

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD  
SPECIAL MEETING**

**July 31, 2013**

**Solicitor:** Christopher Brown, Esq., present

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

**Planner:** Vincent Polistina, P.P., of Polistina and Associates, present

A special 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, another engage.

Committeeman John Carman, present

Milas Cook, Alt. #1, present

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, out-of-town

Robert Levy, another engage.

Mayor James J. McCullough, Jr., present

Peter Miller, Township Administrator, present

Paul Rosenberg, another engage.

MD Shamsuddin, Alt. #11, family commitment

**OTHER MATTER(S):**

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| <p><b>1. SDF 05-00</b><br/><b>Landmark Development – “Sea Pines”</b><br/><b>f.k.a. Ocean Assets, LLC - “Sea Pines”</b><br/>Zone: RG-1, 101 project acreage, sewer/water,<br/>Applicant is seeking is seeking three (3) one-year extensions afforded to final approval for major subdivision pursuant to N.J.S.A. 40:55D-52 (a) and (c). Pinelands</p> | <p><b>Extension(s) of Time</b><br/><b>Mother Block/Lot: 5401/99</b><br/>Ridge and Delaware Avenue’s<br/>Waiver of Time – <b>Not Indicated</b></p> |
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Rocco Tedesco, Esq., introduced himself as attorney for the applicant Land Mark Development. He advised through negotiations with the Pinelands Commission applicant is seeking three (3) one-year extension(s) of time, as well as, seeking a memorialization to the resolution granting these extension(s).

**Motion Eykyn/Miller to grant requested three (3) one-year extension(s). Vote 6 Yes:** Carman, Cook, Eykyn, McCullough, Miller, Garth.

**Motion Carman/McCullough to memorialize resolution granting requested three (3) one-year extension(s) of time. Vote 6 Yes:** Carman, Cook, Eykyn, McCullough, Miller, Garth.

**PUBLIC HEARING(S):**

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| <p><b>1. SPM(P) 06-12</b><br/><b>Brangan Group, LLC – “The Crossings Center”</b><br/>Zone: NB, 27.86 acres, sewer/water, applicant<br/>is seeking preliminary site plan approval to construct<br/>a 206,470 sq. ft. shopping center. Other improvements<br/>include landscaping, storm water management and 972 parking spaces. CAFRA</p> | <p><b>Preliminary Major Site Plan</b><br/><b>5205/22-24, 5208/1-7, 5209/1,</b><br/><b>5210/1-4 &amp; 6-9</b><br/>Ocean Heights and English Creek Ave.’s<br/>Waiver of Time – <b>Granted</b></p> |
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**Checklist Waiver(s):**

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| <p><b>1. Item #1 ( c ):</b></p> <p><b>2. Item #6:</b></p> <p><b>3. Item #22:</b></p> <p><b>4. Item #32:</b></p> | <p><b>Digital files in AutoCAD format</b></p> <p><b>Name and address of owner and applicant and owners of land within 200’ ft.</b></p> <p><b>Modification report</b></p> <p><b>Radii of Curblines</b></p> |
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**Design Waiver(s):**

1. §94-14C(4)(d): Environmental impact study soil borings
2. §94-44B(3)(e): Soil borings

Christopher Hanlon, Esq., introduced himself as attorney for the applicant, Brangan Group, LLC, he advised the applicant has applied for preliminary major site plan for the construction of a shopping center located within the NB zone district. He advised the applicant is not seeking variance relief. Attorney Hanlon advised the applicant has received the reports of the Board Engineer and Planner. Attorney Hanlon advised he believes this application will present no issues.

Gregory Elko, P.E., New Jersey Licensed Engineer, Langan Engineers, Pennsylvania, sworn in: Engineer Elko stated he prepared the civil engineering for the site in question. Engineer Elko advised he received his BA and Masters from Rutgers. He advised he has been a practicing engineer for over 20 years and is considered an expert for shopping centers. He stated Langan Engineering and Environmental Services have 18 offices throughout the country and have over 700 employees.

