

Solicitor: Christopher Brown, Esq. (Ted 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, present

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 Taken as Follow(s):

Manuel E. Aponte, Vice-Chairperson, present
Committeeman John Carman, present
Milas Cook, Alt. #1, present
Charles Eykyn, present
James Garth, Sr., Chairperson, present
Frank Kearns, present, present

Robert Levy, present
Mayor James J. McCullough, Jr., present
Peter Miller, Township Administrator, present
Paul Rosenberg, another engage.
MD Shamsuddin, Alt. #II, unexcused

PUBLIC HEARING(S):

- SPPF 16-12 (Amended)**
Jersey Realty Construction, LLC
Zone: GC, 7.30 acre site, sewer/water, applicant
Applicant is proposing to remove 4,300 sq. ft. of asphalt
And replace with new, as well as, adding sidewalks. Applicant is also proposing to divide warehouse as follows:
Unit #1: 4,145 sq. ft. office – 8,435 sq. ft. warehouse space. **Unit #2:** 3,000 sq. ft. office – 15,125 sq. ft. warehouse space. **Unit #3:** 9,700 sq. ft. warehouse space only. **Unit 4:** 11,835 sq. ft. warehouse space only. **Unit #5:** 500 sq. ft. office-7,100 sq. ft. warehouse space. **Unit #6 & #7:** 825 sq. ft. office space-6,775 sq. ft. warehouse space. **Unit #8:** 7,600 sq. ft. warehouse space only and **Unit #9:** 750 sq. ft. of office-6,850 sq.ft. warehouse space. Applicant currently has 73 parking spaces and will increase to 88 parking spaces. Pinelands c/f: #1981-1967.003, dated May 3, 2013.

**Amended Prel./Final Major Site Plan
404/37**

206 West Parkway Drive

Waiver of Time – **Not Indicated**

Checklist Waiver(s):

- Item #9:** Survey datum
- Item #13:** Landscape plan
- Item #14:** Lighting plan
- Item #15:** Site characteristics map
- Item #19:** Sewer/water report
- Item #20:** Traffic report
- Item #21:** Fiscal impact report
- Item #23:** Utilities plan
- §198-15E:** Utilities approval notice from EHTMUA

Variance Relief:

- §225-63B(7):** Freestanding sign setback: all free standing signs shall be setback a distance of 25 feet from the street right of way line. The applicant is proposing a free standing sign within 5' ft. of the right of way line (*was eliminated as part of testimony*)

Trevor Williams, Esq., introduced himself as attorney for the applicant. He advised the applicant is seeking amended site plan approval for the property known as 206 W. Parkway. Attorney Williams advised he has a few witnesses and he would like to have them sworn.

Board Solicitor Strickland has duly sworn the following individual(s):

Peter Dolcy, P.E., New Jersey Licensed Engineer, Duffy, Dolcy, McManus and Roesch, 634 Lost Pine Way, Galloway Township, New Jersey and Thomas Sidrane, Architect, New Jersey Licensed Architect, Northfield, New Jersey

Attorney Williams stated the applicant is seeking approval for an amended site plan. He advised the applicant is proposing to place an additional 15 spaces on site and some other modifications. Engineer Dolcy advised he will be referring to a drawing that was referenced as plan #3 in the package submitted to the Board. Engineer Dolcy advised his client purchased the site two (2) years ago. He explained since the time his client purchased the building his client has been renovating the building both on the inside and the outside and these changes have been allowed through administrative approvals. Engineer Dolcy stated his client is now at the point where the additional changes require an amended site plan.

Engineer Dolcy advised his client has subdivided the facility into nine (9) individual units with nine (9) independent tenants. Engineer Dolcy advised three (3) of the unit tenants have requested loadings doors to facilitate their businesses. He explained that on the left side of the building there will be two (2) loading docks and some adjoining parking for the uses.

Engineer Dolcy advised the applicant is also proposing seven (7) parking spaces in the front of the building. He also noted there will be a new trash enclosure along the left side of the building. He indicated there is an existing one, however, the because of the size of the building the client believes another should be provided. Engineer Dolcy stated along the rear of the building there will be one (1) more loading door proposed that will be utilized for unit #4.

Engineer Dolcy advised the Atlantic City Press is going to relocate to this facility for their distribution of the newspaper to their carriers. He advised they will be located within units # 8 and #9. He indicated they have requested a driveway be added to the right side of the building. He indicated along this driveway there will be eight (8) doors where cars will pull up to pick-up the newspapers and then leave the site for the deliveries. He indicated also for The Press, in the front of the building, the applicant will be reconstructing an existing building door and it will be made into an indoor loading dock. He advised the trucks will back into the building and the newspapers will be unloaded for the carriers to pick-up later.

Engineer Dolcy stated since there is some addition to the paving of the site there will be some minor changes to the drainage so that the applicant can trap any of the debris or trash before it enters basin. He indicated by adding these traps areas there will be more infiltration so the basin does not get contaminated from waste.

Engineer Dolcy advised the applicant had applied for a sign variance, however, the applicant will not be requesting the setback variance any longer. He stated there will be two (2) signs that will comply to the ordinance standards. He advised on the left hand side of the site there will be one (1) sign that will be placed 25' ft. back from the R-O-W. Engineer Dolcy stated on the center driveway there will be one (1) more site identification sign that will also be setback 25' ft. from the R-O-W.

Engineer Dolcy advised there are some waivers that have been requested. He indicated the Board Engineer raised issues with the lighting plan. Engineer Dolcy stated he has spoken with the Board Engineer and advised that Mr. Hitchman (applicant) is renovating all the electrical on site. He advised Mr. Hitchman has just upgraded the outdoor lighting both

on the pole mounts and door mounts. He advised the lighting manufacture will be getting him details for the lights that were installed. Engineer Dolcy stated he will produce a lighting plan and will submit to the Board Engineer.

Chairman Garth stated the variances requested have been eliminated. Engineer Dolcy stated the applicant does not need a variance for the sign and the applicant does not need a waiver from the lighting plan. Engineer Dolcy stated he has reviewed the reports from both the Engineer and the Planner for the Board and there are no conditions listed within the reports that the applicant cannot meet.

Attorney Williams stated he has no more testimony and the applicant is withdrawing the applicant's request for variance relief.

Board Planner Polistina stated just for the Board's clarification the applicant confirmed today, via an email, there were originally twelve (12) building mounted signs proposed, however, they reduced to nine (9) building mounted signs that or what is allowed by the ordinance. Engineer Dolcy stated this is correct. He advised the architectural plans submitted showed five (5) signs on left hand side of the building, however, there are only three (3). He advised the applicant will revise the plans showing this.

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

May the record reflect no one came forward.

Motion McCullough/Levy to close public portion. Vote 9 Yes.

Township Administrator Miller asked if the landscaping is adequate. Board Planner Polistina stated he believes what is out there is adequate to screen building. Township Administrator Miller stated it looked a little bleak this time of year. Board Engineer Watkins stated the applicant did submit some pictures. He advised the trees appear to be mature and the photograph appears to have been taken in the fall. He stated he believes what is there is sufficient for industrial park. Township Administrator Miller stated he wanted to make sure since landscaping is something that is not normally waived. Board Engineer Watkins he advised this is an already approved site and they are not increasing the size of the building, therefore, they are adequate.

Motion Miller/Carman to grant requested checklist waiver(s) 1, 2 & 4-9. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Motion McCullough/Eykyn to grant conditional amended preliminary/final major site plan approval. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

<p>2. <u>SP 17-13</u> Muslim Community Organization, Inc. Zone: PO-1 &RG-2, 5.327 acres, septic/well, site was formally the site of a municipal art center, as well as, a municipal school. Applicant is proposing to utilize facility for a school with six (6) class rooms located within the existing building and two (2) trailers that will allow for an additional two (2) more classrooms, if necessary (Phase II). Applicant will remove 9,170 sq. ft. of pavement in rear of building. This area will then be topsoiled and seeded for passive recreation, 23 parking spaces proposed. Pinelands c/f: #1981-0414.003, dated 9-5-13.</p>	<p>Amended Prel./Final Major Site Plan 1702/66 & 67 3056-3060 English Creek Avenue Waiver of Time – Granted</p>
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Checklist Waiver(s):

1. **Item #3: Key map**
2. **Item #15: Site characteristics map**
3. **Item #16: Location of Wetlands**
4. **Item #18: Stormwater management plan**
5. **Item #19: Sewer and water report**

Design Waiver(s):

1. **§94-11(A): Curbing**
2. **§94-11(B): Curbing along frontage**
3. **§94-11(C): Curbing on site**
4. **§94-37(C): Street shade trees**

Variance Relief:

1. **§225-55(A): Driveway Width: 30' ft. required; 20.8' ft. and 24' ft. existing**
2. **§225-55.(B): Driveway-Curbing: Driveway serving a development having 50 or fewer parking Spaces may use a one-and-one half-inch-high depressed curb and Concrete apron driveway ad concrete walk. The applicant is not proposing any improvements to existing driveways.**

Keith Davis, Esq., introduced himself as attorney for the applicant, Muslim Community Organization, Inc. Attorney Davis the property is located at 3056 through 3060 English Creek Road, block 1702 lots 66 and 67. He stated the site was what previously utilized as the McKee City Public School.

Attorney Davis advised the applicant is seeking minor site plan approval and two (2) variances. He indicated one variance is for the driveway width and the second is from proposing curbing along English Creek Avenue. Attorney Davis advised the purpose of this application is to renovate the existing public school building so it can be used by the applicant as a private education facility for grades K-4 and then as part of phase II the applicant would like to add two (2) modular classrooms, which allows for four additional classrooms in order for them to expand past grade 4 into 5th, 6th, 7th and 8th, depending upon the success of the school.

Attorney Davis stated within the last two (2) years the applicant came before this Board for the community center located next to this site. Attorney Davis advised the center is up and running and doing well. He further noted, this proposal is a continuation of that development. Attorney Davis advised a fair number of the students attending the school will reside in the Township. He indicated this will take a burden off the public school system, since the children will be privately educated here.

Board Solicitor Strickland has duly sworn the following individuals as requested by Attorney Davis:

Rami Nassar, P.E. New Jersey Licensed Engineer, Cantillon Boulevard, Mays Landing, New Jersey
Kaled A. Mohamad, representing, Muslim Community Organization, Inc.

Engineer Nassar advised he has prepared the site plan for the applicant. He advised there is an existing old school on the site. He indicated at one time the facility was a public school and then an arts center. He indicated the applicant purchased this site and the adjacent community center.

Engineer Nassar referred to Exhibit A1: colored rendering (site): advising in the light green area he is showing the existing paved area of the site. Attorney Davis stated there are other existing improvements. Engineer Nassar stated the light green area is the paved area. He indicated there also two (2) entrance points off English Creek Avenue.

Attorney Davis asked what improvements are being proposed by the applicant. Engineer Nassar advised the applicant will be removing around 14,000 sq. of paved area to create a green area for a proposed playground. He advised the applicant will be striping a portion of the existing paving to create 22 parking spaces which are in accordance with the Township requirements. He indicated there will be seven (7) classrooms in the existing building and the future phase II is proposed for two (2) modular buildings and each will have two (2) classrooms for a total of eleven (11) classrooms on site.

Engineer Nassar stated the applicant will be installing a fence around a portion of the paved area and also the proposed playground. He indicated the applicant is keeping the existing traffic pattern at this time, which is one (1) way in and one (1) way out onto English Creek Avenue. Attorney Davis asked what hours will the school be opened. Engineer Nassar advised it is his understanding the hours will be from 8:00 a.m. to 4:00 p.m. and maybe an hour or two after this for aftercare. Attorney Davis stated there may be evening events that will occur. Attorney Davis asked Engineer Nassar how many students are anticipated to attend. Engineer Nassar stated there will be around 45 to 50 students, however, he stated Mr. Mohamad would be able to address. Attorney Davis stated the enrollment would expand once the modular classrooms were installed. Engineer Nassar stated this is correct.

Attorney Davis asked if the number of parking spaces addresses the needs for the school population. Engineer Nassar stated it should. He advised the students will not be driving and there will not be 22 teachers and administrators for this facility. He indicated there will be able parking for the teachers and administrators. Attorney Davis advised to start he understands there will be six (6) teachers and one (1) administrator at this facility in the beginning. Engineer Nassar stated yes, this is what he believes.

Attorney Davis asked what type of transportation will be provided for the students. Engineer Nassar stated the children from Egg Harbor Township will be using the public school system buses. He advised all others will be dropped off by their parents.

Attorney Davis asked Engineer Nassar to explain the improvements proposed for the parking lot. Engineer Nassar stated the applicant is eliminating 14,000 sq. ft. of paved area. He explained the applicant will stripe 22 parking spaces. He indicated there is a drive aisle proposed. He indicated a fence will be installed to define the parking area and separate it from the playground and the other areas that will be used for the kids.

Engineer Nassar stated the applicant will be seal coating the parking area. Attorney Davis asked why the applicant does not want to redo the entire parking area at this time. Engineer Nassar stated this is a temporary situation. He indicated in the next few years the applicant will be returning to the Board to propose a new larger school with grades K-12 and a recreation center that will have a campus style setup. He indicated all the improvements that exist today will be go with that proposal. He stated it would be a waste of money today to place in the improvements when they will be gone.

Attorney Davis asked if the applicant is willing to bond for the repaving of the parking lot, at this point, so that the Township has a security in place to make sure this occurs after a certain point in time. Engineer Nassar stated this is his understanding. He believes the time period is four (4) years. He indicated if the applicant/organization does not come back in four (4) years and start the development for the whole project than after four (4) years the bond/letter of credit to ensure the parking area for the school will be pulverized and repaved.

Engineer Nassar stated there is minimal storm water proposed. He indicated it is not warranted. Engineer Nassar advised he did design a small swale for run off. He indicated the applicant is improving the drainage conditions because they are taking 14,000 sq. ft. (1/3 acre) of impervious surface and making it into a grassed area.

Attorney Davis stated there is a green area proposed, however, he asked Engineer Nassar if there is additional landscaping proposed. Engineer Nassar stated no. He advised the applicant will keep the existing landscaping, as well as, protecting an existing specimen tree along English Creek. Attorney Davis asked if any lighting is proposed. Engineer Nassar stated there are a few poles for lighting shown on the lighting plan. He advised there will also be a few more additional lights added around the modular classrooms that will be provided on the revised plans.

Attorney Davis advised the applicant is proposing sidewalk along the frontage of English Creek Avenue, however, the applicant is seeking a waiver/variance from providing curb. Engineer Nassar stated with a commercial site the ordinance requires that you have a 30' ft. driveway coming into the site. He indicated the proposed is not really a commercial site. He stated it is a school. He indicated the applicant is seeking a variance for the driveway width coming into the site. He Engineer Nassar advised the applicant is proposing one (1) driveway way and there will be one (1) way coming into site and one (1) way out.

Attorney Davis asked Engineer Nassar what is the dimensions of the driveway. Engineer Nassar stated at its narrowest point coming in is 17' ft. and at the narrowest point coming out it is 15' ft. He stated these dimensions actually meet the requirements for one (1) way in and one (1) way out. He advised these are actually existing conditions and the applicant is not proposing any changes.

Engineer Nassar stated the second variance is when you have a parking lot of less than 50 spaces you "may" install depressed curb and concrete aprons. Engineer Nassar stated when you have over 50 parking spaces then you have a host of different requirements. He indicated since the applicant is not proposing it is being considered a variance, however, he believes it is a technical variance because it states that the applicant "may" install. He indicated the applicant is seeking the variance regardless.

Engineer Davis advised the sidewalk is being installed within the County R-O-W. Engineer Nassar stated all improvements will be installed within the County R-O-W. He advised the applicant must submit an application to the County and if they have additional conditions the applicant must comply with them. Engineer Nassar stated the sidewalk proposed along the front of English Creek Avenue is a continuation of the existing sidewalk that was constructed when the applicant came before the Board for the community center. Engineer Nassar stated the sidewalk is being constructed within the proper location and when the applicant returns for the major development the sidewalk will not be disturbed. He indicated the only area that will be disturbed will be the area where the new curb cuts would be proposed or openings. Attorney Davis advised this is another reason why the applicant is seeking a deference of the curbing.

Attorney Davis asked if there was any signage proposed. Engineer Nassar stated no signage was submitted. Attorney Davis asked if they would be a condition of any approval granted. Engineer Nassar stated advised signage will be submitted and will be in compliance with the Township requirements.

Attorney Davis advised the proposed is a "conditional use" for this zone. Engineer Nassar stated this is correct. Attorney Davis stated the underlying zoning for this property is actually a split zone. Engineer Nassar stated this is correct. He advised along the front of English Creek Avenue the property is zoned PO-1 and in the rear it is RG-2. Attorney Davis advised that under the Township Ordinance it gives the applicant the ability to choose what zoning controls apply. Engineer Nassar stated yes. He indicated the applicant has chosen the RG-2 controls because they are allowed to have a school in the RG-2 zone.

