. Attorney Baylinson advised the school takes advantage of the savings and it will be credited on their bill for next year. Township Administrator Miller asked then if the school has a demand and if it not used the school will receive credit? Mr. Feinstone advised the power not used goes back into the grid. Township Administrator Miller asked what happens to the demand in the summer? Mr. Feinstone indicated the demand in winter and summer are basically the same.

Township Administrator Miller asked if the applicant will provide electric to the Fire Company? Mr. Feinstone indicated he has spoken with the Farmington Fire Chief and he may be able to place panels in for the Fire Company. Also, Mr. Feinstone indicated he has to residential lots in the rear of the site. He indicated he would like to donate them to the Township for open space (block 905 Lot(s) 1 and 2).

Mr. Feinstone indicated panels on the roof of the warehouse may occur, however, it will be up to the person who develops that site. Mr. Feinstone indicated you will not see panels from the street. He indicated he would like to keep the design as proposed. Attorney Baylinson indicated the applicant is seeking variances for setbacks, however, those setbacks are larger because of the industrial zone has noxious uses, which this is not. He indicated there will be no sound or light, therefore, the applicant would like to maintain setbacks proposed. Township Administrator Miller asked what is the highest point of the proposed panels. Attorney Baylinson advised the panels are no more then 5' ft. off the ground. Mr. Feinston indicated at no time will anyone see a panel above the fence.

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

James Garth, 308 Rhodes Avenue, Egg Harbor Township, Fire Chief and Trustee of the Farmington Fire Company. He indicated the only concern was with respect to a swale. He indicated when the Fire House was constructed a swale was placed on the applicant's parcel. He advised it is not a deep impression and he will like to make sure it stays there to take water off of the Fire Company property.

Planner Galletta advised they have a secondary swale along the property so water can go through the site and it will not inhibit the Fire Company property. Chief Garth indicated the applicant's property was always a clear property. He indicated it was owned by Jarvis Maxwell who planted nothing but corn and potato's in the field. Chief Garth also advised he can see Delilah Road from the Fire House because the trash, tires, boats and everything else that was dumped on the site has been cleaned up.

Mr. Feinstone again indicated if he can he will place panels on site for the Fire Company. Attorney Baylinson indicated the applicant will be looking to work with the Fire Department.

Debra Nichols-Williams, 12 Adams Road, Egg Harbor Township, New Jersey, sworn in: Ms. Williams advised she lives in the Maxwell's old house. She asked if the facility will be fenced in? Planner Galletta advised the site will have an 8' ft. high fence and there will be no general access of Adams Avenue. He indicated the main access will be from Delilah Road, however, there will be an access off of Adams Avenue. It will have a locked gate and the Fire Department will have key in case they need to open because of an emergency.

Ms. Williams asked if she will feel heat from these panels? Planner Galletta the design and installation of these panels are to absorb energy of the sun. He indicated they do not have reflective fields. Ms. Williams stated she is concerned about air flow in this area. Township Administrator Miller indicated the tallest panel is 5' ft. in height. Ms. Williams asked if a study has been provided concerning the heat of these units. Board Member Saslav advised they do not generate heat otherwise could they be placed on the roof of a house. Mr. Feinstone indicated the material he has received from the solar company indicated they do not generate heat. Board Member Kearns advised he was on the construction committee for the Township Schools when solar panels were placed in and they do not generate heat. Ms. Williams indicated there is no benefit to the community for these panels. Mr. Feinstone indicated he is willing to work with the Fire Chief and he has just agreed to deed over two (2) lots to the Township. He indicated he pays taxes for the parcels. He further noted this site has been an eyesore for twenty (20) years and he has been cleaning up the site. He stated there have been 51 truck loads of debris taken off these properties and he will continue to maintain the parcels.

Ms. Williams advised she has lived in Egg Harbor Township all her life and she has seen many companies come and go. Mr. Feinstone stated he also lives here.

Carrol Nugget-Harris, Masset Builders, Egg Harbor Township, New Jersey sworn in: Ms. Harris advised she had very little time to look at the plans. She asked if variance relief includes Delilah Road? Planner Galletta advised no variance relief is requested for Delilah Road. He advised along Delilah this proposal shows improvements and the widening of such. He indicated the variance relief for front yard setback is along Highland Avenue, which is toward the rear of the site.