Engineer Elko stated the site in question is located at the south west corner of Ocean Heights and English Creek Avenue and it has an irregularly shaped frontage. He advised across the street from the subject site is the Super WaWa. Engineer Elko advised the site encompasses a former mobile home park, a few homes along Ocean Heights Avenue, and Red Rose Auto Body. He indicated there are no wetlands, streams and no threaten or endangered species. He advised this site is a prime location for the proposal, since it works well with the other sites that are commercial in the area. Engineer Elko stated it is also along two (2) collector roads and the lack of natural resources and the ability to connect to existing utilities is good.

Engineer Elko advised the shopping center is 206, 470 sq. ft. He advised, as designed tenants will be together and the will face both Ocean Heights and English Creek Avenue. He advised there will be a few out parcel buildings. He indicated the applicant meets all setback and impervious coverage requirements. Attorney Hanlon asked Engineer Elko if the coverage is in agreement with the CAFRA permit. Engineer Elko stated yes, this is correct. The coverage is 69.89 %. Engineer Elko stated there are three (3) driveways off English Creek and Ocean Heights Avenue. He advised the site will have all public utilities and the project proposes a pump station with a force main that will go to High School Drive.

Engineer Elko advised the applicant has received the reports from the Board Professional's and they will comply with all comments. Engineer Elko advised there is a proposed traffic light at the intersection of Mill Road and Ocean Heights Avenue. He advised there will be a right turn onto site off Ocean Heights Avenue if the County allows.

Chairman Garth asked what will happen with the wells that are on the property. Engineer Elko advised they will not be used and their removal will be handled properly. Attorney Hanlon advised in 2006 an application was made to the Zoning Board and a use variance was granted to Ralph Clayton to construct a 92 unit mobile home park. He advised as part of this application there was a consensus fort this applicant to redevelop existing trailer park (Ocean Heights Trailer Park) for a shopping center. He indicated his client will retire his mobile home license.

Attorney Hanlon stated in 2006 the Zoning Board placed within their resolution that Mr. Clayton's project and this project would be reviewed by them. Attorney Hanlon advised that on Monday night the applicant petitioned the Zoning Board to release this condition and allow the applicant to be here tonight. Attorney Hanlon advised Mr. Clayton's mobile home park received conditional preliminary major site plan approval on Monday night.

Attorney Hanlon explained this project is a conforming use and it is a permitted use within this zone. He advised the applicant will share some storm water management and the pump station with Mr. Clayton. He further noted the CAFRA approval was a joint application between Mr. Clayton and his client and the tree preservation parcels are also in conjunction with both Mr. Clayton and Mr. Brangan. He advised there has been a lot of interaction between the both parties.

Mayor McCullough asked if anyone is living within the mobile home park (Ocean Heights). Attorney Hanlon advised all trailers are gone except for one, which is the care taker.

Attorney Hanlon advised the applicant has requested some checklist waivers, however, the applicant will provide this information. Attorney Hanlon advised the applicant has requested two (2) design waivers. Township Administrator Miller asked if there was a difference between the design waiver borings. Attorney Hanlon stated there are numerous wells on property. He stated there may be an alternative source of data for borings. He indicated since the applicant is only seeking preliminary would asked that this information be deferred. Board Engineer Watkins advised the Board can address at time of final.

Township Administrator Miller stated the borings are for the storm water and it needs to be done. Engineer Elko stated they performed borings at infiltration sites and had Zoning Board Engineer, Matthew Doran to witness results. Township Administrator Miller stated he would believe Zoning Board Engineer Doran's results. He advised Zoning Board Engineer Doran can also certified. Planning Board Engineer Watkins stated the borings can be worked out. Engineer Elko also agreed this can be worked out and believes he does have some of the necessary data.

Chairman Garth asked how many septic systems are on site. Mr. Brangan stated there are fifty (50) and they will be pulled based upon the requirements of the Department of Environmental Protection. Mr. Brangan also noted there were 91 homes that occupied site. He indicated all has been removed except for one (1).

Board Engineer Watkins stated along Ocean Avenue there are manufactured homes. He asked if the applicant can work with Mr. Clayton concerning the issue of the 90 degree turn on Ocean Avenue. Attorney Hanlon stated they will work out and they will have to refocus on the street vacation process.

