

Solicitor: Christopher Brown, Esq. (Ted Strickland, 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, present

A 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 Taken as Follow(s):

Manuel E. Aponte, Vice-Chairperson, present	Robert Levy, present
Committeeman John Carman, present	Mayor James J. McCullough, Jr., present (left @ 6:20 p.m.)
Milas Cook, Alt. #1, present	Peter Miller, Township Administrator, present
Charles Eykyn, present	Paul Rosenberg, present
James Garth, Sr., Chairperson, present	MD Shamsuddin, Alt. #11, unexcused
Frank Kearns, present, (left @ 6:50 p.m.)	

PUBLIC HEARING – (Master Plan)

1. Amendment to the 2002 Master Plan Land Use Element:

Discussion, review, and public hearing for the Amendment to the 2002 Master Plan Land Use Element

Motion McCullough/Aponte to appoint Brian Huen, Esq. as special counsel for the Amendment to the 2002 Master Plan Land Use Element. Vote 9 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Levy, McCullough, Miller, Rosenberg.

Mayor McCullough advised he would like an overview of what is proposed.

Board Planner Polistina stated he was asked last month to review the ability of billboards within the MC zone, specifically centered along the Margate Causeway. He stated the reviewed the existing billboards along the causeway and found eleven of the existing are within the CRW zoning district and two (2) which includes the Jersey Outdoor Media billboard are within the MC zoning district. He advised the other billboard is by the Sea Village Marina across from Hackney's Boat Yard. Board Planner Polistina stated he reviewed Somers Point Road close to the MC zone and found the existing billboard is within the residential zone not the MC zone.

Board Planner Polistina stated because of the existing conditions and the requirements along the Margate Boulevard there is little distance between the area that one can be constructed within the MC zone and the preexisting billboards. Therefore, he stated he is proposing to remove the placement of billboards within the MC zone. He indicated billboards will be allowed within the RCD, M1 and GC zones. He stated this is again based upon the existing billboards along the causeway being outside of the MC zone and because the distance requirements will not permit them.

Board Planner Polistina stated the Board will adopt the Master Plan and then Township Committee will decide if they want to implement ordinance(s). He also advised the master plan is also dealing with the two (2) principal use issue outside of the Pinelands Jurisdiction.

Motion McCullough/Kearns to open public portion. Vote 9 Yes.

Nicholas Talvacchia, Esq., introduced himself as representative of Jersey Outdoor Media. He indicated they would like to suggest limiting the size of a billboard within the MC zone. He advised his client was told a billboard was permitted in this commercial zone and then there was a judicial decision. He indicated the MC zone is a commercial district and it permits new and used boat sales,

marinas, storage, repair and construction of boats, marine shops and cell towers. He advised within the CRW zone you cannot have billboards and in the MC zone residential is not permitted, however, cell towers are as well as other commercial and industrial zones.

Attorney Talvacchia stated billboards are appropriate for the MC zone and he suggested the Board create a new zone. He advised in the MC-1 zone billboards would not be allowed, however, in the MC-2 zone they would be allowed. He indicated the Board could eliminate the height maximum of 60' ft. for a billboard in the MC-2 zone, they could say nothing that flashes is permitted, have the separation of signs be 1,000 ft. and allow a sign area of 672 sq. ft. He indicated there was a policy that was established that billboards were permitted in a commercial zone and that is why the applicant proposed his billboard there.

Jessie Atkins, partner in Jersey Outdoor Media, sworn in: Mr. Atkins stated everything we are doing we are getting knocked down and we have spent 100,000's of dollars. He stated Dr. Levitt placed a fear factor on the Township. He stated there will be no other billboards on the Margate Causeway. He stated there were advertisers going on this billboard that were excited and they were locals.

Mr. Atkins stated no one has spoken of the boats that are sinking into the ground in this area. He stated placing billboards in the MC zone is not going to affect anyone. He stated they have spent a lot of money believing this sign could go there

Chet Atkins, 422 Windrow Clusters, Moorestown, New Jersey, partner Jersey Outdoor Media, sworn in: Mr. Atkins stated he is getting confused. He advised the he tried to follow what he was suppose to do. He indicated he did make mistakes, but he is not sure why the Township is trying to rub him out. Stated it does not feel good. Mr. Atkins stated he has other properties in Township that he would like to develop.

Mr. Atkins stated from day one he tried to be a good vendor/tax payer and he is getting screwed. He stated Dr. Levitt went from not wanting a digital billboard to not wanting any billboard at all. Mr. Atkins stated there is a proliferation of billboards along the causeway. He advised this is effecting our life. He stated he has \$750,000.00 placed in this and he is still interested in doing business within the Township.

Mr. Atkins stated it is funny that we kept hearing that people hate billboard except for the advertisers. He advised for such a pristine area there are sinking house boats with septic problems on the causeway and a number of other billboards. He stated he does not want to hurt the Board's feelings, however, they have hurt his. He stated he constructed a billboard where he was told he could.

David Bowman, Floral Avenue, Pleasantville, New Jersey, duly sworn: Mr. Bowman stated he has read the proposed master plan and believes it is an appropriate change. He advised he think billboards are appropriate for the RCD, M1, and GC. He further noted that within the Township's goals and objectives of its master plan it is to insure the development is not in conflict with adjacent municipalities. He advised that to allow a tall digital billboard(s) within the Township's MC zone was inappropriate. The advised there are a number of billboards are located on Margate Boulevard but are low to ground. Again, Mr. Bowman indicated what is proposed is appropriate.

Debbie Levitt, 2204 Bay Drive, Northfield, New Jersey, duly sworn: Mrs. Levitt stated she wants to make certain that under the master plan billboards are not permitted in the MC zone. She indicated unless a use is not expressively prohibited it is permitted. Board Planner Polistina stated billboards will be permitted in three (3) zones. He indicated they are only permitted in those three (3) zones and are prohibited every place else.

Steve Jasiiecki, 112 North Lancaster, Margate, New Jersey, duly sworn, Mr. Jasicki stated he is against this billboard and the others are grandfathered in along the Margate Causeway. He stated Margate and Northfield had sent resolutions opposing the billboard. Township Administrator Miller advised this public hearing is concerning the Master Plan not on prior application. Mr. Jasiiecki stated he has enough urban blight with respect to billboards and they should be eliminated. He stated billboards are a safety hazard.

Wayne Hackney, Margate Boulevard, Egg Harbor Township, New Jersey, duly sworn in: Mr. Hackney stated we have heard all the legal talk. He stated when you are told something can be done and now you cannot it is not right. He stated a lot of money was

spent and now we are told we cannot have billboard. He stated the Township should correct this somehow so the money spend can be regained. He stated the only one that benefited where the attorney's. He asked the Board to let them place the billboard and keep it there.

Dr. Richard Levitt, 2204 Bay Drive, Northfield, New Jersey, duly sworn: Dr. Levitt stated he sympathizes with Mr. Atkins, however, he stated this has also cost him a half a million dollars that has been taken out of his retirement fund, as well as, his grandchildren's education fund. He advised they filled in the wetlands. He stated based on this they had to resubmit the application and play by the rules.

Dr. Levitt stated there has been a special request made for the creation of an MC-1 and MC-2 zone. He asked if the Board were to consider a zoning change would this not be considered spot zoning. Board Planner Polistina stated it would be considered spot zoning if you were dealing with just one lot not several different lots. Dr. Levitt stated the billboard shown into his bedroom window in Northfield.

Dr. Levitt stated he wanted to thank the Board for their hard work and hopes the Master Plan stays the way it is presented. He indicated the Adkin's are asking for a 40' ft. billboard be considered however the other billboards along the causeway are below road level and they are 20' ft. in height. He stated if the Board were to consider their request the billboard would still be twice as high as all the others.

Dr. Levitt stated Judge Mendez did not make the decision of signs not being permitted in the MC zone. He indicated there was no evidence of language that billboards were permitted in the MC zone. He stated this Board it was a principal use, however, Judge Mendez found that the Township had multiple use applications going to the Zoning Board. He further noted this was also based upon the Township recently adopting an ordinance to allow gas stations and convenience stores together.

Dr. Levitt stated the MC zone was found by the Township to provide and encourage recreational purposes. Dr. Levitt then read into the record Judge Mendez' opinion and was quoting from page 27. Mayor McCullough asked if Dr. Levitt was in favor of the Master Plan. Dr. Levitt stated yes, as long as, it prohibits billboards within the MC zone.

Dr. Levitt also suggested the distance requirements and the dual use requirement should be addressed. He advised the Board should ask its Planner as to the public purpose in order to give the Board a chance to set conditions. He advised the CVS and Burger King located at Hingston and Tilton Roads were a dual use address by the Township Zoning Board and they set conditions such as a single drive aisle be required. Also, he suggested the Township would want to see comparable uses. He stated he would doubt the Township would want a gun shop next to a liquor store. However, he stated this is the Township and your ordinance and there are changes proposed.

Dr. Levitt stated the Township should consider changing the dual use requirements. Board Planner Polistina stated the Township has dual uses and we allow for two (2) uses that are permitted in the zone. Township Committeeman Carman stated the Township historically has allowed this and the Master Plan will clarify this.

Motion Kearns/Rosenberg to close public portion. Vote 9 Yes

Motion Carman/Eykyn to approve master plan.

Township Administrator Miller stated before adopting he stated the issue about the MC-1 and MC-2 zone does have merit. He indicated the MC zone as written had a dozen billboards within it, however, they are in the CRW zone. Township Committeeman Carman stated he disagrees with Township Administrator Miller. He indicated there are a lot of billboards on the Causeway, however, the Township also has a lot of trailer parks and the zoning is not going to change to have more. Board Member Rosenberg stated he agrees with Township Administrator Miller he stated if the Township just had blanket rules and regulations there would not be Board's. He indicated he would not want to see billboards in pristine areas, however, the cause way has a number of existing billboards. He indicated that the height proposed is too high. He indicated permission was given and the approvals were done. He stated he would be incline to explore the suggestions of Attorney Talvacchia. Board Member Aponte stated he would agree with Township Administrator Miller and Board Member Rosenberg.

Board Planner Polistina stated the Board could look at this and still prohibit allowing, except along the Margate Causeway, however, Jersey Outdoor would be the only billboard this would effect. Township Committeeman Carman stated by making it a permitted use Jersey Outdoor would not need a variance. Board Member Levy stated nothing bigger or higher than what currently exist should be suggested. Board Planner Polistina stated the largest existing billboard is the Premier Billboard.

Mayor McCullough advised he has sat on this Board for over two (2) decades. He advised he did not sit during the billboard application because he has a dislike for billboards. He stated the Atkins' and Mr. Hackney have stated they have been treated poorly, however, this Board acted properly and if Jersey Outdoor had not made mistakes would have been a cleaner application. He stated he does not agree with the Judge's decision, however, Mr. Atkins can appeal.

Mayor McCullough stated the first Judge, Judge Todd stated Mr. Atkins engineer had advised there was no wetlands and this was incorrect, therefore, he sent the application back to the Planning Board for review. He indicated Judge Mendez made a decision and Mr. Atkins can appeal that decision. He advised he can sympathize with respect to the money, however, money was spent and a determination was made by a Judge concerning application. Mayor McCullough state he will vote in favor of the Master Plan as presented.

Mayor McCullough stated there has been misrepresentations presented concerning this Board, which is one of the finest Board's in the State of New Jersey. Again, he advised he will vote in favor of the Master Plan. Chairman Garth stated what is being put forth tonight can be amended to look at the MC-1 and MC-2 and it can be accepted and sent to Township Committee so it can be correct. He advised there are other avenues that the Atkins' can pursue if they do not agree with the Judge's decision. Mayor McCullough stated the Township Committee will hold public hearing concerning the ordinance changes created by the Master Plan so there is another review.

Motion Carman/Eykyn to adopt and to memorialize resolution for the Amendment to the 2002 Master Plan Land Use Element.
Vote 7 Yes: Carman, Eykyn, Kearns, Levy, McCullough, Miller, Garth **2 No:** Aponte, Rosenberg

PUBLIC HEARING(S):

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| 1. <u>SPPF 09-13 (Amended)</u>
Hope & Comfort a NJ Nonprofit Corporation
Zone: CRW, 31.17 acres, septic/well, applicant
has amended application to include block/lot: 8701/5.03
for the proposed construction of a 9,331 sq. ft. building to be utilized as a 15 bed hospice facility with 18 off-street parking spaces. Other improvements include a storm water management facility, landscaping and a free standing sign. CAFRA | Preliminary/Final Major Site Plan
8701/5.03 & 5.04
168 & 170 Wharf Road
Waiver of Time – Not Granted |
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Checklist Waiver(s):

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|---------------------|---|
| 1. Item #17: | Copy of any existing and/or proposed protective covenants/deed restrictions |
| 2. Item #37: | Purpose of any proposed easement of land reserved or dedicated to public or common use shall be designated, and the proposed use of sites other than for residential uses shall be noted. |

Charles Gemmel, Esq., introduced himself as attorney for the applicant. He stated everyone knows his client is seeking site plan approval for a 9,300 sq. ft. hospice on Wharf Road. He indicated the applicant has originally submitted the application for lot 5.04, however, during the course of the application process it was found there was an unrecorded restriction on 5.04 and it says no clearing beyond 240' from Wharf Road. He indicated in order for the applicant to construct the hospice they had to disturb this area and waiver was requested.

Attorney Gemmel stated the Board did not vote on the waiver, however, the applicant has decided to acquire additional property and will purchase the adjacent parcel, which is lot 5.03. He stated by doing so the applicant can fit the 9,300 sq. ft. hospice with parking, drainage and septic system so that all can work. He stated the applicant has submitted to the Board an application without any variances and the applicant can develop property. He indicated the applicant has filed an amended application and submitted revised plans to address the additional lot. He indicated the applicant has also re-noticed and included both properties within the

notice. He indicated present tonight is the project engineer, Robert Bruce, the applicant, Dolores Triboletti, and the project architect, Steven Sgro.

Board Solicitor Strickland stated there is a challenge concerning an appeal with the Zoning Board.

Nicholas Talvacchia, Esq., introduced himself as Attorney for the objectors, Mr. and Mrs. Hattman, he indicated he has supplied cases and rulings issued in the State with respect to this situation. He indicated when an appeal is filed all matters are stayed until the Court makes a decision. He indicated the applicant submitted an application to the Zoning Board concerning an interpretation in order for the Zoning Board to determine if this Board had jurisdiction with requiring a site plan. He stated the applicant has appealed their decision and until that matter is addressed by the Court he feels this Board cannot move forward with respect o this application. He stated the Zoning Board felt the Planning Board had the authority to require a site plan application and until the judge rules he does not feel it is appropriate this Board move forward with application. He stated the appeal of Zoning Board's decision is now in the hands of the Judge.

Attorney Gemmel stated he found out about 4:30 p.m., this afternoon that this issue was going to be raised. He stated he does not agree with Attorney Talvacchia. He stated the applicant is doing what they were told by the Zoning Board and made the site plan application. He stated the applicant has filed the application and they want to be heard. He stated the applicant cannot wait to see what happens with the Zoning Board decision. He stated the applicant is before the Planning Board and is seeking site plan approval.

Township Committeeman Carman asked if the applicant is playing both sides against the middle. Attorney Gemmel stated the applicant had to do it this way. Planner Polistina stated the information provided by Attorney Talvacchia speaks of the same Board and the appeal was entered at the same time as another pending application. He stated in this situation it is two (2) different Board's and the applicant is appealing the interpretation of the Zoning Board. Attorney Talvacchia stated Attorney Gemmel is challenging your ability to hear this application. He is saying this board does not have jurisdiction.

Township Administrator Miller stated the Zoning Board said you needed a site plan and you appealed decision. He indicted the Judge will either say you are wrong and a site plan is required or the Judge will determine the Township was incorrect and you may obtain a building permit. Township Administrator Miller stated if the applicant receives approval from this Board they will withdraw the litigation or if the Board denies this application then they will also appeal our decision.

Township Administrator Miller asked if the Board were to make a decision can they not pick and choose. Board Member Levy stated one of the important issues is for them to submit a bond to protect Wharf Road. Township Administrator Miller stated if the Court decides a site plan is not needed then the bonding will not happen. Board Solicitor Strickland stated, as far as the litigation referenced by Attorney Talvacchia he does not believe it makes a difference between the Boards. He stated this litigation concerned a specific litigation that was before the Planning Board.

Board Member Levy stated he would rather wait to see what the Judge says. Board Member Levy advised this could end up in litigation. He advised this is another unique situation. Chairman Garth asked if we could table this application to another meeting to see what the Judge determines. Board Solicitor Strickland stated it is up to the Board to decide if it is practical to wait. Attorney Gemmel advised their first conference concerning the litigation is scheduled for the middle of December. He advised thereafter, the Judge will place the matter on his scheduled. Attorney Gemmel stated he does not see a decision being rendered by the Judge in 2013 and it may not be within the first quarter of 2014. He advised the applicant paid fees because they want to move forward with this project.

Board Member Aponte stated he would like the Board to go into executive session. Attorney Talvacchia stated the Judge could remand this matter back to the Planning Board. Township Administrator Miller stated there is a motion to go into executive session to discuss potential litigation.

Motion Aponte/Carman to go into executive session. Vote 9 Yes. Aponte, Carman, Cook, Eykyn, Levy, Kearns, Miller, Rosenberg, Garth.

- May the record reflect during the executive session Board Member Kearns left for the evening @ 6:53 p.m.

Motion Carman/Rosenberg to reconvene meeting to public session at 6:53 p.m. Vote 8 Yes: Aponte, Carman, Cook, Eykyn, Levy, Miller, Rosenberg, Garth.

Board Solicitor Strickland advised that in light of the case and in the fact there is pending litigation if the Judge agrees with the applicant then the testimony and conditions this Board places on the applicant will be for nothing. He stated if the Judge decides the matter should come back to the Planning Board then the Board will handle.

Motion Miller/Aponte to continue Hope and Comfort application to an unspecified date. Vote 8 Yes: Aponte, Carman, Cook, Eykyn, Levy, Miller, Rosenberg, Garth.

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

SECTION I: a. General public discussion

Motion Aponte/Carman to open public portion. Vote 8 Yes

Catherine Bell, Wharf Road, Egg Harbor Township, sworn in: Attorney Gemmel asked if this is about his application. Township Committeeman Carman advised the Board must have a general open public discussion portion of their meeting. He indicated he does not know what Ms. Bell will ask. Attorney Gemmel asked then if his application is finished tonight. Chairman Garth stated the application for the client of Attorney Gemmel has been completed.

Ms. Bell stated this is the question she was asking, if this is completely over for the resident's present. Board Solicitor Strickland stated it will be based on Judge's decision. Ms. Bell stated so if it goes to Superior Court and they say you do not have jurisdiction than the State will allow you have no say. Chairman Garth stated yes. Township Committeeman Carman stated this may be a possibility.

Ms. Bell stated everyone is concerned about the pristine nature of the billboards but not the pristine nature of one of the last areas in Egg Harbor Township. Attorney Gemmel stated this is concerning my application. He stated this portion is for general discussion not applications. Chairman Garth stated he does not know what someone will discuss until they come up. Board Member Aponte stated he understands Attorney Gemmel's concerns. He advised the Board cannot talk about his application. However, he stated Attorney Gemmel is allowed to stay if he would like to answer any questions that may come up.

Board Solicitor Strickland stated Attorney Gemmel can have stenographer stay and record. He indicated he is not aware that an open public portion is limited or excluded from any discussion so if he would like to have stenographer stay and record public portion in case the Hope and Comfort application is discussed. Attorney Gemmel stated if the application is over than it is over and it should not be discussed by this Board. He indicated this Board determined they do not have jurisdiction.

Township Committeeman Carman stated the public is allowed to ask whatever they want. Ms. Bell except in Egg Harbor Township. Chairman Garth stated the Board is allowing you ask questions.

Board Planner Polistina stated just so the audience is clear, when an interpretation is sought from the zoning board, generally and the interpretation does not go favorably for that entity and that entity decides to appeal that decision of the zoning board then the Board has made a decision that until the Judge has heard that appeal of the Zoning Board's decision and renders a decision in that case that it should not be discussing the application or conditions of the application. He stated this is the case generally and the Board has made the decision that we should not be doing things for not.

Barbara Kerrigan, 103 Wharf Road, Egg Harbor Township, sworn in: Ms. Kerrigan asked if the public has any role in this appeal.

Board Solicitor Strickland stated they could hire an attorney and ask that attorney to advocate their position and join appeal. Board Planner Polistina stated this is out of the Planning Board's prevue.

Richard Sykes, 120 Wharf Road, Egg Harbor Township, sworn in: not hear to discuss what is legally right and wrong. Here to discuss what is right and wrong. Mr. Sykes stated the Board all knows Wharf Road. Township Administrator Miller stated the Board cannot discuss the application. Mr. Sykes stated he is here to say this is wrong and I want to know how we can stop this. This road is pristine. Township Administrator Miller stated he should reach out to the State Legislators who wrote the law.

Mr. Sykes stated he would like to know who is funding them. He asked if he is entitled to this information. May the record reflect someone from audience indicated the Department of Agricultural provided funding. Board Member Aponte stated he agrees with Township Administrator Miller and for Mr. Sykes to contact his Legislators.

Margaret Gioconda, 145 Wharf Road, Egg Harbor Township, sworn in: Ms. Gioconda asked if everyone in Egg Harbor Township still have a well and septic system like she does. Township Committeeman Carman stated not anymore. He advised many people have sewer and water, however, out in this area it is still septic and well.

Ms. Gioconda stated this whole thing is unfair that they picked some place that requires a septic. She also stated if this happens then a light should be installed at the end of Wharf Road, sidewalks should be required, and Wharf Road needs to be widened.

Board Member Aponte asked Board Planner Polistina to read into the record the clause from the legislature for this. Board Planner Polistina stated the public has probably already heard this, but for their benefit he read into the record section 40:55D-66.1. Board Planner Polistina stated what this State Law says is that these facilities are allowed to obtain a building permit and they are treated exactly as your home is treated. Ms. Gioconda stated the proposed is huge. Board Planner Polistina advised State Legislature did this and unfortunately based upon this clause the Board is limited in what they can do.

Jolynn Sykes, 120 Wharf Road, Egg Harbor Township, sworn in: Ms. Sykes asked what is the process. She stated if it goes to Judge and he decides they do not need Planning Board then all they have to do is apply for a building permit. Township Committeeman Carman stated yes. Ms. Sykes asked if they will have to go to CAFRA or Department of Environmental Protection. Board Planner Polistina stated they have met the buffer requirements so this does not have to be addressed. Board Planner Polistina stated two (2) things will occur. If the Judge decides with the Zoning Board than they will be back before this Board. He indicated if the Judge does not agree with Zoning Board than they are entitled under the State Statute to seek a building permit.

Board Planner Polistina stated under the subdivision approval previously granted State approvals that were necessary, however, they will have to go to Atlantic County Board of Health for the septic system. Ms. Sykes if this were to come back to the Board if the Judge decides can there be conditions placed on. Board Member Aponte stated yes. Ms. Sykes asked if the Board could provide examples. Township Administrator Miller stated no. He advised that would be discussing the merits of application, which cannot be done.

Helene Hattman, 166 Wharf Road, Egg Harbor Township, sworn in: Ms. Hattman stated if this does go through and it does not work out. She asked what the back-up plan would be for Township. Board Planner Polistina can be a house or some other type of residence that was referenced within State statute. He indicated if a business desired to go there an application would have to be made to the Zoning Board and the residents in the area.

Ms. Hattman asked if the septic system is too small for something else would this not be a sanitary issue. She advised it floods in area. Board Member Aponte stated this would an issue the Board could discuss if the applicant is remanded back by the Judge.

Marc Hattman, 166 Wharf Road, Egg Harbor Township, sworn in: Mr. Hattman asked where is the line between residential and commercial. He asked if it is based upon zoning or planning when it comes to parking, building heights, septic designs and ADA aspects. He stated clearly this is not residential because residential does not have to meet ADA requirements like this will.

Township Administrator Miller stated they meet the residential requirements for the bulk variances (lot coverage, setbacks, and coverage, height). He indicated for the building they have to meet the building code for the type of use it is. He stated they are not

building a single-family home. They are building a commercial building and whatever use classification that the Construction Official places on them they will have to meet. He indicated the building will be ADA compliant and whatever other requirements they have for barrier free access. He indicated the type of construction for a building this size will not be a stick built type of home.

Mr. Hattman asked if parking is part of zoning or building code. Township Administrator Miller advised parking is part of zoning. He further noted he cannot discuss parking requirements because it would be considered talking about the application. Board Planner Polistina stated our parking requirements are lacking for this type of facility and actually other uses in our ordinance.

Motion Carman/Aponte to close public portion. Vote 8 Yes

Motion Carman/Aponte to adjourn at 7:11 p.m. Vote 8 Yes: Aponte, Carman, Cook, Eykyn, Levy, Miller, Rosenberg, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary

