

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

December 12, 2011

Solicitor: Christopher Brown, Esq., Teddy Strickland, Esq., in attendance
Engineer: James A. Mott, P.E., of Mott Associates (no one in attendance – no engineering issues this evening)
Planner: Vincent Polistina, P.P., of Polistina and Associates, Craig Hurless, P.P., in attendance

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

Roll call taken as follows:

Manuel E. Aponte, Vice-Chairman, present
Committeeman John Carman, present
engage.
Charles Eykyn , another engage.
James Garth, Sr., Chairman, present
Frank Kearns, Alt. #I, another engage.
Robert Levy, present

Joseph Lisa, 2nd Vice-Chair., working
Mayor James J. McCullough, Jr., another

Peter Miller, Township Administrator, present
Paul Rosenberg, Alt. #II, present

MEMORIALIZATION OF RESOLUTION(S):

1. **SPPF 12-11**
AtlantiCare Behavioral Health
6010 Black Horse Pike

Major Site Plan
1501, Lots 6 & 7

Motion Carman/Rosenberg to memorialize resolution granting requested checklist waiver(s), design waiver(s), variance relief: and conditional preliminary/final major site plan approval . Vote 4 Yes: Carman, Levy, Miller, Rosenberg

SUMMARY MATTER(S)

Discussion of matters pertaining to the Board:

a. Egg Harbor Township Ordinance No. 37 of 2011: an Ordinance to amend the Code of the Township of Egg Harbor, Chapter 225, Section 225-44 (RG-1 Residential District), Section 225-45 (RG-2 Residential District), Section 225-46 (RG-3 Residential District), Section 225-47 (RG-4 Residential District), Section 225-48 (RG-5 Residential District) entitled Zoning to provide for affordable housing needs.

Township Administrator Miller advised in order for the Township to meet affordable housing requirements they have to require affordable housing within the Pinelands area. He explained this ordinance requires 20% of all new developments in the Pinelands have affordable housing as part of their subdivision application.

This Ordinance is consistent with the housing element of the Township Master Plan where the Township is supposed to provide the opportunity for affordable housing to be built. Township Committeeman Carman advised he would refrain from comment. Chairman Garth advised he is not happy with Ordinance Board Member Levy advised his not happy with Ordinance either. Chairman Garth stated, however, it is something that has to be done.

Chairman Garth asked for clarification that the Planning Board recommends sending this to Township Committee. Township Administrator Miller explained the Board is saying they have considered it, looked at it (ordinance) and they are recommending it is consistent with the Master Plan that does have a Housing Element which requires the Township to provide affordable housing.

Board Planning Representative Hurless stated the Board does not have to vote for the Ordinance because they like it. They vote for it because they find it consistent with the Master Plan. He indicated if the Board considers it this way maybe more palatable. Township Administrator Miller or consider that it is accordance with the Constitution of the Stated of New Jersey.

Township Committeeman Carman stated if the Board finds it is non-consistent and sends to Township Committee, as long as the Board reviewed, it is all that is required. Board Planning Representative Hurless advised the Board can say it is non-consistent but the Township Committee would be required to vote differently. Township Administrator Miller advised the Township Committee would have to consider the reasons for rejecting it and say it is not consistent in their findings to do it but they can reject the Planning Board's recommendation but they would have to address.

Motion Aponte/Levy to recommend Ordinance No. 37 of 2011, to Township Committee for review and approval, finding it meets the requirements and is consistent with the Master Plan. Vote 5 Yes: Aponte, Garth, Levy, Miller, Rosenberg **1 No:** Carman.

b. Egg Harbor Township Ordinance No. 38 of 2011: an Ordinance to Amend the Code of the Township of Egg Harbor, Chapter 225 thereof, entitled Zoning.

Board Planning Representative Hurless advised this ordinance deals with non-conforming improved lots to lessen the burden on them so they can comply and not come in for Zoning Board approval for a deck or an addition. He stated it accounts for a grandfathering of non-conformities associated with a lot.

Board Member Levy asked if this is dealing with people whose zones got changed? Township Administrator Miller stated yes. Board Member Levy so when someone purchased a lot and it was one zoning and then it was changed. Township Committeeman Carman stated for example when someone on Delilah Road wants to place a deck up for \$3,000.00 and the next thing they know they have to spend between \$5,000.00 and \$10,000.00 for a Zoning Board Application by the time it is said and done.

Board Planning Representative Hurless stated this ordinance still relies on a threshold for maximum impervious coverage to deal with over building and other zoning controls.

Motion Rosenberg/Levy to recommend Ordinance No. 38 of 2011, to Township Committee for review and approval, finding it meets the requirements and is consistent with the Master Plan. Vote 6 Yes: Aponte, Carman, Garth, Levy, Miller, Rosenberg

c. Egg Harbor Township Ordinance No. 39 of 2011: an Ordinance to Amend the Code of the Township of Egg Harbor, Chapter 225 thereof, entitled Zoning.

Board Planning Representative Hurless stated this proposed ordinance makes changes to the NB Zoning District, which there are three (3) locations, one is at Ocean Heights and English Creek Avenue, Ocean Heights and Steelmanville Road, English Creek and West Jersey Avenue. Township Committeeman Carman advised the NB zone also located at Ocean Heights and Zion Road and Somers Point-Mays Landing Road and Steelmanville Road. Board Planning Representative Hurless advised this is correct and apologized to the Board.

Board Planning Representative Hurless advised currently the NB zoning district allows a number of permitted uses within the NB zoning district that are consistent and typically are found within shopping centers. Many of the lots located in the NB zone have lot areas that exceed nine (9) acres.

Therefore, Board Planning Representative Hurless stated so Ordinance changes deal with new definitions for shopping centers, commercial uses and allows for super markets which is not defined in the ordinance currently. Township Committeeman Carman stated this is as long as they have the square footage.

Board Planning Representative Hurless stated for shopping centers the proposed ordinance sets forth a minimum lot area of not 40,000 sq. ft. which is permitted in the NB zoning district, but a minimum lot area of three (3) acres, so larger lot sizes will be required.

Board Member Aponte asked if this change is just for those corners listed under NB. Township Administrator Miller stated the primary focus is to clean up where the old Ocean Heights Mobile Trailer Park is. He indicated the Township would like to see property developed commercially. He advised there is WaWa on the opposite corner, Ocean City Home Bank is also across the street, as well as, Primo's. He further noted this is a major intersection and should place something on site that works for the Township.

Board Member Aponte stated this is no problem. He advised that during Master Plan review there was only so many feet back that someone could build commercially in the NB zone. Township Administrator Miller advised the property is within the NB zoning district. The property owner will not be using a residential lot to make part of any commercial development.

Motion Rosenberg/Levy to recommend Ordinance No. 39 of 2011, to Township Committee for review and approval, finding it meets the requirements of the Master Plan. Vote 6 Yes: Aponte, Carman, Garth, Levy, Miller, Rosenberg

d. Discussion to set time and date for the Planning Board Re-organizational and Regular Meeting:

Monday, January 9, 2012 or Tuesday, January 17, 2012, at 6:30 p.m., prevailing time.

Board Secretary Wilbert stated even though the agenda does give an option for the re-organizational and regular meeting. There really is not an option. She indicated the Board will be having their meeting on Monday, January 9, 2012.

Township Administrator Miller stated before the Board takes a vote on the date he advised Board Member Lisa will be stepping down. He asked the Board how much closer to 5:00 p.m., could the meetings begin. Township Committeeman Carman advised 5:30 p.m. is acceptable. Board Member Levy stated if the Board is incline to begin the meetings an hour early then the end hour should also moves up.

Board Planning Representative Hurless stated more and more Board's are setting limits for their ending hours because the courts have found Boards don't act rationally after they are exhausted. Township Committeeman Carman asked the Board what time would like to make it. Board Member Levy suggested until 9:00 p.m. Township Administrator Miller advised he would suggest 5:30 p.m. – 9:30 p.m., which provides a four (4) hour block of time. Board Member Aponte stated he does not want to continue an application if it can be finished. Board Secretary Wilbert advised the Board could decide on a case to case basis concerning the continuation of an application.

Motion Miller/Aponte to set 5:30 p.m., as the prevailing time for all Planning Board Meetings.

Vote 6 Yes: Aponte, Carman, Garth, Levy, Miller, Rosenberg

Motion Rosenberg/Aponte to set the re-organizational and regular meeting of the Planning Board for January 9, 2012, at 5:30 p.m., prevailing time. Vote 6 Yes: Aponte, Carman, Garth, Levy, Miller, Rosenberg

Motion Aponte/Carman to adjourn at 5:22 P.M. Vote 6 Yes: Aponte, Carman, Garth, Levy, Miller, Rosenberg

Respectfully submitted by,

Terry Wilbert, Secretary