Brian Brangan, owner and general manager of "The Crossings Center", advised he and Mr. Clayton have several properties involved with this application. He advised the Crossings, MHC owns the mobile home park (Ocean Heights) and Mr. Clayton owns one of the homes that is subject to this application. He further explained that Mr. Clayton is also under contract to purchase another home that will be demolished. He explained lot 3 is a wooded lot and there is a single-family home on lot 4 that he owns, which are all part of this approval.

Attorney Hanlon advised the applicant's mobile home park will be retired, there will be four (4) single-family homes and Red Rose Auto Body will be demolished and replaced with this project. Attorney Hanlon stated the applicant agrees to surrender the mobile home park as a condition of final approval. Mr. Brangan stated he will retire subsequent to the final approval. He also noted he has all agreements with sewer and storm water management in place.

Attorney Hanlon stated the applicant and Mr. Clayton have jointly received CAFRA approval, MUA approval for the pump station and force main. He again, noted there will be a forested area for the need of our development and will be in conjunction with Mr. Clayton's. Attorney Hanlon advised no variance relief is being sought.

Mayor McCullough stated Mr. Clayton is within the audience. He asked if he would come up. Ralph Clayton, Besley Point, Upper Township, New Jersey, sworn in. Mayor McCullough asked if Mr. Clayton is in agreement with both projects. Mr. Clayton stated he agrees to what Attorney Hanlon has represented concerning the agreements. Township Administrator Miller stated on Monday night when the Zoning Board granted preliminary approval it was based on the applicant surrendering of license, which is at the time of final versus the preliminary. He stated therefore until the final approval is granted for the shopping center and Mr. Brangan gives up the license construction of your park will not occur regardless of preliminary approval.

Mr. Clayton stated he did not believe this is correct. Board Solicitor Brown advised this would be the decision of the Planning Board concerning the retirement at time of Final. Attorney Hanlon stated he has no problem with the resolution being conditioned upon the retirement of the license. Board Solicitor Brown stated he wants Mr. Clayton to be very clear that he cannot build until Mr. Brangan surrenders his mobile home license. Township Administrator Miller stated until Township Committee grants him park license cannot do infrastructure. Attorney Hanlon stated he understands Mr. Clayton's concerns with construction and he wants to get moving.

Mayor McCullough asked Mr. Brangan when he will be applying for final. Mr. Brangan stated he is marketing and money has been expended. Stated he knows they have to move forward, however, proposal is also based on other agencies.

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

**May the record reflect no one came forward.**

**Motion McCullough/Carman to close public portion. Vote 6 Yes**

Board Planner Polistina advised he has not given any comments concerning free standing and building mounted signage. Engineer Elko advised the applicant will comply and conform to all bulk limitations for the zone. Board Planner Polistina stated at time of final a sign package must be submitted. Mayor McCullough asked if the applicant has satisfied the MUA. Board Planner Polistina stated the applicant is on their way to receiving approval.

Board Solicitor Brown advised the applicant is seeking a memorialization to the resolution. He indicated, however, there are a few changes that need to be made to the resolution. He indicated they are as follows: Paragraph 7-9, 12, and 17-18 will be removed, paragraph 16 will further note design waiver(s), he advised in paragraph 6 the concept for the relocation of the mobile home park should be eliminated. Township Administrator Miller stated the last sentence in paragraph 6 should be change to say site plan granted by the Zoning Board of Adjustment on July 29, 2013.

**Motion McCullough/Eykyn to grant conditional preliminary major site plan approval. Vote 6 Yes:** Carman, Cook, Eykyn, McCullough, Miller, Garth

**Motion Carman/Eykyn to memorialize resolution granting conditional preliminary major site plan approval (as amended). Vote 6 Yes:** Carman, Cook, Eykyn, McCullough, Miller, Garth

**SUMMARY MATTER(S):**

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

**Motion Carman/Eykyn to open general public discussion. Vote 6 Yes.**

May the record reflect no one came forward.

**Motion Eykyn/Cook to close general public discussion. Vote 6 Yes.**

**Motion Carman/Eykyn to adjourn at 6:19 P.M. Vote 6 Yes:** Carman, Cook, Eykyn, McCullough, Miller, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary