

# Township of Egg Harbor

3515 BARGAINTOWN ROAD, EGG HARBOR TOWNSHIP, NJ 08234-8321

## TOWNSHIP COMMITTEE

James J. McCullough, Mayor  
Paul W. Hodson, Deputy Mayor  
John Carman Jr.  
Joe Cafero  
Laura Pfrommer

## TOWNSHIP OF EGG HARBOR PLANNING BOARD NOTICE OF PUBLIC HEARING

### NOTICE TO ADJACENT MUNICIPALITIES AND TO WHOMSOEVER IT MAY CONCERN

Administrator  
(609) 926-4027 • 926-4002 Fax

Building Inspections  
(609) 926-4122 • 926-4003 Fax

Finance  
(609) 926-4094 • 926-4002 Fax

Fire  
(609) 926-4070 • 926-4003 Fax

Municipal Court  
(609) 926-4195 • 926-4001 Fax

Parks & Recreation  
(609) 272-8120 • 272-8151 Fax

Planning Board  
Board of Adjustment  
(609) 926-4093 • 926-4011 Fax

Police  
(609) 927-5200 • 926-4004 Fax

Public Works  
(609) 926-3838 • 926-0638 Fax

Tax Assessor  
(609) 926-4083 • 926-4005 Fax

Tax Collections  
(609) 926-4079 • 926-4090 Fax

Township Clerk  
(609) 926-4085 • 926-4104 Fax

Township Committee  
(609) 926-4088 • 926-4002 Fax

Zoning  
(609) 926-4048 • 926-4003 Fax

Please take notice pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of Egg Harbor, County of Atlantic, will conduct a public hearing on **Monday, November 18, 2013, 5:30 p.m.**, prevailing time, Township Hall (Courtroom), 3515 Bargaintown Road, Egg Harbor Township, New Jersey, 08234, to review, adopt, and memorialize the resolution for the Amendment to the 2002 Master Plan Land Use Element

Copies of the Amendment to the 2002 Master Plan Land Use Element are available for public view during regular business hours (8:30 a.m. – 4:30 p.m.) in the Department of Planning and Development, Division of Planning, 3515 Bargaintown Road, second (2<sup>nd</sup>) floor, Egg Harbor Township, New Jersey, 08234. In addition, the Amendment to the 2002 Master Plan Land Use Element will be available on the Egg Harbor Township Website: [www.EHTGov.org](http://www.EHTGov.org)

Theresa Wilbert  
Secretary



## Amendment to the 2002 Master Plan

### Egg Harbor Township Atlantic County, New Jersey



*Prepared For:*

Township of Egg Harbor Planning Board  
3515 Bargaintown Road  
Egg Harbor Township, New Jersey 08234

*Prepared By:*

Polistina & Associates  
6684 Washington Avenue  
Egg Harbor Township, New Jersey 08234  
Phone: (609) 646-2950  
Fax: (609) 646-2949

November 7, 2013

A handwritten signature in black ink, appearing to be "VJ Polistina", written over a horizontal line.

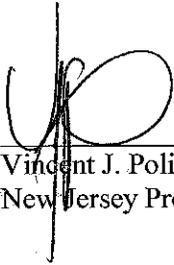
**Vincent J. Polistina, PP**  
Township Planner  
New Jersey License No. 5595

# Amendment to the 2002 Master Plan

November 2013

Prepared For:  
Egg Harbor Township Planning Board  
3515 Bargaintown Road  
Egg Harbor Township, New Jersey 08234

Prepared By:  
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6684 Washington Avenue  
Egg Harbor Township, NJ 08234

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New Jersey Professional Planner License No. 5595

**Members of the Planning Board - 2013**

Mr. James J. McCullough, Jr, Mayor...	Class I Member
Mr. Peter J. Miller, Township Administrator.	Class II Member
Mr. John Carman, Committeeman.....	Class III Member
Mr. James Garth, Sr., Chairman .....	Class IV Member
Mr. Manuel “Manny” Aponte, Vice Chairman. ....	Class IV Member
Mr. Charles Eykyn.....	Class IV Member
Mr. Frank Kearns.....	Class IV Member
Mr. Robert Levy. ....	Class IV Member
Mr. Paul Rosenberg. ....	Class IV Member
Mr. Milas Cook, Alternate No. 1.....	Class IV Member
Mr. Md Shamsuddin, Alternate No. 2 .....	Class IV Member

**Planning Board Staff - 2013**

Ms. Terry Wilbert.....	Land Use Administrator
Mr. James Varallo.....	Land Use Assistant

**Planning Board Professionals – 2013**

Mr. Chris Brown, Esquire.....	Board Solicitor
Mr. Vincent J. Polistina, PE, PP .....	Planner
Mr. James A. Mott, PE.....	Engineer

Several previously adopted planning documents were utilized in the preparation of this Amendment to the Master Plan. These referenced documents are included as follows:

- 1982 Master Plan by E. Eugene Oross Associates
- 1988 Reexamination Report by Adams, Rehmann, Heggan Associates
- 1988 Land Use Element by Adams, Rehmann, Heggan Associates
- 1991 Natural Resources Inventory by Adams, Rehmann, Heggan Associates
- 1992 Land Use Element by Adams, Rehmann, Heggan Associates
- 1993 Open Space and Recreation Plan by Adams, Rehmann, Heggan Associates
- 1994 Reexamination Report by Randall E. Scheule
- 1996 Housing Element by Randall E. Scheule
- 1998 Housing Element and Fair Share Plan by Randall E. Scheule
- 2000 Reexamination Report by James A. Mott
- 2002 Master Plan by Vincent J. Polistina, Mott, Polistina & Associates
- 2008 Housing Element and Fair Share Plan prepared by Remington, Vernick & Walberg
- 2009 Reexamination Report by Polistina & Associates

## **Amendment to the 2002 Master Plan of Egg Harbor Township**

### ***Introduction:***

The Egg Harbor Township Planning Board has requested a review of its Master Plan and Land Use Element as a result of a decision in Superior Court rendering interpretations of the Township's land use ordinances that differ from how the Township has historically interpreted them.

The public will benefit from the review of the Master Plan and updates to the land use regulations since clarity will be provided and the Township will be able to interpret their own ordinances as they have done since 1976 when the initial zoning ordinance was adopted.

### ***Background and Objectives:***

Since the inception of the Township's land use ordinances and zoning regulations, the Township had made some interpretations of its land use ordinances that they believed to be consistent with the intention of the drafters of the regulations. Solicitors, planners, zoning officers and planning board members beginning in 1976 all reached the same conclusion when reviewing the Township's land use ordinances.

The first interpretation deals with the interchangeable use of the terms business and commercial throughout the Township's Master Plan and land use ordinances. The Township believed these terms to be synonymous since they both refer generically to non-residential / non-industrial type uses. In some instances, the Township used the term business (Highway Business, Community Business Zones) while in others they used the term commercial (General Commercial, Regional Commercial Development Zones.) The terms are used interchangeably throughout the Master Plan and land use regulations. In fact, in 1976 when the first zoning ordinance was adopted, there were no business zones referenced in the ordinance so that all non-residential / non-industrial zones were considered commercial zones.

A clarification of the terms is now required due to a differing interpretation by a judge as it relates to signs in the Township. The Township's zoning ordinance speaks to signs in "business or industrial districts" but omits any reference to commercial districts since the Township has historically treated business and commercial as synonymous. The interpretation by the judge would result in all signs in all districts labeled as commercial rather than business as illegal and prevent any new signs – freestanding, building mounted or billboard / off-premise advertising signs from being constructed in commercial zones without approval from the Zoning Board of Adjustment.

