

**Township of Egg Harbor  
Zoning Board**

**July 11, 2011**

**Solicitor:** George K. Miller, Jr., Esquire, (Fill-in Solicitor, James Grimely, Esq.)  
**Engineer:** Matthew F. Doran, P.E., present  
**Planner:** Edward Walberg, P.P., Joseph Johnston, P.P., present  
**Zoning Officer:** Patty Chatigny, present

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, present
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, working

**PUBLIC HEARING(S):**

<b>1. V 02-11</b>	<b>“D” Variance Relief</b>
<b>SPPF 03-11 (Phase I &amp; II)</b>	<b>Preliminary/Final Major Site Plan (Phase I)</b>
<b>Atlantic City Jitney Association, Inc.</b>	<b>Preliminary Major Site Plan (Phase II)</b>
Zone: M - 1, 3.82 acre parcel, water/sewer,	<b>903/13</b>
The Atlantic City Jitney Association is	Delilah Road
proposing a two (2) phase project. Phase I	Waiver of Time – <b>Not Granted</b>
will consist of compressed natural gas fueling facility for the Atlantic City Jitney Association	
and third party use, as well as, 36 parking spaces along the easterly side of the site. Phase II is	
the conversion of an existing 21,090 sq. ft. warehouse into a vehicle repair facility with an office	
for the Atlantic City Jitney Association and an 8,000 sq. ft. area that will be leased to others.	

**General Checklist Waiver(s):**

- 1. Item #7: Witness List**
- 2. Item #10: Traffic impact**

**“D” Variance Checklist Waiver(s):**

- 1. Item #42 g,j,k: Natural resource inventory**

**Major Site Plan Checklist Waiver(s):**

- 1. Item #3: Land uses within 200' ft. of the site shown on a key map**
- 2. Item #9: Certified survey**
- 3. Item #10: Existing contours extending 100' ft. from the property**
- 4. Item #11: Rear setback shown for the existing building**
- 5. Item #14: Setbacks for freestanding sign shown on the lighting and signage plan**
- 6. Item #16: Letter from NJDEP for the existence of wetlands**
- 7. Item #19: Sewer and water report**

- 8. **Item #20:** **Traffic report**
- 9. **Item #23a:** **Location of existing utilities within 200' feet of the site.**
- 10. **Item #31 f,h,l,j:** **Natural resource inventory**

**Design Waiver(s):**

- 1. **§94-9:** **Providing a community impact statement**
- 2. **§94-11(A):** **Providing curb around the entire parking area**
- 3. **§94-14(B):** **Providing an environmental impact statement**
- 4. **§94-44(D)2(j):** **Allowing greater than two (2') feet of water in the basin for the 50 year storm**

**“D” Variance Relief:**

- 1. **To allow for a compressed natural gas fueling facility within the M - 1 Zone.**
- 2. **To allow for more then one (1) principal use on a parcel (two (2) proposed)**

**“C” Variance Relief:**

- 1. **Number of building mounted signs: one (1) sign permitted for fuel facility canopy; four (4) are proposed.**
- 2. **Building mounted sign area: 72 sq. ft. permitted on the fuel facility canopy; 97.5 sq. ft. proposed.**

Keith Davis, Esq., introduced himself as attorney for the applicant. He advised the applicant is present this evening to seek a use variance approval to relocate the Jitney Association from their present Atlantic City inlet location to Delilah Road in Egg Harbor Township.

Attorney Davis explained that many may be wondering why the Jitney Association, whom has a 100 year history within Atlantic City and the one of the largest privately owned transportation fleets in the Country moving to Egg Harbor Township.

Attorney Davis advised the Casino Reinvestment Development Authority (C.R.D.A.) has acquired the Associations property to construct a park, around the Absecon Lighthouse, as a gateway to the Revel (Casino) project, so the Jitney Association must move. Attorney Davis advised the proposed site is suited for the applicant. He advised the Association is excited about moving to Egg Harbor Township and bringing a commercial ratable to the Township.

Attorney Davis indicated this site has an existing warehouse, which was the result of a previously approved transportation project that did not move forward. Attorney Davis indicated the applicant is proposing a maintenance facility for the fleet of buses, administrative office and a and a proposed a green energy source for fueling. He indicated it is similar to what is located at the Atlantic County Utilities Authority. Attorney Davis advised all the Jitney’s will be using this new fuel system.

Attorney Davis indicated the Association wants to work with the Township. He advised someday the Township may even convert their public work fleets to the compressed natural gas system. Attorney Davis explained the applicant needs use variance approval because there are two (2) principal uses on the site. He advised the compressed natural gas (CNG) facility will not only be used by the Associations fleet, but it will be open to the public, therefore, use variance relief is needed. Attorney Davis further noted the applicant must seek sign variance relief for the signage proposed on the CNG canopy.

Attorney Davis asked if the following individual(s) could be sworn in.

Fill-in Solicitor Grimely swore in the following: Thomas Woodruff, President of the Jitney Association Members, Dan Galletta, P.P., New Jersey Licensed Professional Planner, Dixon Associates, Galloway Township, New Jersey, Michael Willis, P.E., New Jersey Licensed Professional Engineer, Dixon Associates, Galloway Township, New Jersey, Brian Young, with Clean Energy.

Planner Galletta advised he is licensed professional planner and has been so for over thirty (30) years. He indicated the proposed site is on Delilah Road between Mill and Fire Road's. He explained there is an existing building on site that was part of an earlier project which was a transportation center. Planner Galletta advised the building was constructed in 1985, however, the project was abandoned but this building was originally constructed to be a bus maintenance facility. Planner Galletta indicated this building is now proposed to be the Jitney Association's home office.

Planner Galletta advised there were ten (10) lots in this area that were purchased all together. He advised the owner of the parcels went before the Planning Board and received approval to consolidate all the lots and then subdivide them into three (3) parcels, of which one has approvals for a solar farm, then there is this parcel, and then the remaining parcel is vacant.

Planner Galletta indicated that Masset Builders is adjacent to this parcel and Harrison Beverage is across the street, as well as other existing commercial uses operating in this area. He explained a portion of the existing building will be used as office space by the Jitney Association, their will also be a maintenance area for the fleet within this building for the association, and there will be available space in the rear of the building that could be leased for other type(s) of offices.

Planner Galletta stated the balance of the site is laid out with parking being located behind the CNG facility. The CNG facility is proposed for the front of the site. He indicated the applicant had to work around this site with the location of the CNG because of the existing building.

Planner Galletta stated access through the site will be via a 38' easement. He stated this easement is based on the alignment mandated by Atlantic County. He indicated this access had to be maintained so it did not conflict with a project that is proposed across Delilah Road. Planner Galletta indicated the access is a large r-o-w, which off of, the applicant proposes 30' ft. driveways. The first driveway will be for the CNG facility and then the second driveway will be closer to the Jitney Association's facility.

Planner Galletta indicated the site will have a combination of parking spaces. He indicated their will be parking for regular sized vehicles, there will be oversized parking for the Jitney's. Planner Galletta further noted the site has wide aisle for the Jitney's. He also indicated the applicant has proposed a few 12' X 25' spaces for larger buses.

Planner Galletta explained the site currently drains toward the rear in conjunction with the solar farm development. He advised there is an existing basin that was constructed when the solar farm was developed. Planner Galletta indicated the applicant is seeking an expansion of this basin through an easement agreement with the owner, Planner Galletta referred to Exhibit A1: ariel of property and surrounding area.

Planner Galletta referred to Exhibit A2: rendered site plan explaining to the Board that this is proposed

as a phased project. He indicated phase I will be the CNG facility and phase II will be the existing building and its site work. He advised the applicant has time constraints for this facility and there are deadlines. Planner Galletta indicated the CNG wants to be constructed and operating before the end of the year. He advised this is also a phased project because the drainage basin is proposed for expansion, but the applicant must go to the Planning Board in order to receive their approval.

Planner Galletta stated the applicant is seeking approval because the two (2) uses proposed needs “D” variance relief. He advised there are special reasons that meet the test with the master plan and land use element. Planner Galletta stated this site is located on Delilah Road, which is an arterial road, which can handle traffic and has good access.

