

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

October 20, 2014

Planning Board Professional(s):

Solicitor: Christopher Brown, Esq.: (Teddy Strickland, Esq., in attendance)
Engineer: James A. Mott, P.E., of Mott Associates: (Paul Kates, in attendance)
Planner: Vincent Polistina, P.P., of Polistina and Associates: (in attendance)

A regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:00 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, V-Chairperson, present Robert Levy, present
Committeeman John Carman, present Mayor James J. McCullough, Jr., present
Milas Cook, Alt. #I, resign Peter Miller, Township Administrator, present
Charles Eykyn, present Paul Rosenberg, 2nd V-Chairperson, another engage.
James Garth, Sr., Chairperson, another engage. John Welsh, Alt. #II, present
Frank Kearns, out-of-town

May the record reflect: Chairperson, James Garth, Sr., is not present due to another engagement, therefore, Vice-chairperson, Manuel Aponte presided over the meeting

OTHER MATTER(S):

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| <p>1. <u>SPPF 07-09</u>
Egg Harbor Associates, LLC, an affiliate of
as authorized agent for Wal-Mart Real Estate Trust
for Wal-Mart Real Estate Business Trust
“Oak Tree Plaza”
Zone: RCD, 34.46 acre site, sewer/water, applicant is requesting a one-year extension of time pursuant to the provisions of 40:55D-52(a). This extension will take effect until July 1, 2015, which is the first day following the end of the extension period as defined by the Permit Extension Act.</p> | <p>Extension of Time
2118/1 and 16-21
7801 Black Horse Pike
6820 Old Egg Harbor Road
Waiver of Time – Not Granted</p> |
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Stephen Nehmad, Esq., introduced himself as attorney for the applicant. He advised at this time the applicant is delaying their request for an extension of time. He advised a bill has just been introduced to extend the Permit Extension Act, which if passed would make this request moot.

PUBLIC HEARING(S):

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| <p>1. <u>SD 03-14 & SPPF 18-07 (Amended II)</u>
BrySCO Enterprises, LLC – “Matt Blatt”
Zone: HB, 9.8 acres (lot 38) 4.07 acres (lot 43) existing,
sewer/water. Applicant proposing to subdivide 2.2 acres
from the rear portion of lot 38 (Auto Lenders Dealership)
which currently contains 9.83 acres and add to lot 43
(Matt Blatt Dealership). After subdivision is completed lot 43 will contain 6.28 acres and lot 38 will now contain 7.62 acres. Currently lot 43 (Matt Blatt Dealership) contains a 16,971 sq. ft. building and</p> | <p>Minor Subdivision
Amend Prel./Final Major Site Plan
1703/38 & 43
6201 Black Horse Pike
6211 Black Horse Pike
Waiver of Time – Not Granted</p> |
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253 parking spaces. The applicant (Matt Blatt) intends to add an additional 10,156 sq. ft. of building area and the reconfiguration of parking areas as part of a three (3) phase expansion. Pinelands c/f: #2001-0146.005 dated: July 25, 2014.

Minor Subdivision Checklist Waiver(s):

1. Item #2: Plan scale 1" = 50' ft.
2. Item #3: Key map
3. Item #6: Updated 200' certified list
4. Item #13: Site triangles, radii of cur line and street sign locations
5. Item #14: Site characteristics map
6. Item #21: Location of temporary stakes
7. Item #23: Location of all monuments
8. Item #24: Easements of land or dedications

Minor Site Plan Checklist Waiver(s):

1. Item #3: Key map 1" = 300' ft.
2. Item #6: Updated 200' certified list
3. Item #8: Signature line and certification for Chairman, etc...
4. Item #14: Lighting and signage plan
5. Item #17: Existing or proposed protective covenants, deed restrictions
6. Item #30: Location of existing wells/septic
7. Item #32: Site triangles, radii of curb line, street sign locations
8. Item #35: Architectural plans.

Variance Relief:

1. §225-7: Side yard setback: 17.2' ft. in lieu of 20' ft. (Trash Enclosure)
2. §225-7: Lot coverage: Lot 43: 70% permitted 71% proposed
3. §225-55(F): Parking lot curbing: not providing curbing within proposed automobile display parking area
4. §225-55(G): Parking space dimension: 9' x 18' required applicant proposing 9' x 15' and 9 x 17'
5. §225-55(M)7: Parking dimension for buildings: parking shall be 10' ft. from building and a landscape strip between sidewalk and building shall be a 4' ft. minimum. Phase II shows parking spaces within 4' ft. of building.

Stephen Nehmad, Esq., introduced himself as attorney for the applicant, Brysco Enterprises, LLC, which is owned by Matt and Roy Greenblatt. He advised Matt Greenblatt is present this evening and he is the general sales manager. Attorney Nehmad explained this is an application for the expansion of the Kia dealership and a minor subdivision. He stated about six (6) to eight (8) years ago the Board approved the Matt Blatt and adjacent Auto Lenders Dealerships, which wraps around the rear of the Matt Blatt "Kia" dealership.

Attorney Nehmad advised Auto Lenders has agreed to sell a piece of their property to the Kia Dealership and by doing so the Kia Dealership is seeking a proposed expansion to be completed in three (3) phases. Attorney Nehmad stated regardless of the dire news concerning the economy and the automobile industry this dealership is doing well and is hoping to expand. He advised the applicant is seeking variance relief with respect to the inventory parking space size, which is not the same size as the patron parking. He stated the proposed inventory lot is replicated with the same size spaces as the existing inventory lot granted during the original approval in 2007.

May the record reflect: Board Solicitor Strickland had duly sworn Andrew Schaeffer, P.E. and Matthew Greenblatt.

Andrew Schaeffer, P.E., Schaeffer, Nassar, & Scheidegg, Mays Landing, New Jersey, New Jersey Licensed Engineer, sworn in: Engineer Schaeffer referred Exhibit A1: plan of existing building/existing parking/storage-inventory area. Engineer Schaeffer advised the applicant is proposing an additional storage/inventory area. Explaining the cars are moved in and out by the employees not by customers. Engineer Schaeffer advised the applicant is also proposing an additional 10,100 sq. ft. of building, in three (3) phases. He advised the applicant may propose construction of phases one (1) or two (2) or they may add all three (3) simultaneously.

Engineer Schaeffer advised the applicant is proposing to store vehicles in the area being purchased from Auto Lenders, which will be considered the rear of the property. He advised applicant is purchasing a little over two (2) acres from lot 38 (Auto Lenders) and when the subdivision and purchase is completed both Auto Lenders and Matt Blatt will have rectangular shaped parcels. He indicated the applicant's property will go from a little over four (4) acres to over six and a half (6 ½) acres.

Attorney Nehmad asked Engineer Schaeffer to review the agenda concerning the checklist waivers requested by the applicant. He asked Engineer Schaeffer if all were still applicable. Engineer Schaeffer responded that the applicant requires waivers from the items listed as 1-3 and 21 under "minor subdivision checklist" and under "major site plan checklist waivers" the applicant is requesting the items listed as 1-2, and 6.

Engineer Schaeffer provided to the Board the applicant's request for the waivers and provided testimony concerning why they should be waived advising they will not cause detriment to the zone plan if granted. He advised all others checklist waivers listed on the agenda have been addressed and are no longer being requested.

Attorney Nehmad stated the applicant is no longer seeking approval from items #1 and #2 under "variance relief". Engineer Schaeffer advised this is correct. Attorney Nehmad stated the applicant is seeking relief concerning parking, however, it is not patron parking it is car inventory/storage parking. Engineer Schaeffer advised this is correct. He indicated there is a total of 440 spaces that will hold a car on this site, but only 68 are customer/employee spaces. Engineer Schaeffer stated the applicant is proposing spaces that are 9' ft. in width but varying in length from 15 ½' ft. to 17 ½' ft., which are shorter than the normal 18' ft. length referenced in the ordinance. He indicated the applicant used the existing spaces for inventory and storage and struck lines creating the proposed spaces. He advised the existing parking was used as the model for the proposed.

Engineer Schaeffer advised currently the east side of the parking lot is not curb. He explained the applicant is proposing east, south, west and a little area along the rear of the proposed building to create a sheet flow off the paving. He stated it will go over a grass filter strip and then it will go into the storm water management system. He indicated this is for water quality and because the Pinelands Commission requested the applicant to do so.

Engineer Schaeffer referred to Exhibit A2: Architectural(s) of site, stating the new portion of the building will be the same materials and colors. He advised to the rear of the building there are two (2) doors to allow cars to be brought and taken all the way into the building for service by the employees. Engineer Schaeffer stated based upon the design existing parking spaces for the customers had to be relocated.

He advised based on this relocation the parking spaces will be less than 10' ft. from the existing building. He noted there are other spaces similar to this but they are existing conditions.

Attorney Nehmad asked if Engineer Schaeffer had a chance to review the reports of the Board Engineer, Mott Associates and the Board Planner, Polistina and Associates. Engineer Schaeffer stated he has and the applicant will comply and address all comments within the reports of the Board Professionals.

Motion McCullough/Eykyn to open to public portion.

Patricia Kagan, 3014 Ivins Avenue, Egg Harbor Township, New Jersey, sworn in: Ms. Kagan advised her home is closer to Ivins Avenue, but she has a few run in sheds and a barn for her horses (May the record reflect Mrs. Kagan pointed to these areas on Exhibit A1).

Ms. Kagan explained she does have a wire and wooden fence, however, you can see through it. She indicated with this proposal she is concerned with safety, noise and privacy. Ms. Kagan indicated when you have farm animals people want to touch them and pet them. She advised she has had problems in the past with people coming up from the power lines and feeding her animals. She stated she has signs up, as well as, security cameras but she has concerns.

Ms. Kagan stated this is also a privacy issue. She stated she goes out to this area on the weekends with her grandchildren and they will not have the privacy they now enjoy. Ms. Kagan indicated that by removing all the trees in this area it will be noisy. She stated noise will carry and she will see through because there are no more trees. Ms. Kagan advised that she has noticed at 7:17 a.m., two (2) days in a row she has heard banging. She not sure if it is a trash truck, because she hears the bang and then a beeping. Ms. Kagan advised she is concerned that she will not have a buffer and there will be notice.

Mayor McCullough advised what the applicant is seeking approval for is permitted. He asked what Ms. Kagan would suggest. Ms. Kagan advised she would like a privacy fence and some bushes. Attorney Nehmad indicated the applicant proposes a heavy 30' ft. buffer. He indicated there is also an additional 5' ft. of buffer so the applicant is complaint with ordinance requirements. Engineer Schaeffer advised the applicant could supplement trees if they fall short.

Township Administrator Miller asked if Ms. Kagan were standing in her yard will there be some type of berm where the buffer is proposed. Engineer Schaeffer stated there is no berm. He indicated in order to create a berm the applicant would have to remove more trees. Township Administrator Miller indicated the applicant could place a fence along the edge of the proposed pavement.

Board Member Aponte asked what type of lighting is proposed. Engineer Schaeffer advised the lighting is significant. Board Planner Polistina stated his office spoke with the lighting consultant and suggested they either dim the lights in the evening or meet the foot candle requirements. Attorney Nehmad stated .1 is very low. Board Planner Polistina advised the applicant could keep lights brighter until 8:00 p.m. and then turn them down. Township Administrator Miller stated this is a storage area for vehicles. He asked why the lights have to be so bright in the rear as compared to the front of the facility. Engineer Schaeffer advised the lights can be turned down after 8:00 p.m. or 9:00 p.m. to the .1 foot candle requirements.

Township Administrator Miller asked Ms. Kagan why a fence cannot be placed on the inside of her property to shield development. Ms. Kagan advised the horses will kick and chew the fence. Board

Member Eykyn stated he can understand the concern with headlights going onto Ms. Kagan's property in the winter time. Township Administrator Miller asked if the applicant could place white pines on the edge of the parking lot. Engineer Schaeffer advised the applicant does agree and they can be placed in. Ms. Kagan advised she would like both a fence and trees. She stated it will block the noise and provide privacy. Board Planner Polistina stated the applicant cannot be more than 65 decibels at the property line. Attorney Nehmad advised the applicant agrees to place a fence along the edge of paving from the limits of the parking field. He indicated it will be a 6' ft. high wood stockade.

Motion Carman/McCullough to close public portion.

Mr. (Matthew) Greenblatt advised they will not have loud speakers in the rear of the site. He stated he is not sure whose dumpster truck is making the noise, however, he will make sure their company comes after 8:00 a.m. Board Planner Polistina advised the applicant has provided a landscaping plan. The applicant will not be placing all the trees required on property, therefore, trees will be donated to the Township for their public parks.

Mr. (Matthew) Greenblatt referred to Exhibit A1: to show where cars would queue for the service of vehicles. Board Member Aponte asked if there will some type of striping for the queueing area. Mr. (Matthew) Greenblatt advised signs currently exist showing this the queue location. Board Member Aponte suggested some type of striping. Board Member Aponte asked Engineer Schaeffer if there were any problems with the design of the basin. Engineer Schaeffer indicated the basin has been over designed for the project. Board Engineering Representative Kates stated their office has agreed with the design.

Motion Eykyn/Carman to grant requested checklist waivers #1-3 and 6 (Minor Subdivision). Vote 7

Yes: Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

Motion Eykyn/Miller to grant requested checklist waivers # 1-2 and 6 (Major Site Plan). Vote 7 Yes:

Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

Township Administrator Miller stated he would make the motion to grant the variance because this is not customer parking it is for storage. He indicated with spaces being shorter he feels it will be manageable.

Motion Miller/McCullough to grant requested variance relief for items #3-5. Vote 7 Yes:

Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

Engineer Schaeffer stated there are two (2) things that need to be discussed. The first is a design waiver for the vertical design constraints and another variance for the 24' ft. wide drive aisle. Engineer Schaeffer explained the new basin was designed based upon the elevations of the site. He indicated the new basin is not as deep as the old one. He indicated the applicant is improving the vertical design constraint per say, however, the basin will be 4' ft. versus the 5' ft. required.

Board Member Aponte asked if the basin is functioning. Engineer Schaeffer stated the existing basin is functioning properly. He stated they have inspected after heavy rainfalls and there is never any water in it. He stated it releases before they arrive. Attorney Nehmad stated when the basin was originally constructed there was a significant amount of replacement of soil. Engineer Schaeffer stated this is correct.

Board Member Aponte asked what section of the ordinance is the variance relief requested. Engineer Schaeffer stated 222-55 (O). He stated the variance would allow for parking aisle width of 24' ft. versus 25' ft. Township Committeeman Carman asked if this is only in the storage area. Engineer Schaeffer stated this is correct.

Motion Carman/Eykyn to grant requested variance relief from section 225-55 (o) for a parking aisle width of 24' ft. in lieu of 25' ft. in the storage area. Vote 7 Yes: Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

Board Planner Polistina stated there is also the design waiver for the lighting along the Black Horse Pike. He advised it will be brighter than .1 foot candles along the Black Horse Pike. He further noted the applicant has agreed that after the hours of operation of the facility all other lighting will be dropped below the .1 foot candle requirement. He advised this is section 94-23(H) is for the lighting and the other design waiver for vertical design constraints is section 94-44(E)2 [H]3.

Motion Eykyn/Carman to grant requested design waivers from section 94-23(H): Lighting and section 94-44(E)2[H]3. Vote 7 Yes: Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

Board Member Aponte asked for the conditions to be referenced. Board Solicitor Strickland advised one condition concerns the lighting which was just discussed, applicant will supplement trees in the rear of the site should they die, applicant will provide a 6' wood stockade fence from the rear limits of the parking area, noise after 9:00 p.m. will be minimized, trash pick-up will occur after 8:00 a.m. and no later than 5:00 p.m, and striping be provided leading to the queueing area for service in the front of the facility, which Board Member Aponte will be left to the Board Engineer.

Motion Carman/Eykyn to grant requested conditional minor subdivision approval. Vote 7 Yes: Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

Motion McCullough/Carman to grant requested Amended preliminary and final major site plan approval (phases I, II and III. Vote 7 Yes: Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

SUMMARY MATTER(S):

SECTION I:

Discussions of matters pertaining to the Board:

Board Secretary Wilbert advised there is no summary matters to discuss. Township Administrator Miller asked Board Secretary Wilbert if she could go over the upcoming meeting schedule. He stated he is aware of October 24 and October 29, but if there were any additional dates concerning the deannexation matter. Board Secretary Wilbert stated she can confirm Friday, November 7th, at 5:00 p.m., however, she has yet to receive verification if a special meeting will occur on Wednesday, November 5th, 7:00 p.m.

Board Secretary Wilbert advised the meeting of Friday, October 24, 2014 is scheduled for 4:00 p.m. and the agenda specifically states no new business after 6:30 p.m. and adjournment by 7:00 p.m. because there are some members and staff that have other commitments this evening. She further noted the next meeting thereafter will be Wednesday, October 29, 2014, 5:00 p.m.

SECTION II:

a. **General public discussion:**

Motion McCullough/Eykyn to open public portion

May the record reflect no one came forward.

Motion McCullough/Eykyn to close public portion

Motion McCullough/Miller to adjourn at 5:50 P.M. Vote 7 Yes: Aponte, Carman, Eykyn, Levy, McCullough, Miller, Welsh

Respectfully submitted by,

Theresa Wilbert, Secretary