Clearly, this was not what the Township intended as hundreds of signs have been approved by the Planning Board in commercial districts since 1976 but the Township nonetheless is forced to add clarification on its commercial / business districts. Although the Township can't fathom the judge not permitting signs in any of these zones without receiving use variance approval, rather than appealing the decision the Township has decided to simply add clarity to its master plan and land use regulations which would result in the same conclusions the Township has historically relied upon.

The second interpretation deals with the Township permitting two (2) principal uses on a site. The zoning ordinance currently reads that "In the Pinelands Area, no more than one principal use shall be located on any one lot" but does not speak specifically to areas outside of the Pinelands

Area. The Township has historically interpreted this to allow for more than a single principal use outside of the Pinelands Area since it was not specifically prohibited as it clearly was in the Pinelands Area. The judge interpreted that the zoning ordinance prohibited more than a single use on a lot outside the Pinelands Area since it didn't specifically allow it so clarification is required.

The Township would like to clarify its ordinances to reflect what they believe to be the intention of the master plan and land use ordinances and to make sure there is no ambiguity in the regulations in the future.

***Findings:***

**1. 2002 Master Plan**

The current Master Plan for Egg Harbor Township was prepared in January 2002 and adopted by the Planning Board on April 15, 2002. It was revised in October, 2002 and amendments were adopted on November 13, 2002.

A revised Housing Element and Fair Share Plan were adopted in December of 2008. There was a Reexamination of the Master Plan started in October of 2008 and the report was revised in March, 2009.

In the 2002 Master Plan for the Township, it was recommended that the Township work towards cleaning up conflicts and ambiguities with the zoning ordinance. This goal was then also restated in the 2009 Reexamination Report.

Chapter 12 of the 2002 Master Plan is the Township's Land Use Element. The Land Use Element is generally broken down into separate sections – areas within the Pinelands National Reserve and areas outside of the Pinelands National reserve. On page 12-13 of the 2002 Land Use Element, the Master Plan sets out non-residential use zones with the Pinelands Area:

For purposes of Commercial, Administrative, and Industrial activities, the following zoning districts are recommended:

<u>Zone</u>		<u>Minimum Lot Size</u>
PO-1*	(Professional Office)	80,000 sf
NB	(Neighborhood Business)	40,000 sf
CB	(Community Business)	60,000 sf
HB	(Highway Business)	80,000 sf
RCD	(Regional Commercial District)	3 acres
RP	(Recreation Park)	175 acres
M-1	(Light Industrial)	2 acres
GC	(General Commercial)	40,000 sf

\* The professional office zone was the first zone referenced as “business” and it was added to the zoning ordinance on February 24, 1993.

As indicated, there is no differentiation between business / commercial zones. They were used interchangeably for commercial activities and zones in the Township in the 2002 Master Plan. On page 12-17, the Land Use Element states “Commercial activities in the Township can generally be characterized as exhibiting a range of uses including professional and business offices, restaurants, food markets, delicatessens, personal service establishments, and regional and subregional centers such as the Shore Mall and English Creek Center”, further enforcing that the Township utilized the term commercial to describe the range of business uses in the Township. A review of the original zoning ordinance in 1976 revealed that neither business nor commercial was defined in the ordinance and generally when a term is not specifically defined it has its colloquial meaning.

On page 12-26, the non-residential zones outside of the Regional Growth Area are discussed. Only the professional office zones are included within the Business portion of the non-residential zones – all others are included in commercial, industrial or other zones. The following are the descriptions of the various business, commercial and industrial zones:

### **Business**

The Professional Office (PO-1) designation is proposed for three areas along English Creek Avenue between Ocean Heights Avenue and the Atlantic City Expressway. A fourth zone will be located along Hingston Avenue and Old Tilton Road in the northeastern portion of the Township. The PO-1 designation is intended as a means of providing land for a variety of business and office uses, while not impacting an area with an inappropriate volume of traffic or a high intensity land use. *(This was accomplished in conjunction with the 2002 Master Plan.)*

### **Commercial**

The Highway Business (HB) district runs along both sides of the Black Horse Pike from the Hamilton Township border to the intersection with the West Jersey railroad line.

The Neighborhood Business (NB) and Community Business (CB) Zones have been established in certain locations where traffic generation and development have created a need for the services permitted in these zones. There are two NB zones along English Creek Avenue – one at West Jersey Avenue and one at Ocean Heights Avenue. Two other NB zones are located along Steelmanville Road at the intersections of Bargaintown Road and Ocean Heights Avenue. One CB zone is proposed at the intersection of Ocean Heights Avenue and Zion Road.

The Special Highway Development (SHD) district is located along the Black Horse Pike in the West Atlantic City section of the Township. This zone has a minimum lot size of 1.8 acres and allows the same principal uses as the NB zone along with motels and resort recreation uses that are complementary due to its proximity to Atlantic City.

The Regional Commercial Development (RCD) district is located in the northeastern section of the Township along portions of the Garden State Parkway, Fire Road, Tilton Road and the Black Horse Pike. The minimum lot size is three (3) acres. The provision for planned development in the RCD zone has been eliminated in this Land Use Element. *(This was accomplished in conjunction with the 2002 Master Plan.)*

The Marine Commercial (MC) district is comprised of four (4) areas – three (3) in the back bay areas and one (1) adjacent to Patcong Creek. The purpose of this district is to provide and

encourage the development of waterfront facilities for recreational purposes and provide public access to the vast waterfront throughout the Township. Minimum lot size is five (5) acres.

The proposed General Commercial (GC) district will be located in the northern part of the Township and be comprised of portions of the existing M-1, CB, HB and RG-6 zones. This zone is located west of the Garden State Parkway, mostly between the Atlantic City Expressway and Delilah Road. Minimum lot size is 40,000 square feet. The GC District is designed to allow various commercial / retail uses while excluding industrial development. *(This was accomplished in conjunction with the 2002 Master Plan.)*

### **Industrial**

The Township's current zoning ordinance identifies two (2) industrial districts distinguishable by the relative intensity and class of use permitted. The existing Light Industrial (M-1) district permits farms, retail and wholesale business in addition to the uses allowed in the more stringent Restricted Industrial (R-I) zone. It was recommended that portions of the M-1 zones in the north and east of the Township be converted to various commercial and residential zones due to the existing nature of development in these areas and their proximity to major transportation corridors. The remaining M-1 area and the existing Restricted Industrial (R-I) zone should be retained as is with the existing lot size requirements and permitted uses.

The proposed Light Industrial (M-1) zone is comprised of two (2) areas. The first area includes the existing Penn Jersey facility on Fire Road just north of the Black Horse Pike along with some surrounding land. The second area extends from the City of Pleasantville to Hamilton Township in the northeastern side of Egg Harbor Township and includes various existing industrial uses including the FAA Technical Center and Atlantic City Airport.

The existing Restricted Industrial (RI) district remains unchanged. It is located on the south side of Ocean Heights Avenue just east of Zion Road. The RI Zone has also been expanded to include approximately eight (8) acres of land on the north side of Ocean Heights Avenue adjacent to the former landfill.

Pages 12-29 through 12-40 list the potential permitted, accessory and conditional uses provided for the various zones.

The Land Use Element is silent regarding signage within the Township and the possibility of allowing multiple principal uses on a site.

### ***Recommendations:***

The Land Use Element should be amended to the extent necessary to be clear that the Township treats all business uses as commercial uses. There should be no differentiation within the Master Plan between commercial / business uses.

The Land Use Element should be amended to provide general standards for signage in residential and non-residential districts. It should also be amended to reflect that the Township permits distinct principal non-residential uses on a single lot in areas outside of the Pinelands Area provided that each of the individual uses is permitted within the zone.

Specifically, on page 12-13, the sentence under the Non-Residential Use Zones should be amended to include the word "business" as follows:

“For purposes of commercial, **business**, administrative and industrial activities, the following zoning districts are recommended:”

Similarly, on page 12-26, the heading for Business should be amended to include commercial as well and the Commercial heading on page 12-27 should be eliminated so that the heading reads **Business / Commercial** and then lists the various zoning districts.

Both the business / commercial and industrial sections of the areas outside of the Pinelands Area should include a statement that allows for two (2) uses on a site as follows:

Two (2) principal business / commercial / industrial uses may be permitted on a particular site outside of the Pinelands Area so long as the individual uses are permitted within the zone.

With regards to signs, the Master Plan should be amended to include the following standards:

**Signs in residential districts**

There is a need to allow certain signs within residential zoning districts in the Township. Generally, signage in residential districts should be limited to a single sign per site and shall be not be illuminated or flashing.

The following are general standards related to signs in residential districts:

Description	Maximum Size	Minimum Setback
Nameplate Sign	2 square feet	0 feet
Farm or Nursery Activity	10 square feet	10 feet
Sale / Lease Advertising Sign	8 square feet	0 feet
Church, Public Building, Playground	10 square feet	0 feet
Golf Course	10 square feet	20 feet
Professional Office	6 square feet	0 feet
Subdivision Identification Signs (1 permitted per 50 homes up to 100 homes)	32 square feet (max. height 6 feet)	25 feet

**Signs in business, commercial or industrial districts**

On-site advertising signs shall be permitted in all business, commercial and industrial districts with a minimum setback of 25 feet. The following are general standards related to on-site advertising signs in all business, commercial and industrial districts:

Description	Maximum Size	Maximum Height	Other Standards
Building Mounted Signs	250 square feet	5 feet	Maximum 15 inch vertical projection
Freestanding Signs	250 square feet	15 feet or height of principal building	No more than 1 sign per 300 feet of street frontage

All on-site advertising signs shall only advertise business on the premises. On-site advertising signs may be internally lit or illuminated by shielded floodlights. No lights of intermittent or flashing type are permitted.

Changeable message signs where characters, letters or illustrations can be changed without altering or changing the face of the sign may be permitted provided that the sign is not animated, does not have any flashing colors and has each message fixed for a period of 10 seconds.

Billboards and off-premises advertising signs shall be permitted in the General Commercial (GC), Light Industrial (M-1) and Regional Commercial Development (RCD) districts. No billboards shall be permitted in any zones within 1,000 feet of any other such sign on the same side of the highway in accordance with the New Jersey Department of Transportation (NJDOT) standards, within 500 feet of any residential district, within 1,000 feet of any interchange or intersection or within 50 feet of any structures on the property where the sign will be located. In the Pinelands Area, billboards shall be permitted only upon a demonstration that an existing lawful off-site commercial advertising sign at least equal in sign area has been removed within the Pinelands Area. Static, Digital or Light Emitting Diode (LED) type billboards are permitted in the GC, M-1 and RCD zones.

The maximum gross surface area of all billboards or off-premises advertising signs is 1,000 square feet with a maximum vertical dimension of 25 feet and a maximum length of 60 feet. The maximum overall height in these zones should be 60 feet.

***Relationship to other plans:***

This amendment to the Land Use Element of the 2002 Egg Harbor Township Master Plan is consistent with the plans of contiguous municipalities, Atlantic County, the State Development and Redevelopment Plan, the Pinelands Comprehensive Management Plan and the district solid waste plan.

Egg Harbor Township was the fastest growing municipalities in the state from 1990 to 2010 and is the largest Pinelands Regional Growth Area of the state. A major focus of the Township since the inception of the Pinelands Comprehensive Management Plan has been to balance the mandated number of residential units with commercial zoning where appropriate.

The amendments to clarify the commercial zoning in the Township, provide for the necessary signage in residential / commercial areas and allow for off-premises advertising signs along some of the major transportation routes in the Township is necessary to clarify the historical interpretations that the Township has followed but will not result in a change in any development patterns in the Township. There is no impact anticipated to any of the other plans for contiguous municipalities, the county or the state.