

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

August 16, 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., another engage
Committeeman John Carman, present	Mayor James J. McCullough, Jr., present
Charles Eykyn, present	Peter Miller, Township Admin., on vaca
James Macon, Alt. #I, present	Dorothy Saslav, on vaca
James Garth, Sr., Chairperson, on vaca.	Frank Kearns, Alt. #II, present
Robert Levy, on vaca.	

May the record reflect: Chairman Garth is not present this evening he is on vacation and Vice-Chairman, Manuel Aponte, will be presiding over this meeting.

PUBLIC HEARING(S):

1. **SDF 03-00** **Amended Final Major Subdivision**
Fernmoor Homes at Crystal Lakes, LLC **4103/20.01-20.10, 4109/1-6, 4110/1-6,**
Zone: RG-4, 9± acre parcel, sewer/water, applicant **4111/1-3**
is seeking amended final major subdivision approval for Mill Road and Fernwood Avenue the 24 single family dwellings proposed. The applicant Waiver of Time – **Not Granted** has modified the stormwater management structures and revised the grading within these lots. Drainage easements have been added to the proposed lots and lots with the easements will require a rear yard variance.

Checklist Waiver(s):

1. **Item #1(b):** **Fifteen copies of half scale plans (11" X 17")**
2. **Item #1(c):** **Subdivision plan submitted in digital format**
3. **Item #6:** **Name and address of property owners within 200'**
4. **Item #20:** **Performance Guarantee**

Variance Relief:

1. **§225-7:** **Rear yard setback: 25' ft. required; 10' ft. proposed.** *(Applicant is proposing single family dwelling lots which have a rear yard setback of 10' ft. measured to the proposed drainage easement: Lot(s): 20.01, 20.04, & 20.06-20.09)*

Motion McCullough/Eykyn to “Table” until September 20, 2010, 6:30 p.m. meeting. Vote 6 Yes:

Aponte, Carman, Eykyn, Kearns, Macon, McCullough,

Township Committee Carman advised there are ordinance recommendations that have been presented tonight. The first is to clarify an error made during the Master Plan process several years ago. He advised the zoning line designated half their facility as residential instead of all being M1. He indicated this recommendation will allow for the zone line readjustment. Also, the second recommendation is to clean up parking requirements so they meet the requirements of the State of New Jersey.

Motion Eykyn/Kearns to recommend ordinance to Township Committee finding they meet the intent of the Master Plan. Vote 6 Yes: Aponte, Carman, Eykyn, Kearns, Macon, McCullough

- 2. **SPPF 16-07 (Amended)** **Amend. Prel. & Final Major Site Plan**
SD 16-07 (Amended) **Amend. Minor Subdivision**
101 Orchard, LLC **5932/6-9 & 5936/3**
 Zone: CB, 8± acre site, sewer/water, applicant 2218 & 2222 Ocean Heights Avenue
 received conditional preliminary approval in 2008, Waiver of Time– **Not Granted**
 for the construction of six (6) commercial buildings of which one (1) will be utilized for a 2,700 sq. ft. drive-thru bank and the remaining five (5) will be utilized as office buildings containing a total of 41,000 sq. ft.. Applicant is now seeking to amend the approval. This amendment will include vacating a portion of Cole Street which will not require the construction of the R.O.W. to Mt. Airy Road, basin re-configurations, building layout revisions, realigned drive aisles and reduction in office space.

Applicant is also proposing to subdivide the above referenced parcel into two (2) separate parcels, one (1) of which will be for the existing single family dwelling (proposed block 5932 lot 1, containing 2.51 acres). The remaining parcel (proposed block 5932 lot 6, containing 6.37 acres) will contain the bank, office building(s) and all site improvements.