Planner Galletta stated there are other fueling stations in Egg Harbor Township located around this site and there are also stations in located in the City of Pleasantville, who border’s solar facility property. Planner Galletta indicated there are other industrial uses in this area. He explained the auto service is a conditional use in the zone and the applicant can comply with conditions, however, the fueling station is the main reason for the variance relief. He indicated this site can be considered an in-fill development.

Planner Galletta advised this site was left abandoned, was overgrown, and the owner has begun cleaning it up. He further noted the site was previously disturb and the main route of traffic will be off Delilah Road to Atlantic City. He indicated much of the infrastructure is already in place. He advised this application can actually be considered redevelopment of an abandoned site and it is provide clean energy needs

Planner Galletta advised if the CNG facility was just for the Jitney Association it would be considered an accessory, but because the fueling facility can be used by third parties it is a dual use. Attorney Davis stated this application is not any different then the several WaWa’s in the area that were approved with fueling facilities. Planner Galletta agreed this was correct.

Planner Galletta advised there will be no impact to the residential uses in the area. He further noted there are no environmentally sensitive areas and again, the site has already been disturbed.

Planner Galletta indicated the applicant also seeking “C” variance relief for signs. He referred to Exhibit A3: elevation of fueling facility. Planner Galletta advised the equipment compound is a concrete facility with ballards. He explained the facility will have two (2) pumps and the canopy will have the logo of the facility along with the clean energy emblem. Planner Galletta advised the applicant will meet the sign setback and area for the free standing sign that is proposed. He stated the variance relief is specifically for the logo on the canopy and the applicant must show it is clean energy.

Planner Galletta stated the variance relief is for the sign area on the canopy. He explained it exceeds the ordinance requirements. He advised the proposed canopy meets the setback requirements and is not intrusive. Attorney Davis asked if the applicant is also seeking approval for the number of signs proposed for the on canopy, not just the size. He also asked if the applicant is seeking preliminary and final site plan approval for the CNG facility. Planner Galletta stated this is correct.

Attorney Davis asked if the applicant will comply with ordinance standards concerning footcandles for the canopy? Planner Galletta stated the applicant will do. He advised the lighting will not be intrusive and will not be directed off-site.

Attorney Davis advised the applicant is seeking waivers because the site is an existing, developed site? Planner Galletta stated yes, because the site was previously disturbed. He advised the applicant is seeking a waiver for a letter from the NJDEP. He explained for the application concerning the solar farm the applicant/owner was issued a CAFRA permit and this site has a modification to that application. He stated he is waiting to hear from them. He also advised he would place the rear setback information for the existing building on the revised plans if the applicant successfully receives approval.

Planner Galletta advised the applicant is proposing curbing around the fuel station, however, they are not proposing any within the interior of the development where the Jitney's are located because it is for there specific use. He indicated it will not be for public use, therefore, it is not needed. Planner Galletta indicated the applicant is seeking waivers for a community impact statement. He advised the population will not change because of this development and there will be no public services needed for this project. Planner Galletta stated the applicant will supply the NJDEP information as part of the compliance.

Planner Galletta advised the basin proposed for expansion will be larger he indicated if the basin were to overflow it would go down to the solar farm. He advised there will be no impact to Delilah Road concerning storm water.

Attorney Davis advised the "D" variance relief is not for the vehicle repair. He indicated it is a conditional use in this zone. He advised the fueling station is not a permitted use in the zone and the applicant must seek approval for two (2) uses on one (1) site.

Board Member Lombardi asked if the CNG pumps will a 24 hour operation? Planner Galletta stated yes, it will be open 24 hours. He advised the CNG facility is similar to the Atlantic County Utilities Authority site and all transactions will be done through cards. He explained that at this point the CNG facility will be utilized more by the Jitney fleet. Attorney Davis stated the applicant will comply with the State Requirements for fueling.

Board Member Lombardi asked if the parking area for the Jitney's will be paved? Planner Galletta advised the parking area will be paved, but the applicant is seeking a waiver for curb and sidewalk within the interior of the site.

