

TOWNSHIP OF EGG HARBOR  
PLANNING BOARD

November 19, 2012

Solicitor: Christopher Brown, Esq. (Teddy 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

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 was taken as follows:

Manuel E. Aponte, present	Robert Levy, present
Committeeman John Carman, present	Mayor James J. McCullough, Jr., out-of-town
Milas Cook, Alt #1, present	Peter Miller, Township Administrator, present
Charles Eykyn, present	Paul Rosenberg, present @ 7:00 p.m.
James Garth, Sr., Chairman, out-of-town	MD Shamsuddin, Alt. #II, present
Frank Kearns, another engage.	

May the record reflect: Mayor James J. McCullough is not in attendance this evening, however, he has sent Township Committeewoman, Laura Pfrommer in his place.

SITE PLAN(S):

- SPPF 32-02 (Amended III) Amend. Prelim./Final Major Site Plan  
Shore Mall Associates 2302/10 & 20  
Zone: RCD, 73.31 acres, sewer/water, 6725 & 6727 Black Horse Pike  
Applicant is proposing to demolish the rear portion Waiver of Time – Yes  
of the existing mall which is approximately 287,294 sq. ft. Approximately 331,306 sq. ft. of mall  
space will remain. Other improvements include roadway realignment, fencing, landscaping and  
the re-arrangement of existing parking spaces. Pinelands c/f: #1981-0348.012 dated  
9/12/12.

Checklist Waiver(s):

- Item #1 ( c ): Site plan in digital format

2. Item #10: Existing and proposed elevations extending 100' ft. from property lines
3. Item #13: Landscaping plan
4. Item #14: Lighting and signage plan
5. Item #15: Site characteristics map
6. Item #17: Protective covenants
7. Item #18 (f&i): Stormwater calculations & NJDEP low impact development checklist
8. Item #19: Sewer and water report
9. Item #20: Traffic report
10. Item #21: Fiscal impact report
11. Item #23 (a): Locations of existing utilities within 200' ft.
12. Item #31: Natural resource survey
13. Item #32: Sight triangles, radii of curb line and street sign location
14. Item #35: Architectural plans

Design Waiver(s):

1. §94-8H: Buffers

Variance(s):

1. §225-55F: Curbing
2. §225-56A(36): Shopping center parking requirement

Steve Nehmad, Esq., introduced himself as attorney for the applicant. He indicated proof of service has been provided and he asked if this could be confirmed by the Board Secretary. Board Secretary advised it has been submitted and it is correct.

Vice-Chairman Aponte advised he originally abstained from the Wells Fargo application when presented due to conflict. He advised when the applicant presented another application for the Mall in 2011 he again abstained. He advised at that time he belonged to a group that had negotiations with the mall, however, he is no longer part of this group. Vice-Chairman Aponte advised he has spoken with Board Solicitor Brown with respect to this application. Board Solicitor Brown advised he believes Vice-Chairman Aponte may preside over this application.

Attorney Nehmad explained the applicant is not seeking approval the demolition of the mall, but for improvements associated with the demolition of the mall. Attorney Nehmad indicated the rear portion of the

mall is being demolished, therefore, the applicant could have submitted to the Township Construction Office for the issuance of a permit. Attorney Nehmad referred to Exhibit A1: demolition plan advising that the applicant could have just regarded and stabilized the site.

Attorney Nehmad advised the managing partners Cedar Reality Trust for over ten (10) years have been of the belief of "when the mall is redeveloped...not if it will be redeveloped. However, he indicated despite the time, effort and money the mall has not gotten to the redevelopment stage because the managing partners cannot attract a major anchor store in the rear of the mall due to the right turn in and out of the site.

Attorney Nehmad advised his clients would like to position the mall with an interim improvement plan so it appears to be a far better positioned property to attract responsible redevelopment initiatives. He indicated this involves constructing a new rear access road way, landscaping and fencing in that area in conjunction with the demolition of the rear of the mall. He indicated his client will fence off the rear sea of asphalt so it does not appear to be an expanse of unused property.

Attorney Nehmad stated this is why his client is here with this application. He indicated his client has worked very closely with the Township administration in the course of the last ten (10) years to attract redevelopment. He stated his client remains committed to redevelop this site, but it may take longer because of the economy.

The following individuals were duly sworn:

Douglas White, P.E.

Tom Ritchie, Cedar Reality

Douglas White introduced himself, he advised he has been a licensed engineer, within the State of New Jersey for over 22 years, he indicated he is with the firm of Adams, Rehman, and Heggan, Hammonton, New Jersey, Engineer White advised his firm has been involved with this property since the early 1980's both in surveying and engineering issues.

Engineer White referred to Exhibit A1: Arial photograph of the site, while describing the roads and location of uses at the mall. He advised the rear wing of the main building is planned for demolition. He indicated it is a total of 247,000 sq. ft. of the 583,000 sq. ft. that currently exist or 42% of the building. Attorney Nehmad asked if the property is primarily within the RCD zone. Engineer White stated yes. He advised there is a small portion that is within the regional residential growth zone.

Engineer White referred to Exhibit A2, site plan, he advised, as shown on exhibit A2, the rear portion of the building is being demolished and a new pathway is proposed around the building to provide circulation. He indicated the applicant will construct new paving and parking where building is being removed and landscaping will be proposed along West Jersey Avenue via landscaped islands. Engineer White advised the applicant is trying to control traffic movement around the facility and the applicant is proposing a fence along the length of the road way with slats to provide a visual buffer to the back part of the property.

Engineer White stated the site plan consist of islands, landscaping, new parking, and road way connection. Attorney Nehmad asked how will the access to the rear of the stores that remain be maintained? Engineer White stated for truck deliveries to Burlington Coat and Boscov's will remain the same. He advised the deliveries will be done from the rear of each store. He indicated the primary access will be through the front of the site. He indicated the new road way will provide a better flow of traffic off of West Jersey Avenue where access will be controlled and through the site.

Attorney Nehmad advised the applicant is seeking relief for buffering to the rear of new access area. Engineer White advised the south side of site is where the movie theater is. He indicated the movie theater is on a separate parcel, however, there are cross access easements. He indicated there is shared parking between both the movie theater and the mall, so no buffering is being proposed to retain the existing parking. He also advised the applicant existing conditions with the Black Horse Pike where the parking is literally up against the curb line. The applicant is not proposing any changes to the front of the property. Therefore, it is the reason this design waiver and variance is being requested.

Attorney Nehmad indicated some of the existing parking for the mall will be fenced in. He asked if the fence will have slats? Engineer White advised some of the existing parking area will be fenced in with a 6' ft. chain link with green slats. He indicated the fence will follow the back side of the drive aisle along the new road proposed for the mall. He indicated it will be about ten (10) feet off the aisle and will tie into an existing fence where the movie theater is.

Attorney Nehmad asked if there is a certain amount of parking spaces that will be required to remain? Engineer White advised once the fence is installed there will be a total of 1,630 spaces available for parking. He indicated this will be 52 spaces short of what is required, which is less than 3%, however, there has never been a shortage of parking. He noted there were areas of the mall parking lot that were more crowded than others but there was never not too much.

Engineer White stated the applicant could “jog” the fence, however, the applicant does not want to have people crossing the new drive aisle. Attorney Nehmad asked Engineer White that if the Township Engineer ever thought there was a shortage on parking would the applicant be agreeable to reconfiguring the fence to pick up additional parking since there is actually an over abundance of parking on site? Engineer White advised the opportunity is there and it can be done to shift fence.

Attorney Nehmad stated the reason for the variance for parking has more to do with running the fence in a straight line to the movie theater fence. Engineer White stated yes. Attorney Nehmad asked if there is any new square footage proposed. Engineer White advised there is no new square footage proposed for any of the buildings that will remain.

Attorney Nehmad asked Engineer White to explain the checklist waivers being sought. Engineer White advised that in general what waivers requested are either because of existing conditions or can be provided based upon the conclusion of the board’s decision. He indicated the applicant will provide digital plans, they will supply a landscaping plan. He indicated the applicant is not changing anything with sewer or water and they are not expanding the footprint of the site. Engineer White stated less parking will be generated from site, therefore, no need for traffic report. He indicated the utilities will remain the same and will stay in the same location.

Attorney Nehmad stated the fiscal impact is not needed because the applicant is creating an additional cost. Engineer White stated the applicant is reducing the intensity of the site.

Attorney Nehmad stated his client is committed and they believe this proposal will attract a redevelopment of this site. Board Member Levy stated there has been discussion concerning access to site. He asked how helpful has the Parkway been with Exit 36? Attorney Nehmad advised that Mr. Ritchie will discuss and he asked if he could defer to him in a few moments. He indicated this is where he has had some failings.

Attorney Nehmad asked Engineer White if the waivers are supported because of the limited nature of interim plan of development? Engineer White stated this is true. He also advised item #32 from the checklist waivers (Sight Triangles, etc..) needs to be crossed out. He indicated this information will be provided. Attorney Nehmad advised the applicant is also providing drought tolerant species in the landscaped islands. Engineer White stated this is correct. This is an interim plan and the applicant wants to make these species maintenance free. He indicated the applicant is seeking an irrigation waiver.

Attorney Nehmad asked if the applicant meets Township Ordinance requirements of preliminary and final

major site plan approval? Engineer White stated yes he believes it does. Attorney Nehmad asked Engineer White if he has reviewed the reports of the Board Engineer and Board Planner and does he agree to all items except one that will be discussed? Engineer White stated yes.

Attorney Nehmad stated there is one (1) item in the Board Planner's report that discusses sidewalks. He asked Engineer White if any sidewalks are proposed with plan. Engineer White stated yes. He explained a replacement sidewalk in the back of building will be supplied. He indicated it is not being provided around perimeter of the property because the interim situation of the project. He indicated the applicant is not ready to finalize work along West Jersey Avenue and the Black Horse Pike.

Engineer White stated there was some discussion having sidewalk from West Jersey to the Black Horse Pike. He indicated if they were provided it would take the sidewalk off the mall property. He indicated the applicant would have to cross over Atlantic County property and take it into the right-of-way of the County (bike path). He also stated that if sidewalk is provided along the Black Horse Pike an upgrade to the whole traffic signal would have to be provided.

Vice-Chairman Aponte asked if clarification could be provided for the checklist waivers. Attorney Nehmad stated the applicant is seeking checklist waivers #2, 5, 6, 7, 8, 9, 10, 11, 12, and 14. Township Committeeman Carman stated the new access road along the north side (West Jersey Avenue) there has been a ponding problem is this being addressed. Engineer White stated the ponding is on the outside of where the applicant is working. He indicated it will be behind the fence. Board Engineer Watkins stated the berm proposed in this area will have openings so the water continues to flow so it will not pond on West Jersey Avenue.

Board Member Cook asked where the access way is for the semi's delivering to Boscov's or whomever? Engineer White advised they will be coming in the same way they do now. They will primarily access off Tilton Road, but could access off West Jersey Avenue.

Vice-Chairman Aponte stated there appears to be curbing on West Jersey Avenue by the radii. Engineer White stated yes, there is a small amount proposed. He indicated it is being added based upon what was previously provided up front. Board Engineer Watkins stated there is curb line at both entrances so both radiuses along West Jersey Avenue will have it. He indicated they will be defined. Vice-Chairman Aponte asked what if someone turns left off West Jersey Avenue will it be a problem. Board Engineer Watkins stated no. He advised they will be 25' ft. radius so it is large enough for a bus. Township Administrator Miller asked if there will be a left hand turn lane from West Jersey Avenue? Engineer White stated no. He

indicated there are no changes proposed for West Jersey Avenue. He indicated items such as a turn lane could come up in the future development plans

Board Member Eykyn asked if asphalt is being taken out in the berm area so people do not try to cut parking lot to access the road. Engineer White advised yes the asphalt is being taken out and the applicant is building up a berm to at least three (3') feet and then landscaping on top of the berm. Board Member Eykyn advised the plantings that already exist on site are not being maintained and it is almost dangerous to come out of parking lot in front of stores. Attorney Nehmad stated it is happening at other centers such as Consumer Square in Hamilton Township. He indicated it has to do more with the species that are planted approximate to the site triangle. He indicated the applicant has to be sure to plant a species in this area that does not grow above a certain height. Attorney Nehmad indicated the County requires nothing higher than 24" be allowed within their site triangles. He advised the Board professional's could recommend a species that does not grow above 24" so not to impair visibility.

Chairman Eykyn asked if there will be entrances where the parking is now outlined? Engineer White advised parking will remain at the side entrance of Boscov's as it presently exist. Township Committeewoman Pfrommer advised she knows the Division of Motor Vehicle will remain. She asked if there is a mall entrance being retained.

Tom Ritchie, President of Development and Construction for Cedar Reality Trust, whom oversees the property and has been the managing partner for the Shore Mall property for over ten (10) years. Mr. Ritchie advised the mall entrance near Boscov's will remain and there will be a relocation of mall tenants to this area.

Township Committeewoman Pfrommer asked once the mall is downsized will there be holiday attractions coming in between Boscov's and Burlington? Mr. Ritchie stated they would be very limited. Mr. Ritchie stated this proposal is an interim step. He indicated they feel very strongly that the Shore Mall is an excellent property.

Mr. Ritchie advised the mall does, however, have inherent access problems. He stated there 70 acres and 625,000 sq. ft. is a right-in and right-out and you cannot make a left out of property. He indicated this has created a problem with obtaining quality anchors. Mr. Ritchie stated over the last ten (10) years company has worked very closely with the Township, County and State to correct access issues. He advised most recently they had an anchor tenant and they were able to garner the second largest Tiff Award in State history from the New Jersey Economic Development Department of up to 20.4 million dollars based upon

future sales of anchor tenants and other tenants.

Mr. Ritchie stated they are also in line for some federal transportation dollars through Senator Lobiando's office, who has helped them extensively and they have spent hundreds of thousands of dollars and tens of hours so they could use the State, Federal, plus their contribution to affect a complete a complete access to the property. Mr. Ritchie stated the economic recession came along in 2008/2009, the anchor tenants disappeared. He is before the Board tonight for the proposed improvements for the demolition and to take the interim step with the full intention to redevelop the property.

Mr. Ritchie stated they have experience in de-malling malls. He indicated they had done so with at least two (2) others in Pennsylvania within the last five (5) years. He indicated each were 500,000 to 600,000 sq. ft. properties and both are now power centers. Mr. Ritchie indicated both are very successful, but each were significant investments costing between 40 to 60 million dollars. He indicated they are not scared of this type of project, but do not have the components yet, here to do so that is why the interim proposal.

Mr. Ritchie indicated they have very good tenants in the mall. He indicated they have a legal obligation to some tenants and they are working to re-populate some of the areas that are being retained with these stores. He indicated those they do not have a legal obligation to will be provide time frames and they will try to accommodate them. Mr. Ritchie explained they have done many interim things such as Carraba's, Golden Corral, and Wells Fargo. He indicated they placed a left into the site many years ago and provided a new access way. He stated once again they feel strongly and believe the proposed is an interim step.

Attorney Nehmad asked Mr. Ritchie if he could explain the interface between themselves and the New Jersey Highway Authority and access off of Exit 36. Mr. Ritchie stated they have had many meetings with the Department of Transportation and Trenton. He indicated many of which the Township Administrator Miller and others were present. He indicated many improvements were proposed. He indicated they had just started to sit down with the last go around to discuss with the Parkway Authority what their plans were. Mr. Ritchie indicated they were further down the road with Exit 36 with a turn that goes away from the mall property. He indicated since then discussions were broken off with the Parkway Authority. He indicated they believe they had a very nice plan to incorporate an access road and incorporate the Exit into it so that individuals coming off Exit 36 could have a full turning movement off either the Black Horse Pike or Tilton Road. Attorney Nehmad stated they are still pressing the New Jersey Highway Authority who has regulatory authority over Parkway to co-ordinate a full signalized intersection at Tilton Road and Exit 36 so that it allows full turning movements (right and left) and allows a ramp directly into Mall.

Mr. Ritchie advised this is a very congested area with a lot of existing signals and turning movements and very short distances. Attorney Nehmad stated this requires co-ordination between the County, State, and Highway Authority. Township Committeeman Carman stated the one plan that proposed a loop road that went around to Broadway is the most ideal one. He indicated the Highway Authority-Garden State Parkway is reluctant to place an Exit onto private property. Township Committeeman Carman stated he believes it mutually beneficial to the Township and the applicant that the mall dedicate the driveway all the way around to the Township. Mr. Ritchie indicated they actually spoke with the New Jersey Department of Transportation about dedicating all the ground needed to get to a full turning movement onto Tilton Road.

Mr. Ritchie stated in addition they even suggested to the Department of Transportation to create a fully signalized intersection on West Jersey Avenue. He indicated their company has been at this for a while. Township Committeeman Carman stated if the applicant were to dedicate to the Township than the Township could discuss with the Department of Transportation. He advised all the renovation work going in on the Parkway currently now is the time to do it. Attorney Nehmad stated if there is an initiative that gets the Township and the applicant to where they want to be the applicant is in favor of.

Township Administrator Miller stated last week the Highway Authority came to speak with the Township concerning Exit 36 and 37. He advised he pulled out the applicant's information and asked if they ever saw it. He indicated one (1) person from the Authority advised they remembered seeing something that looked like it. Township Administrator Miller advised he reviewed the Authority information but they did not provide the exit ramp to match up. He indicated the Authority provided reasons as why they did not need that much range, however, the Authority did advise if the boulevard was public right-of-way that had no problem with placing an exit directly into a public right-of-way.

Township Administrator Miller advised the Authority did the same thing at exit 63 on the Parkway and they advised they would do the exact same thing. Township Administrator Miller stated he realizes this is something that is just being discussed now with the applicant, however, as part of this site plan there should be a conveyance of land to Broadway as a condition of approval. Township Administrator Miller further noted the Highway Authority is having a public hearing on December 11, 2012 at the Community Center from 4:00 p.m. – 8:00 p.m. for public comments concerning exit 36 and 37. He indicated at this public hearing he would like to advise the Highway Authority that the Township and Cedar Reality has worked something out at the Shore Mall where the Township will have the right-of-way for them to incorporate the access into the perimeter road as part of the improvements to exit 36.

Mr. Ritchie can do part of this, but there is a section of the property that is owned by the Frank family. He

indicated they would have to receive the co-operation of them also. Attorney Nehmad stated the applicant is in favor of anything that gets them to where they need to be, however, would ask that we see this and study the proposal with the cooperation of the Township to get exit 36 into Mall. Attorney Nehmad advised there is a semi-circular line that is a property line to the movie theater. He advised this line is unusual but it goes back to when this property was a drive-in movie theater that is why it was developed in a semi-circle. Attorney Nehmad stated the applicant will accept as a condition that we work with Egg Harbor Township to do everything reasonably possible to accommodate a plan that allows the new Exit 36 to access directly into the mall.

Vice-Chairman Aponte stated this is an interim plan and hope to change if there is access. Attorney Nehmad stated hope to change when there is a plan that attracts a true redevelopment effort. Mr. Ritchie stated just because this is an interim plan it does not mean they will stop working. We will continue to work.

Board Planner Polistina how are you dealing with utilities. Engineer White stated they will keep mains but will cut and cap the laterals. He indicated plumbing inside of building will be removed with the foundations. Applicant is trying to clean site. Attorney Nehmad also advised the applicant will be placing a material on site that is regarded by the Pinelands and the Department of Environmental Protection as impervious even though it is crushed stone. He stated this is being done to preserve the impervious surface coverage so when the applicant has a redevelopment proposal they have the rights to coverage as shown by this material. Would like this placed in the resolution. Board Planner Polistina stated he supports no left turn onto West Jersey because it is an interim plan and the use is reduce. Support the waiver at this point, but this will change when a full redevelopment plan is submitted.

Township Administrator Miller stated maybe a deceleration lane where the berm is, should be proposed. Board Engineer Watkins stated making more lanes will make it harder for people to see cars coming. Would like to see some restriping and would like to a taper of a curb line so people do not hit island. Will make sure landscaping and berming will give individuals the ability to see.

Vice-Chairman Aponte stated everyone will have a chance to speak. He stated when there is redundancy will advise so that we can move on to next individual.

**Motion Carman/Pfrommer to open public portion. Vote**

Connie Ross –O’Sullivan, 142 Glenn Eagles Court, Mays Landing, New Jersey, sworn in: only thing see on planning board is landscaping, parking, fencing. She asked what about all the people. She stated she

walked the pavement so Boscov's would stay. She advised she begged so they could give them money to save store or else Boscov's would not even be here. Feel like she is being thrown under the bus because they are removing her part of the Mall.

Ms. O'Sullivan stated Cedar Reality has been here for ten (10) years. If you purchase property if you do not have the money to maintain then you should not purchase the property. She indicated she has worked at mall for 39 years and Cedar has been there for ten (10) years. Ms. O'Sullivan stated they told them they would have an open mall in rear and believed while they were doing this we could still be working in our area and once completed we could move into the new. We have been hearing for ten (10) years and then all of sudden they are dumping the mall. She asked where all the workings are going to go. There are hundreds of people that will be collecting unemployment and what kind of ratable will the Township have.

Ms. O'Sullivan stated she does not understand why they renewed leases when the Mall was falling apart because they did not fix it. Stated she is 68 years old do not really need the job she has that bad, but she advised she worries about all the young people being out of work cannot support their families. Stated she is very disappointed. Went to every Freeholder meeting to keep Boscov's at this site and they gave him \$50,000.00 to stay. Ms. O'Sullivan asked where is the consideration for the other businesses? She advised she has obtained thousands of signatures even though her husband has been ill. She indicated this is important to her.

Douglas Keefe, 2402 Ocean Avenue, Brigantine, New Jersey, sworn in: Mr. Keefe advised he has been a tenant of the Shore Mall for 38 years he is speaking this evening as a member of the Egg Harbor Township Economic Development Committee of which he is past Chairman and current member. He advised they have been dealing with issue of transportation access and egress to the Mall on their agenda for many years. We have had Mall share with us plans for access and circulation roads within the property for many years.

Mr. Keefe stated the Economic Development Committee has had meetings with the Mall and the New Jersey Turnpike Authority and it is at a point where we are at a critical junction that something be done relative to transportation and access and egress to the Mall. He advised there is a very narrow window that is open because we are aware New Jersey Turnpike Authority has control over the Parkway is working at Jimmie Leeds Road area and they are due to move into our area shortly to do something.

Mr. Keefe stated the Authority plan for Exit 36 is insufficient to address the traffic area or pattern in the area and we need to ensure that some type of circulation road be considered as part of the plan for the Shore

Mall redevelopment. Mr. Keefe stated he is encouraged to hear the applicant is willing to work with the Township to deed some land to the Township to allow for this.

Mr. Keefe advised it is incumbent upon this committee to very adamantly insist upon this. He indicated it is a known fact this property has been for sale for many years. Anything done must be incumbent upon the next property owner of this property so this property can be turned into something beneficial to the Township and the area.

Mr. Keefe stated a plan to have a circulation road around to Broadway up to West Jersey Avenue is critical and to have a full intersection on the Black Horse Pike going both East and West Bound and possibly connecting it to the Bradlee's Shopping Center across the way for a full interchange for both shopping centers the benefit would be immense not only for this area but further towards Atlantic City including the WalMart if they are able to development their property at Fire Road. Currently if they were to receive traffic off the Parkway they would have to go down Hingston Avenue and go in the back way, but if you have full interchange off the Black Horse Pike you could access off the Black Horse Pike.

Mr. Keefe stated the Township wants to develop West Atlantic City. He indicated having traffic off the Parkway would give a benefit to the development. Going into Atlantic City, the Hard Rock, which is moot at this point would have benefitted. He indicated if the Township would like to see a benefit look at Route 30 and what has happened with the Casino development. He indicated if you look at Route 30 from the Parkway you see commercial development through Absecon. He indicated you see motels and other types of commercial development that too could happen if there were to be a full interchange.

Mr. Keefe stated this is why the support of Cedar Shopping Center Group for some type of ring road circulation around the property is critical to the development of that property for the betterment of the Township.

Eli Cohen, Owner of Palace Diamonds in Shore Mall, sworn in: Mr. Cohen stated he has been at the Mall for eighteen (18) years and the Mall is a gold mine. He indicated if you look at Florida and you go every two (2) miles they have taken these properties and turned them into festival flea markets. He stated when people go to Florida on vacation they go to these places when it rains. He stated if you look at the economy today it gives people a chance to live.

Mr. Cohen stated if they took the rear of the Mall and put in a flea market they can raise over 3 million dollars a year just in one store. He advised if they placed booths in and had the "average Joe" come in for

a \$100.00 to \$150.00 a stall maybe they could get a thousand stalls. He indicated it may not look like Tiffany's but have to think about what is around us and the people that are struggling and the people that need these things. He stated this would give everyone an honest change to make a living to start their own business. It is other than that or working for big corporations.

Mr. Cohen stated when he goes to Florida everyone wants to go to these flea markets for the fun. This is an idea and it should have or could have been done. He stated it is sad to see everyone lose everything they had.

Mr. Cohen advised he is very good friends with the Frank's and he just got off the phone with them about the exit ramp and they indicated they are totally willing to co-operate in any manner that is needed to construct the exit ramp. He indicated he has known the Frank's since he was a child and they are very excited about this..

