

Township of Egg Harbor
Planning Board

October 22, 2012

Solicitor: Christopher Brown, Esq., in attendance

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

Planner: Vincent Polistina, P.P., of Polistina and Associates, in attendance

A re-scheduled regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:30 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call was taken as follows:

Manuel E. Aponte, present

Robert Levy, present

Committeeman John Carman, present

Mayor James J. McCullough, Jr., * See Below

Milas Cook, Alt #1, present

Peter Miller, Township Administrator, present

Charles Eykyn, present

Paul Rosenberg, present @ 5:45 p.m.

James Garth, Sr., Chairman, present

MD Shamsuddin, Alt. #II, present

Frank Kearns, present

May the record reflect: Mayor McCullough had another engagement and has sent Deputy Mayor, Paul Hodson, in his place.

SITE PLAN(S):

1. SP 10-12

Minor Site Plan

AC Electric

801/4 & 5

Zone: M-1, 7.9 acres site, sewer/water,

2542 Fire Road

Applicant is proposing the construction of a 166' x 78'

Waiver of Time – Granted

canopy structure at a height of 28.10' ft. This canopy structure will be utilized by AC Electric in order to cover a fleet of utility trucks. The structure will be placed on an impervious area that is existing. CAFRA.

Checklist Waiver(s):

1. Item #10: Proposed elevations

2. Item #13: Landscaping plan

3. Item #14: Lighting and signage plan
4. Item #15: Site characteristics map
5. Item #16: Wetlands Location
6. Item #17: Deeds and covenants
7. Item #18: Stormwater management plan
8. Item #19: Sewer and water report
9. Item #20: Traffic report
- 10: Item #22: Modification report
- 11: Item #23: Utilities plan
- 12: Item 24: Profiles of proposed streets
- 13: Item #25: Curb and locations and dimensions
14. Item #26: Off street parking and loading
15. Item #31: Natural resource inventory
16. Item #32: Site triangles
- 17: Item #33: Soil erosion/sediment control plan
18. Item #34: All existing and proposed curbs and sidewalks
19. Item #36: Method of solid waste disposal

Variance Relief:

1. §225-7: Accessory Building Height: 15' ft. required; 28.10' ft. proposed.

Enid Hyberg, Esq., introduced herself, as attorney for the applicant. She indicated the applicant is seeking height variance relief in order to construct a pole barn with canopy located in the M-1 zoning district.

Attorney Hyberg advised the structure is to provide cover for company trucks so they are ready to go in an emergency. She advised the proposed exceeds the permitted height for an accessory structure, therefore, variance relief must be sought.

David Domen, P.E., New Jersey Licensed Engineer, Birdsall Engineering, Voorhees, New Jersey, sworn in: Engineer Domen advised he graduated from Rutgers College of Engineer in 1994 and is a professional engineer within the State of New Jersey. Engineer Domen referred to Exhibit A1: dated 10/22/12, plan of vehicle canopy structure, advising the site where this structure is proposed currently contains transformers and other operations for Atlantic Electric. Engineer Domen stated the proposed pole barn canopy will be constructed on an area of the site which is currently bituminous concrete, therefore, no additional storm

water runoff is proposed. He indicated across the street from this existing facility is a self storage and this site also abuts Delilah Road. He indicated the proposed will not create any additional noise or glare on site.

Engineer Domen advised the pole barn will be open and will have a gable roof. Attorney Hyberg asked why the pole barn is 29' ft. in height? Engineer Domen indicated the applicant needs the height in order to contain the bucket trucks under it. He indicated the vehicles that will be utilizing the pole barn are for the emergency vehicles used in power outages. He indicated by keeping the bucket trucks here under the canopy the responding time will be quicker because the trucks will be prepped.

Engineer Domen stated he has reviewed the reports of the Board Engineer and Board Planner. Attorney Hyberg indicated there was one comment within Planner Polistina's where clarification needs to be obtained. She indicated the report seeks revised plans that show every structure on site. She asked if this is correct? Board Planner Polistina explained he would prefer to see the major ones placed on site plan. He indicated he would like to keep a handle of where the structures areas are on site and what the sizes are? Township Administrator Miller suggested that they provide structures that are over 100 sq. ft. in size. Attorney Hyberg advised the applicant will supply the information requested.

Attorney Hyberg also noted the applicant will provide curb and sidewalk along the streets and she has submitted a draft deed of consolidation for the parcel.

