

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD**

**November 15, 2010**

**Solicitor:** Christopher Brown, Esq.  
**Engineer:** James Mott, P.E. (Mott and Associates), Gregory Schneider, P.E. in attendance  
**Planner:** Vincent Polistina, P.P. (Polistina and Associates) Craig Hurlless, P.P. in attendance  
**Traffic:** Edward Walberg, P.E., (Remington, Vernick and Walberg) Joseph Angelastro, P.E., in attendance

A regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 6:30 p.m., prevailing time, Egg Harbor Township hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

**Roll Call:**

Manuel E. Aponte, V-Chair., present	Joseph Lisa, 2 <sup>nd</sup> V-Chair., present
Committeeman John Carman, present	Mayor James J. McCullough, Jr.,* <b>see below</b>
Charles Eykyn, present	Peter Miller, Township Admin., present
James Macon, Alt. #II, ill	Dorothy Saslav, present
James Garth, Sr., Chairperson, present	Frank Kearns, Alt. #I, present

\* **May the record reflect:** Mayor McCullough has sent Committeeman Joseph Cafero in his place this evening due to another engagement.

**PUBLIC HEARING(S):**

<b>1. SPPF 33-94 (Amended)</b>	<b>Amend. Prel./Final Major Site Plan</b>
<b>Sam's Real Estate Business Trust ("Sam's")</b>	<b>2115/3</b>
Zone: RCD, 7 acre site, sewer/water, applicant	1025 Black Horse Pike
is seeking to remove a portion of the existing asphalt and striping along the front of the existing retail bldg. for the addition of a canopy. Other improvements include restriping a portion of the parking lot, reconfiguration of the handicap parking spaces, installation of new concrete slabs at the rear of the site, replacement of existing grease traps and replacement of the existing sidewalk adjacent to the building. The reconfiguration of the handicap parking will create a decrease of six (6) parking spaces (557 total proposed). CAFRA.	Waiver of time – <b>Not Granted</b>

**May the record reflect:** the applicant(s) attorney requested this application not move forward this evening. Revised plans must be submitted to the Board Office, thus the applicant must re-notice when scheduled. anticipated revisions to the plans.

<b>2. SPPF 07-09</b>	<b>Preliminary/Final Major Site Plan</b>
<b>Egg Harbor Associates, LLC</b>	<b>2118/1 &amp; 16-21</b>
<b>as authorized agent for</b>	7801 Black Horse Pike
<b>Wal-Mart Real Estate Business Trust</b>	6820 Old Egg Harbor Road
<b>"Oak Tree Plaza"</b>	Fire Road
Zone: RCD, 34.49 acres site, sewer and water, applicant	Waiver of Time – <b>Not Granted</b>
is proposing to demolish the existing buildings and parking areas currently on site and is proposing the construction of a 244,599 sq. ft. shopping center. The applicant proposes to	

construct a 188,463 sq. ft. WalMart anchor store which includes a seasonal garden center and grocery store, two (2) adjacent retail stores consisting of 18,588 sq. ft. and 18,275 sq. ft., as well as, a 4,000 sq. ft. bank with three (3) drive thru lanes, a 5,895 sq. ft. dine in restaurant, a 3,400 sq. ft. restaurant with drive thru and a 4,250 sq. ft. fast food restaurant with drive thru facility. Other improvements include 1,106 paved parking spaces, freestanding and building mounted signage, landscaping and storm water management. CAFRA.

**Checklist Waiver(s):**

- |                     |  |
|---------------------|--|
| <b>1. Item #17:</b> | <b>Proposed protective covenants and deed restrictions</b> |
| <b>2. Item #35:</b> | <b>Typical floor plans and building views/elevations</b>   |

**Design Waiver(s):**

- |                                |  |
|--------------------------------|--|
| <b>1. §94-22A:</b>             | <b>Landscaping irrigation</b>                              |
| <b>2. §94-44D(2)(j):</b>       | <b>More than two feet of water for 50 year storm event</b> |
| <b>3. §94-44E(1)(i)[5]:</b>    | <b>Side slope of basins</b>                                |
| <b>4. §94-44E(1)(j)[1][b]:</b> | <b>Top of basin width</b>                                  |
| <b>5. §94-46B(1):</b>          | <b>Minimum pavement design</b>                             |

**Variance Relief:**

- 1. §225-63A:** One (1) building mounted sign is permitted per tenant. Applicant is proposing the construction of one (1) building with three (3) tenants, WalMart and two (2) retail stores. Three (3) building mounted signs are permitted, one (1) for each tenant. The applicant is proposing four (4) building mounted signs on the proposed WalMart building.
- 2. §225-63A(1):** No building mounted sign shall exceed two (2) square feet in area for each one (1) foot width of the front building facade which is devoted to the business and to which it is attached; and shall not exceed 250 square feet on any one side. The applicant is proposing four building mounted signs for a total area of 550.64 sq. ft., whereas a maximum area of 250 sq. ft. is permitted for a building with a front facade of 500± feet.
- 3. §225-63A(3):** No building mounted sign shall have a vertical dimension in excess of five (5') feet. The applicant is proposing a building mounted sign with a vertical dimension of eight (8') feet, whereas a maximum of five (5) feet is permitted.

Stephen Nehmad, Esq., introduced himself as attorney for the applicant Egg Harbor Associates, LLC, affiliate of Wolfson Verrichia Group, whom are the designated agent for Wal-Mart. Attorney Nehmad advised the applicant is seeking through this application preliminary and final major site plan approval for the development of the Wal-Mart and two (2) additional retail stores and preliminary approval for the pad sites. He indicated overall this is a 240,000 sq. ft. center.

Attorney Nehmad advised Mr. Dion is handing out an exhibit format which is a summary of all exhibit(s) being presented by the applicant. Attorney Nehmad continued to advise that in 2004 the applicant received preliminary and final site plan approval for this site. With this past application the proposed development was 50,000 sq. ft. larger however, after the applicant

received approval from the Township the applicant then proceeded with obtaining all other land use and environmental approvals from other agencies. He advised the New Jersey Department of Transportation approval has caused the applicant to file a new application with the Board requiring approval.

Attorney Nehmad referred to **Exhibit A1: aerial photo with site plan** advising the applicant originally proposed a left turn lane along the Black Horse Pike in order to enter site, otherwise individuals would have to utilize Fire Road. He indicated the New Jersey Department of Transportation took five (5) years to grant approval. They, however, would only approve a left turn into the site if the applicant were to extend a connector road way between the Black Horse Pike to Old Egg Harbor Road and Hingston Avenue.

Attorney Nehmad explained because of this change the proposed buildings now face the Black Horse Pike and based on the engineering of the site the applicant has lost 50,000 sq. ft. of gross leased area. He indicated that based on the changes the applicant has retain the best features of the project and incorporated several design attributes. The applicant has retained an arborist and located trees that warrant retention. Attorney Nehmad indicated the applicant is retaining just under 200 existing tree's during construction and post construction.

Attorney Nehmad advised the development will be pedestrian friendly and will be accessible to pedestrian within the neighborhood. The applicant has retained muralis, Mr. Sam Donovan, whom produced the murals on the Genaurdi's and Millville City Hall. He indicated Mr. Donovan has proposed a mural portraying this Town's historical past and it will be on the facade of the building.

Attorney Nehmad stated the applicant has an extensive buffer along the Black Horse Pike, Fire Road and Old Egg Harbor Road. He indicated the buffer is significant and the applicant has presentations to scale that will show trees and bushes proposed on top of the berm for the buffer in the rear of the center.

Attorney Nehmad stated the applicant is seeking preliminary and final site plan approval for the main building tonight and preliminary approval for the proposed pad sites. He indicated the applicant will return to seek final approval for the pad sites at a later time. He indicated the pad sites proposed consist of one (1) sit down restaurant, one (1) bank and three (3) quick food facilities. He advised this site is zoned RCD and is the highest commercial zoning within the Township. He indicated this zoning allows for a number of different uses. Attorney Nehmad further noted the applicant is well within the 70% coverage requirements permitted for lot coverage within this zone. He further noted this site has a base of 30 million dollars, and will offer a number of permanent jobs, which is a concern in these economic times.

Attorney Nehmad advised there are several witnesses and he asked they be sworn. Board Solicitor, Christopher Brown, swore in the following individual(s).

Brian Zappala, Principal Engineer, sworn in  
Perry Petrillo, Architect, sworn in  
David Lumis, Architect, sworn in  
Sam Donovan, Muralis, sworn in  
Gary Lovato, Arborist, sworn in  
Ken O'Brien, Traffic Engineer, sworn in  
William Crane, Planner, sworn in  
Steven Wolfson, principal, Wolfson Verrichia, applicant, sworn in

As a matter of procedure, Board Solicitor Brown also swore in the Board Professional's. Attorney Nehmad asked if the affidavit and proof's presented were acceptable. Board Secretary Wilbert indicated yes.

Brian Zappala, New Jersey Licensed Engineer (civil engineer), Bohler Engineering, Chalfont, P.A., advised he received his B.S. from Motly College. He indicated his specialty is large commercial development.

Engineer Zappala stated he designs grading and storm water management for developments as small as 4,000 sq. ft. to as large as 400,000 sq. ft. Engineer Zappala stated he has designed 12 Wal-marts, which include super centers. He advised he was the design professional in charge of the 2004 applicatiopn and he is the design engineer for the present application. Engineer Zappala advised he is familiar with the property in question and with the Township's Land Development Ordinance.

Engineer Zappala advised the site in question is 35 acres, as per **Exhibit A1, dated 11/10/2010 aerial plan superimposed site plan**. He indicated the site is the former Atlantic City Electric Company facility, which has a footprint of 140,000 sq. ft., in addition there are other building's on the site which brings a total area of 200,000 sq. ft. The Electric Company site also had access off Old Egg Harbor Road and the Black Horse Pike.

Engineer Zappala indicated on the aerial north is at the bottom, south is on top and then you have east and west. He stated the north side of the side abuts the Black Horse Pike and the south abuts Old Egg Harbor Road. He indicated to the west is Fire Road, which is a County Road.

Engineer Zappala advised the R4 zoning district is located on the south side of the site, also along Old Egg Harbor Road. He indicated west of the property other land uses include commercial development of a hotel. Engineer Zappala advised the use proposed for this site is by-right and within the Township's Land Use Ordinance the RCD zone permits for commercial uses, office and light industrial. He further noted the RCD zone is the most intense zoning within the Township Ordinance(s).

Engineer Zappala stated the applicant received approval's from all agencies during the 2004 application, with the exception of the New Jersey Department of Transportation. He indicated

with the original proposal the access off the Black Horse Pike was to be signalized. When the New Jersey Department of Transportation reviewed the application they desired a connector road that would transverse the site versus a private drive originally proposed.

Engineer Zappala referred to **Exhibit A2, dated 2/24/09 rendered site plan**, which is also plan placed in Board package's for review. He indicated the prior design of the site proposed the buildings along the eastern side of the site with a drive to Old Egg Harbor Road with additional access through Old Egg Harbor Road and Fire Road.

Engineer Zappala stated the applicant has now proposed the Wal-mart building to front the Black Horse Pike which will consist of 188,400 sq. ft. of space. He indicated located to the west of the Wal-Mart will be retail building(s) A and B. He advised the out parcels, as noted on Exhibit A2: will be parcel #1: Financial Center, parcel #2: fast food facility, parcel #3: restaurant (sit down), and parcel(s) #4 and #5 will also be fast food facilities. The total square footage anticipated is 244,509 sq. ft. and access to each of the facilities will be gained through out the center.