Checklist Waiver(s) - Minor Subdivision:

- 1. **Item #1 (c):** **Plans in CD format**
- 2. **Item #2:** **Scale not less then 1" = 50' ft.**
- 3. **Item #6:** **200' ft. list of owners dated**
- 4. **Item #8:** **Municipal clerk signature**
- 5. **Item #9:** **Survey Datum in NGVD 88**

Checklist Waiver(s) - Major Site Plan:

- 1. **Item #1 (c):** **Plans in CD format**
- 2. **Item #2:** **Scale no less then 1" = 50' ft.**
- 3. **Item #6:** **200' ft. list of owners dated**
- 4. **Item #8:** **Municipal clerk approval signature**
- 5. **Item #9:** **Survey Datum in NGVD 88**
- 6. **Item #22:** **Modification report.**

Design Waiver(s):

- 1. **§94-8I:** **Community business district buffer**
- 2. **§94-9:** **Community impact statement**
- 3. **§94-44D(2)(j):** **50 year storm peak elevation of stormwater basin**

- 4. §94-44E(1)(I)[1]: Basins within front setback area
- 5. §94-44E(1)(h): Side slopes of basin
- 6. §94-44E(1)(j): Emergency spillway and freeboard
- 7. §94-44E(2)(f); K5 material in basin
- 8. §225-50.6D; Cultural resource survey

Variance Relief:

- 1. §225-55E: **Building setback distance from parking:** Parking shall be located 10' ft. from the building and a landscaped strip shall be provided between the sidewalk and building a minimum of four (4) feet in width. The proposed parking area adjacent to southern portion of Building D is located within 10' ft. of the building with no landscaping buffer strip, which does not meet the minimum requirements.

May the record reflect: due to a conflict, Board Planner Polistina did not review this application, therefore, both the planning and engineering review was performed by Mott Associates.

Steven Fabietti, Esq., introduced himself as attorney for the applicant. He advised this application was before board previously and received preliminary site plan approval and minor subdivision approval. He advised the applicant is now seeking amended site plan approval and amended minor subdivision approval.

Attorney Fabietti advised that in July, 2008 the Board approved an office complex and a bank to be located on a separate pad site. He stated the proposal was to allow for 41,000 sq. ft. of office contained in five (5) buildings and the bank. Attorney Fabietti stated at the time the applicant had proposed Cole Street to run all the way out to Mt. Airy Avenue, however, this component of the application was not approved. He advised the applicant is now returning and seeking approval for 38,000 sq. ft. of office and a bank, with the applicant seeking a vacation of Cole Street. He stated the stub of Cole Street entering this facility will be maintained by the applicant and all lots will be consolidated into one (1) lot.

May the record reflect Board Solicitor Brown sworn in all Township Professional(s)

Attorney Fabietti advised **Exhibit A1** is the previously approved site plan and **A2** is the new site plan proposed.

Attorney Fabietti indicated that since 2008 the applicant has worked on the plan so that it is comparable with the residential areas around, but still serve commercial purpose. He referred to **Exhibit A3:** Architectural rendering of proposed buildings. Mayor McCullough advised the building looks nice.

Kevin Dixon, P.E., New Jersey Licensed Engineer, Galloway Township, New Jersey, sworn in: Engineer Dixon advised the parking layout has changed. He indicated there is a requirement that a building must be placed back 10' ft. from any parking area. Unfortunately Building “D” does not meet the 10' ft. dimension. He advised that the impact will not visually impact and he

indicated the applicant believe it was critical to move the building 5' ft. down. He indicated it was for better design and appeal symmetrically.

Attorney Fabietti advised there are several waivers that have been called out. Board Engineer/Planner Watkins advised he has agreed with most. Engineer Dixon advised the applicant does still need waivers listed as buffer(s) he indicated the applicant needs a 25' ft. buffer in the CB zone, however, 10' ft. is proposed. He also noted the applicant is requesting waiver concerning the basin encroachment. He indicated the basins will have aesthetic features, as well, as there will be an underground system on this site. As a matter of the design the site is well balanced. Therefore, it makes for good design to seek a waiver of the basin within the front yard buffer.

Engineer Dixon advised within the Engineer's report there is a review comment listed as #6. He indicated the applicant has replaced the bottom of basin with sand layer and less separation with ground water, therefore the basin will meet the design constraints and will function better. He also advised that review comments #1-7 on pages 6-9 is agreed to and on page 7 he indicated item #8 is specifically agreed to. He further noted the applicant will have a private was disposal service and the containers will be enclosed on site.

Engineer Dixon advised there will be no trash from a restaurant and the pick-up will be as need. Board Member Aponte advised he does not want to see any trash collection before 7:00 a.m., Attorney Fabietti stated this is acceptable.