Board Solicitor Brown advised there are 19 checklist waivers. He asked if the applicant is seeking all 19 or could some be eliminated? Attorney Hyberg advised this is a existing site and the applicant needs to seek all of them. Township Administrator Miller asked what is the setback from the building with Fire Road? Engineer Domen indicated it will be 358' ft. He also verified from the rear it will be 109' ft. Township Administrator Miller stated then the impact of this proposal is actually to Atlantic Electric and no one else. Attorney Hyberg stated this is correct.

Motion Eykyn/Aponte to open public portion. Vote 9 yes

May the record reflect no one came forward

Motion Hodson/Eykyn to close public portion. Vote 9 yes

Board Member Aponte stated he has no issue with the variance relief requested. He indicated the height of the building allows Atlantic Electric to get their emergency trucks out safely for the public good.

Motion Eykyn/Levy to grant requested checklist waiver(s). Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, Hodson, Miller, Garth

Motion Kearns/Eykyn to grant requested variance relief: 225-7: Accessory Building Height: 28.10' ft. proposed; 15' ft. required. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, Hodson, Miller, Garth

Motion Levy/Eykyn to grant conditional minor site plan approval. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, Hodson, Miller, Garth

OTHER MATTER(S):

1. SP 13-12 Atlantic City Expressway R-O-W
South Jersey Transportation Authority Milepost 9.69

Discussion/Presentation: Pursuant to N.J.S.A. 40:55D-31 the South Jersey Transportation Authority is presenting discussion to the Planning Board of Egg Harbor Township as a courtesy for their review and recommendation to establish and maintain a 34' foot high pole-mounted static billboard sign at Milepost 9.69 (Westbound) within the right-of-way for the Atlantic City Expressway. The proposed sign will be a single-face sign with a total of 672 sq. ft. When erected this billboard will be a static sign, however, it will be converted to a digital billboard sign when South Jersey Transportation Authority deems necessary.

Ben Zeltner, Esq., introduced himself as attorney for the applicant. He advised this application is for review and recommendation of a billboard pursuant to the municipal land use law to be located on the Atlantic City Expressway. He advised the billboard will be 34' ft. in height with a sign area of 672 sq. ft.

Andrew Schaeffer, P.E., New Jersey Licensed Engineer, Schaeffer, Nassar, and Scheidegg, Mays Landing, New Jersey, sworn in: Engineer Schaeffer advised the proposed billboard is near Exit 9 and is designed on the West bound side, however, the sign will be seen on the east bound side. He advised the distance from this bill board to adjoining billboards is greater than 1,000 ft. away, which is the minimum required distance. He indicated the applicant meets all the billboard requirements. Engineer Schaeffer indicated to the east the closest bill board is 3,400' ft. and on the west there is none within a mile. Engineer Schaeffer stated the applicant is proposing a conventional billboard, however, it eventually will be a digital.

Engineer Schaeffer stated the proposed sign will be below the tree line. He indicated the applicant finds it more pleasant and effective to have a lower size sign. He indicated the applicant could go as high as 60' ft., however, the applicant is again proposing 34' ft. Board Engineer Watkins asked if Engineer Schaeffer believed the applicant would go higher with the billboard in the future? Engineer Schaeffer stated no. He indicated what the applicant is seeking is the height they will go.

Board Chairman Garth stated the minimum required distance between bill boards is 1,000' ft., He asked who established that requirement. Engineer Schaeffer advised he believes it was the D.O.T. (Department of Transportation).

Board Engineer Watkins asked if the sign will have up lighting or down? Engineer Schaeffer indicated it will be up lighting. Board Member Levy asked when digital will be permitted? Township Committeeman Carman stated they are permitted now. Engineer Schaeffer stated many towns have a provision as to how often the message can change. He indicated that digital's are permitted. Township Administrator Miller indicated within Egg Harbor Township the message is not suppose to change more than every ten (10) seconds. Board Engineer Watkins noted the sign cannot be animated. Board Member Cook asked what is the purpose of the proposed sign? Attorney Zeltner stated the sign will be advertising purposes. Board Member Cook asked if it were for commercial purposes. Attorney Zeltner stated yes.

Board Member Cook asked if any study on traffic that would cause an accident by looking at sign? Engineer Schaeffer stated not specific to this project. They applicant has not. Attorney Zeltner stated South Jersey Transportation Authority is the applicant and it is their roadway.

Board Member Eykyn asked are all signs suppose to be 1,000' ft. apart everywhere or just here? Attorney Zeltner stated on State Highways it is a requirement. Township Administrator Miller stated the distance between billboard's are based upon two (2) things. He indicated if the local ordinance is silent then it is based upon the posted speed. Township Administrator Miller indicated the Township Ordinance that requires them to be a 1,000' ft. apart. He indicated since it is located within Egg Harbor Township our debate is they need to be 1,000' ft. apart on the Expressway also, but because the posted speed on the Expressway is in excess of 50 mph the State Department of Transportation requires them to be 1,000' ft. apart also. Attorney Zeltner advised Township Administrator Miller is correct and that is a function of traffic safety.

Board Member Cook stated he is looking at the picture and you can place them as far away as you want. Will they be flashing or will it be stationary? Engineer Schaeffer stated if they were to go digital in the

future it will be stationary messages. He indicated he believes they cannot change more than ten (10) seconds and they will not be animated. Board Member Cook indicated they do change. Engineer Schaeffer stated yes, but they can't change to the point that there animated like a movie. Deputy Mayor Hodson stated it is evident that there are others signs like this up and down the 42 miles of highway correct? Attorney Zeltner stated yes. Deputy Mayor Hodson stated this is nothing brand new. Attorney Zeltner stated absolutely not. Deputy Mayor Hodson just like the signs further east bound that talk about Atlantic City and their upcoming shows. Attorney Zeltner stated this is correct.

Board Engineer Watkins stated this billboard will be the furthest west in Egg Harbor Township? Engineer Schaeffer stated probably. Township Committeeman Carman stated if and when this does go digital maybe in the down time maybe South Jersey Transportation would like to put "Welcome to Egg Harbor Township" on it. Similar to what is in Pleasantville. Attorney Zeltner stated he is sure the South Jersey Transportation Authority will listen to this proposal.

Board Engineer Watkins asked if a Department of Transportation permit has been issued yet? Attorney Zelter stated yes. Board Member Aponte asked when will they break ground on this? Attorney Zeltner stated right away.

Motion Kearns/Eykyn to open public portion: Vote 9 yes.

Robert Kiejdan, sworn in: stated he owns 2,000' ft. along Delilah Road and the Atlantic City Expressway looking west and he owns another 1,800' ft. along the other side of the Atlantic City Expressway. He indicated that as an architect and a planner he reviewed the site lines. He indicated the width and the height of this billboard is design low because they do not want people to stick there neck up when they are driving. They want you to see this as long as you can for advertising purposes, so he understands why the sign is low.

Mr. Kiejdan indicated his concerns are that his property is zoned RG-5, which is all residential, and when you look out on the future development, he proposes, in the rear of all the units they will be looking at this proposed billboard. He indicated the Township already has a situation on the Margate Bridge Road with an LCD sign that is a lot smaller and just as low. He indicated there some are some residents in Northfield that can see that sign from their back windows. He indicated he was curious himself when the controversy began, so he decided to go where at least one of the resident's lived and he went to his back yard and yes you can read the sign from his yard. He also stated you would have to close your shades because the light is very bright. So, when someone is going down the east side of the expressway 65 70 mph the sign has

to be bright in order for you, in the period of ten (10) seconds to read that advertisement.

Mr. Kiejdan stated the potential of his 180 future tenant or homeowners, out their back window, they are going to see that LCD sign. He stated that billboard will be bigger than the back wall of this room and it is going to be really bright. He indicated that relative to 35' ft. which is the height of the second or third floor, in the back bedroom, they will have to close their shades. In order to keep out this brightness that is going to be seen. Especially, in winter time when there is no foliage.

Mr. Kiejdan stated you would not see this abutting the Expressway where there are many homes facing the rear of this proposed sign. He indicated he would like the Board to take this into consideration for this recommendation bear in mind there will be future people looking at that sign. He stated he personally does not like them because he believes they are a hazard. He indicated he saw the first novelty of the sign on the Margate Bridge Road. He indicated people braked, looked to see the advertisement, which catches your attention, however, he stated he diverts his eyes because it bothers him. He indicated he does not like the idea. He can see it going higher, but with it proposed this low relative to your site line you may see your emergency personnel and police responding for the potential of something happening in this area.

Attorney Zeltner stated to Mr. Kiejdan that he actually did not have any approvals for any homes on his property, therefore, there is no screening or design, it's raw land with trees. Mr. Kiejdan indicated that through a negotiation process, he has a certain amount of units to construct, based upon litigation. He indicated Mr. Schaeffer is aware of this because he was Mr. Kiejdan's design engineer. Attorney Zeltner asked Mr. Kiejdan how far this sign is from his site. Well past 200' ft.? Mr. Kiejdan stated when you stand on his property you will be able to read the sign. Attorney Zeltner stated based upon where Mr. Kiejdan is referencing he does not believe he will construct a home along the Expressway. Mr. Kiejdan stated you will be able to see the sign.

Board Member Rosenberg asked if the existence of the billboard be more detrimental then the oncoming headlights of traffic? Mr. Kiejdan advised the oncoming headlights from traffic will provide a little bit of beam but not as much as having a billboard 35' ft. up. He indicated a car headlight may throw a halo cast about 10' ft. to 12' ft. about ground, but this will be 35' ft. and you have brightly lit sign that will be constantly lit. Maybe on the first floor you will not be able to see, but when they are the second floor looking out your bedroom, especially in the winter time you will see that when the foliage comes off the trees.

Motion Carman/Aponte to close public portion. Vote 9 yes

Township Administrator Miller asked Attorney Zeltner if the purple circle shown on the plan represent a distance? Engineer Schaeffer stated it represents 500' ft. Township Administrator Miller asked Engineer Schaeffer as to what the estimated distance will be from Mr. Kiejdan's property that he identified. Engineer Schaeffer stated he would not estimate. Chairman Garth asked if this sign were to go digital would it have to come back to Board. Attorney Zeltner stated digital has been approved and it is a permitted use. Engineer Schaeffer measured the distance of Mr. Kiejdan's property. He indicated it is approximately 600' ft. from the edge of Mr. Kiejdan's property. Township Administrator Miller asked what the distance is from the angle the sign is shown on the plan. He asked if it is the same? Engineer Schaeffer stated he is not sure. Township Administrator Miller asked if there is a way for the angle of the Board to be adjusted a few degrees in a northerly direction so the angle shoots more toward the Expressway. Want to make sure of the target point.

Gerald Engle, Shore Sign Service, sworn in: Mr. Engle advised as far as the layout would go, he is at the end of the straightaway, coming from roughly Exit 12, so the placement will be based upon the R-O-W line coming straight down for the head on drive so whatever that is going to be we could swing the sign a little.

Township Administrator Miller stated when the applicant does convert to an LED or LDC sign face what type of lumens is given off from sign and what is the distance that they can be seen. Mr. Engle stated this is his first one and he is still in the process of finding out the answers to Township Administrator Miller's questions. Mr. Engle stated he is building a static billboard at this point. He indicated he is doing his home work to find the best fit, should he change over. Mr. Engle explained he does not have this information. Township Administrator Miller asked if Mr. Engle has a time table as to when you will be converting static Board to the digital. Mr. Engle advised he would more than likely do so within the next three (3) years.

Township Administrator Miller stated to Mr. Engle that there is a resident who has a concern for his 200+ unit subdivision to build across the street and he is concerned with the site lines of the billboard relative to his homes. Mr. Engle stated with a digital display it will be backlit. He indicated it is a little brighter than a static unit with halogen lights that are on a constant basis. With the digital message it changes in a ten (10) second frame and will stay static in that respect for ten (10) seconds and this will be done over seven (7) times for this specific location. Mr. Engle stated the proposed static billboard will have five (5) 400 watt lights on it. So the billboard will be flooded with lights at night. The proposed lights will be up lighting and it will be coming from the deck. So the billboard will still be bright once the sun goes down.

Mr. Kiejdan asked if you are traveling at 60 mph this is about 80' ft. per second, and the ten (10) second

rule, is going to catch you within a 1,000' ft. the faster you go, it more than wants your attention, so the ten (10) seconds is based relative to speed because it takes ten (10) seconds to usually read advertising that takes ten (10) seconds to appear. So the ten (10) seconds is for someone to recognize, adjust, read, digest, get the message and go. Mr. Kiejdan stated considering this they are tracking people from 800 to a 1,000' ft. away that is where they really want to start getting you. He stated if you take the billboard and your 1,000 ft. away that is where they begin to have you notice it. Mr. Kiejdan stated of course you see the billboard from a further distance relative to your eye site and your vision. He indicated there is a whole science on signage, lighting, distances.

Mr. Kiejdan stated he himself has two (2) billboards on the Expressway. He advised they are not LCD and they are further down by the industrial park. He indicated they do not face anyone or anything. He stated there is no issue because there are no resident's around. Having LCD is new and bright and you will be able to see it 2,000' ft. or a ¼ mile. He advised maybe you will not be able to read the letters, but will see the colors you will see the blue's and the red's. He indicated they do this to hold your attention and catch your eye. Mr. Kiejdan stated this is his concern with the LCD sign. He advised he would not have much of a concern if this was just a conventional billboard. He indicated with a driver going past it is a momentary issue but when it's in your backyard and facing you it will not leave you. Mr. Kiejdan stated he lives in Margate and he can see from Borgata and from Harrah's, who have an LCD coming out of the building and he can see the visual images and he lives miles away. He indicated they may not be as bright, but he indicated he can sell all the advertising at night from where he lives in Margate and I have a concern with this and you will see.

Mr. Engle stated coming from Exit 12 which is roughly two (2) miles away, yes you will see a white board with five (5) 400 watt halogens from that far away. You may not be able to read that billboard but you will see it. Mr. Engle stated if he were to flash a digital image and went from a red to a green to a blue of course your eye is going to pick-up on it. As far as how many times we can do this the State allows us to do this seven (7) times. Mr. Kiejdan stated it is not the number of ad's, because the billboard will not be off. It will be a constant display 24/7 and the display will change every ten (10) seconds. It is going to be seen. He advised it is Akin to a neon sign and it is not something that you want to see visually from the back of future home sites. Mr. Kiejdan stated he does not have a problem with a regular sign but the liquid crystal display is an issue. He stated it is much brighter, much more intense. That is why they are going to the crystal display they can make changes on fly to the advertising and it is a brighter sign.

Chairman Garth asked if there is anyway the brightness can be toned down at night? Mr. Engle stated no not when it is an LED sign. He stated this could also be dictated by the advertising that goes on the

billboard. He indicated should they sell space to Revel. He indicated Revel likes to do a lot of black backgrounds and white letters. Mr. Engle stated that could tone it down rather than a bright orange or neon green coloring. Board Member Rosenberg asked Mr. Kiejdan if his application devoid of vegetation between the housing and Expressway. Mr. Kiejdan stated no, but there will be a basin along Exit 9 and it will be clear in this area. Board Member Rosenberg stated the housing project will be seen from the Expressway? Mr. Kiejdan stated yes.

Board Member Aponte asked when will this billboard be going up? Will it be by Christmas? Mr. Engle stated possibly. He indicated there is steel at site currently. Mr. Kiejdan stated that is presumptuous. Township Committeeman Carman stated the Board has no jurisdiction over this billboard. All the Board can do is make a recommendation. Mr. Kiejdan stated he understands, however, the applicant is asking for a nod and courtesy, but it important to get the point across. He stated he understands there are limitations.

Township Administrator Miller stated it is not the Boards hands are tied. In Egg Harbor Township we do permit LED billboards and we do allow them at heights taller than proposed and even larger in area size. Township Administrator Miller stated the Township does have a prohibition of them being within 200' ft. of any residential neighborhood. He indicated that based upon the testimony of Engineer Schaeffer the proposed billboard will be within 600' ft. of where the proposed neighborhood would be starting. He indicated whether there is a house or basin there it is still three (3) times greater than what the Township prohibition is.

Township Administrator Miller stated the Planning Board really does not have the ability to say no since it is really a by-right use and this is a State agency that has a right to do it and they are extending a courtesy to address things. Township Administrator Miller stated his concern is the angle of the billboard. He stated the focus of the billboard is a specific area of the road. So there should be a minimizing of any spill over of anything outside the roadway. Board Member Aponte stated he can understand both sides. The applicant is looking for a nod and a courtesy but when you have the member of public that has land in area and they will be impacted. Mr. Engle has testified he does not know what it is going to be. Mr. Engle advised the digital aspect with his company is brand new. Chairman Garth stated than Mr. Engle has no idea what the lumens would be. Mr. Engle advised not right now. Board Member Aponte stated you are seeking a nod from the Board and this is concerning to me.

Mr. Engle stated he can provide this information. Board Member Aponte advised that is not today at the meeting. Mr. Engle stated he understands. He indicated each individual digital company is different with their electronics. Some may be brighter than others. He indicated he has not gotten to the point yet. Mr.

Engle stated they are reserving their right for when the area warrants it we will be able to do so. Attorney Zeltner advised whatever the Township requirement would be for digital at the time the applicant would not exceed.

Township Administrator Miller asked if the permit issued by the Department of Transportation specifically say for an LED billboard. Mr. Engle stated it is marked for a digital. Township Administrator Miller stated he feels more comfortable making a motion recommending the static billboard until Mr. Engle can provide more information as to the lumens so that when the Board is making a recommendation it knows exactly what it is signing off on. Especially when a property owner comes in and asked what the impact is the board is able to answer that question. He stated right now the board cannot provide Mr. Kiejdan an answer. Township Administrator Miller stated as a member of the board he feels more comfortable just recommending the static board at this time until Mr. Engle comes back with more information on the LED sign.

Board Planner Polistina stated this should be clarified. He stated the Department of Transportation permit he is looking at states it is "not a multi-message" sign. He indicated it is not checked. Mr. Engle stated the plan, when he applied for the permit it does reference. He indicated he in the future he is just reserving the right to do this. Mr. Engle stated this is why they are not going out and constructing a digital. He indicated this may be their first location to do so. They will have to amend the application for the Department of Transportation. Board Planner Polistina stated this is what he wanted clarified since there is different spacing for the multi-message board then the single-message boards. He also indicated the spacing would be 3,000 ft. versus the 1,000 ft. .

Board Planner Polistina stated the applicant will have to come back. The application states digital but do not have Department of Transportation approval. Township Administrator Miller indicated since the digital was not approved by the Department of Transportation than can only recommend static billboard. They must come back with anything else.

Attorney Zeltner indicated the South Jersey Transportation Authority made an application in the summer for a digital billboard at mile post 6.7. Township Administrator Miller stated yes and it was proposed at the entrance ramp of the Garden State Parkway going north. He further noted there was no objector's and no one is around that area. He indicated the proposed billboard is literally within the clover leaf and these issued did not come up. Attorney Zeltner indicated this is not the first digital billboard from South Jersey Transportation Authority. Township Administrator Miller indicated this is correct. However, the location and circumstances are different in each application with each standing on its own merits.

Board Member Rosenberg asked why this location is the first? Attorney Zeltner stated it is not the first, since other site was approved. Board Member Rosenberg asked if this location is the only area Mr. Engle has along the Expressway? Mr. Engle stated he has twelve (12) other locations. Board Member Rosenberg asked why any of the other twelve (12) was not considered. Mr. Engle advised the readability Rosenberg: why this locaton is the first for your company. Engle: have 12 other locations. The readability, the distance that someone would have, to read the sign is the greatest of the twelve (12) that he has.

Board Member Aponte asked how the recommendation can be re-worded? Planning Board Solicitor Brown stated the Board is recommending a static billboard and if in the future the applicant chooses to change it to an LED the board is requesting they come back before the board. He indicated you are letting them know your intent. Board Solicitor Brown indicated whenever you have layers of bureaucracy at least there is a communication. He indicated there are circumstances where the State Laws does not necessarily pre-empt. He indicated when it comes to the erection of billboards the board's roll is to review and consent.

Board Member Levy stated he has been on the Board for twenty (20) years and everyone knows his feelings on these. He believes they are ugly. He did state, however, not much board can do with this application. Chairman Garth stated if the applicant wants digital then they must return to the Board.

Motion Miller/Aponte planning board recommends a 34' pole-mounted static billboard with a sign area of 672 sq. ft. within the r-o-w area at milepost 9.69 in accordance with the permit issued by the New Jersey Department of Transportation and prior to the proposed billboard being converted to digital the applicant must make presentation to the Planning Board in accordance with 40:55D-31. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Hodson, Miller, Garth, Rosenberg

SUBDIVISION(S):

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|----|---|--------------------------|
| 1. | <u>SD 03-12</u> | Minor Subdivision |
| | Alvarado & Barnett, LLC | 5202/14 |
| | Zone: RG-1, 6.95 acres, sewer/water, applicant | 6143 Mill Road |
| | is proposing a two (2) lot subdivision in order to create | Waiver of time – Granted |
| | two (2) detached dwelling units per lot. Pinelands c/f: #2003-0242.002, dated 10/12/12. | |

Checklist Waiver(s):

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| 1. | Item #17: | Soil borings |
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Design Waiver(s):

1. §94-28H(1): Open Space/Recreation

Board Planner Polistina stated he has a conflict and he is leaving for the evening. May the record reflect Board Planner Polistina left at 6:34 p.m.

Nicholas Talvacchia, Esq., introduced himself as attorney for the applicant. He advised the applicant is seeking a two (2) lot subdivision at 6143 Mill Road, block 5202 lot 14. Attorney Talvacchia advised the prior owner of this parcel had received approval to construct a twelve (12) lot subdivision. He indicated that subdivision was approved by not perfected. Attorney Talvacchia stated the plat was never recorded. He further advised when his client's purchase the property they had submitted a letter advising they were abandoning that prior approval. Attorney Talvacchia stated the applicant is going from twelve (12) lots to two (2) lots, which are conforming. There are no variances requested.

Attorney Talvacchia advised currently there is a building permit for a home under construction on the left side and the applicant proposes eventually a second home, residential, for our client's business. Board Solicitor Brown asked if the applicant agrees with all the recommendations of the Board Engineer. Attorney Talvacchia stated yes.

Attorney Talvacchia advised the applicant is seeking one waiver. The applicant is seeking a waiver for soil boring. He advised the applicant will be providing the open space and recreation fee for the proposed lot. Township Administrator Miller advised he believes the vacant parcel will require an affordable unit based upon the Pinelands Commission requirements. Township Committeeman Carman stated he was not happy with respect to this. Attorney Talvacchia stated the applicant could return with a three (3) lot subdivision in order for one of the lots to be productive.

Township Administrator Miller explained the Township had to prepare a COAH plan. He indicated the ordinance requires an applicant create an affordable unit. He advised as a condition within the Decision and Resolution the proposed parcel has to be an affordable unit. Attorney Talvacchia asked for a copy of the ordinance.

Attorney Talvacchia advised the applicant would like to receive approval. He further noted the applicant will look at the requirements for which this use is proposed for. Chairman Garth asked if both the home under construction and the proposed both be used for business. Attorney Talvacchia advised both homes will be used for residential detoxification, which both are permitted. He indicated the resident's will live within the homes. Township Administrator Miller stated these will be half-way house facilities.

Attorney Talvacchia advised most residents will be within the facility for 65 days. He indicated they will not reside long term. Attorney Talvacchia noted the home currently under construction will have six (6) bedrooms, however, he is not sure how many bedrooms the proposed home will have.

Chairman Garth advised the original subdivision listed a condition that a fence would be going up between this parcel and an existing home. Attorney Talvacchia advised the applicant's are planning a fence and landscaping. He indicated can be made as a condition of approval that the applicant will provide the landscaping and fencing for buffer. Attorney Talvacchia indicated, however, the applicant will not be extending the fence the entire length (200' ft). He advised a plan will be provided to the Board Engineer Watkins for his review. Attorney Talvacchia indicated there is no requirements for fencing, but will provide the buffering between the adjacent home and client's property.

James Boney, PSL, New Jersey Licensed Surveyor, Egg Harbor Township, sworn in: Surveyor Boney advised the home under construction is adjacent to the existing property. Attorney Talvacchia asked if the common property line between the two (2) extends around 200' ft. Board Engineer Watkins stated the adjacent neighbor asked at the time of the original subdivision that a fence be placed between the parcels. He indicated Board Engineer Watkins stated he will work with the applicant with respect to the fence.

Motion Hodson/Rosenberg to open public portion. Vote 9 Yes

May the record reflect no one came forward

Motion Carman/Hodson to close public portion. Vote 9 Yes

Motion Aponte/Eykyn to grant requested checklist waiver(s). Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Hodson, Miller, Garth, Rosenberg

Motion Aponte/Rosenberg to grant requested design waiver(s) \$5,950 required. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Hodson, Miller, Garth, Rosenberg

Motion Miller/Rosenberg to grant conditional minor subdivision approval. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Hodson, Miller, Garth, Rosenberg

PUBLIC HEARING(S):

- | | | |
|----|---|---|
| 1. | <u>SP 10-11 (Amended)</u>
Jersey Outdoor Media
Zone: MC, 5.85 acres, applicant received minor site plan approval in September, 2011 to construct a double sided billboard to be setback at a distance of 25' ft. from the R-O-W of Margate Boulevard. The existing billboard is 60' ft. in height and has one (1) 20' X 30' digital sign facing west and two (2) 10' X 30' non-digital signs facing east. | Amended Minor Site Plan
9801/13
114 Margate Boulevard
Waiver of Time – Not Granted |
|----|---|---|

Applicant is now seeking to amend the minor site plan approval in order to relocate the billboard to an area outside of the wetlands. The billboard will be mounted on a single pipe column and will be cantilevered over the wetlands area. No other improvements are proposed on site. CAFRA

Checklist Waiver(s):

- | | | |
|----|-----------|--|
| 1. | Item #12: | Vehicular access |
| 2. | Item #15: | Location of all wetlands area, transition area, or buffers |
| 3. | Item #18: | Stormwater Management Plan |
| 4. | Item #19: | Water and sewer connection |
| 5. | Item #20: | Method of solid waste |
| 6. | Item #21: | Location of existing wells and septic systems |
| 7. | Item #23: | Landscaping plan |
| 8. | Item #24: | Lighting and signage plan |

Motion Kearns/Eykyn to schedule application for Monday, December 17, 2013, 5:30 p.m., prevailing time.
Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Hodson, Miller, Garth, Rosenberg

MEMORIALIZATION OF RESOLUTION(S):

- | | | |
|----|---|--|
| 1. | <u>SD 01-02</u>
Dzianis Makareika & Alina Vorobeva | Minor Subdivision
1429/1
12 Madison Avenue |
|----|---|--|

Motion Eykyn/Kearns to memorialize resolution granting requested checklist waiver(s) and conditional minor subdivision approval. Vote 5 yes: Aponte, Carman, Eykyn, Kearns, Garth. 1 Abstention: Miller

- | | | |
|----|--|--|
| 2. | <u>SD 04-12 & SPPF 12-12</u>
Metro Development of South Jersey, LLC | Minor Subdivision
Preliminary & Final Major Site Plan |
|----|--|--|

“WaWa”

2120/1-3, p/o 4, 6-9

6745 Black Horse Pike

Motion Eykyn/Kearns to memorialize resolution granting grant requested checklist waiver(s), variance relief: 225-7: Lot Area (Block 2120/Lot 4), §225-7: Front Yard Setback, §225-7: Parking Setback Buffer, §225-55M(7): Parking from Building, §225-63A(3): Building Mounted Sign, conditional minor subdivision, conditional preliminary & final major site plan approval. Vote 6 Yes: Aponte, Carman, Eykyn, Kearns, Rosenberg, Garth 1 Abstention: Miller

3. SPPF 18-05 (Amended)

Amended Preliminary/Final Major Site Plan

New Vista, LP

1430/1

6124 Black Horse Pike

Motion Eykyn/Kearns to memorialize resolution granting requested checklist waiver(s), design waiver(s), variance relief: 225-7: Lot Area (Block 1430/Lot 1), §225-7: Front Yard Setback, §225-56A(33): Parking Requirement, §225-63A(3): Building Mounted Sign, and conditional amended preliminary & final major site plan approval. Vote 6 Yes: Aponte, Carman, Eykyn, Kearns, Rosenberg, Garth 1 Abstention: Miller

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

SECTION I:

- a. Egg Harbor Township Ordinance No. 46 of 2012: an ordinance to amend the code of the Township of Egg Harbor, Chapter 225, Section 225-7, Schedule of Area, Yard and Building Requirements.

Township Administrator Miller advised Ordinance 46 of 2012 changes the lot coverage requirement within the non-pinelands jurisdiction. He indicated the Township had changed the impervious definition and Township Committeeman Carman suggested changing the coverage requirements in order to allow a person to build a home, pave and place a pool on their property outside the Pinelands Jurisdiction. He indicated the coverage requirements are the same in the corresponding zones within the Pinelands Jurisdiction.

Motion Rosenberg/Eykyn to recommend Ordinance No. 46 of 2012 to Township Committee for review and approval finding it meets the requirements of the Master Plan. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Hodson, Miller, Rosenberg, Garth

SECTION II:

- a. General public discussion - May the record reflect no one came forward.

Motion Carman/Aponte to adjourn at 6:45 P.M. Vote 9 Yes: Aponte, Carman, Eykyn, Kearns, Levy, Hodson, Miller, Rosenberg, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary