

**Township of Egg Harbor  
Planning Board**

**October 17, 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), Craig Hurless, 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 taken as follows:**

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

**PUBLIC HEARING(S):**

- |  |                                       |
|--|---------------------------------------|
| <b>1. <u>SP 07-11</u></b>  | <b>Minor Site Plan</b>                |
| <b>English Creek, LLC</b>  | <b>1613/89 &amp; 90</b>               |
| Zone: NB, 4.48 acre site, sewer/water, applicant   | 3089 English Creek Avenue             |
| proposes to consolidate parcels 89 and 90.   | Waiver of Time – <b>Not Indicated</b> |
| All current uses will remain the same however, the applicant is proposing to provide an additional 15 trailer parking spaces and an additional 14 automobile parking spaces. |                                       |

**Checklist Waiver(s):**

- 1. Item #9: Survey of property**
- 2. Item #10: Existing contours extending 100' ft. from property**
- 3. Item #14: Sight Triangle**
- 4. §198-15(E): Egg Harbor Township MUA**

**Design Waiver(s):**

- 1. §94-5: Providing architectural plans**
- 2. §94-14: Providing an environmental impact statement**
- 3. §94-22( c )2: Providing buffer landscaping**
- 4. §94-23: Providing site lighting**
- 5. Permit lot disturbance of 20%**
- 6. Number of drives - excess of 1 per 250' ft. frontage**
- 7. Provide driveway width of 30'**
- 8. Provide 25' drive isle width of 22'**
- 9. Curbing of all onsite parking and loading areas**
- 10. Traffic report**
- 11. Sewer and water report**
- 12. Modification report**

- 13. Natural resource inventory
- 14. Architectural plans
- 15. Topographic survey 300' outside the site
- 16. Paving of parking areas

**Variance Relief:**

- 1. §225-55A(A): Commercial driveway width: existing driveway width for two (2) most northerly driveways: 17' ft. and 18' ft. existing; 30' ft. required.
- 2. §225-55( C ): Commercial drive aisle width: existing drive aisle widths: 11' ft., 12' ft., 13' ft. and 24' ft. existing; 25' ft. required.
- 3. §225-5(D): Parking aisle width: existing 14' ft.; 18' ft. required
- 4. §225-55(F): Curb is required in parking area(no curb is proposed for parking spaces)
- 5. §225-55(I): Parking area required to be paved (parking area not proposed to be paved for the trailer parking spaces
- 6. §225-56: Number of parking spaces; 42 spaces proposed; 64 spaces required

Nicholas Talvacchia, Esq., introduced himself as attorney for the applicant. Attorney Talvacchia advised the applicant is seeking minor site plan approval. He indicated, for the record, his office listed 3089 English Creek, LLC as the owner of block 1613 lot(s) 89 and 90, however, this is not correct. Attorney Talvacchia explained that 3089 English Creek, LLC owns block 1613 lot 89 and EHT, LLC, owns block 1613 lot 90. He advised Mr. Pat Perrino is present this evening and he currently owns more than 10% in each of these properties.

Lance Landgraf, P.P., New Jersey Licensed Planner, Marathon Engineering, Atlantic City, Njew Jersey, sworn in. Attorney Talvacchia indicated he could provide the Board with Planner Landgraf's qualifications. Chairman Garth stated it was not necessary. He indicated Planner Landgraf has been before the Board on numerous occasions.

Attorney Talvacchia advised that Mr. Perrino is in the convention business. He explained that a number of years ago Mr. Perrino applied for and received administrative approval to convert the home located on lot 89 into a home/office use. Attorney Talvacchia stated the warehouse(s) located on lot 90 have been there for a very long time, therefore, overtime since Mr. Perrino who again, owns both parcels, began parking empty trailers on the home/office property.

Attorney Talvacchia indicated the parking of these trailers on the home/office property were not part of any site plan approval. He indicated the applicant is seeking approval to allow for trailer parking and the applicant intends to consolidate lot(s) 89 and 90 into one parcel so that the site plan will reflect how this business operates.

Planner Landgraf advised the property is located within the Pinelands Jurisdiction and the applicant does have a Pinelands Certificate of Filing. Planner Landgraf referred to an aerial photograph marked as **Exhibit A1**: dated 2007. This aerial depicts the applicants parcels which are located at the intersection of English Creek and Reega Avenue's, as well as, the surrounding area.

Planner Landgraf explained, via Exhibit A1, currently the applicant has both warehousing and commercial tenants within the buildings located on lot 90. He advised on lot 89 the applicant had originally proposed both a residential and office use, however, the applicant is eliminating

the residential use with respect to this application. Planner Landgraf indicated the applicant will be providing sewer for lot 89 and the septic system that exist will be removed.

Planner Landgraf advised the other uses in the area include a veterinarian office that is adjacent to the applicant along English Creek Avenue. He also explained that there are retail complexes currently in use across the street from the applicant along English Creek Avenue. Planner Landgraf indicated there are different types of uses in this area, however, they are similar to what the applicant has.

Planner Landgraf noted one thing that is different concerns the general public coming to the facility. He advised typically the only individual's on site are the employees. He explained that there will not be any people coming in and out of warehouse for the convention materials. He indicated most of Mr. Perrino's business is through calls, internet and text messages, but if someone were to come to site it would be to the office area not the warehouse area.

Planner Landgraf advised the applicant originally submitted this application to the Zoning Board. He indicated even though the office and the warehouse work together they are on separate lots. Therefore, if the trailer spaces were to remain on the office property "D" variance relief would be required. Planner Landgraf explained the applicant has decided to consolidate lot(s) 89 and 90 together and to make one (1) large parcel. He indicated that by doing so "D" variance relief would not be needed and the application could proceed to the Planning Board for approval.

Planner Landgraf advised because this application was originally submitted to the Zoning Board reviews were done and reports were prepared by their professional's Zoning Board Engineer, Matthew Doran and Zoning Board Planner, Joseph Johnston. He indicated rather than the planning board professional's re-reviewing the submittal his client asked if the zoning board professional's could continue on with this application and the Technical Review Committee has allowed.

Planner Landgraf referred to **Exhibit A2**: which is sheet #4 of the site plan submitted. He indicated this site plan sheet shows the location of the proposed storage spaces for the trailers along the property line. He also noted the plans show a turn radius for the trucks. Planner Landgraf indicated the applicant is proposing a total of three (3) basins. One (1) basin will be located in the rear by the trailer storage. He indicated that even though the trailer storage area is proposed to have stone, the additional parking spaces proposed for vehicles will have impervious cover, therefore, two (2) smaller basins/swalls will be constructed in the front. The applicant is also relocated the existing parking.

Planner Landgraf advised there will be twelve (12) parking spaces that will be relocated and the gravel area where these spaces were will be turned into a grassed area. He explained the applicant is also proposing twelve (12) new spaces along the side of the existing warehouse. Attorney Talavacchia indicated the trailers will not constantly being moving in and out of the facility. He explained the trailers are long term and used when necessary. Attorney Talavacchia advised trailers could be stored up to three (3) months or as long as a year without moving. He noted that there may even be four (4) trailers that many not even move at all.

Attorney Talavacchia advised the applicant will no longer have a septic system associated with the house. There is a proposed pump station on the property with a force main that will go down Reega Avenue to the manhole on the corner. He explained this is a simple site plan and the

applicant is cleaning up the trailer storage area and the parking. Attorney Talavacchia indicated there will be a total of 84 spaces on site and there will be additional trailer parking along the loading dock in front of the warehouse. He indicated this application increases the parking spaces on site.

Attorney Talavacchia explained Mr. Ludwig, the adjacent property owner is present. He advised there is an area of Mr. Ludwig's property which has been used as a driveway by the applicant for a number of years. He advised the granting of an easement has been discussed with Mr. Ludwig's attorney. Attorney Talavacchia asked if the Board decides to grant approval, if they can include the easement as a condition of the approval. Attorney Talavacchia advised he was not sure if Mr. Ludwig would or would not speak during the public portion, however, Attorney Talavacchia indicated he wanted to bring this matter to attention of the Board, as well as, making sure the applicant is in good standard with Mr. Ludwig.

Planner Landgraf explained from aerial photograph's that he has reviewed the driveway on Mr. Ludwig's property has been existing since at least 1983, which is before Mr. Perrino purchased both parcels. Planner Landgraf indicated the reason why the driveway is used deals with Reega Avenue being a one-way. Also he added this driveway was even paved a few years ago by the applicant. Again, Planner Landgraf stated the applicant would like to pursue the easement which is about 2,500 sq. ft. of Mr. Ludwig's property, however, if the easement were to go to the woods line then it will be about 3,500 sq. ft.

Board Member Aponte asked if the driveway has been allowed by the neighbor? Planner Landgraf indicated historically the driveway has been existing for some time. It went from gravel to paved, however, he is not sure if Mr. Ludwig was aware. Planner Landgraf indicated, again, the driveway was done before Mr. Perrino purchased the property. Attorney Talavacchia advised Mr. Ludwig's attorney called him due to the notice being sent and this is when he began the conversation concerning the driveway. Attorney Talavacchia indicated the easement has to be negotiated.

Planner Landgraf referred to **Exhibit A3**: Marathon Engineering report dated October 5, 2011 last revised October 13, 2011, advising this report address the comment's outlined within Engineer Doran and Planner Johnston's reports.

Planner Landgraf advised he would like to discuss the waivers requested by the applicant. Planner Landgraf explained that when Atlantic County did their road improvements along English Creek and Reega Avenue's they had removed some large trees from the front of the property. Planner Landgraf advised there is a stand of existing pines trees that are located behind the office, but are adjacent to the basin. He indicated they will remain.

Planner Landgraf indicated the applicant is seeking relief for some of the basin landscaping. As he explained the large basin is internal to the applicant's site. He indicated the applicant would only be buffering from himself.

Planner Landgraf stated the applicant has a one-way aisle that is 13' ft. and another at 14' ft. He explained with these drive aisle he has placed an automobile turning templet on the plans showing turns can be made with respect to these aisle. Planner Johnston indicated he was concerned more specifically with the office. Attorney Talavacchia indicated the drive aisle for the

office was proposed in 1998 when the applicant received administrative review approval, therefore, he believes it would be considered a pre-existing non-conforming issue.

Planner Johnston advised he has reviewed the plans submitted by the applicant and he does not think the applicant needs a design waiver from providing shade trees because of the previous approval, which looked at buffering as a whole for the site. However, Planner Johnston stated he did leave in comments concerning landscaping in the area where the trailers will be parked and landscaping for basin.

Planner Johnston indicated the applicant does need a parking variance. He explained the applicant is combining both the parking for the trailer storage and spaces for cars and coming up with 84 spaces, however, this is not how it should be calculated. He advised the applicant is coming up short on the parking. Planner Landgraf advised the applicant needs 64 spaces for cars and the applicant has 43.

Attorney Talavacchia asked if based on the warehouse use does the applicant really need as many parking spaces as required? Planner Landgraf advised the uses at this facility are combined. He stated the applicant has enough parking for the employees and Mr. Perrino's use does not project customers coming to site. He further noted there is a carpet business located within the same building as the warehouse, however, they are moving out. Planner Landgraf explained that the carpet area will be taken over by "Brite Idea's" which is a solar facility currently operating from the office. Therefore, with them moving into this space there will be even less people using the site. He indicated the site does not have 64 or 65 people coming daily to it.

Planner Landgraf advised the applicant did provide a survey, however, there was not as much detail as required. The applicant is seeking a waiver from providing, also, he advised contours were provided at 50' ft. versus the 100' ft. intervals, since the properties in this area is developed.

Planner Landgraf advised the applicant is not seeking a waiver from providing sight triangles. He indicated revised plans will show this. He further noted the applicant has submitted to the Township Municipal Utilities Authority, so a waiver is not being sought for this item.

Planner Landgraf explained the applicant does have a number of design waivers. He indicated the first concerns architectural plans. He indicated the applicant is not proposing any new buildings they are just reconfiguring the parking area, therefore, architectural plans are not needed. Planner Landgraf indicated the Technical Review Committee did not feel an Environmental Impact Statement was necessary. He advised there is nothing new proposed for this site. Again, he indicated everything is existing. Planner Landgraf indicated there are no wetlands on site, nor are there any endangered species. He further noted, the applicant is removing the residential use once approved and the Pinelands Commission, whom has reviewed this application is very pleased that it is being removed and that the applicant is providing sewer.

Planner Landgraf indicated the buffering landscaping has been discussed previously. He also indicated there is one light proposed in the new parking area for the cars. He indicated there is really not going to be any one present during the night hours. He went on to say there will be no lighting where the trailer storage is proposed. Planner Landgraf again stated there will be no one by the trailers in the evening and the applicant does not want to bring attention to them.

Planner Landgraf advised there is some lot disturbance. He indicated the applicant is expanding the parking area, however, where it is proposed it is already disturbed. He continued to advise that some areas of the site where stone currently exist will now be turned backed into grassed area's. Planner Landgraf indicated that not much more of the site is being disturbed.

Planner Landgraf advised the applicant is seeking a waiver concerning the number of drives. He explained there are currently two (2) existing drives along lot 89 and lot 90 has a fairly opened entrance area. He indicated there is enough room for people to back out then pull around with out going (backing out) upon English Creek Avenue. Planner Landgraf indicated the main entrance drive way at the corner of the warehouse is at 30' ft. He advised the rest are pre-existing, non-conforming, as well as, the drive aisle widths.

Planner Landgraf stated the applicant is also seeking a waiver concerning curbing of the onsite parking and loading areas. He also advised the applicant is seeking a waiver from providing a traffic report, again, the site has been existing for years. Planer Landgraf he is not sure a sewer report was needed, however, information will be provided. Planner Landgraf advised the modification report is what was submitted as **Exhibit A3**. He indicated that as long as it is accepted then this waiver is not required. Engineer Doran stated it was fine with him. Board Member Aponte asked if this is agreeable to the Board Solicitor? Board Solicitor Strickland originally nodded his head yes, and then you answered on the record as yes.

Planner Landgraf advised the applicant has submitted the natural resource inventory, therefore, no waiver is sought. Again, Planner Landgraf advised the applicant is seeking a waiver from providing architectural plans and a waiver from providing topographic survey 300' ft. outside the site. Planner Landgraf stated the applicant is seeking a waiver from providing a paved area for the trailer storage. He indicated the applicant is proposing a stoned storage area. Planner Landgraf indicated the applicant is asphaltting the area where the parking spaces are proposed for vehicles.

Attorney Talavacchia advised he believes the variance relief listed on the agenda as items #1-5 are pre-existing, non-conforming issues. He stated there is various case law concerning whether the Board needs to grant the variance relief or not. Attorney Talavacchia indicated if the Board would like to grant them then fine. Township Administrator Miller asked if Attorney Talavacchia noticed for these variance? Attorney Talavacchia indicated yes. Township Administrator Miller stated the Board is not amending an underlying site plan. Township Administrator Miller explained that because the parcels are being consolidated and this will now operate as one (1) site. He believes the variance relief should be considered by the Board.

Board Member Aponte asked how will the applicant protect the grassed areas without curbing? Planner Landgraf advised the tractor trailers really do not come in and out constantly. He stated the drive aisles are wide enough so it is not like the area is tight. Planner Landgraf explained that if the Board would prefer the applicant can place some 4' x 4' post with reflectors along the aisle, which can be seen by the trailer drivers. Planner Landgraf indicated the applicant will also have a fence line of 10' ft. around the basin.

**Motion Aponte/Miller to open public portion. Vote 6 Yes:**

Jeff Ludwig, adjacent property owner, sworn in: Mr. Ludwig asked if the applicant's fencing was

on the side or back? Attorney Talavacchia indicated the applicant is only proposing a fence along the basin. Planner Landgraf indicated the applicant will be trimming some of the trees that overhang from Mr. Ludwig's property in the rear. Township Administrator Miller asked Mr. Ludwig if he was optimistic that the easement will be granted. Mr. Ludwig advised yes, but it must be negotiated.

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

Township Administrator Miller stated variance(s) listed as Items #1-5 deals with drive aisle that have been existing for years. He indicated the applicant has submitted this application in order to provide an underlying site plan, the applicant is consolidating the parcels, and this will be an owner occupied site, therefore, he see's no reason not to grant variance relief.

Township Administrator Miller indicated the applicant is providing 42 vehicle spaces versus the 64 required by ordinance. He stated that based upon the testimony provided as to how the site is used with proposing 42 spaces the applicant will still be able to operate the facility safely.

Board Member Aponte stated he agrees with Township Administrator Miller.

**Motion Aponte/Eykyn to grant requested checklist waiver(s) #1 and #2: Vote 6 Yes:**

Aponte, Eykyn, Garth, Levy, Cafero, Miller

**Motion Aponte/Miller to grant requested design waiver(s) #1-#11 and #14-16: Vote 6 Yes:**

Aponte, Eykyn, Garth, Levy, Cafero, Miller

**Motion Miller/Eykyn to grant requested variances(s) relief: Vote 6 Yes:**

Aponte, Eykyn, Garth, Levy, Cafero, Miller

**Motion Aponte/Eykyn to grant requested conditional minor site plan approval: Vote 6**

**Yes:** Aponte, Eykyn, Garth, Levy, Cafero, Miller

**MEMORIALIZATION OF RESOLUTION(S):**

1. **SP 10-11**  
Jersey Outdoor Media, LLC

**Minor Site Plan**  
**9801/13**  
Margate Boulevard

**Motion Eykyn/Aponte to memorialize resolution granting requested checklist and conditional minor site plan approval: Vote 4 Yes:** Aponte, Eykyn, Garth, Levy. **1**

**Abstention:** Miller

2. **SPPF 08-11**  
Seashore Solar, Inc.

**Major Site Plan**  
**901/2 & 52**  
1307 Doughty Road

**Motion Eykyn/Aponte to memorialize resolution granting grant requested checklist waiver(s), design waiver(s), variances(s) relief, and conditional preliminary/final major site plan approval: Vote 4 Yes:** Aponte, Eykyn, Garth, Levy. **1 Abstention:** Miller

**CORRECTION OF MEMORIALIZED RESOLUTION:**

1. **SPPF 07-09**  
Egg Harbor Associates, LLC, an affiliate of  
Wolfson Verrichia Group, Inc. as authorized

**Preliminary/Final Major Site Plan**  
**2118/1 and 16-21**  
7801 Black Horse Pike

**agent for Wal-Mart Real Estate Business Trust  
"Oak Tree Plaza"**

6820 Old Egg Harbor Road  
Fire Road

The applicant's resolution was memorialized by the Planning Board during the Regular Planning Board meeting of June 20, 2011. The resolution was signed and thereafter, forwarded to all applicable parties and agencies. However, upon further review of this resolution a typographical error has been found on Page 50 of the resolution. Currently, Page 50 reflects a motion to grant *"conditional Preliminary Major Site Plan Approval for the Wal-Mart building and retail buildings A and B as shown on the Site Plan"*, which is incorrect. This motion should reflect *"Conditional Preliminary and **Final** Major Site Plan approval for the Wal-Mart building and retail buildings A and B as shown on the Site Plan"*.

Applicant is seeking Board allowance to correct the typographical error on Page 50, of the original resolution, to correctly reflect the applicant received both conditional preliminary and final major site plan approval for the Wal-Mart building and retail buildings A and B.

Board Secretary Wilbert explained within the resolution, specifically Page 50, the word **"Final"** was omitted from the motion granting site plan approval. This was a typographical error within the resolution. She advised the minutes of the meeting, transcripts, etc... have been reviewed to confirm this. Township Administrator Miller advised that within the resolution itself there is discussion concerning conditional preliminary and final major site plan approval.

Township Administrator Miller asked from those whom are present tonight is there a quorum? Board Secretary Wilbert advised she needs a quorum of those whom voted on the resolution. Township Administrator Miller stated it does not appear there are not enough member's present this evening in order to pass this motion. **\*\* May the record reflect:** Only four (4) member(s) are present (Aponte, Eykyn, Cafero and Miller) this evening that may vote upon the motion to correct the resolution of the typographical error.

Board Member Aponte suggest this item be "Tabled" until the next regular meeting of the Planning Board.

**Motion Aponte/Cafero to "Table" correction of the resolution of SPPF 07-09, Egg Harbor Associates, LLC, an affiliate of Wolfson Verrichia Group, Inc., as authorized agent for Wal-Mart Real Estate Business Trust - "Oak Tree Plaza" Block 2118 Lot(s) 1 and 16-21, until the next Regular Planning Board Meeting scheduled for Monday, November 21, 2011, 6:30 p.m., prevailing time Vote 6 Yes:** Aponte, Eykyn, Garth, Levy, Cafero, Miller

**SUMMARY MATTER(S):**

1. Discussion of matters pertaining to the Board:

Township Administrator Miller stated under the 2011 Regular Meeting Dates it references the November meeting as 11/21/10. Board Secretary Willbert apologized for the typographical error. She stated obviously it is 2011 not 2010. She asked for clarity purposes if the Board would make a motion specifically announcing the correct date of the regular November, 2011 Planning Board meeting.

**Motion Miller/Cafero to verify the Planning Board will conduct their regular November meeting on Monday, November 21, 2011, 6:30 p.m., prevailing time. Vote 6 Yes:** Aponte,

Eykyn, Garth, Levy, Cafero, Miller

**Motion** Aponte/Cafero to adjourn at 7:30 p.m. **Vote 6 yes:** Aponte, Eykyn, Garth, Levy, Cafero, Miller

Respectfully submitted by,

Theresa Wilbert  
Secretary