Engineer Nassar stated the applicant does comply with the conditional use standards. He advised as conditions the applicant must have a minimum lot size of one (1) acre. Engineer Nassar stated the applicant has 5.3 acres. He indicated other requirements include setbacks. Engineer Nassar advised the applicant meets all setback requirements. Engineer Nassar stated the utilities have to be underground, which they are.

Engineer Nassar further noted there is a vague condition about the Planning Board placing additional conditions concerning noise, traffic movement and volume, lighting and intensity for conditional activities on adjacent land uses and may require guarantee to ensure compliance with restrictions. Engineer Nassar stated he believes the applicant does comply with this. He stated he is not sure what conditions the Board would impose. Engineer Nassar stated the applicant has eliminated a large portion of paving next to an existing residential house. He indicated this will now become a grassed area and no cars will park next to it.

Engineer Nassar also advised all the lighting is placed on the other side of the facility away from the residential. Attorney Davis stated the other side of this facility, again is owned by the applicant, and the community center is there. Attorney Davis asked if there are any uses on the other side of English Creek Avenue (westerly side) that would be impacted by the proposed. Engineer Nassar stated no.

Attorney Davis asked Engineer Nassar if he has reviewed the reports issued by the Board Engineer and Planner. Engineer Nassar stated yes. Attorney Davis stated there were two (2) comments within these reports. He advised the first comment concerned vehicles being parked on the property. He asked if the applicant agrees to remove them as a condition of approval. Engineer Nassar stated this is his understanding.

Attorney Davis stated the other comment concerns an adjacent property owner is using a portion of the subject property to gain access. Engineer Nassar stated yes. He indicated they use the existing driveway to get to the house that fronts on Brown Avenue. He advised when paved area is eliminated and grass installed it will force the property owner not to utilize this access. He also added there will be a fence placed in along the property line so again it will cut off their ability to access. Chairman Garth asked if there is another access for the house on Brown Avenue. Board Planner Polistina stated the property owner's driveway on Brown Avenue.

Engineer Nassar stated the applicant is seeking checklist waiver relief. He advised this would include the key map, site characteristics map, location of wetlands, storm water management plan and sewer and water report. He indicated for the first three (3) there is no residential on site and the Pinelands Certificate of Filing usually indicates there is wetlands on site and there is none. He advised the site characteristics map is shown throughout the plans. Engineer Nassar stated there is no storm water management for the site because the applicant is not proposing any additional impervious. He advised the applicant is actually reducing impervious by 1/3 of an acre. He advised the applicant still must request the waiver even though it is not applicable.

Engineer Nassar stated with respect to the sewer and water report. He advised information will be added to the plans advising the flow generated from the site. He indicated the applicant is also seeking a design waiver from along English Creek Avenue and Brown Avenue. He stated the County will require placement where the ultimate curb will be which may be 22' ft. from the center line and at this point the applicant is no sure where the main entrance will be. This would be installing something that would have to be redone.

Engineer Nassar stated the applicant is also seeking a waiver from providing curbing within the site. He advised the site is an existing facility and this is an existing condition, therefore, waiver relief is sought. He advised the applicant is also

seeking a waiver from providing shade trees along the front. Attorney Davis stated there are existing shade trees along the front that the applicant is preserving.

Board Engineer Watkins asked if the curbing is being deferred for four (4) years and when you return it will be placed in. Stated he would either like to see an in lieu contribution for Brown Avenue if the Board will not defer. Engineer Nassar stated the curbing along Brown Avenue can be added to the Bond for the parking area paving. Engineer Nassar stated to place the curbing along English Creek Avenue in a place where major development is going to occur but the layout has not been designed would be a hardship for the applicant.

Board Planner Polistina stated the County will force the curbing on English Creek Avenue with the installation of sidewalk. Engineer Nassar stated no. He advised the sidewalk is actually installed on the applicant's property and not within the County R-O-W. Township Administrator Miller stated the placement of the sidewalk in its present location is based upon the County wanting additional R-O-W when the applicant ultimately submits their major development plan. He indicated the existing sidewalk will end up in the County R-O-W at the end of the day.