Engineer Zappala advised the storm water facilities proposed meets the New Jersey Department of Environmental Protection requirements and Township ordinance requirements. He advised basin #1 is located along Fire Road, basin #2 will be at the intersection of the Black Horse Pke and Fire Road and basin #3 will be cut in two (2) by the connector road proposed. Engineer Zappala advised the basins along the frontage(s) will be 3' ft. to 4' ft. shallow depth and basin #3 will actually be 6' ft. to 7' ft.

Engineer Zappala advised the applicant proposes landscaping for this facility, as referenced in the areas colored green on **Exhibit A2**. He indicated 195 trees will be saved and retained. He stated in addition the applicant is proposing a buffering of evergreens and deciduous plantings. Engineer Zappala advised the applicant is proposing a berm along Old Egg Harbor Road that will be topped with landscaping, as well as, buffering along the connector road basin and the Fire Road basin. Again, the applicant is maintaining a number of trees along the Black Horse Pike through tree saving. He stated the commercial and town center feeling will be pedestrian friendly. He indicated the applicant will have a pedestrian sidewalk along the connector road and there will be sidewalks connections from Old Egg Harbor Road, to Fire Road, to the Black Horse pike and all will be ADA (American Disabilities Act) accessible.

Engineer Zappala advised the mural proposed will be on the western side of proposed building "B". He indicated the applicant is showing sensitivity to Old Egg Harbor Road. He referred to **Exhibit A4, dated 10/26/2010, rendered plans Cross Section of Old Egg Harbor Road** advising there will be a grading technique and retaining walls to save the proposed elevation of berm. He indicated the berm will be between 5' ft. to 10' ft in height. He stated Old Egg Harbor Road will be at 49.7 ft. in elevation, however, the proposed berm will have an elevation of 62.5' ft. berm. Attorney Nehmad advised if you are out side the center along Old Egg Harbor Road the berm will be over 10' ft. and its location is between the sidewalk and the buildings of Old Egg Harbor Road.

Engineer Zappala advised there will be existing vegetation near the sidewalk along Old Egg Harbor Road, then the eye will begin to notice the berm. He indicated the plantings along Old Egg Harbor Road will be 3 to 3 ½ ' and 6' to 8' ft. Engineer Zappala advised there will be irrigation for the site along the perimeter buffer, which will be from 41' ft. along the front of bank located on Old Egg Harbor Road to 90' ft. where the connector road and basins are located.

Engineer Zappala advised there are a few free standing signs proposed for the facility. He indicated there is one (1) proposed at the intersection of the connector road and the Black Horse Pike which will 248 sq. ft. He advised there are two (2) signs proposed along Old Egg Harbor Road and both will be 165 sq. ft. in area and the last sign is located along the south side of the Fire Road access and it will be 100 sq. ft.

Engineer Zappala referred to **Exhibit A3, page 1 of 1, elevation of freestanding sign(s)**. Chairman Garth asked if all free standing signs will reflect one (1) address or will they reflect three (3) different addresses since they are on different streets? Attorney Nehmad advised the applicant will follow the direction of Township Tax Assessor and the Post Office. Engineer Zappala advised the architecture of the signs will be brick and they will be internally illuminated. He indicated they will match the architecture of the proposed buildings/site.

Engineer Zappala advised Wal-mart will have three (3) loading area(s), retail building "A" will have two (2) and retail building "B" will have one (1). Engineer Zappala advised the other out parcels will not have designated loading zones, however, the sit down restaurant will. He indicated access for the trucks will be through the Black Horse Pike and truck route signs will be provided. He further noted the applicant will provide truck turn around internally on the site and can be provided from east to west through a loop drive/road. Engineer Zappal advised there will actually be seven (7) loading spaces for the Wal-Mart. He indicated he has designed a dozen Wal-Marts and finds this number of loading spaces more than adequate. Again, loading and truck traffic will be accomplished through the Black Horse Pike.

Engineer Zappala advised the front yard setback for this zone is 80' ft. he indicated that at the narrowest point on site, which is an out parcel the setback is 80.1' ft. He indicated the Wal-Mart itself is actually 200' ft. off the road. He further noted the side yard setback is 25' ft. for which the applicant is 198.4 ft. away. Engineer Zappala stated the applicant does not have any rear yard. He indicated the project fronts on three (3) road ways and the property on the eastern side is considered a side yard. He indicated the applicant meets the requirements of impervious coverage. He noted the applicant is proposed 68% and the zone allows for 70%.

Engineer Zappala indicated the applicant is proposing perimeter buffers that comply, however, there is an area along the Black Horse Pike which is proposed at 20' ft. He further noted the applicant has went through the Municipal Utilities Authority and New Jersey American Water Company as part of the previous approvals and covered under the permit extension act. He indicated the applicant will provide the Township Fire Company with hydrants and adequate water capacity.

Engineer Zappala advised the applicant is seeking a design waiver with respect to landscaping irrigation. Again, he advised the applicant will provided irrigation for the perimeter landscaping and vegetation, however, a waiver is sought for the parking islands. He indicated this is from a practical standpoint. He indicated usually the smaller landscape islands are trampled by the public, therefore, it is better to only provide for the perimeter area where most of the plantings will be going.

Engineer Zappala advised the applicant is seeking a waiver for storm water basin being more then 2' ft. for a 50 year event. He advised for proposed basin(s) #1 and #2 the applicant will comply with the requirements, however, basin #3 will not. He indicated the depth will be 2.5' ft. Engineer Zappala advised the basins function under the requirements of the Department of Environmental Protection, however, the storm water depth for the one (1) basin does not.

Engineer Zappala stated if the applicant were to apply more basin surface area it would limit the amount of impervious coverage, which the applicant believes would be impractical. He indicated if the standards are applied the yield would be less then the proposal which would be impractical. Engineer Zappala stated the applicant meets the zoning requirements. He stated this development should be designed to its potential. If the applicant were to meet this standard then the applicant would have a smaller development.

Engineer Zappala indicated the Ordinance requires a basin to have a 4 to 1 slope and retaining walls are not listed in the ordinance. He advised he can understand that for residential development the Township does not want to maintain retaining walls, however, the proposed storm water basins are private and will be maintained by the developer whom will have it fenced in. He indicated each proposed basin will have a retaining wall, however, there will be a small area that will not where access for maintenance will be gained.

Engineer Zappala advised the applicant is also seeking a waiver for the top of basin width. Again, he indicated he can see basin width being important with in residential developments or basins that are taken over by the Township, however, these basin(s) will be maintained by the developer and not much area is need in order to gain access for the maintenance.

Engineer Zappala stated the applicant is also seeking a waiver for minimum pavement design. Again, the development will be privately held and maintained, which includes the connector road. He advised the general public can utilize the connector road but it will be privately maintained and the developer will plow. Attorney Nehmad stated the applicant proposes the connector road so public traffic can utilize. He indicated his client will be responsible for maintenance of the road way. He asked that the Board defer the right-of-way easement as a condition of approval in order for public traffic to utilize and his client be responsible for its maintenance.

Engineer Zappala advised there is also a checklist waiver being sought from providing typical floor plans. Engineer Zappala advised the applicant has submitted floor plans for the Wal-Mart and buildings "A" and "B", however, the applicant has not submitted floor plans for the pad sites. Since the applicant is seeking only preliminary approval for the pad sites the applicant would like to defer the production of these plans until they return for final approval.

Engineer Zappala stated he believes the waivers sought are in conjunction with other projects proposed in the Township. He stated with the extent of the storm water and the surface area he again believes it is impractical for a development such as this to meet the strict requirements especially when there is no negative impact that will occur to this site if the design waiver is granted.

Engineer Zappala advised CAFRA and Soil Conservation have approved this project. The County Planning Board is waiting for this application and the New Jersey Department of Transportation have conceptually approved this proposal and hardline design documents will be submitted to them.

Engineer Zappala stated he has years of experience and this site does meet the requirements of the Township Zoning. With respect to the Engineer's report (Mott Associates) dated 11/2/2010 the applicant will address all comments with exception of the comments concerning the pavement requirements for a standard road. Engineer Zappala stated with respect to the Planner's report dated 11/1/2010 and to the extent that certain plan revisions must be made. The applicant will provide. He did however state that on page 7 of the 9 page report there is a question concerning the improvements. Engineer Zappala advised the applicant intends the paving and grading will be constructed during the overall center and the out parcels will be curbed, but the building curbs will be placed in with each individual facility.

Attorney Nehmad stated the applicant has room for a helicopter landing zone area. Township Administrator Miller indicated it appears the proposed loop road and the connector road is different. Engineer Zappala stated the loop road and the connector road will be constructed the same. Township Administrator Miller asked how much free board does the applicant have in a 50 year storm in basin #3? Engineer Zappala stated it will be 2.84 ft. and the 100 year storm routed in that area would be a foot higher.

Board Member Aponte asked what the hours of operation would be? Attorney Nehmad stated the facility would be open 24 hours and this would include the deliveries. He indicated the applicant would like to accept deliveries at night for the freshest fruits and vegetables to be delivered.

Gary Lovello, Forester/Arborist, received a B.S. in Natural Resources from Rutgers, is a member of the forest society, is a certified arborist, and is a New Jersey Forester. He further advised he has been in private business for 23 years and has worked for Jackson Township as their forester.

Mr. Lovello stated he was hired a number of years ago to identify trees and assign them in order to find which were the best in saving. He indicated he has done the same thing with this new project. Mr. Lovello indicated he has reviewed the site and the trees proposed to be saved. He indicated he must find viable trees and determine if they can survive in the field.

Mr. Lovello stated he must make sure all trees are located properly in order to determine no roots will be cut. He advised he must also look at the grading of the site in order to determine the risk factors involved. Mr. Lovello stated thereafter, whatever trees are left will be the ones saved. Mr. Lovello also noted he reviewed the berm areas.

Mr. Lovello advised with this application there will be a total of 195 trees that will be saved. He indicated there are a few trees remaining within the interior of the development. Mr. Lovello indicated there are many trees being retained along Old Egg Harbor Road and Fire Road and there will be clustering of trees along the Black Horse Pike that will be retained.

Mr. Lovello stated most of the trees retained are oak. He indicated in order to save the designated trees. He will have a pre-construction meeting with the contractors and subcontractors. The trees will be tagged and a tree save fence will be placed around them. He indicated if the tree save fence is gone or it appears the trees being retained are damaged the contractor will be fined. Mr. Lovello indicated he will also have fertile soil and chemicals placed around the trees in order to save the root systems.

Mr. Lovello indicated the trees will be pruned and cared for after development. He indicated the pruning will be performed by a certified expert. Township Committeeman Cafero asked how many white oaks are being retained. Mr. Lovello stated only a few white. He indicated most oaks retained are red and scarlet. He did however note there are also of some black oaks.

Perry Petrillo, Architect, advised he has a B.A. of Architecture from Roger Williams College, and he has been registered as a licensed architect in New Jersey since 1993. He indicated he has been before dozens of Board(s) for large retail facilities within the State of New Jersey.

Architect Petrillo stated he has designed numerous Wal-marts in New Jersey, New York and Pennsylvania. He indicated he has designed about two (2) dozen. He indicated he very familiar with the use characteristics for the design of the store.

Architect Petrillo referred to **Exhibit A6: Architectural perspective of Wal-mart**, advising the design communicates a sense of plan for the user and represents a town center for the client. Through the use of materials, form and heights. He stated the building is met to break down and not be so horizontal.

Architect Petrillo advised the proposed building in general is designed in a stage three (3) hierarchy, He indicated the first is brand identity, next is directional in order to give the user direction to the facility and the final is the pedestrian level through canopies and the break down

of the height.

Architect Petrillo stated there is no black out glass and the building material is masonry through the use of native regional sand stone, which will give the building texture. Architect Petrillo referred to **Exhibit A7: Wal-mart elevations of front and rear of building**, stating there will be consistency to the color tones and materials throughout building. He explained the color tones are warm earth tones and will convey a comfortable place. Architect Petrillo advised there are some elevation corrections. He indicated in two (2) areas the height of the building will be 30.8' to the parapet and 36.6' to the parapet, which will provide a nice screening buffer for the mechanical's in the front and to the rear the height will be 26' to the parapet so the roof top units will also be screened to the rear.

Architect Petrillo referred to **Exhibit A8: side elevations of Wal-mart**, stating the grey area shows how proposed buildings "A" and "B" will fit adjacent to the Wal-Mart. He then referred to **Exhibit A10: material board (samples)**, outlining the color and stone pallet that will be used.

Architect Petrillo advised the building will also be energy efficient. He advised the store will have sky lights that control the lights in the store. Architect Petrillo explained if it is a cloudy day the lights will come on, if it is sunny they will be dim and at night the lights will automatically come on. He further noted the energy system proposed controls the heating, air, lights, and refrigeration, which actually will be controlled by the home office of Wal-mart.

Architect Petrillo stated the roof will be white and reflect heat gain. He also noted the exterior signs will be LED lighting and not florescent bulbs and 70% of the hot water will be reclaimed by the refrigeration system and the refrigeration cases will also be LED lighting. Architect Petrillo stated if there is no one in the aisle with the refrigeration cases then the lights within the cases will be off. Once someone comes down the aisle they will go on.

Architect Petrillo indicated the applicant is going from a 24' ft. roof deck to an 18' ft. that will be screened and pitched for storm water run-off. Architect Petrillo referred to **Exhibit A9: building mounted signage sheet**. Architect Petrillo advised the applicant is proposing four (4) signs on the Wal-mart building. He indicated the brand wall will be in the center of the building and other signs will be utilized for direction. He indicated the Wal-mart sign with the star will be 204 sq. ft. The home and living sign will be 72.9 sq. ft., the market and pharmacy sign, as well as, the garden center sign will each be 72.9 sq. ft. Architect Petrillo advised the brand sign is the only one internally lit and the others will be lit by canopy lighting.

Architect Petrillo advised there will be two (2) vestibules one will be for the market and pharmacy and the other will be for the home and living area. He indicated that by having the signs on the building it helps the motoring public to park in the area they want to utilize and spreads them out. He further noted, the proposed pharmacy sign is required under State Law and it must be one.

Architect Petrillo advised the height of the sign(s) are important in order to be visible from the Black Horse Pike. The identification sign is proposed in order to safely navigate to the sight. He indicated the other signs proposed will be recognized in the parking lot so people know where they must go. Architect Petrillo advised Wal-mart is one (1) tenant and they are proposing four (4) signs, which under the ordinance requirements the area of the facade signs are 2 sq. ft. with a maximum up to 250 sq. ft. He indicated all proposed signs will be 564 sq. ft., therefore, relief is required. Architect Petrillo also noted the ordinance requires a vertical dimension of 5' ft., however, the Wal-mart is 5.8' ft. and the spark is 8' ft. He advised these two (2) proposed signs are in scale with the building size and they promote safety by being visible from the Black Horse Pike, other areas of the overall site and the parking area's.

Architect Petrillo referred to **Exhibit A2: rendered site plan**, stating the Wal-mart is over 250' ft. from the Black Horse Pike. He indicated the signs need to be identified by the patrons of the building. Again, these signs convey the site and the identity of the building so the user can make a decision as to where they need to go. He indicated there is not any negative impact for the variance relief requested for the proposed signs. Attorney Nehmad asked if the signs are not in scale with the building will there be an issue. Architect Petrillo stated yes, there are safety issues. He indicated these signs are not being used for advertising they are proposed to simply direct people to the site and to maneuver around the site.

Township Committeeman Cafero asked what is the savings for the energy. Architect Petrillo stated the savings will be significant. Board Member Saslav asked if there will be an automotive department? Architect Petrillo stated no automotive is proposed. Board Member Eyky asked if the cash registers will be placed where each sign is? Architect Petrillo stated the registers will be between the two (2) vestibules.

Township Administrator Miller asked on Exhibit A8 (side elevations) is this parallel with Old Egg Harbor Road. Architect Petrillo stated it is perpendicular. Architect Petrillo stated on **Exhibit A7: rear elevations** it shows the site parallel with Old Egg Harbor Road. He indicated this shows egress doors and delivery doors which are 8' ft. in height. He stated the employee doors will be 7' ft. high. Township Administrator Miller asked what is the rear elevation of the building in conjunction with the berm?

Township Administrator Miller asked on **Exhibit A9**: what is the width of each spark? Architect Petrillo stated spark is 12" or less inches. Township Administrator Miller asked if this building is easier than the big white boxes? Architect Petrillo stated yes.

Chairman Garth advised he was calling for a ten (10) minute break.

\* **May the record reflect:** the Board recessed.

Chairman Garth called meeting back to order.

Attorney Nehmad stated he would like to announce that the Board will only continue with this application until 10:00 p.m., thus based on whom must still be presented by him the public portion would not be open this evening. He stated he would like to announce this in case anyone present would like to leave.

Board Solicitor Brown stated he does not anticipate this application wrapping up this evening. He indicated the Board would reconvene this matter on December 20, 2010. Attorney Nehmad advised his client will not be able to attend. He asked if the this matter could reconvene to another date. Board Secretary Wilbert advised the next date available would be Monday, January 10, 2011, 6:30 p.m.. Board Solicitor Brown announced to the public present that no further noticing will be required and the application being presented will be continued on Monday, January 10, 2011, 6:30 p.m.

Chairman Garth asked if this roof would hold solar panels if they were desired in the future? Architect Petrillo stated it would depend upon the system. He indicated the store roof, as designed does not allow for additional weight, however, there are ways of placing these systems in, again, depending upon the system.