Motion Kearns/Carman to close public portion. Vote 9 Yes:

Board Engineering Representative Watkins advised the design waiver(s) listed as 15-20 on the agend should

be handled as requested variance relief. Bob watkins: design waiver(s) should also be addressed as variance(s) for 15-20.

Attorney Baylinson advised the applicant will provided documentation advising the panels do not generate heat.

Milller/ motion for rear yard setback. Second carmn.

Motion Carman/Kearns to grant requested checklist waiver(s) (Minor Subdivision #2, 3-5) and Major Site Plan #2-12). Vote 9 Yes: Aponte, Carman, Eykyn, Kearns,Lisa, Macon, McCullough, Miller, Saslav.

Motion Saslav/Eykyn to grant requested design waiver(s). Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Lisa, Macon, McCullough, Miller, Saslav

Motion Kearns/Miller to grant requested variance relief: design waivers #15-20. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Lisa, Macon, McCullough, Miller, Saslav

Motion Kearns/Carman to grant requested variance relief: §225-14.1: Fence Height Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Lisa, Macon, McCullough, Miller, Saslav

Motion Kearns/Carman to grant requested variance relief: §225-7:Front Yard Setback: (proposed lot 15): 50' ft. req., 25' ft. prop. (Highland Avenue). Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Lisa, Macon, McCullough, Miller, Saslav

Motion Miller/Carman to grant requested variance relief: §225-7: Rear Yard Setback: (proposed lot 15): 50' ft. req., 25' ft. prop. Vote 8 Yes: Carman, Eykyn, Kearns, Lisa, Macon, McCullough, Miller, Saslav **1 No:** Aponte

Motion Carman/Eykyn to grant requested conditional minor subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Lisa, Macon, McCullough, Miller, Saslav.

Motion Eykyn/Kearns to grant requested conditional preliminary/final major site plan approval. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Lisa, Macon, McCullough, Miller, Saslav.

MEMORIALIZATION OF RESOLUTION(S):

<p>1. <u>SPPF 01-07/Amended (Aspen Acquisitions)</u> <u>SP 07/10/Amended (Stromfeld Enterprises, LLC)</u></p>	<p>Amended Final Major Site Plan Amended Minor Site Plan Approval 1508/33.01 and 33.02 6050 Black Horse Pike</p>
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Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s), variance relief, conditional amended final major site plan approval and conditional amended minor site plan approval. Vote 7 Yes: Carman, Eykyn, Garth, Kearns, Levy, Macon, Saslav. **1Abstain:** Aponte

<p>2. <u>SPPF 06-10</u> <u>Louis Altobelli</u></p>	<p>Preliminary/Final Major Site Plan 1301/34 Black Horse Pike</p>
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Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s), design waiver(s), variance relief, and conditional preliminary/final major site plan approval. Vote 7 Yes: Carman, Eykyn, Garth, Kearns, Levy, Macon, Saslav. **1 Abstain:** Aponte

3. SPPF 07-09	Preliminary/Final Major Site Plan
<u>Precision Cars, LLC</u>	4205/2
	7018 Black Horse Pike

Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver and design waiver(s). variance relief. Side yard setback (existing building) proposed 10' ft. in lieu of 20' ft. req., width of the interior driveway(s): 19' ft. in lieu of 22' ft is required and 22' ft. in lieu of 24' ft. required. curbing around the parking area (rear), facade signs: 1 permitted 3 proposed, and vertical height (facade sign: "Star Emblem"); 5'4" proposed; 5' ft. permitted. Free standing sign area (Black Horse Pike): 72.3 sq. ft. in lieu of 32.4 sq. ft. is permitted and Free standing sign front yard setback (Black Horse Pike): 10' ft. in lieu of the 25' ft. required and conditional preliminary/final major site plan approval. **Vote 7 Yes:** Carman, Eykyn, Garth, Kearns, Levy, Macon, Saslav. **1Abstain:** Aponte

Motion Miller/Carman to adjourn at 9:15 P.M. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Lisa, McCullough, Miller, Saslav

Respectfully submitted by,

Theresa Wilbert, Secretary