

**TOWNSHIP OF EGG HARBOR
ZONING BOARD**

July 29, 2013

Solicitor: Stanley Bergman, Esq., present
Engineer: Matthew F. Doran, P.E., present
Planner: Edward Walberg, P.P. (Joseph Johnson, P.P., present)
Zoning Officer: Patty Chatigny, Zoning Officer, III

A special 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

Roll call taken as follows:

John C. Amodeo, Class IV, present	John Haines, Class IV, Chairperson, present
Leonard Dagit, Jr., Class IV, another engage.	Norma Lombardi, Class IV, present
Anthony DiDonato, Alt. #I, present	Chrissy Martin, Class IV, present
Beth Epstein, Class IV, present	Andrew Parker, Alt. #II, another engage.
Chuck Gunther, Alt. #III, present	Paul Savini, Class IV, Vice-Chairperson, present

Chairman Haines asked for a motion setting the meeting date for September. He reminded the Board that regular meeting date for September falls on Labor Day, therefore, an alternate date must be provided.

Motion Epstein/Didonato to reschedule September's regular meeting date to Monday, September 9, 2013, 7:00 p.m. Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini.

Chairman Haines advised the regular meeting of Monday, August 5, 2013, has been cancelled. He advised the only application that was scheduled did not notice, therefore, the meeting will be cancelled.

Chairman Haines, however, asked that an alternative date be considered for August if the applicant agrees to conduct there public hearing.

Motion Didonato/Lombardi to schedule an alternative date of Monday, August 12, 2013, 7:00 p.m., to conduct a special meeting if needed. Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini.

OTHER MATTER(S):

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| 1. <u>V 19-06</u> | Condition Modification |
| Ralph Clayton and Crossings MHC Corp. | 5205/4-6, 10-17, 19, 22-35, 37-41 |
| "Brangan Group, LLC" – The Crossings Center | 44-47, 5206/1-3, 5207/2-3, 5208/1-7 |
| Zone: NB, "d" variance relief was granted on | 5209/1, 5210/1-2 and 4-9, 5114/7-9, |
| December 4, 2006 for the construction of a 92 unit | 5115/6, 5116/4-5 and 5117/4 |
| age restricted manufactured housing community by co-applicant's Ralph Clayton and Crossing MHC Corp.. | |
| During the time of the hearing (2006) Crossing MHC Corp., anticipated submitting a site plan, at a later | |
| date, seeking approval for a commercial shopping center, therefore, proposing to reappear before the | |
| Zoning Board for site plan approval. Currently Crossings MHC Corp. a.k.a. Brangan Group, LLC, site plan | |
| proposal for a shopping center is a permitted under the Egg Harbor Township Zoning Ordinance. No "d" | |
| variance or "c" variance relief is being proposed or requested as part of the shopping center | |
| application. The applicant is requesting the Zoning Board amend its prior resolution to allow the site plan | |
| for the shopping center to proceed before the Planning Board of Egg Harbor Township. | |

Christopher Hanlon, Esq., introduced himself as attorney for Crossings MHC, Inc., the applicant for a 200,000+ shopping center. He advised the Crossings MHC, Inc., was present in 2006 in conjunction with Ralph Clayton for

the proposed use of a mobile home park. He stated this proposal was based upon a piece of his clients land, which is an aging mobile home park that would be closed and the remaining portion of land re-developed.

Attorney Hanlon advised the Board approved the use variance in December 2006, which included retaining the jurisdiction of both the shopping center and the mobile home park. He stated now we are here six (6) years down the road. He stated the property is zoned for a shopping center and the applicant has filed a site plan application with the planning board.

Attorney Hanlon stated the applicant of the shopping center has no "c" or "d" variance relief and the the applicant does have preliminary reports from the Planning Board Professional's. He indicated under these circumstances the applicant would like the Board to modify their jurisdiction. He indicated the proper place for this application is the Planning Board. He stated he wants to make sure they cover ever base and seek a release of jurisdiction from this Board.

Attorney Hanlon advised if this Board releases jurisdiction the applicant is schedule for the Planning Board hearing two (2) nights from now. Chairman Haines asked if Attorney Nehmad had anything to add. Stephen Nehmad, Esq., introduced himself advising he represents Ralph Clayton. Attorney Nehmad stated the application in 2006 was by his client. He advised this request does not effect Mr. Clayton's application, however, it was a joint application in 2006 between Attorney Hanlon's client and his.

Attorney Nehmad stated his client has no issue with Attorney Hanlon's request. He stated his client is present tonight for the approval of a site plan for a manufactured community. He stated his client can not proceed to the Planning Board because "d" variance relief was granted for the community and jurisdiction must be retained by the Zoning Board.

Board Solicitor Bergman stated both attorney's represented what occurred. He stated a shopping center is a permitted use in this zone and it can be submitted to the Planning Board, whom may subsequently grant. He stated the use of this type of application is typical to the Planning Board and Attorney Hanlon has represented it is "c" and "d" variance free.

Board Opinion(s):

- N. Lombardi:** stated she was a witness and party to this situation. No reason not to allow Mr. Hanlon and client to go to Planning Board.
- B. Epstein:** stated she agrees with Board Member Lombardi no reason not to allow.
- P. Savini:** advised he does recall application. Has o issues with granting this proposal.
- C. Gunther:** stated he has no issue
- A. DiDonato:** advised he is good, no issue
- C. Martin:** advised she is fine with request
- J. Amodeo:** stated he was not here with application, but have no issues.
- Chairman Haines:** stated no problem with request.

Board Engineer Doran stated he has no reason to suggest retention of application. Board Planner Johnston also advised there is no reason for review.

Motion Lombardi/Amodeo to open public portion. Vote 7 Yes

May the record reflect no one came forward.

Motion Lombardi/Epstein to closed public portion. Vote 7 Yes

Motion Lombardi/DiDonato to amend resolution V19-06 Ralph Clayton and Crossings MHC Corp. To allow for a condition modification permitting Crossings MHC Corp. a.k.a. Brangan Group, LLC to proceed to the Planning Board of Egg Harbor township for site plan approval for a shopping center. Vote 7 Yes. Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini.

PUBLIC HEARING(S):

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| 1. V 06-13
B & H Properties, LLC
Zone: RG-2, 3.95 acres, applicant
Has installed a renewable energy facility with a combination of both roof mounted and ground mounted units at the existing RSL woodworking facility located on Fernwood Avenue. | “d” Variance
1802/57
3049 Fernwood Avenue
Waiver of time – Not granted |
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General Checklist Waiver(s):

- 1. Item #10: Traffic impact report**
- 2. Item #11: Letter of interpretation from the N.J.D.E.P.**

Checklist Waiver(s) “d” Variance:

- 1. Item #1: Scale of 1” = 100’ ft.**
- 2. Item #2: Sheet size**
- 3. Item #4: Sealed Plans**
- 4. Item #5: Scale based on deed description**
- 5. Item #6: Metes and bounds**
- 6. Item #7: Property line in degrees**
- 7. Item #9: Title block**
- 8. Item #11: Scale of map written and graphic**
- 9. Item #12: North arrow**
- 10. Item #10: Certified list of property owners within 200’ ft.**
- 11. Item #15: Dimension in feet of property lines to the nearest two decimal places**
- 12. Item #16: Zoning district**
- 13. Item #17: Zoning requirements**
- 14. Item #18: Acreage of affected parcel**
- 15. Item #19: Photograph of site**
- 16. Item #29: 200’ ft. line drawn on plan showing existing structures**
- 17. Item #42g,h-k: Natural resource inventory**
- 18. Item #45: Storm water management**
- 19. Item #46: Purpose of easement**
- 20. Item #47: Narrative paragraph seeking waiver(s)**

Michael D Carroll, Esq., introduced himself as attorney for the applicant. He stated he has received the Planner's report and there are a few issues he would like to address. Therefore, he has asked if the board would "Table" this application Monday, September 9, 2013, and he requested that he no provide new noticing for this hearing.

Motion Lombardi/Savini to "table" application until Monday, September 9, 2013, no new noticing required.

Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini.