Board Member Lombardi asked what the hours of operation will be for the Jitney Association? Planner Galletta advised the Jitney Association works in three (3) shifts a day with about 25 drivers a day. He indicated there is not a lot of traffic coming to and from this facility during peak time. He advised there only time there would be any type of traffic would be between 5:00 p.m. and 6:00 p.m., but this would not be any more then 50 trips.

Planner Galletta stated because Delilah Road is a County Road they are not requiring a traffic impact. Planner Galletta again advised on an average shift there will be 25 Jitneys. Board Member Lombardi asked how many employees? Attorney Davis suggested Mr. Woodruff address the Board. Mr. Woodruff stated he is the president of the Jitney Association and has been for the last 18 months. He explained the Association operates 24 hours a day, 7 days a week. He advised there are three (3) shifts, morning, afternoon and evening. He stated there is a never a point of time where 25 vehicles will be in and out of the proposed facility. He stated at the most there may be ten (10).

Board Member Lombardi asked if the drivers will take there Jitney's home or will they be kept at this

site? Mr. Woodruff advised there are 150 off-shore owners, with a good percentage of them residing in Egg Harbor Township, with the remaining 90 owners living in the shore communities. He stated he does believe a number of the owners will park at the site, but not all. Board Member Pfrommer asked if the Jitney operation can go right into Atlantic City or do they have to stop at this site first. Mr. Woodruff stated this site will be used for meetings, fueling, and repairs. He indicated they do not have to stop every day. He also stated they do have to use this facility. These are independently owned and the Jitney owner can go anywhere they want to go.

Mr. Woodruff stated the new Jitney's are under warranty for three (3) years and they will go back to Chapman for any repair. Again the Jitney owner/operated can go were ever they want to go.

Attorney Davis asked if there are any time constraints for the construction of the CNG? Mr. Woodruff indicated the Association is guided by the Federal Government. He advised the CNG facility must be up and running or the Association on the hook for 5 Million Dollars. Mr. Woodruff advised the Association received through, the Department of Transportation, funding to construct the CNG facility, thus it must be up and running by December, 2011. Board Member DiDonato asked if the applicant will have the CAFRA permit by the end of the year. Planner Galletta advised the information pending is a modification to the CAFRA permit. He indicated he believes the applicant will have it. Board Member DiDonato asked if the CNG is not done by December the Association lose funding? Mr. Woodruff stated yes. Board Member Dagit advised this Egg Harbor Township is a perfect match with the Jitney Association and is a great opportunity.

Board Member Lombardi asked if the CNG will have both a free standing sign, as well as, the canopy? Planner Galletta stated the free standing sign is for the Jitney Association and the other future tenants for the rar of the building. Board Member Lombardi stated, as a condition of the approval, the applicant must place their address on the proposed free standing sign.

Board Member DiDonato asked for clarification. He asked that the canopy will be the actual sign for the CNG facility? Planner Galletta stated this si correct. He advised the applicant has proposed six (6) signs on the canopy. Board Planner Johnston stated there are three (3) sides to the canopy and each has two (2) signs, thus, there will be e six (6) canopy signs not four (4) as was originally requested.

Board Engineer Doran stated there should be no maintenance of vehicles outside the building. He indicated he has no issue with any waivers or variance(s) requested. Board Planner Johnston indicated other items referenced within his report have been addressed through testimony tonight. He advised he has no issues.

Zoning Officer Chatigny stated she believes this is a good project. She also stated this is a good rehabilitation of the red building. It will also help keeping the kids off site who play in the red building.

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

May the record reflect no one came forward. .

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

Board Member Lombardi asked how many employees will be on site? Mr. Woodruff advised there will

be six (6) employees, of which three (3) will be mechanics, two (2) secretaries, and one (1) bookkeeper.

Attorney Davis stated he believes the testimony that has been provided outlines the special reasons and negative criteria. He indicated the applicant is seeking “D” variance relief, site plan approval, and “C” variance relief. Attorney Davis stated again, the Association is excited and this is a great site for the Jitney Association.

Fill-in Board Solicitor Grimley stated he has nothing to add. He advised the applicant is seeking “D” variance relief, which needs five (5) affirmative votes in order to be successful.

**Board Opinion(s):**

**N. Lombardi:** how can the Board not be pleased? She stated this is the right location within an industrial area, the applicant is redeveloping an eyesore. She stated she would like to welcome the Jitney Association to Egg Harbor Township and she stated she is pleased with them being a tax rateable.

Board Member Lombardi advised this is an excellent proposal. She requested that when, and if, the Township should convert to natural gas, the applicant offer a discounted rate for Township vehicles.

**A. Parker:** stated it is a great project, is a win-win.

**B. Epstein:** 100% for this project.

**L. Pfrommer:** see something vibrant and it will be wonderful. He advised she went to the ACUA to see there operation and it was the cleanest fueling facility she has seen. She indicated it is a win-win,

**J. Amodeo:** advised this is a straight forward application. Asked if they will be changing their name? Attorney Davis advised no, the fleet will still be operating from Atlantic City.

**A. DiDonato:** advised that he likes all the way around.

**C. Martin:** she advised she is looking for someone to construct a CNG so she can convert her car.

**L.Dagit:** stated he is pleased the CNG will be open to public and is clean energy. Natural Gas is cheaper then what oil will be. He also advised there is a tax abatement program in the Township. He advised he looks forward to the applicant rolling quickly with this facility.

**Chairman Haines:** all issues were addressed and the applicant answered all positive and negative criteria. Chairman Haines advised he welcomes the Jitney Association to Egg Harbor Township.

**Condition(s) of Approval:**

1. **Jitney Association will make application to the Egg Harbor Township Planning Board for the expansion of the storm water basin upon an adjacent lot as referenced within Phase II.**
2. **Applicant will place street address on free standing sign.**
3. **Applicant will comply with all applicable comments and concerns outlined within the Board Engineer’s report dated: June 24, 2011 (Phase(s) I and II)**
4. **Applicant will comply with all applicable comments and concerns outlined within the Board Planner’s report dated: July 5, 2011 (Phase(s) I and II)**

**Motion Pfrommer/Dagit to grant requested general checklist waiver(s). Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines.

**Motion Dagit/Pfrommer to grant requested “D” variance checklist waiver(s). Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines.

**Motion Lombardi/Epstein to grant requested major site plan checklist waiver(s). Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines.

**Motion Lombardi/Epstein to grant requested design waiver(s). Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines.

**Motion Lombardi/Dagit to grant requested “D” Variance Relief: to allow for a compressed natural gas fueling facility within the M - 1 Zone and to allow for more than one (1) principal use on a parcel (two (2) proposed). Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines.

**Motion Dagit/Pfrommer to grant requested “C” Variance Relief: number of building mounted signs: one (1) sign permitted for fuel facility canopy; six (6) are proposed and Building mounted sign area: 72 sq. ft. permitted in lieu of variance relief not to exceed 250 sq. ft. fuel facility canopy; Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines.

**Motion Lombardi/Dagit to grant conditional preliminary/final major site plan approval (Phase I). Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines.

**Motion Lombardi/Dagit to grant conditional preliminary major site plan approval (Phase II). Vote 7 Yes:** Amodeo, Dagit, Epstein, Lombardi, Martin, Pfrommer, Haines

**MEMORIALIZATION OF RESOLUTION:**

1.	<u>V 19-05 (Amended)</u>	<b>Interpretation of previously</b>
	<u>SPPF 15-06 (Amended)</u>	<b>approved condition</b>
	L. S. Delilah EHT, LLC	1502/6
	“Ponds Edge”	Delilah Road

Board Member Lombardi stated she has reviewed the resolution. She stated on page 2, item #'s 5 and 7 are redundant. She indicated item #7, again is redundant and would like this item removed. She stated it does not change the resolution and the applicant has received what they want.



**Motion Dagit/Pfrommer to memorialize resolution granting requested interpretation to previously approved condition for the application known as V 19-05 (amended) and SPPF 15-06 (Amended), subject to removing Item #7 on Page 2. Vote 5 Yes: Dagit, DiDonato, Epstein, Martin, Pfrommer.**

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

Respectfully submitted by,

Theresa Wilbert, Secretary