Jacob Muntazer, 403 South Yam Avenue, Galloway, New Jersey, sworn in: Mr. Muntazer stated he has had a small kiosk in the Mall for the last three (3) years. He stated he was present with the entire crew when they were trying to support Boscov's to receive the funds so they could stay. Mr. Muntazer stated they were present because there were jobs on the line. He indicated now it seems like no one seems to care about the other half of the people who will be without a job.

Mr. Muntazer advised that according to some estimates there could be about 200 people losing their jobs. This is going to affect a lot of families. He indicated the mall had given up on bringing the whole thing up two (2) years back, because when they gave out the back portion of the mall to the food bank it was a clear signal that they were not interested.

Mr. Muntazer stated the mall does have potential. He indicated when you look at Boscov's when they have the sales the whole parking is full. He stated if Boscov's can bring out this crowd, have demographics, why can the mall not do so. Mr. Muntazer stated the location of mall is good. He stated as soon as these exits open up the mall will be a gold mine. He indicated the mall has been losing money because of maintenances and security and they want to get rid of extra expense. Will the Township help them out? Mr. Muntazer stated the Township should help them out to maintain the rear part of mall so that other plans can be brought in and people's jobs can be saved. Mr. Muntazer advised it will make the township look good.

Ms. O'Sullivan stated she had a number of petitions that have been signed to keep mall. Attorney Nehmad

stated there is a case on point Seibert vs. Dover Township that petitions are not admissible in Land Use Hearings.

Richard Carlucci, 48 Imperial Drive, Egg Harbor Township, New Jersey, sworn in: Mr. Carlucci stated he has been a long time customer of the Shore Mall. He indicated he goes to Beachcomber Collectables, the barber shop, EB Toys, Capri Pizza. He advised he is not in favor of them demolishing the mall. He indicated there will be a lot of loss of jobs. Mr. Carlucci stated if their hands are tied and it has to be done it should be made as a condition the dedication of the ground. He indicated not a promise to work but a hard and fast condition not escapable, if they have to buy ground from the Frank's so be it.

Mr. Carlucci stated he has had no problem with access to the mall. He indicated the problem with the mall is that no one has invested in it. He stated no money has been spent. Mr. Carlucci stated if you want a quality tenant have a quality building. He stated the mall should have upkeep. He indicated the owners have never invested in the property to attract tenants and keep good tenants.

Vice-Chairman Aponte stated he wants the record to reflect the Board did not accept the petitions presented by Ms. O'Sullivan. Mr. Carlucci stated he did sign one of the petitions. Mr. Muntazer asked if the petitions should go to the inspections office? Vice-Chairman Aponte suggested the petitions be presented to Township Committee.

**Motion Eykyn/Levy close public portion.**

Attorney Nehmad stated his client agrees with comments of Mr. Keefe. A number of plans have been reviewed by this client and the Economic Development Committee and all have benefits to the Shore Mall but also other properties in the Township's downtown "central business district" for lack of better wording. He advised the applicant pledges to co-operate with the Township in working co-operatively toward a plan that allows Exit 36 interchange plan to provide access to the Shore Mall as well as expanded access to the extent the applicant can provide for that in efforts with administration.

Attorney Nehmad stated his client would have loved to have provided this evening a plan for redevelopment of the Mall. Unfortunately when you submit a plan to refinance and place in improvements such as mechanicals and roofing to provide the multi millions of dollars necessary you have to submit a provide a pro-forma income and expense statement. He indicated the statements have never shown sufficient rental revenue being generated from rents in the rear to warrant raising the multi-millions of dollars that are necessary to do so.

Attorney Nehmad stated Mr. Cohen mentioned maybe doing a festival flea market which is one of the most revolutionary flea markets in America. He advised it is a pedestrian oriented mall and he is very familiar with it. He indicated it has been written up in the Wall Street Journal since it was open in 1991. He indicated many have tried to replicate, however, the reason for its success is that it has a large senior citizen population that uses shopping as recreation on a daily basis. He indicated even the festival flea market which had 95 to 100% occupancy rates are suffering.

Attorney Nehmad stated the applicant wants to be where everyone wants them to be. He indicated the applicant does not want to be removing gross lease area they want to be adding and redeveloping the site. He indicated the applicant believes with the conditions that were discussed and by working with the Board and Township Committee by expanding the Exit 36 access will help create a win-win situation.

Attorney Nehmad stated the applicant did not have to submit this plan, however, they did so at the request of Township Administration who did not want the applicant to have a sea of asphalt left in the rear with fencing. They asked that we channelize access and create a safer situation and that is what has been presented.

Township Committee Carman asked as part of this application is the applicant willing to either dedicate or provide a transportation easement so the Township may discuss with Frank Family within the next week or two (2) to discuss the situation before any meetings with the Parkway? Attorney Nehmad stated the applicant will provide. Township Committeeman Carman stated the condition will be in the decision and resolution and it will be in hand. Township Administrator Miller stated he would like Engineer White to show on the site plan the right-of-way to be dedicated to the Township so that it can be presented to the Highway Authority. Attorney Nehmad stated the plan can be plotted and will present to the Township.

Board Solicitor Strickland stated he reviewed the case law for petitions and he would like to explain. He advised everyone that comes before the Board to issue their opinion must be sworn to tell the truth and the applicant has to have the opportunity to question those individuals and the basis of their opinion. So this is why the petition cannot be considered.

Board Planner Polistina stated section 94-14 is the environmental impact statement which he supports the waiver of. He indicated section 94-22(a)10 is the irrigation system and the applicant has been discussed and they are seeking a waiver of. Board Planner Polistina stated section 94-22(a)12 is the maintenance plan for the landscaping. He indicated a limited waiver could be granted. He indicated the applicant should

provide something specific to the maintenance of landscaping in the areas where there are site triangles or visibility issues. Attorney Nehmad stated this is acceptable. Board Planner Polistina stated section 94-22d1 is landscaping and shade trees of which they support a waiver of. He indicated section 94-37 is street trees and they also support a waiver and the waiver of curb and sidewalk for the interim plan is also supported.

Board Planner Polistina stated he would also like to note there is a n existing non-conforming front yard setback, which is not affected by this application but it is to the Golden Corral Building. He indicated 64' ft. is existing and 80' ft. is required.

**Motion Carman/Eykyn to grant requested checklist waiver(s). Vote 8 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Shamsuddin, **1 Abstention:** Rosenberg,

**Motion Eykyn/Pfrommer to grant requested design waiver(s). Vote 8 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Shamsuddin, **1 Abstention:** Rosenberg

Township Administrator Miller indicated he will make the motion to grant variance relief due to existing conditions as part of this amended application.

**Motion Miller/Carman to grant requested variance relief: §225-55F: Curbing and §225-56A(36): Shopping center parking requirement. Vote 8 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Shamsuddin, **1 Abstention:** Rosenberg

Township Administrator Miller advised for the benefit of the resident's who came tonight he would like to advise that the Board cannot make a commercial property owner not do an application to develop their property how they choose to use their land. They have spoke with the Township a few years ago and a reduction in their tax assessment to work with them to assist. However, for whatever reason the prior owners that had the property for 30 years before Cedar had taken over were not investing in mall. Cedar has worked with the Township for the last several years to try to get funding. He indicated they have hired people to go to Washington, D.C. to met with the Transportation Subcommittee, our U.S. Senator's and congressmen to provide assistance and help, as well as, going to Trenton.

Township Administrator Miller stated from their marketing plan the applicant believes they have a better opportunity to market if there is no building and find a new tenant to construct something rather than retro-fit. He indicated they are incurring cost with the demolition of it. Township Administrator Miller stated the

Township with lose additional ratable based on this happening.

Township Administrator Miller stated we all have been going to the mall for years some of the individuals in the audience own the shops. He indicated the applicant has advised they will work with the tenants to try to relocate as many as they can to the front portion of the building. He indicated it will be up to tenants to decide whether they want to stay. He advised the Township really does not have ability to deny the applicants amended application because of the impact it may have upon the individual kiosk or shop owner within mall.

Township Administrator Miller indicated he advises this reluctantly many tenants have the sweat equity and work in the building and it has been their livelihood. He indicated he understands when the applicant decides to move forward and they are not able to accommodate it will affect some tenants. Township Administrator Miller stated there are a number of vacant commercial spaces available and would hope some tenants will be able to relocate and stay in Egg Harbor Township.

Vice-Chairman Aponte stated the Board is not granting approval to the demolition plan, but approving the traffic plan. Township Administrator Miller stated the Board is approving site plan that is a traffic/landscaping plan with the understanding that one of the reason to amend the plan is their intention to demolish the back of the mall.

Township Administrator Miller advised as a condition the applicant will convey a right-of-way from Broadway to the terminus of their property line that is approximately 80' ft. wide. Township Administrator Miller advised when the applicant returns with an amended site plan for the development of Broadway the Board will be looking for the applicant to do additional off-tract improvements.

May the record reflect that after some brief discuss between the applicant's engineer and the Board. Township Administrator Miller advised the condition for the applicant to convey land has changed. Township Administrator Miller stated from where the applicant's property intersects with Broadway at a 90° angle the applicant will convey an 80' ft. right-of-way to the Township to the terminus of their easterly property line where it meets the Frank's ownership.

**Motion Carman/Eykyn to grant conditional amended preliminary and final major site plan approval. Vote 8 Yes: Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Shamsuddin, 1 Abstention: Rosenberg**

JESC Holdings, LLC

5510/1, 4, & 5

Zone: NB, 30,440.84 sq. ft., sewer/water,

3393 Bargaintown Road

Applicant proposes to consolidate lot(s) 1,4,& 5 and

Waiver of Time – NO

vacate Delaware Road r-o-w to add the vacation to the consolidated lot. The applicant is then proposing to construct an additional 34,978 sq. ft. of office space within two (2) bldg.'s. Phase I will consist of a 21,378 sq. ft. office bldg. and the remaining 13,600 sq. ft. will be constructed within Phase II. There will be a total of 210 parking spaces for the office complex. Other improvements include drainage, landscaping and additional signage. CAFRA

Checklist Waiver(s):

1. Item #3:Key map
2. Item #30: Location of existing wells and septic

Design Waiver(s):

1. §94-8H: Buffer
2. §94-14: Environmental impact statement
3. §94-22E: Landscaping Basin

Variance Relief:

1. §225-63B(2): Freestanding sign – Area: 118.6' permitted; 152 sq. ft. proposed
2. §225-63B(3): Freestanding sign – Quantity: Not more than one (1) freestanding sign permitted for each 300' of street frontage. Site has 593 linear feet of frontage on Bargaintown Road and 309 Linear feet on Zion Road. The applicant is proposing four (4) freestanding signs, two (2) along Bargaintown Road and two (2) signs within the parking areas. The applicant is permitted one (1) freestanding sign along each frontage.

Christopher Baylinson, Esq., introduced himself as attorney for the applicant. He indicated the property is located at 3393 Bargaintown Road, block 5510 lots 4 and 5, which is known as the Hanlon Investment Management property.

Attorney Baylinson stated there is currently an office building on site. He indicated the proposal tonight is for preliminary and final major site plan approval to construct an additional 30,000 sq. ft. of office space that will be utilized by Hanlon, but will also be used by other tenants, depending how the market is. He indicated this space is proposed where the old "Cousin's" restaurant once was.

Attorney Baylinson asked the following individuals be duly sworn:

Andrew Schaeffer, P.E., Shaun Hanlon, Michael Cohen, Steve Fenwick, and David Schropshire, P.E.

Engineer Schaeffer advised there is an existing office building on site, which is two (2) stories consisting of 20,000 sq. ft. total. Engineer Schaeffer referred to the site of the old Cousins restaurant advising the applicant plans to vacate Delaware Avenue and combine all the properties together in order to construct another office building with a 10,000 sq. ft. foot print, two (2) floors for a total of 20,000 sq. ft. He indicated the applicant is also proposing a future phase which will be for the construction of a 13,000 sq. ft. office, which will also be two (2) stories and have a footprint of 6,800 sq. ft.

Engineer Schaeffer advised the applicant is proposing additional parking and through the vacation of Delaware Avenue will have an orderly entrance. He indicated the applicant is keeping corporate campus feel to this development. He advised the site will be heavily landscaped, much of which is existing. He indicated there are many large trees and mature landscaping.

Engineer Schaeffer advised the property is located within the neighborhood business zone (HB) and is seven (7 ½) and half acres. He advised the applicant is well over the lot size for this zone. He indicated the applicant is seeking variance relief for signs and relief is for design. Engineer Schaeffer advised the applicant is well within the building setbacks, building coverage/impervious coverage for the zone. However, he stated the applicant is seeking a buffer waiver to allow for the placement of additional storm water basin within the front yard setback of the Garden State Parkway. He indicated the basin is lined up with the existing basin, which is also in the front yard setback of the Parkway.

Attorney Baylinson asked Engineer Schaeffer if this is a proposed phasing project. Engineer Schaeffer stated yes. Attorney Baylinson advised phase I will be the 20,000 sq. ft. building and phase II will be the rear portion of building that will be around 13,000 sq. ft. Engineer Schaeffer stated this is correct.

Attorney Baylinson asked what parking criteria was utilized for the proposed addition. Engineer Schaeffer stated the ordinance requires one (1) space for every 400 sq. ft. of building, however, the applicant is proposing one (1) space for every 200 sq. ft. of building. Engineer Schaeffer advised the applicant believes the particular uses of this site needs a greater amount of parking proposed.

Engineer Schaeffer advised the drainage improvements are minor because the impervious coverage has not

increased post-development compared to pre-development. He indicated the applicant has water quality issues that were created in order to satisfy. Engineer Schaeffer explained the applicant is providing bio-retention basins along the sides and expanding the basin the rear to keep the water quality of the pond and downstream clean. Attorney Baylinson stated there is a waiver requested for basin landscaping. He asked what exactly is being sought. Engineer Schaeffer stated the bio-retention is less than two (2) feet. He indicated the applicant wants to maintain a clear view from the street with mature landscaping. He indicated if they provide landscaping for the bio-retention than this will not occur. He advised there is no question the applicant will provide landscaping for the basin in the rear, however, the applicant would like to meet with the planner to come up with a plan that works for both the Township and the applicant concerning the bio-retention landscaping.

Engineer Schaeffer stated the parking area in the rear is a little convoluted in order to save some mature trees in the rear. Attorney Baylinson stated there is a waiver for buffer requested for the rear of the site. Engineer Schaeffer stated the basin is within the building setback. He indicated it is actually a front yard because it faces the Garden State Parkway, which there is no access to. No one can really see it based upon elevation and mature trees.

Engineer Schaeffer advised the applicant is seeking a waiver from the Environmental Impact Statement, however, we have provided the impact statement that was submitted to CAFRA. He indicated most items within this statement meet the Ordinance requirements, however, there were a few minor discrepancies but the statement does meet the intent. Attorney Baylinson asked if the CAFRA application is currently pending. Engineer Schaeffer stated yes.

Attorney Baylinson stated the applicant is proposing a sign variance. Engineer Schaeffer stated the applicant is proposing another free standing sign that will be identical to the existing sign which is a stone tasteful sign. The signs proposed in the front of the building are a directory sign for convenience and parking. He indicated Mr. Hanlon will be in the new building along with at least one (1) to two (2) new tenant's, therefore, the directory signs are proposed.

Attorney Baylinson stated the ordinance allows one (1) sign for each road frontage and this site has two (2) frontages, therefore, the applicant is allowed two (2) freestanding signs. Engineer Schaeffer stated yes, the site has two (2) frontages and the applicant is seeking variance relief to allow four (4) signs where two (2) are permitted. He further noted the total square footage for all proposed signs is 152 sq. ft. where 118 sq. ft. permitted.

Engineer Schaeffer advised all signs total together 152 sq. ft. Township Administrator Miller asked if this is the square footage for all four (4) signs. Engineer Schaeffer stated yes. Township Administrator Miller asked how large is the existing monument sign out front? Attorney Baylinson advised he believes it is 74.8 sq. ft. and the new sign will be identical to that. Township Administrator Miller stated the plan he has indicates the sign is only 32 sq. ft. Board Engineer Watkins stated he believes they doubled the square footage by providing an incorrect calculation. Engineer Schaeffer advised each monument sign will be 36 sq. ft. and the directional signs will be 32 sq. ft. Engineer Schaeffer stated there will be a total of 72 sq. ft. in sign area along Bargaintown Road and there will be 64 sq. ft. of sign area within the interior of the facility.

Engineer Schaeffer advised the circulation within the facility will be a circle. He indicated the applicant is providing islands and the architecture will match the existing building and there will be an enclosed walkway attaching the two (2) buildings.

Attorney Baylinson stated the facility is located along a County Road. Attorney Baylinson advised David Schropshire is present, should the Board of any questions concerning the traffic study submitted. However, he asked Engineer Schaeffer if an application has been made to the County. Engineer Schaeffer advised an application had been made to the County. The County had issued a review letter, revised plans were then submitted back, and a new review letter has been issued. Therefore, the applicant is in line with receiving approval. He noted the only item outstanding is a unit number associated with the Cost Estimate that was submitted.

Engineer Schaeffer stated there is some widening of Bargaintown Road. Attorney Baylinson stated once of the issues outlined within the report of Joseph Johnston, Remington, Vernick, and Walberg concerned a left turn lane in off Bargaintown Road to the full access drive. Engineer Schaeffer stated through discussions with the Atlantic County staff they believe a left turn slot would be too close to the signalized intersection of Zion Road and Bargaintown Road and further widening would be necessary on Bargaintown Road and it is precluded from the presence of Wetlands. He indicated the County was not in favor of providing a left turn slot into the site because it is too close to the intersection.

Board Engineer Watkins asked if the County sought any type of right-of-way along Bargaintown Road and Zion Road by the Wetlands. Engineer Schaeffer stated as part of the Pepper Mill application they were given some. Therefore, they were not looking for any additional. Engineer Schaeffer further noted there is a road widening easement provided and sight triangles provided.

Attorney Baylinson asked if there is a trash enclosure on site? Engineer Schaeffer stated yes. Attorney Baylinson asked Engineer Schaeffer to explain the private garage and why is it located on site. Engineer Schaeffer stated the private garage is exactly that a private garage. He indicated the garage will hold five (5) cars and there will be parking stacked in front of it. He indicated it is not for general access it is for a private collection. Attorney Baylinson stated there is presently a structure where the garage is proposed that will be removed and the garage will replace it. Engineer Schaeffer stated this is correct, he advised there is currently an existing home located there now.

Attorney Baylinson stated there was a comment concerning the removal of two (2) parking spaces to avoid any conflict, however, with the installation of a stop sign coming onto the access drive this should resolve the issue. Engineer Schaeffer stated this is correct. Board Engineer Watkins stated the applicant will apply to the Department of Environmental Protection or CAFRA with regards to the building. Engineer Schaeffer advised the applicant has applied to CAFRA permit for a buffer averaging. Attorney Baylinson confirmed with Engineer Schaeffer that the garage was included on the CAFRA plan submitted for approval. Engineer Schaeffer stated it was included on the CAFRA plan.

Attorney Baylinson asked if the site meets all zoning as far as setbacks, etc.. Engineer Schaeffer stated it either meets or exceeds. Attorney Baylinson asked if it addresses Egg Harbor Township's ordinance for the granting of preliminary/final major site plan? Engineer Schaeffer stated in his opinion, yes

Attorney Baylinson stated the applicant, the architect and all other professionals are present if the Board has any questions. Board Member Levy what are plans for the wetlands? Engineer Schaeffer stated so of this is wetlands and nothing can be done. He indicated other areas have been managed wetlands past and CAFRA has advised maintenance and revitalization of the wetlands around it is possible. Board Member Levy asked if the fountain could come back? Engineer Schaeffer advised it is part of CAFRA permit.

Township Administrator Miller stated on the signs the calculations comes up as 136 sq. ft. not 152 sq. ft. Engineer Schaeffer advised the Township Administrator Miller's calculation is correct. Township Administrator Miller stated since the Board is considering a second free standing sign on Bargaintown Road would the applicant agree to place in the decision and resolution that they don't have a right in the future to place a freestanding sign on Zion Road? Attorney Baylinson stated the applicant agrees.

Engineer Schaeffer stated the applicant does have water and sewer so a waiver of septic and well location is being requested. He also indicated the applicant is seeking waiver for the size of the key. He indicated they have provided but it exceeds the requirement.

**Motion Miller/Eykyn to open public portion. Vote 9 Yes**

**May the record reflect no one came forward**

**Motion Miller/Levy to close public portion. Vote 9 Yes.**

**Motion Rosenberg/Carman to grant requested checklist waiver(s). Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Rosenberg, Shamsuddin**

Board Planner Polistina stated the only modification concerning designs waivers is granting a waiver from literal requirement of the code, but will meet with the applicant before the majority of the construction to see if there is additional landscaping necessary that could be provided.

Township Administrator Miller indicated in the recent past if there is an access on the landscaping not to screen the basin it has been donated to the Township to place in public parks. Would the applicant agree Attorney Baylinson stated if this is something that is requested then the applicant will place in other areas of the site.

Board Planner Polistina asked if the applicant is requesting the waiver? Attorney Baylinson stated yes, if we can use in other areas of the site we will do so, not just the basin area. Board Planner Polistina stated then the applicant will meet the basin landscaping requirements not necessarily at the basin location but other areas of the site. Engineer Schaeffer stated he would still like to work with your office.

Vice-Chairman Aponte stated this is for the rear basin. Attorney Baylinson advised the rear basin exist and it is done. Engineer Schaeffer this would be considered basin two (2). He indicated this is where the extra landscaping is coming from. Township Administrator Miller stated since the landscaping is being placed on site then do not need basin landscaping waiver somewhere on property. Attorney Baylinson stated would still require since it will not be around basin. Attorney Baylinson stated will find a place for the landscaping on property, however, if not will provide to the Township for a park

**Motion Eykyn/Rosenberg to grant requested design waiver(s). Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Rosenberg, Shamsuddin**

Attorney Baylinson stated he would like a clarification for the sidewalk. He asked if the sidewalk in the

parking area is going to connect to other sidewalk of the other building? Board Engineer Watkins stated he wants sidewalk along the frontage of the parking stalls. He does not want them to walk in grass or walk behind or in front of another car in the parking lot. Attorney Baylinson stated rather than a sidewalk could place a pedestrian access on the asphalt. Board Engineer Watkins stated it is does not match. This is an office complex and sidewalk is in front of the parking stalls.

Township Administrator Miller indicated the applicant should have sidewalk along the parking areas of where the connection is to the breezeway.

Motion Rosenberg/Miller to grant requested variance relief: §225-63B(2): Freestanding sign – Area: 118.6' permitted; 136 sq. ft. proposed and §225-63B(3):Freestanding sign – Quantity: one (1) freestanding sign permitted along each frontage; four (4) freestanding sign(s) proposed. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Rosenberg, Shamsuddin

Township Administrator stated the reason for him seconding the motion is because the two (2) freestanding signs along Bargaintown Road are low monument signs and are less than what one (1) freestanding sign would be facing the road and the elevation is conducive to the campus styles. He indicated the other two (2) additional freestanding signs are directional signs and they are also low. Township Administrator Miller indicated the Board has previously granted relief to the Atlanticare facility so people could get around the campus there.

Township Administrator Miller stated the applicant has also forfeited his right to place a free standing sign along Zion Road in the future.

Motion Carman/Rosenberg to grant conditional amended preliminary and final major site plan approval. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Rosenberg, Shamsuddin

**MEMORIALIZATION OF RESOLUTION(S):**

1.	<u>SP 10-12</u>	Minor Site Plan
	AC Electric	801/4 & 5
		2542 Fire Road

Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s), variance relief: 225-7:Accessory Building Height: 28.10' ft. proposed; 15' ft. required, and conditional minor site plan approval. Vote 8 Yes: Aponte, Carman, Cook, Eykyn,, Levy, Miller, Rosenberg, Shamsuddin,

2. SD 03-12  
Alvarado & Barnett, LLC

Minor Subdivision  
5202/14  
6143 Mill Road

Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s), design waiver(s), conditional minor subdivision approval. Vote 8 Yes: Aponte, Carman, Cook, Eykyn, Levy, Miller, Rosenberg, Shamsuddin.

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

SECTION I:

SECTION II:

a. General public discussion

Board Member Levy asked if we are going to be dealing with these LCD signs. He indicated there has now been two (2) applications submitted for them and both have brought opposition. Board Planner Polistina stated as far as development regulations the LCD sign is the wave of the future and they generate more revenue so more than likely will see more.

Township Administrator Miller advised the LCD signs are here and they will not change. The Department of Transportation says they are safe and they change every 10 seconds. He indicated there are a number of LCD signs along the Black Horse Pike. He advised Bob's Garden World has one, Jo-Jo's has one. Township Committeeman Carman stated Tilton Inn has one.

Vice-Chairman Aponte stated the next regular meeting of the Planning Board will be on Monday, December 17, 2012, 5:30 p.m., prevailing time.

Motion Levy/Rosenberg to adjourn at 7:55 P.M. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Levy, Pfrommer, Miller, Rosenberg, Shamsuddin

Respectfully submitted by,

Theresa Wilbert, Secretary