Engineer Nassar stated this is correct. He indicated when the applicant comes in with the application for the major development and submits to the County and Township the sidewalk will be correctly within the County R-O-W. Township Administrator Miller stated he would like the applicant to extend the sidewalk along English Creek Avenue all the way to the edge of pavement for Brown Avenue. Engineer Nassar stated this is not a problem.

Board Engineer Watkins stated the curb and sidewalk for Brown Avenue will be deferred for four (4) years with a bond, as part of the paving requirements. Township Administrator Miller stated the bond meets the requirement for the in lieu of. Board Engineer Watkins stated this is correct.

Board Engineer Watkins stated due to the amount of traffic entering and existing at least the front portion the asphalt is in terrible condition and he does not think it is going to withstand the amount of traffic coming in to drop off kids for four (4) years.

Board Engineer Watkins he would like to see this horseshoe shaped area be paved and the rest of it can be sealed. He does not have a problem with them not bonding for this horseshoe area since they are returning in four (4) years. Engineer Nassar clarified if that the applicant does not have to bond for the horseshoe area. The plans must be revised to show they will be re-paving. Board Engineer Watkins stated this is correct. Engineer Nassar stated the applicant agrees. Board Planner Polistina asked if the area being discussed will be maintained at the same width. Board Engineer Watkins stated he would like a minimum of 15' ft. Engineer Nassar stated at this point if the applicant must re-pave they will do it properly.

Township Administrator Miller asked what consequences if the applicant does not come back in four (4) years with the major development application. Board Planner Polistina stated the Township can pull Bond. He advised the Township can even close down the school. Township Administrator Miller stated he would rather have bond and perform work than shutting down a school. Township Committeeman Carman stated the Board can make as a condition of approval that the bonding be submitted. Engineer Nassar stated the applicant will pave horseshoe drive and will bond rear parking and curb/sidewalk for Brown Avenue.

Board Planner Polistina stated he has a few comments. He indicated the easy one is to provide connection information to him. He advised the applicant must show how the modular classrooms will be connect to the sewer and water and whether the existing school is connected. Board Planner Polistina asked if the one (1) specimen tree is sufficient along the front or if the Board would like more within the horseshoe. Township Administrator Miller stated the specimen tree

is fine for now. He indicated if the applicant is returning within the next four (4) years he does not want them placed in now to move later.

Board Planner Polistina stated he would like to clarify the characterization of the split zone. He indicated the applicant is able to make the request to use the requirements of the RG-2 Zone, but it is actually the Planning Board decision to apply the requirements. Board Planner Polistina referred to his report dated December 11, 2013, specifically Page III of VII, advising he has provided the three (3) items that must meet to the Board's satisfaction for the split zoning requirements to apply.

Township Administrator Miller stated on sheet four (4) of the applicant's plans there is a note advising the applicant is proposing two (2) additional trees. He asked if they will be placed in. Engineer Nassar stated they will plant trees and there will be placement of foundation of shrubs.

Mayor McCullough asked Mr. Mohamad when will the school open. Mr. Mohamad stated they hope in September, 2014. Mayor McCullough asked children from K-4 live in Egg Harbor Township that will be going to school. Mr. Mohamad indicated that about 50% of the students in the school will be from Egg Harbor Township so this will be between 20 to 30 children. Mayor McCullough stated there are commitments from parents. Mr. Mohamad stated many parents are anxious for the school to start.

Motion Eykyn/Kearns to open public portion. Vote 9 Yes

Motion McCullough/Carman to close public portion. Vote 9 Yes

Motion Levy/Kearns to grant requested checklist waiver(s) Items #1-4. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Motion Eykyn/Miller to grant requested design waiver(s) Items #3 & 4 until the return of the applicant in four (4) years with a Major Development Application. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Motion Aponte/ Kearns to grant requested variance relief. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Board Solicitor Strickland advised the conditions of approval include: Sealing for now and posting a bond for the rear portion of the parking lot, which excludes the horseshoe drive, posting bond for the deferring of curb and sidewalk on Brown Avenue and this will be revisited in four (4) years. Board Solicitor Strickland stated the sidewalk along English Creek Avenue will be extended to the edge of pavement on Brown Avenue. Township Administrator Miller stated the Board is also deferring the curb along English Creek, which will also be bonded for a four (4) year period.

Township Administrator Miller stated the Board is not granting an in lieu contribution or not requiring them to place in (curbing on English Creek - curb and sidewalk on Brown Avenue) the Board is deferring this issue to four (4) years from now. He indicated it is either done by them or the Township pulls the Bond and the Township installs.

Motion Aponte/Miller to grant conditional minor site plan approval. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Mayor McCullough suggested to Mr. Mohamad that this summer before school opens have the Egg Harbor Township Police Department go through the school so they are aware of everything that is in the school in case there is every an emergency. He indicated the Township Police Department will do this for you and it is very important today. Mr. Mohamad advised he would and thanked the Mayor.

SUMMARY MATTER(S):

1. Discussions of matters pertaining to the Board:

SECTION I:

- a. **Egg Harbor Township Ordinance No. 44 of 2013:** an ordinance to amend the Chapter 225 of the Township Code Entitled "Zoning".

Township Administrator Miller stated the Board last month adopted an amendment to the master plan. He indicated based upon this amendment Ordinance No. 44 of 2013 was introduced to implement their recommendations. The Municipal Land Use Law requires the Board to review an ordinance once introduced for consistency the master plan. He advised this should not be hard to do since this ordinance originated from this Board through the master plan process.

Motion Carman/Eykyn to recommend Ordinance No. 44 of 2013 to Township Committee for review and approval finding it meets the requirements and is consistent with the Master Plan. Vote 8 Yes: Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth. **1 No:** Aponte

- b. **General public discussion:**

Motion Levy/Carman to open public portion. Vote 9 Yes

May the record reflect no member of the public came forward

Motion McCullough/Carman to close public portion. Vote 9 Yes

- c. Mayor McCullough stated he would like to have the re-organization meeting on Tuesday, January 21, 2014 rather than Monday, January 13, 2014, as suggested. Mayor McCullough also noted he would like to change the prevailing time of the Planning Board Meeting from 5:30 p.m. to 5:00 p.m.

Motion McCullough/Carman to set re-organization and regular meeting for Tuesday, January 21, 2014, 5:00 p.m. prevailing time. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Motion Kearns/Eykyn to approve Planning Board Minutes of: 1/22, 2/19, 2/25, 3/18, 3/26, 4/15, 4/29, 6/16, 7/15, 7/30, 8/18, 9/15, 10/20, & 11/18 – 2013. **Vote 9 Yes.** Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Chairman Garth stated he has a question concerning tax abatements. He indicated it does not pertain to Egg Harbor Township at this time but could in the future. Chairman Garth explained he believes the Board Members may be familiar with the development that is going on in Egg Harbor City with the Cedar Creek Developers and the tax abatement there. He stated his questions concerns when does a tax abatement start? Chairman Garth advised that in the case of Cedar Creek Homes when someone buys the house and he pays the developer the money not a mortgage company, because there is no mortgage, and the tax abatement does not start until the contract of sale is completed. When would it take effect, since it is not when the Certificate of Occupancy is issued. Chairman Garth asked if this is something that the Township would consider.

Mayor McCullough asked if this is on homes. Chairman Garth stated yes. Mayor McCullough stated were not doing this. Township Committeeman Carman stated we don't do this on homes. He stated on commercial development we give abatement upon the Certificate of Occupancy they are getting. He indicated they pay the taxes on the land and it continues on by raising 20% a year. Mayor McCullough stated this would not happen here.

Township Administrator Miller stated if someone receives a Temporary Certificate of Occupancy in October they would actually pay taxes from October to December 31st and then January 1st of the following year it will be the first year of the five (5) year phase in. He stated they may receive an added assessment for the three (3) months and then on January 1 they will pay 0% of taxes for the first and then the 20, 40, 60, 80 for the improvements. Township Administrator Miller stated he does not understand what law they are granting tax payments for single-family homes under.

Chairman Garth stated he does not know. However, he is aware there are people living in the homes that are not paying taxes because they are not making a mortgage payment they are making a rent to buy type of payment and it comes off of their mortgage. Township Committeeman Carman stated than the developer is paying their taxes. Chairman Garth stated they could technically live there ten (10) years and not pay taxes. Township Administrator Miller stated in New Jersey most abatements are a maximum of a five (5) year term. Mayor McCullough advised that would have to make a school system very hefty. Township Administrator Miller stated Chairman Garth should discuss with Egg Harbor City.

Motion Aponte/Carman to adjourn at 6:13p.m. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, McCullough, Miller, Garth

Respectfully submitted,

Theresa Wilbert, Secretary