Engineer Dixon advised comment #11 in the report concerns berm. He indicated the only residential area that is not bermed is the home along the access way into the site. He advised there is no room for berming. He also advised landscaping will enhanced the area where the drive through to the bank will go. Again, he indicated through landscaping and keeping some existing vegetation he believes it is a better design then berming, therefore, the applicant is requesting a waiver from this.

Attorney Fabietti advised he can not answer comment #12 within report, however, this can be made as a condition to amended approval Engineer Dixon advised even though Cole Street will be vacated, showing via exhibit A2, he noted from this point forward it will remain a public R-O-W. Because of this he does not see any pedestrian value to curb and sidewalk. He indicated there will be curb and sidewalk along Ocean Heights Avenue. Board Engineering Representative Watkins asked how far Walgreen's? Engineer Dixon advised about 500 ft. to 600 ft. away. Board Engineering Representative Watkins indicated he sees people from this site going to Walgreen's. He advised he would recommend curb and sidewalk along the non-vacated portion. Mayor McCullough indicated he would rather see an in lieu contribution. Attorney Fabietti advised the applicant will agree to provide.

Attorney Fabietti indicated the applicant also agrees to comments 14 and 15 and to comment #16 the applicant will donate whatever trees that can not be placed on site to public facility.

Attorney Fabietti advised items #17 and 18 will be corrected and trees marked for removal concerning item #19. 17 & 18 will be corrected and #19: is trees marked for removal. Engineer Dixon advised the applicant would to remove trees on a case to case basis. Vice-Chairman Aponte asked if the applicant is proposing irrigation. Engineer Dixon stated yes. Attorney Fabietti advised the applicant is agreeable to item #20 also referenced within the report.

Motion Carman/McCullough to open to public portion. Vote 6 Yes:

Pat Gallagher, 2224 Ocean Heights Avenue, Egg Harbor Township, sworn in: asked when Cole Street is vacated is it divided among neighbor on either side? Mayor McCullough stated the portion of Cole Street abutting other residential, therefore, where Ms. Gallagher's house is located will not be vacated.

Ms. Gallagher advised this is next to her home and she would like to make sure there is some measures concerning noise. Engineer Dixon advised the applicant will be clearing R-O-W but will not go onto her property. Mayor McCullough did ask that anything cut near Ms. Gallagher's home involve her input. Engineering Representative Watkins advised no trees on Ms. Gallagher's property will be cut down for this project. Township Committeeman Carman advised the Engineer will be inspecting the applicants work.

Ms. Gallagher advised every vehicle is going pass here bedroom. She indicated her lot is not deep and not wide. Engineer Dixon advised shrubs and shade trees will be added to help Ms. Gallagher and the wooded strip between her home and Cole Avenue be maintained. Board Engineering Representative Watkins indicated if the buffering on Ms. Gallagher's side is thin the extra pines can be placed in. He indicated this will be worked out in the field.

Engineer Dixon indicated he failed to advise that there will be both left and right hand lanes for Ocean Heights Avenue. Mayor McCullough stated at least there will be no traffic from N. Mt. Airy. Ms. Gallagher advised she understands.

Edward Bertino, 11 N. Mt. Airy Avenue, Egg Harbor Township, New Jersey, sworn in: Mr. Bertino asked where the applicant's property ends. Engineer Dixon advised the applicant's parcel will have 1/2 of Cole and Mr. Bertino will have the other half. Mr. Bertino asked if there will be buffers and how high and can access be gained? Engineer Dixon advised there will be no opening and it will be comprised of heavy vegetation. Engineering Representative Watkins stated the berm will be a six (6) foot high and go all the way down property line of applicant.

Erna Lloyd, 2212 Ocean Heights Avenue, sworn in and Ed Sheetz, 2212 Ocean Heights Avenue, Sworn in: Mr. Sheetz asked what the elevation of grade where the basin is? Engineer Dixon advised the elevation is 43.6 and the bottom of basin is 40 and top is 43'. He indicated water from the Lloyd/Sheetz property will flow down to this basin.

Mr. Sheetz also suggested lowering the speed limit along Ocean Heights. Mayor McCullough stated it is 50 mph. He stated he can place a request into the County to reduce speed. Mr. Sheetz asked if approval is granted when do they constructing. Attorney Fabietti stated he has have no idea of when it will happen.