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| <p>3. <u>SPPF 23-08 (Amended)</u>
Ralph Clayton
Zone: NB & R1, 53.62 acres, sewer/water,
Applicant proposes to construct a
92 unit age restricted manufactured housing
development. The Zoning Board previously
granted "d" variance to allow for a manufactured
housing development within the NB Zoning
District. CAFRA</p> | <p>Amended Preliminary/Final Major Site Plan
5205/4-6, 8-17, 19-31, 33-35, 37-41 & 44-47
5206/1-3, 5207/2-3, 5113/8-10, 5114/7-9,
5115/6 & 7, 5116/4-6, & 5117/4
English Creek, Pennsylvania, Marine, Beach,
Ventnor, Longport, Cape, Pier, Ocean, and
Kennedy Avenue's, Ramblewood, Longwood,
Homewood, Bellwood, Deepwood, and
Rosewood Road's</p> |
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Checklist Waiver(s):

1. **Item #3: Key map at a schale of 1" = 300' ft.**
2. **Item #8(d): Signature line for the municipal clerk**
3. **Item #9: Horizontal survey datum on NAD 83**
4. **Item #10: Existing topography shown 100' ft. from the property lines**
5. **Item #14: Lighting and signage plan**
6. **Item #15: Site characteristics map**
7. **Item #21: Fiscal impact report**
8. **Item #23a: Location of existing utilities within 200' ft. of the site**
9. **Item #23b: Plans of utility layouts and proposed connects to existing systems**
10. **Item #24: Cross sections of all proposed streets**
11. **Item #26: Truck turning movements shown on the plan**
12. **Item #31e-f,h-j: Natural resource inventory information**
13. **Item #32: Sight triangles and radii of curb lines clearly indicated at all intersections**
14. **Item #35: Architectural plans with typical floor plans and building views/elevations**

"C" Variance Relief:

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| 1. Front yard building setback: | 50' ft. required; 10' ft. proposed |
| 2. Distance between buildings: | 10' ft. required; 8' ft. proposed between adjacent carport Structures |
| 3. Front yard parking setback: | 15' ft. required; 5' ft. proposed |
| 4. Front yard buffer: | 15' ft. required; 5' ft. proposed |
| 5. Side yard buffer: | 10' ft. required; 5' ft. proposed |

Design Waiver(s):

1. **§94-44II: Drainage plan to be submitted using State Plan Feet NAD83**
2. **Basin shall be 2' ft. above season high water (boring for basin 20)**

Stephen Nehmad, Esq., introduced himself as attorney for applicant, he referred to **Exhibit A2:** site plan rendering. Advising this application is proposed along English Creek Avenue near Ocean Heights Avenue. Stated he presented this application to the Zoning Board for use variance relief in December, 2006 and the resolution of approval was memorialized in 2007.

Attorney Nehmad advised the “d” variance relief allowed his client to construct a 92 unit mobile home community. The resolution granting this approval referenced that the corner of English Creek Avenue and Ocean Heights Avenue was suburban blight and was not being used to its highest and best use.

Attorney Nehmad stated Mr. Clayton will have a 92 unit manufactured home community. He advised the Board may also hear it called a mobile home park tonight. He stated over the years everyone has heard negatives about these parks. He further noted Egg Harbor Township has over 2,000. However, he explained today’s mobile home parks are not what they were 20, 30 or 40 years ago.

Attorney Nehmad stated the State Statute calls a mobile home park if it has over ten (10) units or more on one (1) property. He advised the ground is leased and the units are leased. Attorney Nehmad stated the applicant is proposing a 92 unit age restricted community, which is in conjunction with the use variance that was granted in 2006.

Attorney Nehmad stated Mr. Clayton and his son-in-law Mr. Cassacio have developed parks in Egg Harbor Township, Vineland, Absecon, and Upper Township. He stated these units are 1,500 sq. ft. and reflect a housing type that we would call home. He stated these units will offer granite counter tops, upgrade to the kitchen cabinets. He also advised one (1) occupant will be 55 years of age and no dependant under the age of 18 will reside within the unit. Attorney Nehmad stated the community will be deed restricted to accomplish this.

Attorney Nehmad also noted as a condition of this approval Mr. Brangan, Attorney Hanlon’s client, must abandon his mobile home park license. He indicated he believes one (1) more unit remains on Mr. Brangan’s site. He stated his recognizes fully that the existing license must be abandon before Mr. Clayton moves forward.

Attorney Nehmad stated again, that Mr. Clayton and Mr. Cassacio have developed these type of developments. He indicated Oak Forest (Egg Harbor Township) had been proposed 25 years ago and today it still enjoys an attractive street scape and satisfied home owners. He stated this project will be just as Oak Forest, however, it will be newer models.

Attorney Nehmad advised as a condition of the 2006 “d” Variance approval all streets will be maintained by the applicant. He indicated there will be a number of streets that the applicant will submit street vacations for, however, there is one street which the applicant does not have complete control of the land. He also advised the applicant is seeking bulk control relief tonight. He stated this is based upon the leased area and the separation between the units. He indicated the Township does not have a specific ordinance concerning this, therefore, the applicant has followed the controls based on Upper Township and Vineland’s requirements.

Attorney Nehmad stated there are a number of pre-marked exhibits and he would like the following individuals duly sworn. Andrew Schaeffer, P.E., New Jersey Licensed Engineer, Schaeffer, Nassar, and Scheidegg, Mays Landing, New Jersey. Paul Cassacio, owner/applicant, duly sworn:

Chairman Haines stated Engineer Schaeffer does not have to be qualified. He has been before this Board on numerous occasions. Engineer Schaeffer advised his firm prepared entire plan for 92 homes to be placed on site. He indicated he did not prepare the site plan for the 200,000 sq. ft. commercial development. He stated the residential portion is similar to the conceptual presented to the Board during the use variance application of 2006. He stated it has a similar lot layout for the units.

Engineer Schaeffer referred to exhibit A2 advising it has a scale of 1" = 100' and shows the 92 unit residential development and the latest rendition of the commercial. He advised it also shows Normsdale Mobile Home Park, as well as, the existing Oak Forest. He stated the subject project is colored portion of the plan and it is 25 acres. Engineer Schaeffer stated there will be connection points to English Creek Avenue through Ocean Avenue, which is currently a paper street. He advised Ocean will also connect the existing Oak Forest to this proposed site. There will be an access to Pennsylvania Avenue and this will also connect to the existing Oak Forest. He indicated there will be joint basin with the commercial development and overflow will go into a wetlands area. He stated the darker green area on exhibit A2 is a forested area and on Kennedy Avenue there will be a deed restricted open space area, which meets the requirements of the Department of Environmental Protection.

Engineer Schaeffer stated the development will be under single ownership for Clayton Properties. He advised the potential home owners will own their home and they will have street frontage on private streets. He stated the proposed units look like normally houses. He stated there will be controls placed on each unit dealing with the placement of the decks, car ports, and sheds, which will have to be approved by management.

Engineer Schaeffer advised Mr. Clayton and Mr. Cassacio know what the distance should be between units so that they may maintain the properties. He advised currently the site is zoned NB (neighborhood business), whose zone controls are inappropriate for a manufacturing housing development. He advised the NB controls are for commercial development.

Attorney Nehmad asked if Engineer Schaeffer looked at areas where variance relief is needed. Engineer Schaeffer stated in the NB zone 50' ft. is required for a front yard setback, however, the applicant is proposing 10' ft. He advised variance relief is sought for this setback along Pennsylvania Avenue and another along Cape May Avenue. He advised unlike the other roads within the development the applicant will not be maintaining the R-O-W because there are lots fronting on these roads that the applicant does not control.

Attorney Nehmad asked if the applicant will submit a street vacation plan. Engineer Schaeffer stated yes. Engineer Schaeffer stated there will be 15' ft. between the buildings (units). He advised if a car port is proposed there will be 3' ft. between each. He advised this distance is consistent with the other developments proposed and constructed by Mr. Clayton.

Engineer Schaeffer stated exhibit A2 does show some lots with a front parking setback. He indicated the applicant is proposing 15' ft. but there are some lots that are corner lots and will be 5' ft. Engineer Schaeffer referred to Exhibit A2: larger version of exhibit A2: rendered site plan of development. Engineer Schaeffer referred to unit 67, which is one of the corner lots he referenced and he stated unit 46 is another lot, which needs the variance relief. Engineer Schaeffer advised the applicant also needs variance relief from the front yard buffer. He advised it is the same situation he indicated the applicant needs less than 5' ft., however, the bulk requirements are for the NB zone and that is a commercial zone not residential.

Attorney Nehmad advised the applicant will still the advance of the controls of the zoning based upon the open space that is being provided. He stated there is another mobile home park nearby and they are congested. He indicated what is being proposed and what will be provided will good open space.

Attorney Nehmad asked Engineer Schaeffer given the nature of this application does the commercial controls advance the purpose of a sufficient use of the land. Engineer Schaeffer stated the applicant is locating the housing away from the County Roads, the residential development being provided gives room for the commercial

development to be constructed. He indicated the proposed bulk controls for the housing are consistent with other communities developed so they are workable. Attorney Nehmad asked if the conditions of the use variance will be in full force and effect. Engineer Schaeffer stated yes. Attorney Nehmad advised Mr. Brangan will abandon his mobile home park license for this blighted area, we will submit revise plans addressing the comments of the board professionals.

Attorney Nehmad advised the applicant is seeking checklist waiver for the fiscal impact report because this is a age restricted development. Engineer Schaeffer stated he had done other developments and the Planning Board does not require a fiscal report for over 55 development or commercial development.

Engineer Schaeffer stated the applicant is seeking a waiver for the key map. He indicated the key map was provided but on a larger scale not the scale required by ordinance. He advised horizontal datum was provided in 2006 before there was an ordinance requirement, however, this waiver is routinely granted.

Engineer Schaeffer stated the applicant has shown the existing topography and we it has been determined that we have water. He stated the site characteristic information has been provided, but it is not on one (1) sheet it is throughout the plans. Engineer Schaeffer advised the applicant does show the location of existing utilities within 200' ft.

Engineer Schaeffer stated the applicant does not have preliminary or final sewer approval. He stated the applicant has not provided cross sections streets since they will be owned by the applicant, however, they have been for the County Roads. He further noted truck turning movements were not provided. He stated this is a requirement for commercial development not residential development.

Chairman Haines asked if a fire truck can go down these proposed streets. Engineer Schaeffer stated yes. They can. He advised there will be rolled curb throughout the development and the cartway widths meet the standards of the residential site improvements standards. Engineer Schaeffer advised a CAFRA permit was issued and the applicant provided an Environmental Impact Statement as part of that application. Engineer Schaeffer stated Mr. Cassacio will provide the architectural plans.

Engineer Schaeffer stated there will be no significant impact to adjacent properties. He advised the design of the housing element has been a livable and sustainable development, which does not really impact surrounding neighbors. He further noted the applicant has a like kind development adjacent to the proposed. Attorney Nehmad stated for the record Attorney Hanlon has indicated the care taker for Mr. Brangan resides in a trailer on the property.

Paul Cassacio, 5 Cedar Hollow, Beasley Point, New Jersey, duly sworn, advised he is the son-in-law of Mr. Clayton and he is responsible for the mobile home parks and the self-storage facilities. He indicated he is a partner, co-shareholder and co-member in many business with Mr. Clayton, including this one.

Mr. Cassacio stated they have developed other housing communities. He advised they constructed Oak Forest in the early 1985 and complete in 1989. He referred to Exhibit A5: Six (6) pictures of Oak Forest today. Mr. Cassacio stated Oak Forest still remains a manufactured housing community. He advised he has only removed three (3) units within the existing park and he has replaced them with new units.

Mr. Cassacio referred to Exhibit A6: Penn Lincoln Mobile Home Park pictures advising this site was developed between 1999 and 2003 in Vineland. He stated there are 92 units within the park and the street scape shown is how it will look within the proposed.

Mr. Cassacio advised manufactured housing is built within factory under HUD requirements. He stated there are inspectors right in the factories. He stated while the homes are constructed they never see weather. He advised they are shipped to site with metal frames and they are anchored on site and surrounded by block skirting.

Mr. Cassacio advised the new homes will have a 5 to 1 pitch roof and they will be sheet rocked inside. He advised they are insulated based on the requirements of the State of Maine and they will handle snow load requirements. He advised these are not the old trailers of the day. He indicated he has a 25 page option book, which includes different types of counter tops including quartz and glass. He advised fire places are also an option. Board Member Lombardi asked what about air conditioning. Mr. Cassacio stated that will be provided when the unit is on site. Mr. Cassacio referred to Exhibit A7: Mobile Home Park in Absecon (pictures) advising this will be the exact product proposed for this site. He indicated the units are made by Pinegrove Homes. He advised the units will have decks and three (3) season rooms are an option. He indicated the units are about 1,500 sq. ft. He advised at the Absecon location there will be 15 units placed. He advised he removed old derelict units to place these in. He advised he also placed in new streets and utilities at the Absecon location.

Board Member Lombardi asked what about barbeques'. Mr. Cassacio stated the unit will have either a front or rear deck and there will be a hook up for the barbeque. Mr. Cassacio referred to Exhibit A8: eight (8) photographs of the inside units of the Absecon site. He also noted Exhibit's A9 and A10 stating these were exhibits provided in 2006 showing the Ocean Heights Mobile Home Park (Mr. Brangan's). Mr. Cassacio stated he is providing to show what was once at this location.

Attorney Nehmad stated he would like to discuss the bulk controls of the individual pad sites. Mr. Cassacio referred to Exhibit A4: rendering of standard layout for parks. He indicated this works well for him and the amenities. He stated decks come as part of the home from the factory. He indicated there is a 7 ½ setback and if a car port is placed on it does not work. He indicated these are the identical standards which are used in both his Vineland and Upper Township developments.

Attorney Nehmad advised this is one property that is owned by the Mr. Cassacio and Mr. Clayton. He advised the individual sites are leased to unit owners. He indicated the streets will be maintained by Mr. Clayton. Mr. Cassacio stated the homeowners will have a title to the unit and they will have to get their own financing for the unit. Board Member Lombardi asked if the proposed development has a name. Mr. Cassacio stated not at this point. Board Member Lombardi asked if there will be a home owners association. Mr. Cassacio stated no. He also noted there is none in Oak Forest. Board Member Lombardi asked about landscaping services. Mr. Cassacio stated the yards are a perfect size to maintain by the homeowners themselves if they choice. He indicated some people use lawn service. He stated his company does not cut grass, however, if a person does not maintain he will back charge them and have a service take care of it.

Board Member Lombardi asked if fences are allowed. Mr. Cassacio stated they are not allowed, however, they do allow invisible fences for dogs. Board Member Lombardi asked what will happen with trash. Mr. Cassacio stated they will remove trash and snow. He indicated recycling is provided by the ACUA.

Board Member Lombardi asked about street lighting. Mr. Cassacio stated he will work with Atlantic City Electric. He advised they normally place lighting at intersections and half way down blocks. Board Member Gunther asked who previously owned Ocean Heights Trailer Park before Mr. Brangan. Mr. Cassacio stated it was owned by Mr. Latore and Mr. Nugget. Board Member Gunther stated he wanted to make sure no one present owned. He wants to make sure no one is going in that direction again. He advised it was blight.

Board Member DiDonato asked if there will be sidewalks. Mr. Cassacio stated he will place sidewalks in and will have rolled curbs. He stated many of the residents like to walk and also walk dogs. Board Member DiDonato asked what if you have a 55 year old with someone that is married to a 23 year old and they have three (3) kids. Attorney Nehmad stated there will be no dependants under the age of 18 allowed in the park. He stated there will be covenants that will reference this restriction. He indicated this is the same that is used in other developments.

Mr. Cassacio stated the owners can have visits for a week from relatives with children, however, they cannot have any dependent under the age of 18 living with them. Attorney Nehmad stated this restriction will be supplied after final approval and it will be provided to Board Solicitor Berman for his review. Board Member DiDonato stated he does not want to find out there is a way around this restriction. Attorney Nehmad stated the Township has many lots such as the Village Grande and English Mill that were constructed a number of years ago and they are being honored. Mr. Cassacio stated the people within the community are his police. He stated if some stays too long he will know.

Board Member Savini asked who will manage. Mr. Cassacio stated he does. He advised he does not use third parties. He indicated he operates out of Clayton Self Storage the office. He stated the complaints come to him and they will continue to be the same with this development. He stated his leasing and regulations are pretty comprehensive.

Board Member Martin stated she is familiar with Oak Forest and it is run well. She stated she cannot believe how happy everyone is who lives there and she has heard no complaints. Board Member Amodeo stated it appears there will be phasing. When will you move into each phase. Mr. Cassacio stated he likes to be down to a few units before moving into the next. He stated if someone wants a different phase then what they are working in then they will have to wait until it is started. He indicated the prices of the units are option driven. He indicated they can start about \$110,000 to 120,000 and can go up to \$170,000 to 180,000.00. Board Member Lombardi asked what about mail boxes. Mr. Cassacio stated there will be cluster boxes throughout the park.

Board Member Savini asked if there will be street parking. Mr. Cassacio stated every house has two (2) off street parking spaces. He stated if someone visits can park out front of the units. However, if you stay overnight you have to park in driveway. Board Member Lombardi asked how many cars can fit in driveway. Mr. Cassacio stated two (2) if they piggy back. He also added many of the resident's go to Florida and some of the individuals that stay use the others driveway in the winter time.

Board Member Savini asked what the average lot size is. Mr. Cassacio stated it is 50X105. He stated some are 100 x 97. Board Member Savini asked if there will be water and sewer. Mr. Cassacio stated yes. Board Member Savini asked what is the common area between this development and Mr. Brangan. Mr. Cassacio stated the majority is the basins, which most will be owned by him. He stated they will be maintained and upkept. He stated they will be landscaped and they are infiltrated. Attorney Nehmad stated the basins are not deep.

Board Member Savini asked what is the occupancy rate from phase I before moving into phase II. Mr. Cassacio stated he would like to be down to five (5) units before going into next. He stated it depends on how quickly the development occurs. He placed in 33 units a year within the Penn Lincoln, however, in Absecon he has only placed in three (3) within a nine (9) month period. Board Member Lombardi asked how many bedrooms in each unit. Mr. Cassacio stated there are two (2) to three (3) bedrooms.

Attorney Nehmad advised the applicant will address all engineering issues between now and the final. Board Engineer Doran stated the applicant, if the Board chooses, can receive preliminary approval. He stated the technical issues can be cleaned up between the preliminary and final approval. He did indicate, however, there are some difference between the basins within this development and the commercial. Engineer Schaeffer stated he will work with Mr. Brangan's engineer and have the storm water cleaned up and it will be in agreement between now and final.

Board Engineer Doran stated there is a blend of private and municipal streets. Engineer Schaeffer stated the paving and the structural details of the private streets will be the same as municipal streets. Attorney Nehmad stated the applicant will maintain 100% for structural issues. Board Engineer Doran asked if a street breaks up who will pave. Attorney Nehmad stated they will be maintained as they are in Oak Forest. He stated the applicant has overall maintenance. Board Engineer Doran stated he would like to see the cross sections of the municipal streets. Board Planner Johnston stated he agrees the variance relief is the nature of this area being zoned NB. He stated it is not good planning for the Township to change the zoning for a couple units. He stated that is why the variance relief is sought. He stated the applicant should comply with the comments within his report. He state he has no issues. Attorney Nehmad stated he would like to discuss the affordable housing issue with Board Solicitor Bergman between now and final.

Motion Lombardi/Amodeo to open public portion. Vote 7 Yes.

Jeff Dix, 6039 English Creek Avenue, Egg Harbor Township, sworn in: Mr. Dix asked what is the green area on Exhibit A2. Engineer Schaeffer stated it is reserved for a potential storm water basin. Mr. Dix stated the basin would then be connected to ditch on other side of English Creek Avenue. Engineer Schaeffer stated this would be correct. Mr. Dix stated this area has not had water since the 1980's and if you connected it would go to the old girl scout camp and then the driving range and a few homes. Engineer Schaeffer stated any water that leaves the site today has to less than after it is built. Mr. Dix stated it does not go down the road like it had. Engineer Schaeffer stated it will be less than what you see today in the storm.

Peter Miller, Township Administrator, Egg Harbor Township, sworn in: Administrator Miller stated on the horizontal datum it was indicated we have been flexible, however, that has not been the case and he would ask that new datum be supplied. Also, he stated he would like to lock in the road maintenance. He stated the Board should consider making a condition of the approval that the applicant maintain the r-o-w and establish an agreement with Township Committee to do so. He stated he wants to lock in a formal agreement to what their responsibility is.

Motion Lombardi/Epstein to close public portion. Vote 7 Yes

Attorney Nehmad stated he has no objection to Township Administrator Miller's first request. He stated he has no objection that it be included in the resolution that the private roads are referenced as being maintained by the developer. He stated however, if the applicant were proposing a normal subdivision there is no agreement between the applicant and Township. He stated the applicant will maintain to reasonable standards. Mr. Cassacio stated he will bring these roads up to municipal standards and not to private standards. Attorney Nehmad stated the streets are maintained better than municipal streets because of the fiscal demands. Board Engineer Doran asked what about maintenance in 20 years if street breaks up. Attorney Nehmad stated they will be maintained in perpetuity.

Administrator Miller stated the Township is allowing a private property owner to maintain a municipal r-o-w. He stated he wants something that spells out the developer acknowledges it is a municipal r-o-w and that the Township is conveying the responsibility to the developer to maintain, but the Township is not giving away the r-o-w. Attorney Nehmad stated this is fine and if the developer can obtain the property then the municipal r-o-w can be vacated.

Attorney Nehmad stated there is some urgency to the Board taking action on this application. He stated there is a desire to keep property within the sewer service area and the applicant we must show he has Preliminary Approval post haste. He stated it is important to maintain this as part of the sanitary sewer area otherwise each development can not given sewer (Clayton & Brangan).

Board Solicitor Bergman stated there is nothing to add and the Board can summarize through a vote.

Board Opinion(s):

- N. Lombardi:** stated she thinks the proposed is the highest and best use of property. Stated she believes there may be a parking problem. Advised the Homes are excellent and the property management will also be excellent.
- B. Epstein:** advised she agrees there may be a parking issue. Homes are nice and spruces up this area that is need of development. Likes the 55 and older proposal.
- C. Gunther:** excited it will not look as it has in the past and families will have a nice place to live that will be affordable.
- A. DiDonato:** indicated he has no problem with application. Proposal will make it nice.
- C. Martin:** advised she cannot wait until the construction starts.
- J. Amodeo:** stated this is a solid application and work went into it. The size of the variance relief seems minor because of a few lots. He stated appears 90% of property is in compliance.
- P. Savini:** stated he appreciates presentation. No problem with relief sought.
- Chairman Haines:** pleasure to have applicant present and will be in support of this application.

Board Solicitor Bergman stated the conditions of approval will include addressing the reports of the Board Professionals and an acknowledgment concerning the maintenance of the municipal r-o-w.

Motion DiDonato/Savini to grant requested checklist waivers. Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini

Motion Savini/DiDonato to grant requested design waivers. Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini

Motion DiDonato/Savini to grant requested variance relief. Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini

Motion DiDonato/Savini to grant conditional preliminary major site plan approval. Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini

Motion DiDonato/Savini to memorialize resolution granting requested checklist and design waivers, variance relief and conditional preliminary major site plan approval. Vote 7 Yes: Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini

MEMORIALIZATION OF RESOLUTION:

1. **V 03-13**
Hope and Comfort, a NJ Nonprofit Corporation

"A" Appeal
8701/5.04
170 Wharf Road

Motion Savini/Lombardi to memorialize resolution denying interpretation. Vote 7 Yes. Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini

Motion Amodeo/DiDonato to adjourn at 9:07 p.m. Vote 7 Yes. Amodeo, DiDonato, Epstein, Haines, Lombardi, Martin, Savini

Respectfully submitted by,

Theresa Wilbert, Secretary

