

**Township of Egg Harbor  
Zoning Board**

**March 7, 2011**

**Solicitor:** George K. Miller, Jr., Esquire, present  
**Engineer:** Matthew F. Doran, P.E., present  
**Planner:** Edward Walberg, P.P., Joseph Johnston, P.P., present  
**Zoning Officer:** \_\_\_\_\_ Patty Chatigny, excused absence

A regular meeting of the Zoning Board of Adjustment 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 Chairman opened the meeting by reading the statement in compliance with the Open Public Meetings Act

**Call to Order/Flag Salute/Public Notice/Roll Call:**

John C. Amodeo, Class IV, present	Norma Lombardi, Class IV, working late
Leonard Dagit, Jr., Class IV, 2 <sup>nd</sup> Vice-Chair., present	Chrissy Martin, Alt. #I, present
Anthony DiDonato, Alt. #II, present	Andrew Parker, Alt. #III, present
Beth Epstein, Class IV, present	Laura Pfrommer, Class IV, present
John Haines, Class IV, Chairman, present	Paul Savini, Class IV, Vice-Chair, present

**PUBLIC HEARING(S):**

- |  |  |
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| <b>1. <u>V 01-11</u></b>   | <b>“D” Variance</b>                          |
| <b><u>SD 01-11 &amp; SP 01-11</u></b>  | <b>Minor Subdivision and Minor Site Plan</b> |
| <b>Wallace/Suevo</b>   | <b>6901/43 &amp; 44</b>                      |
| Zone: R1, 2.67 acre parcel(s), septic/well,  | 1712 and 1716 Somers Point-Mays Landing Rd.  |
| The applicant (Wallace) is proposing a   | Waiver of Time – <b>Granted</b>              |
| an application for use variance, minor site plan and minor subdivision approval. The applicant currently operates a pre-existing, non-conforming commercial use on the parcel known as block 6901 lot 43 (3,398 sq. ft. existing boat storage and repair facility). The applicant is seeking approval for the expansion of this commercial use by proposing the construction of a boat storage and repair facility. Applicant is seeking minor subdivision approval in order for block 6901 lot 43 to convey a portion of their parcel to block 6901 lot 44 for this proposed expansion within the R1 residential zoning district. CAFRA |  |

**Checklist Waiver(s): - “D” Variance Relief:**

- 1. Item #6: Metes and bounds description**
- 2. Item #9: Photograph of site**
- 3. Item #44 f-k: Natural resource inventory**

**Checklist Waiver(s): - Minor Subdivision:**

- 1. Item #1 (c): Digital Plans**
- 2. Item #5: Topography extending 100' from the site**
- 3. Item #9: Survey provided on NAD83 datum**
- 4. Item #15: Letter from NJDEP indicating no need for wetlands delineation**

**Checklist Waiver(s): - Minor Site Plan:**

- 1. Item #1 (c): Digital site plans**
- 2. Item #3: All land uses within 200' ft. of the site shown on the key map**
- 3. Item #9: Survey with horizontal datum on NAD 83**

4. **Item #10: Topography extending 100' from site**
5. **Item #12: Driveway widths and driveways within 75' feet of the site**
6. **Item #15: Location of all trees 15' dbh shown on the site characteristics map**
7. **Item #16: Letter from the NJDEP indicating no need for wetlands delineation**
8. **Item #18: Storm water management plan**
9. **Item #24: Hours of illumination of the lights**
10. **Item #25: Architectural plans with typical floor plans and building views/elevations for the proposed building.**

**“D” Variance Relief:**

1. **“D” Variance Relief: to allow for the expansion of a non-conforming use within the R1 Zoning District.**

**“C” Variance Relief:**

1. **Impervious Coverage: 10% permitted; 50% proposed (lot #43)**
2. **Front Yard Setback (lot #43): 50' ft. permitted; 44.4' ft. proposed for new bldg.; 44' ft. existing for current bldg.**
3. **Front Yard Parking Setback: 25' ft. required; 22' ft. proposed (lot #43)**
4. **Side Yard Parking Setback: 25' ft. required; 22' ft. proposed (lot #43)**
5. **Parking Space Location: 10' ft. from bldg required; -0- feet from bldg. proposed**
6. **Number of Parking Spaces: 29 spaces required; 6 spaces proposed (Lot #43)**
7. **Number of Building Mounted Signs: 0 signs permitted; 1 sign existing (Lot #43)**
8. **Building Mounted Sign Area: -0- sq. ft. lpermitted; 31.5 sq. ft. existing (Lot #43)**

