

**Township of Egg Harbor  
Planning Board**

**December 20, 2010**

**Solicitor:** Christopher Brown, Esq.  
**Engineer:** James Mott, P.E. (Mott and Associates), Robert Watkins, P.E. in attendance  
**Planner:** Vincent Polistina, P.P. (Polistina and Associates) in attendance

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

**Roll call taken as follows:**

Manuel E. Aponte, Vice-Chairman, present	Joseph Lisa, 2 <sup>nd</sup> Vice-Chair., present
Committeeman John Carman, present	Mayor James J. McCullough, Jr., *
Charles Eykyn, present	Peter Miller, Township Administrator, present
James Garth, Sr., Chairman, present	James Macon, Alt. #I, III
Frank Kearns, Alt. #II, another engage	Dorothy Saslav, present
Robert Levy, present	

\* **May the record reflect:** Mayor McCullough had another engagement this evening and has sent Township Committeeman, Joseph Cafero in his place.

**MINOR SUBDIVISION/SITE PLAN:**

<b>1. SD 03-10</b>	<b>Minor Subdivision</b>
<b>Gro-Mart</b>	<b>1423/3</b>
Zone: RG-4, 1.579 acre site, sewer/water, applicant is proposing a minor subdivision to create three (3) lot(s) for the construction of single-family detached dwellings. Pinelands: C/F: #1984-1371.003, dated: 2/5/10.	6227 Delilah Road Waiver of Time – <b>Not Granted</b>

**Checklist Waiver(s):**

<b>1. Item #9:</b>	<b>Certified Survey in NAD 83 datum</b>
<b>2. Item #13:</b>	<b>Sight triangles, the radii of curbline</b>
<b>3. Item #17:</b>	<b>Soil boring information</b>

**Design Waiver(s):**

<b>1. §94-11:</b>	<b>Curbing</b>
<b>2. §94-14:</b>	<b>Environmental impact statement</b>
<b>3. §94-38:</b>	<b>Sidewalks</b>
<b>4. §94-39:</b>	<b>Sight Triangle</b>

Thomas Darcy, Esq., introduced himself as attorney for the applicant. He indicated this application is for a three (3) lot minor sub. At corner of Tremont Avenue and Delilah Road, with Fenton Avenue bounding the site in the rear, as a paper street. Attorney Darcy indicated proposed lot 3 will have a 70' width and a 14,000 sq. ft. lot area. He stated proposed lot 3.02 is similar, however, proposed lot 3.03 will have a lot area of 36,000 sq. ft., because there is a pocket of wetlands with a 110' buffer. He indicated lot 3.03 has a uplands area of 8,400 sq. ft. He advised the lots will be utilized for the construction of single-family dwellings and no variances are requested.

Attorney Darcy advised the applicant is seeking a checklist from providing vertical in NAD 88. He advised he used 1929 information because this parcel was part of a subdivision five (5) years ago. Board Solicitor Brown asked if the applicant had any problems with either the reports prepared by the Board Engineer or Planner? Attorney Darcy advised no, however, he stated he is seeking clarification. He did indicate the applicant will provide horizontal survey information.

Township Administrator Miller advised Attorney Darcy is both an attorney and a surveyor. Board Engineer Brown advised Mr. Darcy is representing the applicant as both his attorney and surveyor. Township Committeeman Carman advised this is a straight forward subdivision and he has no problem with the proposal.

Attorney Darcy advised he would like to discuss the contribution for curb and sidewalk. He indicated the applicant approached the County to place sidewalk along Delilah Road. However, they advised they did not want. He indicated the applicant return to the township and advised the Professional's, whom indicated they wanted it to be installed. He advised the applicant returned to the County and again, they said no.

Township Committeeman Carman advised the Board can not waive this requirement. Either the applicant has to install or an in lieu contribution has to be made. Attorney Darcy advised the County is requiring the lot to be deed restricted from curb and sidewalk and there will be no access to the lot off Delilah Road. He further noted there is wetlands on the property. Attorney Darcy indicated he would like the Board to consider waiving. Chairman Garth asked if Delilah Road is where the applicant is seeking waiver? Attorney Darcy advised the applicant will provide curb and sidewalk down Tremont Avenue to Delilah Road. Board Engineering Representative Watkins indicated the applicant will have to extend sidewalk down Delilah Road for a handicap ramp to be installed. He advised this must be discussed with the County. Attorney Darcy advised Fenton Avenue will be vacated.

Board Engineering Representative advised the Technical Review Committee suggested a street vacation for Fenton Avenue. He indicated there will be no properties landlocked based on the vacation. He indicated that other then the waiver he has no problem with application.

Chairman Garth asked if the Board should have a straw vote concerning Delilah Road. Township Administrator Miller advised that unfortunately the applicant will have to make an in lieu contribution for Delilah Road curb and sidewalk. He explained there is curb and sidewalk along Delilah Road and this is actually one of three (3) blocks that does not have it. Township Administrator Miller indicated even though there is wetlands on property people currently walk in the wetlands area. He asked what would happen if the Board's resolution stated the applicant would have to place in curb and sidewalk? Board Solicitor Brown stated the County would supercede with the installation, since it is their roadway. He advised the Ordinance is specific the Board can not grant waiver. The Ordinance says either place in curb and sidewalk or make an in lieu contribution there is no relief.

**Motion Miller/Eykyn to grant requested checklist waiver(s): Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero, Miller, Saslav.

**Motion Carman/Aponte to grant requested design waiver(s) #2 and 4: Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero Miller, Saslav

**Motion Eykyn/Carman to grant conditional minor subdivision approval. Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero Miller, Saslav

**PUBLIC HEARING(S):**

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

**Checklist Waiver(s):**

- 1. **Item #1 ( c ): Plans on CD**
- 2. **Item #3: Key map showing adjacent uses within 200' ft.**
- 3. **Item #6: Owners within 200' list and dated (on plans)**
- 4. **Item #9: Certified survey of the property**
- 5. **Item #10: Existing and proposed contours at 1' ft. intervals**
- 6. **Item #13: Landscaping plan**
- 7. **Item #14: Lighting and signage plan**
- 8. **Item #18: Stormwater management plan**
- 9. **Item #19: Sewer and water report**
- 10. **Item #20: Traffic Report**
- 11. **Item #21: Fiscal impact report**
- 12. **Item #23: Utilities plan**
  
- 13. **Item #27: Photograph of premises**
- 14. **Item #31: Natural resource inventory**
- 15. **Item #35: Updated architectural plan**

**Variance Relief:**

- |           |                      |                        |  |
|-----------|----------------------|------------------------|--|
| <b>1.</b> | <b>§225-56A(33):</b> | <b>Parking spaces:</b> | <b>667 spaces required; 563 spaces existing; 553 spaces proposed</b> |
|-----------|----------------------|------------------------|--|

Thomas Lietiza, Esq., introduced himself as attorney for the applicant. He indicated the applicant is proposing minor exterior modifications to their existing facility. He indicated the parcel in question is located in the RCD zone and the facility is situated between Pleasantville and Egg Harbor Township.

Attorney Lietiza advised the applicant is seeking approval to construct a canopy above the entrance to the store and a sidewalk. He indicated based on this canopy there will be a reconfiguration of handicap spaces and the loss of ten (10) regular spaces, however, between the parking in Egg Harbor Township and the spaces available in Pleasantville there is more than enough parking for the site. However, because spaces are eliminated on Egg Harbor Township Boundary variance relief must be sought.

Attorney Lietiza indicated the applicant is also proposing new grease traps and a trash compactor. He

indicated this proposal was reviewed by the Technical Review Committee and passed on to the Board. Attorney Lietiza asked that the project Engineer be sworn: Ed Farrel, P.E., New Jersey Licensed Engineer, was sworn in.

Chairman Garth asked if the Pleasantville side of the application approved. Attorney Lietiza advised they have received approval for the proposed modifications from the City of Pleasantville. Chairman Garth asked if there are any issues with checklist waivers requested. Engineer Farrel advised all the checklist waivers sought are based upon this site being existing and previous site plans being submitted.

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

May the record reflect no one came forward

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

**Motion Aponte/Saslav to grant requested checklist waiver(s) 1-12 & 14: Vote 9 yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero, Miller, Saslav.

**Motion Saslav/Aponte to grant requested variance relief: §225-56A(33): Parking spaces:667 spaces required; 563 spaces existing; 553 spaces proposed . Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero, Miller, Saslav.

**Motion Aponte/Eykym to grant amended conditional preliminary and final major site plan approval. Vote 9 Yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero, Miller, Saslav.

**SUMMARY MATTER(S):**

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

**Motion Aponte/Miller to adjourn at 7:09 P.M. Vote 9 yes:** Aponte, Carman, Eykyn, Garth, Levy, Lisa, Cafero, Miller, Saslav

Respectfully submitted by,

Theresa Wilbert, Secretary