

**TOWNSHIP OF EGG HARBOR
ZONING BOARD**

May 7, 2012

Solicitor: George K. Miller, Jr., Esquire (present)
Engineer: Matthew F. Doran, P.E. (present)
Planner: Edward Walberg, P.P. (present)
Zoning Officer: Patty Chatigny, Zoning Officer (on vacation)

A regular meeting of the Zoning Board of Egg Harbor Township was held on the above date, 7:00 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 follow(s):

John C. Amodeo, Class IV, (wrk. late)	John Haines, Class IV (on vaca.)
Leonard Dagit, Jr., Class IV (arr. 7:30 p.m.)	Norma Lombardi, Class IV (present)
Anthony DiDonato, Alt. #I (present)	Chrissy Martin, Class IV (present)
Beth Epstein, Class IV (present)	Andrew Parker, Alt. #II (present)
Chuck Gunther, Alt. #III (present)	Paul Savini, Class IV (present)

PUBLIC HEARING(S):

- | | |
|---|-------------------------------------|
| 1. <u>V 02-12 and SP 05-12</u> | Conditional Use "D" Standard |
| J & P Reega Company, LLC | Minor Site Plan |
| Zone: NB, 1.24 acre site, well/sewer, | Block/Lot: 1613/91 |
| Applicant is seeking site plan approval and | 6092 Reega Avenue |

"D" variance relief from the conditional use standard. The applicant proposes to lease 3,800 sq. ft. of the existing 12,490 sq. ft. building for automotive repair. Applicant is also seeking approval to allow for the ability to expand the automotive repair facility to 5,200 sq. ft. in the future if necessary. The applicant has advised other business and trades within the leased portions of the building include a paving contractor, landscaping contractor and electronic supplier. Pinelands:

General Checklist Waiver(s):

1. Item #7: List of witnesses
2. Item #10: Traffic impact report
3. Item #11: NJDEP Letter indicating no freshwater wetlands or transition areas.

Checklist "D" Variance Waiver(s):

1. Item #14: Certified property owners list

2. Item #19: Photograph of property
3. Item #20: Contours to determine natural drainage of land
4. Item #24: Aquifer recharge area
5. Item #25: Wooded areas including predominant species and size
6. Item #26: Location of trees 6 inches or more in diameter
7. Item #29: Existing setback dimensions of structures within 200' ft. shown on plan
8. Item #42(a-g, i-k): Natural resource inventory
9. Item #43: Landscaping plan

Checklist Site Plan Waiver(s):

1. Item #3: Surround areas within 2000 feet show on the key map
2. Item #6: Name and address of owners within 200' ft. of the property on plan
3. Item #9: NAD 83 and NGVD 88 for horizontal and vertical datums on the survey
4. Item #10: Existing contours extending 100' feet from the property.
5. Item #15: Site characteristics map
6. Item #23: Landscaping plan
7. Item #24: Lighting and signage plan
8. §198-15(E): Egg Harbor Township MUA approval

Variance Relief:

1. §225-35(D)1: Conditional use variance to allow for automobile repair where a 50' ft. landscaping buffer is required on the front and side property lines and where a 0-foot landscaped buffer is proposed on the front and rear property lines.
2. §225-55 (C): Commercial drive aisle width to be 25' ft; Commercial drive aisle width at 24' ft.
3. §225-5(E): Parking is to be located a minimum of 10' ft. from the building with a minimum of 4' ft. of sidewalk and five feet of landscaping.
4. §225-55(F): Perimeter curbing is required around the parking area with 20 or more parking spaces; perimeter curbing is not proposed.
5. §225-56: Number of parking spaces; 27 spaces are required; 26 spaces proposed.

Keith Davis, Esq., introduced himself as attorney for the applicant. Attorney Davis advised the applicant has owned the existing facility, as well as, the adjacent facility for a number of years. He advised this application is being submitted in response to a zoning violation that has been issued against his client

Attorney Davis explained the owner leased an area of this building to an automobile repair facility. As part of the agreement the applicant required the tenant to go through the approval process, however, the tenant did not. Upon receipt of the violation notice from the Township the owner removed the automobile repair facility from site. Attorney Davis advised the applicant has now submitted for conditional "D" variance relief, as well as, minor site plan approval in order for the tenant to operate correct from this site.

Attorney Davis indicated the auto repair is a permitted conditional use in this zone, however, the applicant cannot meet one (1) of the conditions, therefore, the application is being presented to the zoning board. He further noted the applicant will be removing the existing free standing sign out of the existing r-o-w, but variance relief is needed for front yard setback for the new location of the sign. Attorney Davis also advised the applicant is also seeking variance relief from providing perimeter curbing

Board Solicitor Miller has duly sworn the following individuals: Jeff Ludwig, applicant and John Barnhart, P.E., New Jersey Licensed Engineer, Ponzio and Associates, Atlantic City, New Jersey.

Board Member Lombardi advised the applicant is seeking a waiver of name and address of owners within 200', see asked if the applicant sent notice. Attorney Davis indicated yes, and the information was submitted to the Board Secretary. Board Member Lombardi explained if she had this information on the plans it would have help her find the site. She indicated she had difficulty finding the site.

Engineer Barnhart referred to Exhibit A2: Ariel photograph of site. Exhibit A1: site plan submitted to the Zoning Board showing the parcel has 200' along Reega Avenue. He indicated the applicant's site is one (1) development down from Atlantic Expo. He explained the parcel itself has 250' ft. of lot depth and is 1.2 acres, which meets the requirements for this zone. Engineer Barnhart advised the structure has been there for a number of years and has three (3) existing tenants.

Engineer Barnhart explained the front area of the building is leased to Trinity Paving whom have a 600 sq. ft. office and a 3,090 sq. ft. storage area, behind Trinity Paving is a 3,000 sq. ft. area leased to a landscaping company who just store their equipment and there is also a 2,000 sq. ft. storage area within the building that is leased to electronic developer. Engineer Barnhart advised the remaining space will be the proposed location for the auto repair facility. Attorney Davis explained initially it will be a 3,000 sq. ft. area for the auto repair but in the future they may lease additional space.

Engineer Barnhart advised the front of the site is an open; asphalt area with asphalt running along both the sides of the facility and in the rear, which has been an existing condition for years. Engineer Barnhart

explained the proposed repair facility is a permitted conditional use, however, the applicant cannot meet all the conditions required for the zone. He went on to say the applicant is seeking phasing approval. Engineer Barnhart indicated Phase I of the auto repair facility will consist of 3,200 sq. ft. for the repair area and 600 sq. ft. for the office area. He advised Phase II would eliminate the electronic storage area and the auto repair facility would then occupy this space, thus the total area would be 5,200 sq. ft. for the auto repair and 600 sq. ft. for their office.

Engineer Barnhart advised minimal improvements are being proposed, such as the 2,900 sq. ft. of existing asphalt along Reega Avenue that will be removed so there will no longer be a large open driveway and green space will be provided where none currently exist. Engineer Barnhart advised the applicant is moving the existing free standing sign out of the r-o-w and will be moved onto the applicant's property. He explained the parking on site will be delineated with a stripping layout that meets the needs of the facility.

Engineer Barnhart referred to Exhibit A1; advising this plan was revised today to show parking spaces will be removed from a gravel section of the facility and those five (5) will be placed in the rear where they will be paved. He noted the applicant will adhere to handicap requirements. Engineer Barnhart also advised the applicant will be meeting the parking requirements so variance relief will not be necessary. He continued by advising there will be no changes to the fenced in yard area of the site and no signs are proposed on the building façade for the tenants.

Engineer Barnhart advised there is a sidewalk area in the rear of the site in order to gain access to the repair facility. Attorney Davis indicated there is an existing ramp to move cars into the building but it will be replaced by a ramp that is correctly constructed in accordance with the building codes. Board Member DiDonato asked for clarification concerning the signs. Engineer Barnhart advised no signs are proposed for either the repair facility or other tenants. He indicated all business will be via word of mouth. Board Member DiDonato asked if the auto repair business that was operating from this site return? Mr. Jeff Ludwig (applicant) advised they will be coming back and operating from this facility, if approved.

As previously stated, Engineer Barnhart explained the proposed use (auto repair) is permitted but there are certain conditions that must be adhered to. Engineer Barnhart advised of all the conditions required the only one the applicant cannot meet is the buffering requirements.

Engineer Barnhart explained along the front of the property the applicant cannot meet the buffering requirements. He indicated the site fronts on Reega Avenue. Across Reega Avenue you have plantings

that were installed for the bike path, then there is the bike path, more trees on the other side and then you have West Jersey Avenue, thereafter, you have another set of trees and then residential units. John the property in the rear of the site will be deed restricted. This use is permitted in the zone but there are additional conditions. Where the autorepair on site meets the conditions. There is nothing in the rear and nothing going onto the site. Along reega Avenue, you have the another building buffering, you have the street, trees, bike path, trees, road and another set of trees before you see residential. This site lays out well to protect.

Attorney Davis advised the applicant will be restricting a full 50' ft. as a wooded area. Engineer Barnhart advised the applicant actually reduced impervious based on removing over 2,000 sq. ft. of coverage.

Engineer Barnhart advised there are two (2) drive isles the applicant is seeking waiver relief from he indicated they are 24' ft., which is an existing condition. He advised the 24' ft. does not create a negative impact. He further noted many other towns require 24' ft.