Arthur T. Ford, Esq., introduced himself as attorney for the applicant, Mr. Robert Wallace. He indicated this application is for a subdivision, with site plan approval. Attorney Ford stated currently lot 44 is owned by Mrs. Suevo and lot 43 is owned by Mr. Wallace. He explained Mr. Wallace is proposing to subdivide off about a 100' ft. of property from Mrs. Suevo (lot 44) thus adding it to his parcel (lot 43). Attorney Ford stated this would then allow the setback and the lot line of lot 43 to be perpendicular to Mr. Swiers adjacent parcel and it will reduce the impervious coverage of lot 43.

Board Solicitor Miller swore in the following individual's:

Robert Wallace, owner of lot 43 (1716 Somers Point Mays Landing Road), Dawes Avenue, Somers Point, New Jersey, sworn in.

Robert Bruce, P.E., New Jersey Licensed Engineer, Somers Point - Mays Landing Road, Somers Point, New Jersey, sworn in:

Attorney Ford stated if the proposed subdivision is approved, again it will add property to lot 44, of which exist a marine repair business for high performance boats. Attorney Ford indicated the business has been existing since 1988.

Mr. Wallace advised he will pick up boats if they can not be fixed on the dock. He stated most of his business is done via the telephone. Attorney Ford asked if a customer whom brings a boat to this yard be able to work on it. Mr. Wallace indicated no customer's are allowed to work on the boats within his facility. Mr. Wallace stated he works on the boats, as well as, two (2)

employees. Mr. Wallace explained that 40% of his business is done at this facility with most of the work being performed within the existing building.

Mr. Wallace stated he is also proposing an 8,000 sq. ft. building that will be used for storage and maintenance purposes. He explained that boats will be backed into the garage portion of the building so they may be worked upon. Mr. Wallace further noted that no bathrooms are proposed for the new building.

Attorney Ford asked what type of vehicles will be used for deliveries to the site? Mr. Wallace stated most deliveries will be from United Parcel Service (U.P.S.) with every once in a while a semi tractor trailer will come to the site and off load goods from Somers Point Road. Attorney Ford asked if the proposed parking for this facility meets the requirements. Mr. Wallace advised he is seeking relief for parking, however, the proposed parking for the facility meets his needs. Mr. Wallace advised recycling will be toward the rear of the site and there is a trash enclosure in front. Mr. Wallace explained the whole site is fenced and there is both security lighting and camera's.

Engineer Bruce advised the applicant is seeking site plan approval for the expansion of a pre-existing non-conforming use. He noted there are two (2) properties involved with this application, lot 44 which is a residential property and lot 43 which is off-shore performance. Engineer Bruce referred to **Exhibit A1**: copy of survey including zoning schedule and proposed development of lot(s).

Engineer Bruce advised existing lot 43 is Mr. Wallace's parcel, with lot 44 which is owned by Mrs. Suevo existing around it (lot 43). Engineer Bruce stated he has drawn a lot line which still allows lot 44 to be conforming in lot size, however, a front yard setback, which an existing condition must be sought. Engineer Bruce stated the existing home has a setback of 32.4' ft. where 50' ft. is required for the zone.

Engineer Bruce advised new lot 43 will encompass existing lot 43 and variance relief is sought due to the existing non-conforming structures located on site. Engineer Bruce explained the existing building which will be located on new lot 43 has a 44' ft. front yard setback where 50' ft. is required. He further noted, the new structure to be located on lot 43 is also proposed with a 44' ft. setback from the front yard in order to keep continuity along the front.

Engineer Bruce advised the applicant is eliminating their request for the side yard parking setback. He indicated the applicant will meet the 25' ft. setback, therefore, all side yard setbacks for the new lot will comply. Engineer Bruce advised since these parcels are zoned residential the impervious coverage is only 10%, however, as it currently exist the applicant is at 98%. He stated with the proposed subdivision and with the new building the applicant will be at 60% with only 7.2% actually being building coverage, which is well within the ordinance standards.

Engineer Bruce advised no new asphalt, concrete or storm water is proposed as part of the proposed site plan. Engineer Bruce stated in speaking with Mr. Wallace the Township Ordinance requires 29 parking spaces based on the proposed 12,000 sq. ft. of building. However,

he stated Mr. Wallace advised he has only three (3) employees and seldom any visitors, therefore, 29 parking spaces is more than what is needed. Engineer Bruce stated the six (6) spaces proposed for the site are more than sufficient for the needs of Mr. Wallace, which includes a handicap space that had never existed. Engineer Bruce explained there are 3' ft. to 4' ft. planters adjacent to the existing building and then the parking area. He stated the ordinance requires a 10' ft. setback from the building, however, if the applicant were to move the parking in order to meet the requirements you would have people backing out onto the road.

Engineer Bruce referred to **Exhibit A2**: series of photographs from different angles of the both lot 43 and 44. Engineer Bruce again, advised the applicant is proposing the new building to line up with the existing. This will keep the storage area and the flow to it open in the rear of the site and the continuity in the front.

Engineer Bruce advised the applicant does have a dilemma. He advised the company for which Mr. Wallace would like to purchase the proposed building from will not provide a set of architectural plans without Mr. Wallace first purchasing the building. Engineer Bruce stated Mr. Wallace does not want to purchase the building without first knowing approval can be granted, therefore, the applicant does not have architectural plans for the proposed building.

Engineer Bruce, however, did state the applicant has provided a photograph of a pre-engineered building similar to what he will purchase. He explained this will be a butler building and the applicant does propose to construct "green".

Engineer Bruce stated access to site will be through a gate along the front of the site. He explained the proposed building have four (4) overhanging doors, which will not be seen from along Somers Point-Mays Landing Road. Engineer Bruce stated in order to gain access to the existing building it must be done by proceeding to the rear of the site. Engineer Bruce advised the applicant is in a residential zone and signs are not permitted. He advised this site does have an existing sign that is upon the existing building. Engineer Bruce advised the applicant would like to keep this sign, which is 31.5 sq. ft. He stated the applicant will add the street address to the existing sign, however, it will not increase the size of the sign.

Attorney Ford asked if the proposed use is beneficial to site. Engineer Bruce stated the applicant has been operating from this facility for 24 years and before he moved in the site was utilized as a truck training facility. He further explained that there is a single-family dwelling adjacent to the site and then past the home is the Egg Harbor Township Fire Department. Engineer Bruce also advised if you head toward Somers Point (opposite direction from what was previously described) the adjacent parcel stores equipment and a little further down you will find Cullo Iron Ornamental. He stated this site has been commercial for years and there has also been for a number of years commercial in and around the area.

Engineer Bruce stated the applicant will be able to perform inside maintenance with placement of the new building. He advised there will be cigarettes boats in and around the site, however, some will be within the new building for maintenance. Engineer Bruce advised the rear of the site is wetlands and woods. Therefore, the applicant would like to keep the new building lined

up with the existing for functioning purposes. Engineer Bruce indicated the applicant will not be creating any additional impervious coverage because the area where the new building is proposed is already asphalted. He also advised the use of this site will have no detrimental issues to the existing uses in the area.

Board Member Dagit stated the business has been in operation for 24 years at this location. He asked if this proposal is an expansion to the operations and will the applicant be hiring any new employees. Mr. Wallace stated the proposed is not an expansion of the business. He stated the proposal is a way to keep the operations that are currently happening more efficient and enable him to perform maintenance inside of a building. Mr. Wallace stated he will not be hiring anyone new because of this proposal. Mr. Dagit stated he knows of Mr. Wallace's business and he does run a clean ship.

Board Member Savini asked how many boats will be behind the building's. Mr. Wallace stated there will be 25 boats. Board Member Savini asked if there was any reason why the proposed building can not be moved back? Mr. Wallace stated again the placement of the new building is for functioning purposes with the existing building. Board Member Savini asked what percentage is boat storage and maintenance. Mr. Wallace indicated it is about 50/50. Board Member Savini asked if there will be an racks for storage of boats on site? Mr. Wallace stated no. He indicated the boats are on trailers.

Board Member Savini again asked if there will be any more employees then what exist currently with Mr. Wallace's operation? Mr. Wallace stated no. Board Member Savini asked how many boats can be kept inside this building for storage. Mr. Wallace advised there will be about six (6) to seven (7) boats stored within building and his customers can inspect their boats when they are stored. Board Member Dagit asked what type of boats will be stored? Mr. Wallace indicated he maintains high performance boats and the ones outside are kept on trailers. He stated the boats can range in size from 35' ft. through 48' ft. Board Member Pfrommer indicated it appears the operations are the same, just more convenient for the maintenance and you are proposing some interior storage. Mr. Wallace indicated yes, she is correct. He stated now he can have each of his employees working from their on bay and we can do maintenance in rain and snow, which will improve efficiency.

Board Member Parker asked if there is no curb or sidewalk on a County Road? Engineer Bruce stated the County has reviewed this and they are insistent that no curb or sidewalk be proposed since there are wetlands in this area. He advised the County Engineer will write a letter to the Board Professional's concerning this situation.

Board Engineer Doran stated as far as the minor subdivision is concerned there are minor things that need to be changed on the plat. He did advise the Township requires curb and sidewalk. He stated this Board can not grant a waiver from this provision. He indicated if the County does not want the installation of the curb and sidewalk then the applicant will have to provide an in lieu of fee. Again, Engineer Doran stated the curb and sidewalk issue is out of the hands of the Board.

Board Solicitor Miller stated with the aspects of the land use element there is justifiable reasons to

grant waivers. However, the curb and sidewalk requirements are not within the land use element and the Board has no jurisdiction. Attorney Ford stated Somers Point - Mays Landing Road is a County Road and the Township has no say over it. He further advised there are some checklist waivers sought and some testimony must be provided in order to justify the granting of the waivers.

Engineer Bruce advised the applicant is not seeking any "D" variance checklist waiver relief or minor subdivision checklist relief. He advised the applicant will provide a survey with NAD 83 datum, a digital plan of the subdivision will be provided, the applicant has provided a photograph of the site and the applicant will be submitting an application to the Department of Environmental Protection.

Engineer Bruce indicated with respect to the minor site plan the applicant has provided all land uses on the site characteristics map, however, they will be shown on a key map. The applicant is seeking a waiver from designating trees over 15" dba. He stated the only area the applicant is disturbing is already paved so no clearing will be done. Again, he noted the applicant will be applying to the Department of Environmental Protection for a general permit and an Environmental Impact Statement will be provided to them.

Engineer Bruce advised a storm water management plan was not submitted. He indicated there is an existing drainage pattern on site and the applicant is not proposing to change the surface runoff. Engineer Bruce also noted the applicant will be providing lighting information on the revised plans if approved. He indicated the applicant is proposing photocell lights that will operate from dusk to dawn.

Board Engineer Doran stated he had no problem with the waivers requested. He did suggest, however, if the applicant does receive approval a few more grades should be provided around the proposed building. Engineer Bruce indicated he would provide this information.

Board Planner Johnston stated the applicant needs variances waivers for buffering. He indicated the applicant does not comply with the ordinance standards for landscape buffering. Attorney Ford stated there are existing buffers and berms that buffer the Sweirs property.

Board Planner Johnston indicated as part of the curb and sidewalk standards street trees are required to be planted, as well as, shade trees being provided within the parking area. He advised he is not requesting much landscaping, however, it is up to the Board to decide. Board Planner Johnston stated the Board should take into consideration that boats are being stored outside within an asphalted area. He did advise the applicant has acquired additional ground, which does provide some buffering, however, street trees and shade trees within the parking area should be considered.

Engineer Bruce advised the applicant does not want to place trees within the parking area. He indicated it is already an open area. He further noted, the street trees are normally placed one for every 50' ft. of frontage. Again, he stated the applicant does not want them planted since the front is actually a deceleration area to get off the road. Engineer Bruce stated the applicant already has

vegetation around the property. Board Planner Johnston stated the street trees are planted behind the curb and sidewalk area so they would not be planted along the very front of the property. Chairman Haines stated he understands how trees would cause an issue. Mr. Wallace stated he needs the area where the Planner wants the trees in order to conduct his business. He stated he would request a waiver from providing trees within the parking area and along the front of the property. Attorney Ford stated he believes the applicant has justified the variance relief and waiver relief sought. He indicated the nature of the site, the existing use and the existing location of building's lend to the relief request.

Zoning Officer Chatigny stated that by having lived in this area she is familiar with the site and the applicant has kept a nice operation. She indicated there is never trash on site. Zoning Officer Chatigny stated the variance relief is justified for the placement of the new building. She indicated by keeping the buildings in line will keep them neat. Board Member Savini asked the "c" variance relief is for the number of signs? Attorney Ford stated it is for the number of signs and square footage of existing sign. Board Member Amodeo asked if there are any plans to expand the surface area of black top? Attorney Ford stated no. He indicated if the applicant were to do so he must return to the Board.

**Motion DiDonato/Dagit to open public portion. Vote 7 Yes**

May the record reflect no one came forward

**Motion Dagit/Parker to close public portion. Vote 7 Yes**

Attorney Ford advised he has nothing more to offer. He feels confident with presentation Board Solicitor Miller stated the applicant will have a few condition(s) subject to approval. The are in lieu of providing a letter to the Department of Environmental Protection Mr. Wallace will submit an application to them. The applicant will provide additional grades around the building, there will be no expansion of the existing asphalt. He also indicated the applicant is seeking a waiver from providing street trees, shade trees and landscaping within the parking area. He also noted, the Board can not grant a waiver from providing curb and sidewalk this must be addressed with the Township Engineer.

**Conditions of Approval:**

- 1. Applicant will provide additional grading around the proposed building to the satisfaction of the Board Engineer.**
- 2. Applicant will not expand the existing asphalt area. Should this area be proposed for expansion the applicant must first return to the Board for approval**
- 3. Applicant will submit an application to the New Jersey Department of Environmental protection for approval.**
- 4. Applicant will place street address on existing sign without expanding its size or area.**
- 5. Applicant will address all applicable comments and concerns outlined within Board Engineer Doran's report(s) for application(s) V 01-11, SD 01-11 , and SP 01-11 dated: March 2, 2011.**
- 6. Applicant will address all applicant comments and concerns outlined within Board**

**Planner Johnston's report(s) for application(s) V 01-11, SD 01-11 and SP 01-11  
dated: February 7, 2011**

**Board Opinion(s):**

- B. Epstein:** stated this is a straight forward application and the applicant has proven his need for variance relief. She indicated the applicant's business is specific to the shore and she has no problem with what is proposed.
- L. Dagit:** advised he wanted to confirm the Zoning Officers observations. He indicated the applicant's site is meticulous in the nature of the boats and maintenance that occurs on property. He indicated he commends the applicant for purchasing additional land in order to expand the site.
- A. Parker:** stated the application was presented very professionally and the Board Professional's are in agreement. He indicated this is a well designed and thought out proposal and she sees no reason to stand in the way of approving.
- C. Martin:** stated "ditto" ditto
- L. Pfrommer:** stated she is in favor of project. She stated the applicant deals with very expensive boats, thus the applicant would/will keep the property cleaner. She indicated she likes the fact that the applicant is keeping the boat storage to the rear of the site. Board Member Pfrommer stated this is a nice business on the Road and she will be voting in favor of the proposal.
- A. DiDonato:** indicated he spent some time on the side of road across from this facing going through the paperwork submitted on behalf of the applicant. He stated the site looked well maintained. Board Member DiDonato stated he likes the operation as it existing and the what the applicant is proposing will only enhance the site.
- John Amodeo:** stated this is a clean application and makes sense. He indicated this proposal is something he will support
- P. Savini:** advised the applicant has taken his time thinking out this project by purchasing additional property. He indicated he will be voting in favor.
- Chairman Haines:** advised the applicant was straight to the point. He further noted he believes both the negative and positive criteria was answered. Chairman Haines stated this was a clean application and should be approved all as one.

**Motion Savini/Epstein to grant requested checklist waiver(s): minor site plan (Items #5, 6, 7, 8, and 10), design waiver(s): landscaping and shade tree requirements for parking area, street tree requirements, environmental impact statement, “D” variance relief: to allow for the expansion of a non-conforming use within the R1 Zoning District. “c” variance relief: Impervious Coverage: 10% permitted; 50% proposed (lot #43) Front Yard Setback (lot #43): 50' ft. permitted; 44.4' ft. proposed for new bldg.; 44' ft. existing for current bldg. Front Yard Parking Setback: 25' ft. required; 22' ft. proposed (lot #43), Parking Space Location: 10' ft. from bldg required; -0- feet from bldg. proposed. Number of Parking Spaces: 29 spaces required; 6 spaces proposed (Lot #43) Number of Building Mounted Signs: 0 signs permitted; 1 sign existing (Lot #43), Building Mounted Sign Area: -0- sq. ft. permitted; 31.5 sq. ft. existing (Lot #43). conditional minor subdivision approval and conditional minor site plan approval. Vote 7 Yes: Amodeo, Dagit,, Epstein, Martin, Pfrommer, Savini, Haines**

**MOTION Amodeo/Dagit TO ADJOURN AT 8:00 P.M.: VOTE 7 Yes: Amodeo, Dagit, Epstein, Martin, Pfrommer, Savini, Haines.**

Respectfully submitted by,

Theresa Wilbert, Secretary