Thomas Simon, 19 N. Mt. Airy Avenue, Egg Harbor Township, New Jersey, sworn in: Mr. Simon stated everyone in the area has well water. What is going to happen with chemicals that will take care of grass and asphalt. Engineer Dixon stated in 2004 the State of New Jersey took this into consideration and the basin proposed has to also be a filtered system. He indicated these basins comply with those regulations.

Michele Gallagher, 120 Belmont Drive, Egg Harbor Township, New Jersey, sworn in: Ms. Gallagher asked if there will be a berm along Pat's property? Engineer Dixon stated no. Ms. Gallagher advised it looks like the water will flow onto her property. Engineer Dixon advised the applicant will relocate the low area to basin. He advised in a 100 year storm will be kept on the property nor will the basin overflow onto Ms. Pat Gallagher's property. He indicated the drainage will actually go into the basin and it will block the flow of run going to her.

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

Township Committeeman Carman advised he does not believe the variance relief is a detriment. It will make the look of the development more symmetric then moving the building over.

Board Solicitor Brown noted these are the conditions of approval. Trash will not be picked-up before 7:00 a.m. or after 7:00 p,m, Curb/Sidewalk will not be installed along Cole Street, however, applicant will make in lieu contribution, all trees on Pat Gallagher's property will remain and the applicant has agreed to provide supplement plantings that will go onto Pat Gallagher's property if necessary. Any plantings that can not be placed on site will be given to the Township for their public parks.

Motion Carman/Eykyn to grant requested checklist waiver(s): Minor Subdivision #2. Vote 6 yes: Aponte, Carman, Eykyn, Kearns, Macon, McCullough,

Motion Carman/Eykyn to grant requested checklist waiver(s): Major Site Plan. #2 & 22 Vote 6 yes: Aponte, Carman, Eykyn, Kearns, Macon, McCullough

Motion Carman/Eykyn to grant requested design waiver(s). Vote 6 yes: Aponte, Carman, Eykyn, Kearns, Macon, McCullough

Motion Carman/Eykyn to grant requested variance relief §225-55E: Building setback distance from parking: Parking shall be located 10' ft. from the building and a landscaped strip shall be provided between the sidewalk and building a minimum of four (4) feet in width. The proposed parking area adjacent to southern portion of Building D is located within 10' ft. of the building with no landscaping buffer strip, which does not meet the minimum requirements. **Vote 6 yes:** Aponte, Carman, Eykyn, Kearns, Macon, McCullough

but shares with “Lonestar” and “Genaurdi’s”. He indicated that with the proposed project he will be able to generate 83% of his own power.

Mr. Stromfeld advised he uses electric for the cold box and the air conditioning. He indicated this solar project is a noble cause and is an important to propose. He indicated he has information for the Department of Energy and for 1 kilowatt he uses from solar energy, over a 35 year time period, it allow 125 trees to be kept alive. He indicated Solar Energy is very important to our Country.

Mr. Stromfeld advised he does not have enough roof area and/or land so he is proposing canopy’s within his parking lot. Because of the placement of the canopies setback variance relief must be sought. He indicated this is the same variance relief that had to be requested when he constructed his facility originally because this site was approved first as a shopping center. Mr. Stromfeld advised the variance relief is from either parking lot or the street. He advised in order to propose these canopies he will also have to replant the landscaping that is currently present. He indicated he will have to replace 77 plants.

Chris Brown, Landscape Designer, Brite Idea, Egg Harbor Township, New Jersey: Mr. Brown advised the applicant will have to remove 13 red maples. The applicant will place in 77 different type plants and the applicant will replace the maple trees. He indicated the flower beds along Fire Road will be extended. Mr. Brown also noted there will be holly placed around the existing sign as well as additional shrubs. The ingress andegress next to “Lonestar” will also be enhanced and if any vegetation dies it will be replaced.

Vice-Chairman Aponte asked if there is any irrigation proposed? Mr. Brown indicated the facility has a spray irrigation system.