David Lumis, Architect, B.A. degree in Architecture. Indicated he has been licensed since 1990 and he specializes in the field of retail development. Architect Lumis advised he was in charge with the development of the two (2) other commercial buildings know as retail buildings "A" and "B".

Architect Lumis indicated he designed each building as a shell. The design of each will be attractive to many different retailers. He referred to **Exhibit A11: rendered elevations for retail buildings "A" and "B"** advising these buildings will be using the colors associated with the Wal-mart, but will still have their own individuality. Architect Lumis further noted the two (2) retail stores will be set back from the Wal-mart intentionally. He indicated they do not want to take on the appearance these would be seen as divisions of the Wal-mart franchise.

Architect Lumis indicated the applicant is not seeking signs for these buildings at this point. He advised the building(s) will have stucco finishes with vinyl and the architectural treatment of the buildings will be along all sides. He indicated the Fire Road side of the building will have a mural and the rear of the building will have a banding. Architect Lumis also noted the elevation of the buildings will also have a parapet height to cover the roof.

Attorney Nehmad asked with respect to the building tenants have they been selected? Architect Lumis indicated they have not been.

Sam Donovan, muralis, introduced himself. Mr. Donovan indicated he painted billboards for the R.C. Maxwell company from 1975 - 1995. He presented the Board with **Exhibit A12: mural paintings that have been completed.** Mr. Donovan indicated he has painted the mural on the Millville City Hall and the mural on Clayton self-storage located in Mays Landing. He further

explained he has painted a mural for the Cumberland Insurance Group inside their building, as well as the mural for Tasty Cake within their offices.

Mr. Donovan indicated other murals performed by him include Primo's Pizza off Ocean Heights Avenue and English Creek Avenue and the Genuardi's Super Market located on Fire Road with the Township. He further noted he prepared the mural at 10<sup>th</sup> and Chestnut for the Republican Party Convention in Pennsylvania.

Mr. Donovan advised he wanted to prepare a mural of the Township's past and allow it to be a pleasing picture. He stated he proposed an Indian and a Pilgrim, which is actually taken from the Township seal. He explained that at one time all of Atlantic County was Egg Harbor Township, whose industries surrounding lumbering, charcoal and ship building. He indicated the ships were built and then towed down the Great Egg Harbor River. So he wanted to include these industries to the mural also.

Attorney Nehmad stated the theme of mural shows the history of Egg Harbor Township and is appropriate considering this is the Township's 300 year anniversary. Mr. Donovan stated he will place a frame around the mural, it would be considered a "trump loy" which is french for (fool the eye). Mr. Donovan explained the mural will be on proposed retail building "B" as depicted on the side shown on **Exhibit(s) A4 and A2**, which is the wall that faces Fire Road.

Attorney Nehmad stated the propose mural will create a visible facade for the public. Township Administrator Miller asked how long would it take to paint a mural such as the one proposed? Mr. Donovan stated it will have a smooth texture and it could take anywhere from a month to two (2) months.

William Crane, P.P., introduced himself advising he is a graduate of studies in Land Use Planning from Rutgers University and is a member of A.I.C. P. (American Institute of Certified Planners) he noted he is a Township resident and was on the Township Zoning Board for a number of years, as well as, being the Chairman of the Board. He indicated he is a Licensed Planner within New Jersey and was a member of the Planning Board for Atlantic City.

Planner Crane stated he studied the fiscal impact on this community with regards this project and he prepared **Exhibit A14: Fiscal Impact Summary - "Oak Tree Plaza"**. He indicated this information was prepared in accordance with the methodology through Rutgers and the brochures that are standard for commercial development.

Planner Crane advised he examined revenues generated by this project in conjunction with the taxes and the portions that go to the County and the School System. Planner Crane advised there are no school children associated with this project, therefore, there will be no impact on schools.

Planner Crane stated the estimated market value of this project is 33 million and the Township Assessed Value Equalization Rate is 48.1% which makes the project value coming out to be

15.88 million.

Planner Crane stated he then looked at the revenue projected for the Township which will be \$96,251.00, based on the amount of the project. Thereafter, you must look at non-property value which will be \$47,937.00. Adding this together your total Township Revenues will be \$144,188.00, thereafter, you would take out the Township expenditures and you have a net Township impact of \$66,713.00 on an annual basis. He indicated this is a snapshot of the 2009-2010.

Planner Crane stated he reviewed the impact to the school district. Again, based on tax revenue you will be looking at \$409,782.00, thus adding non-property revenue which comes to \$1,214.00 you would have a total of 409,996.00, since there are no school expenditures the local school district would retain \$409,996.00.

Planner Crane indicated the County Tax Revenue will be \$93,392.92, based on the expenditures on the County level you are looking at a fiscal impact of \$73,661.00. Thus the total revenue for this project will be \$648,576.00, with the total expenditures of this project being \$97,206.00. Thus the annual positive impact to the County, Schools and the Township will be \$551,370.00.

Planner Crane indicated direct revenue for this project would be the construction and new employees. He indicated there will be 423 permanent employees associated with this facility, which does not include the construction jobs.

Planner Crane stated he is a licensed professional planner and he may discuss the variance relief sought for the signs. He indicated he is familiar as a licenced planner and finds relief should be granted under the flexible "C" or "C2" variance. Planner Crane stated public safety would advance the public purpose of the the relief. He indicated the general public needs to see signs from the road way to know where they are going.

Planner Crane referred to **Exhibit A2: site plan** advising case law is on point. He actually stated it was based on an application from Absecon, New Jersey. He indicated the granting of the variance for the free standing signs conform to the area where they were proposed. He indicated in the Absecon case the signs were 30' ft. in height versus 25' ft. required. In this matter the Board felt the signs were required to be larger to accommodate a 16 acre shopping center so the signs granted promoted the purpose of the zoning.

Planner Crane advised in this particular case if the applicant were to conform to facade signs only being 250 sq. ft. the motor public would be unable to read them from the road way. In addition the signs are not overbearing and are the minimum amount needed for the size of the property. He indicated he sees not negatives at all.

Township Committeeman Cafero stated there was an estimated 423 employees expect for this facility. He asked if the applicant expects any spin off jobs. Planner Crane stated of the 423 they

will be direct jobs in retail. He indicated there may be some spin off employment. Maybe 10% to 20%. He indicated an analysis would have to be done for this.

Planner Crane stated the Wal-mart signs will be a distance of 493 ft. from the Black Horse Pike R-O-W and will be 800' ft. from the connector road. Board Member Saslav asked if it will be easier to see the signs west bound then east bound. Attorney Nehmad indicated you will be able to see the pylon signs that are proposed along the front facade.

Township Administrator Miller asked if the fiscal reward to the Township is not an expense to some other town? Planner Crane stated no. Township Administrator Miller asked if the Wal-mart in Mays Landing will close? Planner Crane stated no.

Township Administrator Miller asked since the Wal-mart will be 188,000 sq. ft. and the proposed retail building(s) "A" and "B" are both 18,000 sq. ft. based on the ordinance requirements if the applicant chose to have ten (10) buildings each building could have a facade sign of 250 sq. ft. versus the 558 sq. ft. that is actually being proposed. He asked if this was good planning? Planner Crane stated yes. He indicated if there were different users to this site overall you could have 2,500 sq. ft. worth of signs, which is actually overcrowding, that would be permitted versus the 558 sq. ft. that is proposed.

Board Member Aponte asked how do you figure out the amount of police that would be used? Planner Crane stated you look at the budget and see the use and take the percentage of commercial and residential. He indicated the impact is 17% for commercial and 83% for residential. He indicated this shows the burden of service through the municipal budget. He did however note that he did not calculate the number of police Egg Harbor Township has. Board Member Aponte asked if Planner Crane felt more police services would be needed for this facility? Planner Crane stated hopefully not. The facility will have their own security and again, commercial has a lesser amount of calls then residential. He indicated the only calls that may be increased would be for shop lifting, but do not see more other type of calls increasing.

Ken O'Brien, Traffic Engineer, B.A. from Temple University, in 1994 for Traffic. Stated he has worked for McMahon Associates and is a licensed Engineer within Pennsylvania and New Jersey and he is a member of the Traffic Institute.

Engineer O'Brien stated he prepared the traffic impact that was submitted with this application. He looked at the site circulation of this facility. Attorney Nehmad stated this site is located in the RCD zone and the use of shopping center is a permitted use? Engineer O'Brien stated this is correct. He indicated the Township looked at the road way's in this area and felt a shopping center should be a permitted use in this zone. He indicated he studied the site plan with an eye for the additional up grades. Engineer O'Brien referred to **Exhibit A13: proposed roadway improvements plan**, explaining what is being presented is what New Jersey Department of Transportation gave approval to. He explained the Black Horse Pike is depicted to the bottom of the sheet.

Engineer O'Brien indicated there will be widening of the Black Horse Pike with a left turn lane. He indicated on the west bound side of the Black Horse Pike there will be a third lane which will continue until the Garden State Parkway ramp. He noted Fire Road on the north bound side will have five (5) approach lanes. This will include a right turn lane, two (2) straight lanes and dual left turn lanes. He noted the applicant will also do some widening on other side of Fire Road across the Black Horse Pike. Engineer O'Brien indicated the applicant will also widen Old Egg Harbor Road and will signalize the intersection and do some shoulder widening. He also noted there will be turn lanes provided into the site (east bound) off the Black Horse Pike.

Engineer O'Brien indicated the site access will have dual left turning lanes onto the Black Horse Pike and there will be one (1) right turn lane onto the Black Horse Pike. This project will present two (2) new signals. One (1) will be located along the Black Horse Pike and the other will be along Fire Road. He indicated the site provides sufficient access to the site and the distribution of the traffic when it is on site. He indicated the applicant meets all requirements of the Township, State and County. Engineer O'Brien stated he looked at the parking array(s) and it will also provide safe and sufficient access to the site.

Engineer O'Brien stated he has reviewed the report of Remington, Vernick and Walberg dated November 12, 2010 and he is willing to make necessary revisions. Chairman Garth stated the loop road that comes out to Old Egg Harbor how many lanes proposed? Engineer O'Brien advised there will be one (1) inbound lane, one (1) lane for a left turn and one (1) lane for a right turn. Township Committeeman Cafero asked if the improvements along Fire Road will be narrow and will it create any impact? Engineer O'Brien stated the applicant will be maintaining the proper lane widths. He referred to **Exhibit A1**: showing aerial of Fire Road. He indicated the widening on the opposite side of Fire Road will be done just before the rail road tracks where it currently merges into one (1) lane until Washington Avenue.

Attorney Nehmad asked if McMahon was the design traffic engineer for the approved plan in 2004. Engineer O'Brien stated yes, and this application still has the same amount of improvements even though it is 50,000 sq. ft. less than what was previously approved.

Board Member Kearns asked if you can go across Old Egg Harbor Road to access Route 40? Engineer O'Brien stated no. Township Administrator Miller asked how long the queuing lanes along the Black Horse Pike and along the connector road are for the left turns? Engineer O'Brien advised the lane is 250' ft. for both. Township Administrator Miller asked the if 20 cars can stack between both lanes? Engineer O'Brien stated yes.

Attorney Nehmad stated the applicant is moving all exhibits into evidence. Attorney Nehmad stated testimony would go much more quickly if any objector's were required to provide written reports ten (10) days in advance so both the Board and himself were able to review and it would speed up cross examination. Attorney Nehmad stated he knows this is not a requirement. Board Solicitor Brown stated he will prepare a letter seeking from the objector reports from their professional's ten (10) days prior to the hearing in January, 2011.

Board Solicitor Brown again announced that this application will be scheduled for continuation on the Monday, January 10, 2011, 6:30 p.m., start time and that the applicant will not be required to republish or re-notice.

**Motion Miller/Aponte to continue application until Monday, January 10, 2011, 6:30 p.m., and will not require to republish or re-notice. Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero, Miller, Saslav.

**MEMORIALIZATION OF RESOLUTION(S):**

<b>1.</b>	<b><u>SP 16-10</u></b>	<b>Minor Site Plan</b>
	<b>New Cingular Wireless PCS, LLC</b>	<b>2001/18.01</b>
	<b>d/b/a AT&amp;T Mobility</b>	20 Lincoln Avenue

**Motion Kearns/Saslav to memorialize resolution granting requested checklist waiver(s) and conditional minor site plan approval: Vote 7 Yes:** Aponte, Carman, Eykyn, Kearns, Levy, Miller, Saslav

<b>2.</b>	<b><u>SPPF 18-10</u></b>	<b>Preliminary/Final Major Site Plan</b>
	<b>South Jersey Gas Company</b>	<b>2903/1</b>
		215 Cates Avenue

**Motion Kearns/Saslav to memorialize resolution granting checklist waiver(s), design waiver(s), and conditional preliminary and final major site plan. Vote Yes:** Aponte, Carman, Eykyn, Kearns, Levy, Miller, Saslav

**SUMMARY MATTER(S):**

**1. Discussions of matters pertaining to the Board:**

- a. Ordinance No. 32 of 2010:** an Ordinance to amend the Code of the Township of Egg Harbor, Chapter 225, thereof, entitled "Zoning" and add Section 225-49, thereof entitled "Affordable Housing Zone: AH-RG-6".

Township Administrator Miller introduced Joseph Johnston, with the firm of Remington, Vernick and Walberg. He indicated Planner Johnston has been the COAH Planner in order to amend the code for an affordable housing zone.

Township Administrator Miller stated if the Board will remember in June, 2006 the owner of English Creek Manor filed a Builder's Remedy Suit against the Township and the Planning Board. He indicated the Township Committee retained a law firm to represent them and the Planning Board utilized Christopher Brown. He indicated Judge Nugget was the affordable housing judge, however, he left and Judge Isman handled the suite.

Township Administrator Miller indicated a master was appointed by the Court to settle this issue. It was presumed the plaintiff would be looking at six (6) units per acre. He indicated, however,

the plaintiff kept changing their minds. They have 90 acres of land and if six (6) units per acre were to utilized it would equate to 560 units of which 114 units must be low to moderate income. He indicated in order to do so an RG-6 zone must be created.

Planner Johnston stated this process was difficult, but the Supreme Court has ruled this type of housing is need. He indicated by created the RG-6 zone, you are not creating anything new. Township Administrator Miller indicated the Planning Board must pass a resolution concerning this zoning. The resolution was crafted by the Special COAH Attorney. By accepting this resolution you are authorizing the agreement to move forward with Township Committee. He indicated that failure to do so may require the Judge to do something different.

Township Administrator Miller stated the Governing Body is reluctant to vote on this settlement. Planner Johnston stated the parcel(s) that are the subject of this settlement were included within the housing element and the fair share plan. He indicated it was part of this plan since the litigation was active. He indicated the Board must look at the consistency of the settlement in conjunction with the master plan that was adopted two (2) years ago.

Planner Johnston stated this agreement places a cap on the maximum amount of units that can be constructed. This agreement does not allow for more units. He indicated if for some reason in the future they wanted to construct more units then they will be market rate driven.

Township Administrator Miller stated back in 1982 the Mt. Laurel case was decided and COAH was established. He advised in round one (1) or round two (2) we were required to construct 762 units and 100 rehabilitated homes. He indicated there has been 70 units rehabilitated and we have 152 units that is HUD housing. Township Administrator Miller indicated, however, that between the HUD restrictions and the COAH restrictions the 2,000 mobile homes located within the Township can not be considered because they are not restricted.

Township Administrator Miller stated the Legislation is looking to modify the requirements of COAH using the Free Lunch Program. He indicated they are looking at if your community provides more then 25% of the students free lunch then you do not need to provide more low to moderate income housing. He indicated currently the Township provides 36% of its student population with Free Lunch, therefore, why they say we do not provide enough low to moderate housing is interesting, especially since 1 in 3 children within the Township receive Free Lunch.

Township Administrator Miller stated there may be things passed within the State that may reduce our numbers. However, this settlement will take care of 114 units. He indicated this is currently an RG-1 zone and by proposing an RG-6 zone the number of units per acre will be six (6).

Township Administrator Miller stated at one time the Plaintiff did show an interest in selling their property to the Township. He indicated the Township did an analysis with respect to the land value and 2.1 million dollars was discussed, however, the Plaintiff then hired a Pennsylvania Attorney and went through with the Builders Remedy. He indicated eventually Mr. Plackter took

over the litigation for the Plaintiff. He indicated this litigation is not to construct affordable housing they want to maximize the yield gained from the land. Board Member Aponte asked how many Pineland's Development Credits would have to be purchased. Township Administrator Miller indicated the Pinelands will only charge a certain amount toward the development. He indicated this is included in the settlement agreement. Township Committeeman Cafero stated the public must look at the legislator's.

**Motion Miller/Lisa to recommend Ordinance No. 32 of 2010, to Township Committee for review and approval, finding it meets the requirements of the Master Plan. Vote 8 Yes:** Aponte, Eykyn, Garth, Levy, Lisa, Miller, Saslav, Cafero. **1 No:** Carman

**The next regular meeting of the Planning Board will be held on Monday, December 20, 2010, 6:30 p.m., prevailing time.**

**Motion Eykyn/Saslav to adjourn at 10:45 P.M. Vote:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Miller, Saslav, Cafero.

Respectfully submitted by,

Theresa Wilbert, Secretary

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