Engineer Barnhart advised the applicant does not comply with curb and sidewalk between building, but when they restripe they will restripe to keep 4' ft. He advised the applicant is seeking a waiver of the curbing and sidewalk. Board Solicitor Miller advised the Board cannot grant waiver. Attorney Davis advised the applicant will make an application to the Township Clerk concerning the curb and sidewalk.

Engineer Barnhart advised he looked at the sign and is below the ordinance requirements. He stated if tenant wants or needs additional signage they can make application for additional. He advised the applicant is requesting a 25' ft. setback variance for the free standing sign. He stated it is a modest sign. Board Member Lombardi asked if the address can be placed on the sign? Attorney Davis stated yes.

Attorney Davis advised the applicant will make an application to the Municipal Utilities Authority for a change of use. Engineer Barnhart advised the site improvements are minor in nature and the checklist waivers are because it is an existing site. Attorney Davis asked if access easements are proposed. Engineer Barnhart advised the applicant is proposing to add to easement so both buildings can get around to the rear of property. Attorney Davis advised they will submit to the Board Solicitor for his approval. He also noted the applicant will add four (4) street trees in the grassed area. Engineer Barnhart advised all comments and concerns within the reports can be addressed via condition of approval. He further noted the applicant will place concrete wheel stops in parking spaces.

Board Solicitor Miller advised he wants to confirm in resolution that any vehicles will be kept in the rear of facility. Mr. Ludwig stated this is acceptable. Board Member Lombardi asked what is in the silo? Mr. Ludwig stated nothing. He advised this site was used as plastic facility and when the train came through it would be utilized

Board Member Savini asked how long did his tenant operate? Mr. Ludwig advised about three (3) to four (4) weeks and the ramp is about the same. Attorney Davis advised the applicant received a notice of violation and if receive approval we will either tear down the ramp or repair it so that it meets code. Board Member Savini asked if the buffer can be removed in the future. Board Solicitor Miller indicated if Mr. Ludwig would sell the new owner would be bonded by the restriction and will include a map. Board Member Savini advised want to make sure restrictions are documented correctly.

Board Member DiDonato asked if the new ramp and the one (1) door will be only access. Attorney Davis advised there is another service door that can be opened for ventilation but not for vehicle access. Board Member Lombardi stated she wanted to add to the record that we have received the Pinelands Certificate of Filing and is listed as Exhibit A3.

Board Engineer Doran asked if the 900 sq. ft. of paving effect drainage. Engineer Barnhart stated no, due to the green area up front. Board Engineer Doran asked what about site triangles? Engineer Barnhart advised they will be address. Board Engineer Doran asked if the driveway on property from the adjacent property owner has an easement granted? Mr. Ludwig stated yes. Board Engineer Doran advised he wants one (1) handicap space in front and one (1) in rear.

Board Planner Johnston asked how does the tenant access the space? Mr. Ludwig referenced the area in question on Exhibit A1. Board Planner Johnston stated this is where the parking is. He stated it is a concern. Engineer Barnhart advised the applicant can remove the parking space in front of the garage door. He indicated he will slide down one (1) of the parking spaces and make six (6) spaces in the rear. Engineer Barnhart stated the applicant will have wheel stops and 4' ft. of sidewalk so there should not be a problem with the main door.

Board Planner Johnston stated the ordinance requires the applicant to have 27 spaces and 26 proposed. Engineer Barnhart advised he does not want to seek variance. He indicated he will add one (1) more space in the rear so the applicant may comply. Board Member Lombardi asked how many employees at the auto repair facility. Mr. Ludwig advised it will be the tenant, his son, and sometimes a nephew will help.

Board Member Lombardi asked if the tenant will have to obtain a mercantile license? Attorney Davis stated yes and the other tenants that are required will have one also.

Board Planner Johnston stated he has no more issues.

Motion Lombardi/DiDonato to open public portion.

Jeff Armbruster, Atlantic Expo, English Creek Avenue, Egg Harbor Township, sworn in: Mr. Armbruster stated he is a twenty year employee of Atlantic Expo. Stated Expo has been in their building since 1996 and Mr. Ludwig has been a good neighbor and has been friendly. Attorney Davis asked if Mr. Armbruster is familiar with what the applicant is doing and if he has any objections. Mr. Armbruster stated none.

Motion DiDonato/Lombardi to close public portion.

Attorney Davis stated the Board has heard the testimony. This is a unique property and is a quasi-industrial area for contractors and such. He stated he believes auto repair is appropriate for this site and is consistent and is complimentary to the site and the surrounding uses. He stated the only requirement the applicant does not meet is the buffering requirements, however, the applicant has agreed to deed restrict site behind this property. This property is along the bike path that is already wooded. The buffer required is to keep the auto repair from the residential uses. The residential is far off Reega Avenue to the rear of this site.

Attorney Davis advised this application was submitted based on a notice of violation. The applicant has been a good corporate citizen and will make sure it is compliant to this Board. He stated he believes the variances requested are minor.

Attorney Davis advised the conditions of approval would include: address added to sign, deed restrict lot 92, which must be supplied and approved by the Township prior to the tenant occupying building, applicant will move the sign back to 20' ft., applicant will make application to the Township Clerk for curb and sidewalk. He advised he will reference the three (3) exhibits to place in the resolution, applicant will provide cross access easements, ramp will be repaired or removed and new on installed to the Code requirements, seven (7) additional parking spaces will be placed in the rear.

Attorney Davis indicated the lighting will be shown on outside of building in a revised plan detail, storage of cars will occur in the rear of the building. He also noted the applicant is seeking variance relief to for allow

for 24' drive aisle which exist and variance for 4' sidewalk in parking area. He advised the auto repair facility will be added on the free standing sign, a not will be placed on the plan that there will be no problem with the drainage, asphalt will be kept on entrance way and if sawed cut and damaged will be repaired, will provide a copy of easement for Atlantic Expo's driveway easement and the applicant will comply with all reports of the Board Professionals.

Board Solicitor Miller advised "d" and "c" variance could be incorporated in one motion and the fifth (5th) variance for parking can be removed. Board Member Lombardi advised she would like to see better mailboxes at site. Attorney Davis advised the applicant will make a note on plans and can make as a condition of approval.

Board Opinion:

- B. Epstein: advised applicant has clearly proven their hardship and based on neighbor it is in character. Advised he is doing right with the officials and keep an eye on tenant. Do not see any problems.
- C. Gunther: thrilled that a gentlemen will continue his business. Appears that the site will be upgraded legally and visually. Is a win-win situation.
- C. Martin: application is fine.
- A. Parker: doing best they can including placement of mail boxes.
- A. DiDonato: doing what they are suppose to. Everyone is good with it and making a bad situation better.
- N. Lombardi: answered all questions. Great location and is sudo-industrial. There is residential in area but do not interfere with each other. Addressed concerns
- P. Savini: There are a number of things that will be addressed. Do not have an issue

Motion Lombardi/DiDonato to grant requested general checklist(s), conditional use and variance checklist waivers for "D" variance(s), and minor site plan checklist waiver(s). Vote 7 Yes: DiDonato, Epstein, Gunther, Lombardi, Martin, Parker, Savini, Haines

Motion Lombardi/DiDonato to grant requested "D" Variance Relief (Conditional Use - §225-35(D)1): to

allow for automobile repair where a 50' ft. landscaping buffer is required on the front and side property lines and where a -0- foot landscaped buffer is proposed on the front and rear property lines and requested "C" Variance Relief: §225-55 (C): to allow Commercial drive aisle width at 24' ft. in lieu of required 25' ft. §225-5(E): to allow parking adjacent to building rather than located a minimum of 10' ft. from the building with a minimum of 4' ft. of sidewalk and five feet of landscaping. §225-55(F)to allow no perimeter curbing around the parking area have 20 or more parking spaces and Free Standing (existing sign) -0- in lieu of 25' ft. Vote 7 Yes: DiDonato, Epstein, Gunther, Lombardi, Martin, Parker, Savini, Haines

Motion Lombardi/DiDonato to grant requested conditional minor site plan approval. Vote Vote 7 Yes: DiDonato, Epstein, Gunther, Lombardi, Martin, Parker, Savini, Haines

MEMORIALIZATION OF RESOLUTION:

1.	V 01-12	Variance Approval
	Edmunds Svedas, Sr.	8801/6
		1609 Mays Landing Road

Motion Dagit/DiDonato to memorialize resolution granting requested General Checklist(s), "C" Variance checklist waiver(s)Relief, "C" Variance Relief: to allow the lot width to be 139 feet; 150 is required for the construction of a single family home and garage, "C" Variance Relief: to allow the accessory structure height to be 17.5 feet; 15 is permitted for the construction of an accessory detached garage. Vote 4 Yes: DiDonato, Epstein, Gunther, Parker.

SUMMARY MATTER(S):

1. Discussion of matters pertaining to the Board.

Motion DiDonato/Gunther to approve minutes of March 5, 2012 regular zoning board meeting. Vote 7 Yes: DiDonato, Epstein, Gunther, Lombardi, Martin, Parker, Savini.

MOTION Dagit/Lombardi TO ADJOURN AT 8:33 P.M.: VOTE 7 Yes: DiDonato, Epstein, Gunther, Lombardi, Martin, Parker, Savini

Respectfully submitted by,

Theresa Wilbert, Secretary