William Gottshall, Brite Idea’s advised in the front there will be 15’ ft. tall canopies that cover the parking spaces. Board Engineering Representative Watkins asked if there will be arrays in the basin. Mr. Gottshall stated yes. Vice-Chairman asked if there is a pitch for snow. Mr. Gottshall advised the snow load is 25 lbs. per square foot. Vice-Chairman Apointe asked if this proposal really is 83% less electric. Mr. Stromfeld stated yes and his electric bill is over \$60,000.00 a year.

Township Committeeman Carman asked if Mr. Stromfeld saw the letter from the Turnpike Authority. Mr. Stromfeld stated yes. He also indicated the arrays are flat so there will be no glare on to Parkway. He also noted he has no easement agreements with the Authority, which will be addressed. .

Engineer Swiderski advised the applicant needs two (2) checklist waivers and three (3) variances in order to construct the proposal

Motion Eykyn/Kearnsto open public portion. Vote 6 Yes

May the record reflect no one came forward.

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

Vice-Chairman Aponte advised he likes the proposal of the applicant. He indicated the applicant is using already improved land and that he is not clear cutting acres.

Township Committeeman Carman advised the variance relief is not to construct a building but to enhance and save energy. Do not see a detriment. Mayor McCullough advised he encourages this project.

Motion Carman/Eykyn to grant requested checklist waiver(s).

Motion McCullough/Eykyn to grant requested variance relief §225-7: Front yard setback distance (Fire Road): 80' ft. required; 62.2' ft. proposed, §225-7: Front yard setback distance (Garden State Parkway): 80' ft. required; 11.4' ft. proposed and §225-7: Side yard setback: 25' ft. required; 10' ft. and 15' ft. proposed. Vote 6 yes: Aponte, Carman, Eykyn, Kearns, Macon, McCullough

Motion Eykyn/Carman to grant requested conditional minor site plan approval. Vote 6 yes:

Aponte, Carman, Eykyn, Kearns, Macon, McCullough

MEMORIALIZATION OF RESOLUTION(S):

1.	<u>SDF 26-02</u>	Final Major Subdivision
	Kiejdan Family, LLC	1209/4-7, 1210/1, 1211/32, & 1212/1 Silver Avenue & Second Avenue

Motion Carman/Eykyn to memorialize resolution granting checklist waiver(s) and conditional final major subdivision approval. Vote 5 Yes: Aponte, Carman, Eykyn, Kearns, McCullough

2.	<u>SP 15-10</u>	Minor Site Plan
	Community Partnership for EHT Public Schools, Inc.	3301/1 English Creek Avenue & High School Drive

Motion Carman/Eykyn to memorialize resolution granting requested variance relief: §225-63B(5): signs shall advertise only such businesses as conducted on the premises and conditional minor site plan approval. Vote 5 yes: Aponte, Carman, Eykyn, Kearns, McCullough

3.	<u>SP 02-10</u>	Minor Site Plan
	MetroPCS	5205/49 114 Pennsylvania Avenue

Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s) and conditional minor site plan approval. Vote 5 yes: Aponte, Carman, Eykyn, Kearns, McCullough

3. SP 04-10 Minor Site Plan
Thomas Family Enterprises, LLC 407/7
6587 Delilah Road

Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s) #3 & #5. design waiver(s), variance relief, and conditional minor site plan approval. Vote 5 yes: Aponte, Carman, Eykyn, Kearns, McCullough

4. SD 02-10 Minor Subdivision
SPPF 10-10 Preliminary/Final Major Site Plan
Seashore Solar, Inc. 903/13-16 & 905/1 & 13
Delilah Road and Adams Road

Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s) (Minor Subdivision: Item #2,3,4, & 5 and Major Site Plan: Item #2-12), design waiver(s), design waiver(s) #15-20 as variance relief, variance relief: Fence Height 8' ft. in lieu of 6' ft.. Front yard setback. Rear yard setback, conditional minor subdivision approval, conditional preliminary/final major site plan approval. Vote 4 Yes: Carman, Eykyn, Kearns, McCullough, **1 Abstain:** Aponte,

Motion Kearns/Eykyn to adjourn at 7:43 P.M. Vote 6 yes: Aponte, Carman, Eykyn, Kearns, Macon, McCullough

Respectfully submitted by,

Theresa Wilbert, Secretary