

**Township of Egg Harbor  
Planning Board**

**September 19, 2011**

**Solicitor:** Christopher Brown, Esq.(Ted Strickland, Esq., in attendance for Solicitor Brown)  
**Engineer:** James Mott, P.E. (Mott and Associates), Robert Watkins, P.E. in attendance  
**Planner:** Vincent Polistina P.P. (Polistina and Associates), Jen Heller-Care 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 taken as follows:**

Manuel E. Aponte, Vice-Chairman, present Joseph Lisa, 2<sup>nd</sup> Vice-Chair., Ill  
Committeeman John Carman, present Mayor James J. McCullough, Jr.,out-of-town  
Charles Eykyn, present Peter Miller, Township Administrator, out-of-town  
James Garth, Sr., Chairman, present Paul Rosenberg, Alt. #II, present  
Frank Kearns, Alt. #I, present Dorothy Saslav, another engage.  
Robert Levy, present

**ADMINISTRATIVE MATTERS :**

- 1. Resolution #1-11: Authorizing the Planning Board of Egg Harbor Township to convene into a close session to discuss matters which may involve litigation and/or personnel.

**MOTION Carman/Kearns TO APPROVE RESOLUTION AND TO ADJOURN TO EXECUTIVE SESSION** to discuss litigation and/or personnel matters pertaining to the Board. **Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**MOTION Carman/Aponte TO RECONVENE THE PUBLIC MEETING.** **Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**PUBLIC HEARINGS:**

- 1. **SP 10-11** **Minor Site Plan**  
**Jersey Outdoor Media, LLC** **9801/13**  
Zone: MC - 5.85 acres, all utilities service site Margate Boulevard  
Applicant is seeking to construct a double sided Waiver of time - **Not Granted**  
billboard to be setback a distance of 25 ft from the right of way of Margate Boulevard.  
Proposed billboard will be 50 ft in height and will have one (1) 20' x 30' digital sign facing west and two (2) 10' x 30' non-digital signs facing east. CAFRA

**Checklist Waiver(s):**

- 1. **Item #6:** **Name and address of owners of land within 200 feet**
- 2. **Item #14:** **Sight triangle & street sign locations**
- 3. **Item #15:** **Site Characteristic Map**
- 4. **Item #16:** **Wetland locations**
- 5. **Item #17:** **Existing protective covenants**
- 6. **Item #18:** **Storm water Management Plan**
- 7. **Item #20:** **Method of solid waste storage and disposal including recycling efforts**

8. **Item #21: Wells and Septic Locations**
9. **Item #23: Landscaping Plan**
10. **Item #24: Lighting and Signage Plan**

Nicholas Telvacchia, Esq., introduced himself as attorney for the applicant. Attorney Telvacchia indicated the applicant is seeking minor site plan approval for a double faced outdoor advertising sign. He indicated the applicant is not seeking any variance(s) and the proposed sign is a permitted use within the zone.

The following individual(s): John Barnhart, P.E. & PP, New Jersey Licensed Engineer and Planner, Ponzio Associates, 400 N. Dover Avenue, Atlantic City, sworn in.  
Chet Atkins, Principal, of Jersey Outdoor Media, LLC, sworn in  
Wayne Hackney, property owner of 9801/13, Margate Boulevard, sworn in

Engineer Barnhart referred to **Exhibit A1**: dated 9/19/11, colored site plan rendering, advising the property in question is known as block 9801 lot 13. He explained the site is actually Hackney's Marina, which is located on the Margate Boulevard. He advised if you were going towards Margate from Northfield along the Boulevard the facility is located along the right side.

Engineer Barnhart stated Hackney's Marina is currently a boat maintenance and docking facility. The proposed outdoor sign will not be specifically for the business. It is for advertising purposes. Engineer Barnhart indicated the sign is located just off the corner of Hackney's property. Engineer Barnhart established the property in question is located within the MC zone and is a permitted. He also noted the proposed application needs no variance relief. He advised the sign setbacks, the number of signs permitted all meet the requirements of the ordinance.

Engineer Barnhart advised both faces of the sign will be 600 sq. ft. per, which is below the 1000 sq. ft. permitted. He also referred to **Exhibit A2**: sign detail plan advising the Land Use Ordinance allows for a 60' ft. height. Engineer Barnhart advised the applicant submitted this application proposing a 50' ft. monopole height, however, the applicant would like to amend this request and seek a 60' ft. monopole sign height. He indicated even with height of the sign being increased it will still meet all the requirements of the ordinance.

Engineer Barnhart stated the sign face(s) will be 30' ft. x 20' ft. He indicated from Northfield going to Margate the sign will be an L.E.D and it will change every eight (8) seconds. Engineer Barnhart advised when you are leaving Margate going toward Northfield the sign will be a static sign that will be lit as a normal billboard. Engineer Barnhart indicated the applicant does have Department of Transportation approval.

Attorney Telvacchia advised that during the course of this application there was a question concerning the encroachment of the existing home on the adjacent parcel that is not owned by Mr. Hackney. Attorney Telvacchia indicated he has spoken with the adjacent property owner and there is currently a deal moving forward to obtain this parcel. He further noted this encroachment has no bearing upon the sign application.

Engineer Barnhart advised the applicant is not seeking a waiver for checklist item #1, as listed on the agenda, however, the applicant is seeking waiver relief for checklist item #2 and 3-9.

Board Member Rosenberg asked what is the size of the existing billboard further down on the

Margate Boulevard in relationship to this one. Engineer Barnhart indicated the existing billboard has a 12' x 52' ft. face and has a 25' ft. height. Attorney Telavacchia added the applicant will make an in lieu contribution for the curb and sidewalk along the frontage of the property.

**Motion** Kearn/Eykyn **to open public portion. Vote 7 Yes**

May the record reflect no one came forward

**Motion** Aponte/Kearns **to close public portion. Vote 7 Yes**

**Motion** Aponte/Carman **to grant requested checklist waiver(s): Item(s) #2, 3-9: Vote 7 Yes:**  
Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg,

**Motion** Rosenberg/Kearns **to grant conditional minor site plan approval: Vote 7 Yes:**  
Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg,

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| <p>2. <b><u>SPPF 08-11</u></b><br/><b>Seashore Solar, Inc.</b><br/>Zone M - 1, 47.90 acres, All utilities service site<br/>Applicant proposes to construct a photovoltaic<br/>generating facility on the subject property. Including the installation of 1751 racks<br/>containing solar panels, gravel pathways, two staging areas and the existing storm water<br/>management basins.</p> | <p><b>Major Site Plan</b><br/><b>901/2 &amp; 52</b><br/>1307 Doughty Road<br/>Waiver of Time - <b>Granted</b></p> |
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**Checklist Waiver(s):**

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| <p>1. <b>Item #1:</b></p> <p>2. <b>Item #2:</b></p> <p>3. <b>Item #9:</b></p> <p>4. <b>Item #13:</b></p> <p>5. <b>Item #14:</b></p> <p>6. <b>Item #15:</b></p> <p>7. <b>Item #16:</b></p> <p>8. <b>Item #20:</b></p> <p>9. <b>Item #21:</b></p> <p>10. <b>Item #23:</b></p> <p>11. <b>Item #26:</b></p> <p>12. <b>Item #27:</b></p> <p>13. <b>Item #34:</b></p> <p>14. <b>Item #36:</b></p> <p>15. <b>Item #40:</b></p> | <p><b>Plans on CD</b></p> <p><b>Scale not less than 1 inch equals 50 feet</b></p> <p><b>Survey Datum in NGVD 88</b></p> <p><b>Landscaping Plans</b></p> <p><b>Lighting and signage plan</b></p> <p><b>Site characteristics maps</b></p> <p><b>Location of Wetlands</b></p> <p><b>Traffic Impact Report</b></p> <p><b>Fiscal Impact Report</b></p> <p><b>Utilities Layout</b></p> <p><b>Off street Parking</b></p> <p><b>Certificate of Taxes Paid</b></p> <p><b>Curbs and Sidewalks</b></p> <p><b>Solid Waste</b></p> <p><b>Protective Covenants</b></p> |
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**Variance(s):**

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| <p>1. <b>§225-14.1.C</b></p> <p>2. <b>§225-55M</b></p> | <p><b>Fence Height:</b> fences may be erected, altered or reconstructed to a height not to exceed four (4) feet above ground level when located within 25 feet of a right-of-way. When located more than 25 feet from a right-of-way, fences shall not exceed a height of six feet.</p> <p><b>Parking Standards:</b> in all zones in connection with every industrial,</p> |
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business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking in accordance with the requirements set forth herein.

3.     **§225-55N(2) Loading Areas:** there shall be a minimum of one (1) loading space per retail or wholesale commercial and/or industrial use except that where more than one use shall be located in one building or where multiple uses are designed as part of a shopping center or similar self-contained complex, the number of loading spaces shall be determined by the Planning Board during site plan review, dispersed throughout the site to best serve the individual uses and have site plan approval.
4.     **§225-55O Parking Areas:** the width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than 90c.
5.     **§225-55P Parking for Handicapped:** the location of handicapped spaces shall be in an area which is accessible to the building or buildings which the facility services.

**Design Waivers:**

1.     **§94-8B            Buffers - Perimeter Buffer**
2.     **§94-8I            Buffers for Generating Facilities**
3.     **§94-8K            Evergreen Vegetative Buffers**
4.     **§94-11            Curbs and Gutters**
5.     **§94-14            Environmental Impact Statement**
6.     **§94-22A           Landscaping Plan**
7.     **§94-22B           Open Area Landscaping**
8.     **§94-22C           Buffer Landscaping**
9.     **§94-22E           Stormwater Basin Landscaping**
10.    **§94-23K           Site Lighting**
11.    **§94-32C           Specimen Trees**
12.    **§94-38A           Sidewalks**
13.    **§94-43A           Solid Waste Facilities**

Christopher Baylinson, Esq., introduced himself as attorney for the applicant. He advised the applicant is seeking preliminary and final major site plan approval for the parcel(s) known as Block 901 Lot(s) 2 and 52. Attorney Baylinson indicated the property in question is 47.9 acres and is a deregulated section of "Price's Pit". He indicated the applicant can develop this solar project without creating an issue with the Department of Environmental Protection.

Daniel Galetta, P.P., New Jersey Licensed Planner, Dixon Associates, Jimmy Leeds Road, Galloway Township, New Jersey, sworn in. Planner Galetta advised the Department of Environmental Protection told the applicant this parcel "was guilty by association" this site is called "Price's Pit #IV". Planner Galetta advised the Department of Environmental Protection did not find levels of contamination on this site, however, remediation was completed in 2002 for this parcel, the site was "de-listed" from the superfund list and the site was closed.

Planner Galetta advised this parcel has a little vegetation, but is mostly grass and it is maintained. Planner Galetta advised the applicant is covering the site with solar panels, but

the grass will continue to be maintained. He indicated the storm water management system already exist and nothing will change the surface of the site in order to place the panels in. Planner Galetta further noted the existing storm water systems are on Hanson Avenue, with another located off Atlantic Avenue. He also explained that based upon the remediation work that had been done there is a basin that was constructed on an adjacent parcel owned by "Cesar's" which also handles the applicant's property. He indicated the only impervious coverage proposed are the post for the panels and the access drives, which these existing basins can handle.

Planner Galetta advised the main entrance of the site will be off Hanson Avenue, via a stone drive. He explained behind the existing modern gas facility the applicant will stage the construction area for the panels. He indicated once the site is fully constructed it will not be manned. Planner Galetta indicated the only individuals that will be comint to site will be when the panels need to be replaced and the maintenance of grass. Again, he indicated the existing grass on site will be kept and it will be mowed and weed wacked.

Planner Galetta indicated the applicant is currently having their application reviewed though the Division of Solid Waste. He indicated that regardless if the panels are installed the site will continue to be monitored and the applicant must receive approval from the Department of Environmental Protection.

Attorney Baylinson asked if the proposed setback(s) and coverage meet the requirements of the Zoning Ordinance? Planner Galetta stated yes. He explained there are some residential uses in this area and the applicant is proposing an industrial use so the applicant is placing evergreen planting's along the property line with the residential. Planner Galetta also advised the variance relief requested for the height of the fence is being eliminated. He indicated the applicant will not be using an 8' ft. fence, but a 6' ft. fence. Planner Galetta indicated there is a portion of fence that is existing, which is 6' ft., but it is within the 25' ft. setback, so variance relief must be obtained for the existing condition.

Planner Galetta indicated trucks will only be coming to site for the maintenance of the facility. He indicated this site is not open to the public so there are no loading areas, parking spaces or handicap parking spaces that will be required.

Planner Galetta advised the applicant will present a C.D. for the plans so this waiver is being eliminated. He explained the applicant has a large site so in order to show information all on one sheet a different scale had to be used. He further noted, a survey has been submitted by not in NGVD 88 so a waiver is again being requested, the landscaping plan does show the proposed buffer but waiver relief still needs to be sought.

Planner Galetta indicated lighting is not proposed for the site so waiver relief is sought, however, the site will be monitored off-site by camera's. Planner Galetta there will be a small sign off Hanson Avenue, but it will meet the requirements of the zoning. Also, he stated there are no wetlands on site, so a waiver is sought. Planner Galetta also advised the applicant is seeking a waiver from providing tree locations, again, he explained the site has been cleared. He also advised the applicant is seeking a waiver from providing a traffic impact study. Planner Galetta advised vehicles will be going once a month so there is no impact on the traffic in the area.

Planner Galetta indicated the applicant is seeking a waiver from providing a fiscal impact study

because there will be requirements for Municipal Services on this site. He also advised no utilities are needed to the site except for the electric runs that are going to the grid. Planner Galetta advised there is no off street parking proposed, since none is needed. He advised the applicant will supply the certificate of paid taxes. Planner Galetta indicated the applicant is not proposing to install curbs or sidewalks. The applicant will be making an in lieu contribution. Planning Board Engineering Representative Watkins advised the in lieu contribution will be for both Hanson Avenue and East Atlantic Avenue where the road is not improved. He indicated it will be over 1,250' ft.

Township Committeeman Carman suggested the applicant look into applying for a vacation of East Atlantic Avenue. Planning Board Engineering Representative Watkins advised this would have to be looked at. He was no sure it a vacation could be done. However, he would encourage the applicant to vacate if they can. Township Committeeman Carman advised if the applicant can, then he would like to make as a condition of the approval, that an application be made for the vacation of East Atlantic Avenue.

Planner Galetta advised the applicant is not proposing a solid waste receptacle since this is an unmanned facility and the individual's coming to site periodically will take there trash with them. Planner Galetta indicated there are deed notices filed with the Department of Environmental Protection and copies of these will be provided to the Township. He also noted, the applicant will provide the "No further Action" letter from the Department of Environmental Protection.

Planner Galetta indicated the applicant is also seeking design waivers. He indicated the applicant is providing a buffer along the property line of the residential entities. He advised the applicant is not proposing, however, to buffer the whole site. Planner Galetta stated a partial waiver for the planting's of evergreens will be required. The applicant has already discussed curbs and gutters and the applicant is seeking a waiver with respect to an Environmental Impact Statement. Planner Galetter also stated the applicant is seeking a waiver with respect to the landscaping plan because no structures are proposed for the site except for the panels. Planner Galetta indicated the applicant is not altering the storm water management basins so a waiver is requested from providing landscaping around the basin, but the applicant will provide this landscaping off-site for the basin buffer.

Attorney Baylinson advised Mr. Jake Simon and Mr. Leo Schoeffer own parcels adjacent (block 901 lots 4, 5, & 6) to this proposed facility. He indicated these parcels are also zoned commercial. Attorney Baylinson advised the applicant complies with the setbacks of the area and there are no buffering requirements for the M1 zoning district. Therefore, the applicant is proposing no buffering to the other parcels.

**Motion Kearns/Aponte to open public portion. Vote 7 Yes**

May the record reflect that no one came forward

**Motion Carman/Kearns to close public portion. Vote 7 yes.**

Board Member Eykyn asked if the applicants professional' feel confident that the proposed site will not settle anymore? Planner Galetta stated he is working with the site remediation. He advised the trash on site was not compacted originally, however, with the remediation it was compacted. Planner Galetta advised there has not been any subsidence found on site and the

applicant can not place clean fill in.

Board Member Aponte asked if the energy from this site going to any particular projects or is it being sold back to the electric grid? Attorney Baylinson indicated the energy is going back to the grid. He stated it appears it will be sent to the Searstown Substation. Chairman Garth asked if the applicant was approved for the grid? Attorney Baylinson advised, yes the applicant was approved.

Matthew Fienstone, 408 N. Harbor Avenue, Ventnor, New Jersey, sworn in: Mr. Fienstone advised he will be placing a new drop onto the parcel that the Jitney Association received approval for. He indicated with this he may be able to have the fire company also connected, as discussed, with his last solar project. The parcel being discussed tonight will not effect the Jitney Association property or the Fire Company.

Mr. Fienstone indicated Atlantic Electric is brutal to deal with. He indicated they are now saying the circuits are full. Planner Galetta advised the applicant is proposing a total of 42,000 panels on the site in question.

**Motion Carman/Aponte to grant requested checklist waiver(s) Items #2-11 and 13-14: Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**Motion Carman/Kearns to grant requested design waiver(s): Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**Motion Aponte/Carman to grant requested variances(s) relief: Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**Motion Eykyn/Carman to grant requested conditional preliminary/final major site plan approval: Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**MEMORIALIZATION OF RESOLUTION(S):**

1. **SP 06-11**  
First Telecom Services, LLC

**Minor Site Plan**  
**902/19**  
2619 Fire Road

**Motion Eykyn/Kearns to memorialize resolution granting requested checklist waiver(s) and conditional minor site plan approval: Vote 6 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy

**SUMMARY MATTER(S):**

1. Discussion of matters pertaining to the Board:

\* May the record reflect: one (1) motion was taken to approve all minutes provided to the Board. These minutes are broken down for the following months with those member(s) present this evening voting upon what they were present for:

**Motion Eykyn/Carman to approve Planning Board Minutes. Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg

**Voting Tally:**

**Motion Eykyn/Carman to approve planning board minutes: November 15, 2010. Vote 6**  
**Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy

**Motion Eykyn/Carman to approval planning board minutes: December 20, 2010. Vote 5**  
**Yes:** Aponte, Carman, Eykyn, Garth, Levy

**Motion Eykyn/Carman to approval planning board minutes: January 10, 2011. Vote 7**  
**Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**Motion Eykyn/Carman to approval planning board minutes: February 22, 2011. Vote 7**  
**Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg.

**Motion Eykyn/Carman to approval planning board minutes: March 21, 2011. Vote 7 Yes:**  
Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg

**Motion Eykyn/Carman to approval planning board minutes: April 18, 2011. Vote 7 Yes:**  
Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg

**Motion Eykyn/Carman to approval planning board minutes (Special Meeting): April 20, 2011. Vote 5 Yes:** Aponte, Carman, Eykyn, Kearns, Rosenberg

**Motion Eykyn/Carman to approval planning board minutes: May 16, 2011. Vote 4 Yes:**  
Eykyn, Garth, Levy, Rosenberg

**Motion Eykyn/Carman to approval planning board minutes: June 20, 2011. Vote 7 Yes:**  
Aponte, Carman, Eykyn, Garth, Kearns, Levy, Rosenberg

**Motion Eykyn/Carman to approval planning board minutes: August 15, 2011. Vote 4 Yes:**  
Eykyn, Garth, Kearns, Levy

**Motion Aponte/Eykyn to adjourn at 8:30 P.M. Vote 7 Yes:** Aponte, Carman, Eykyn,  
Garth, Kearns, Levy, Rosenberg

Respectfully submitted by,

Theresa Wilbert, Secretary



