

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD**

**June 17, 2013**

**Solicitor:** Christopher Brown, Esq., (Teddy 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, (Vincent Polistina, P.P. in attendance)

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	Robert Levy, another engage.
John Carman, Township Committeeman, present	Mayor James J. McCullough, Jr., * See below
Milas Cook, Alt. #I, present	Peter Miller, Township Administrator, present
Charles Eykyn, present	Paul Rosenberg, another engage.
James Garth, Sr., Chairperson, present	MD Shamsuddin, Alt. #II, Arr. @ 7:10 p.m.
Frank Kearns, present	

**\*May the record reflect:** Township Committeeman, Joseph Cafero is in attendance for Mayor James J. McCullough.

**MINOR SUBDIVISION(S):**

<b>1. SD 01-13</b>	<b>Minor Subdivision</b>
<b>Scott &amp; Melanie Silver</b>	<b>7702/4 &amp; 5</b>
Zone: RA, 6.3 acres, septic/well, applicant proposing a lot line reconfiguration. Existing lot 4 contains an existing single-family dwelling and barn. Lot 5 contains an existing two (2) story dwelling with attached garage. A portion of lot 4 will be added to lot 5, which will include a deed restricted wooded area and access easement will be provided to lot 4. Driveway leading to dwelling on lot 5 encroaches on lot 4. CAFRA	175 & 177 Asbury Road Waiver of Time – <b>Not Granted</b>

**Checklist Waiver(s):**

- 1. Item #2: Scale of plan 1" = 50' ft.**
- 2. Item #3: Key map**
- 3. Item #5: Existing topography at one-foot intervals**
- 4. Item #17: Soil Borings**

Stephen Nehmad, Esq., introduced himself as attorney for the applicant, whom are seeking approval for a simple lot-line adjustment.

William McManus, P.L.S and P.P, East Revere Way, Galloway, New Jersey, New Jersey Licensed Engineer and Planner. Planner McManus stated originally lot 5 parcel was granted variance relief. He advised each lot had 150' ft. frontage on Asbury Avenue. He stated the applicant tis proposing to take property from lot four (4) and provide to lot (5). Planner McManus stated no improvements are proposed with subdivision.

Planner McManus stated the applicant proposed to take this area from lot (4) and prepare a conservation easement to preserve the woodlands. He also stated there will be a portion of an access easement for lot (5) that goes to lot (4). Board Planner Polistina asked if the applicant agrees with the reports submitted. Attorney Nehmad stated yes and

copies of easements will be submitted to the professional's for review. Board Engineer Watkins asked when the variance relief was granted had a driveway easement been given then. Attorney Nehmad advised when the Silver's sought variance relief no easement was proposed. He indicated the Zoning Board Solicitor, Matthew Doran looked for a turn around to be provided this was all that was discussed.

Township Administrator Miller stated on the plans submitted and approved to the Zoning Board it shows a driveway on lot 4. It also shows a separate driveway on lot 4 when the building permits were issued, however, this subdivision shows a driveway on lot 5 to gain access to lot 4. Planner McManus stated the Silver's kept the driveway to lot 4 on lot 5. This was to save them from cutting down trees and extending the driveway. He advised they own both parcels.

Township Administrator Miller stated the driveway was changed and no one came back for approval. Now the applicant is asking for forgiveness. Attorney Nehmad stated there is nothing in the ordinance that regulates you cannot branch off an existing driveway.

Scott Silver, applicant duly sworn, Mr. Silver stated he and his wife own both parcels. He advised he constructed new home on lot 5 and have been living in it for about 2 ½ years. He stated they purchased both parcels in 1993. He stated he and his wife are concerned about the woods. He stated the adjustment of the lot line is to allow them as much woods as they can possible have. He advised they have kept tress in the front of their home, but removed the undergrowth. He stated they had decided to branch off the driveway to keep the woods.

Mr. Silver also advised there has always been access to the rear of the parcel in order to get to the barn. He stated there have been large delivery trucks that have went down this driveway and they never had a problem. Township Administrator Miller asked Mr. Silver if they sell lot 5 the easement is to protect you from your neighbor's. Mr. Silver stated yes.

Board Member Levy asked if any deeds had easement for the two (2) parcels. Attorney Nehmad stated no, however, once this is approved will prepare a deed of easement and submit to the professional's for their review and approval before it is recorded.

Board Engineer Watkins stated he has no issues with the waivers being sought by the applicant. Township Administrator Miller stated he has an issue with the driveway easement. Also, he noted the Township measures the setback from the easement lot so it may limit the ability for lot 4 to construct in the future. Attorney Nehmad advised he believes his client has the right for the driveway, as a matter of right.

Board Member Eykyn asked if the time of sale will the deed clearly advise the setbacks. Attorney Nehmad stated the easement will have that the Silver's will maintain the access. He advised it will be of record and when the Title Report is prepared it will be shown on it. Board Member Eykyn asked if the new owner of lot 5 can have their own driveway. Attorney Nehmad stated they can do whatever they want. They could propose a new one, however, they can use the access that is existing to the home currently. Attorney Nehmad stated he will make sure cross access easements are referenced between the two parcels.

**Motion Carman/Rosenberg to grant requested checklist waiver(s). Vote 9 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Cafero, Miller, Rosenberg, Garth

**Motion Eykyn/Cafero to grant conditional minor subdivision approval. Vote 8 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Cafero, Rosenberg, Garth. **1 No:** Miller

**PUBLIC HEARING(S):**

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| <p><b>1. <u>SPPF 05-13</u></b><br/><b>Michael Eisele</b><br/>Zone: RCD, 3.8 acre site, sewer/water, site presently<br/>Has an existing 5,903 sq. ft. building being used as<br/>office space with 28 paved parking spaces with two (2) entrances from Fire Road. Applicant is proposing to<br/>renovate the existing 5,903 sq. ft. building, as well as, construct a new 10,000 sq. ft. warehouse building with<br/>an additional 29 paved parking spaces, for a total of 57 spaces. Other associated improvements include storm<br/>water basin, landscaping and signage. CAFRA</p> | <p><b>Preliminary/Final Major Site Plan</b><br/><b>2303/11</b><br/>3168 Fire Road<br/>Waiver of Time – <b>Not Granted</b></p> |
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**May the record reflect:** this application did not move forward. It will be rescheduled for another date.

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| <p><b>2. <u>SPPF 09-13</u></b><br/><b>Hope &amp; Comfort a NJ Nonprofit Corporation</b><br/>Zone: CRW, 22.42 Acres, septic/well, applicant<br/>Proposes to construct a 9,331 sq. ft. building to be utilized<br/>as a 15 bed hospice facility with 18 off-street parking spaces. Other improvements include a storm water<br/>management facility, landscaping and a free standing sign. CAFRA</p> | <p><b>Preliminary/Final Major Site Plan</b><br/><b>8701/5.04</b><br/>170 Wharf Road<br/>Waiver of Time – <b>Not Granted</b></p> |
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Charles Gemmel, Esq., advised there is a question concerning a 250' ft. buffer he stated at this point he is not sure what the solution will be however, he would like to continue this hearing with the expectation that the applicant will be dealing with the Board Professional's in determining why it was imposed and if we can ask for a modification.

Board Member Watkins stated the CAFRA map shows, but the subdivision plan does not. He indicated the minor subdivision created this parcel was approved in 2005. He stated for some reason the 250' ft. limit of disturbance is not shown on the subdivision plat that was filed.

**Motion Aponte/Cafero to reschedule application for Monday, July 15, 2013, 5:30 p.m., no new noticing required**

**Vote 9 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Cafero, Miller, Rosenberg Garth

**MEMORIALIZATION OF RESOLUTION(S):**

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| <p><b>1. <u>SP 14-12 - (Amended)</u></b><br/><b>JESC Holdings, LLC</b></p> | <p><b>Amended Prel./Final Major Site Plan</b><br/><b>5510/1, 4, &amp; 5</b><br/>3393 Bargaintown Road</p> |
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**Motion Carman/Rosenberg to memorialize resolution granting amended conditional preliminary and final major site plan approval. Vote 9 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Miller, Rosenberg, Shamsuddin, Garth

**SUMMARY MATTER(S):**

**Discussions of matters pertaining to the Board:**

**SECTION I: a. General public discussion**

Township Administrator Miller stated the Planning Board may have to have a special meeting in July, 2013. He indicated the Zoning Board granted use variance for a 92 unit mobile home park and coinciding with this was a shopping center proposed for the intersection of Ocean Heights and English Creek Avenue. He stated it was the Zoning Board Solicitor's

opinion that the Zoning Board would retain jurisdiction, however, a shopping center is a permitted use.

Township Administrator Miller stated the DEP has advised that since nothing has been done in the last several years they are not protected by the sewer service area. However, the proposal and the existing use have never been abandoned.

Board Planner Polistina stated the waste water management plan is in the process of being adopted. He stated if these applicants cannot move forward they will be removed from the sewer service area. He stated he would like to protect the Township in allowing for this commercial project. Township Administrator Miller stated he is not sure if the Township can ask for the 20% requirement for low to moderate income housing. He stated he must speak with the COAH attorney concerning this. Board Planner Polistina stated the applicants need preliminary approval in order to be kept in the sewer service area.

**Motion Carman/Aponte to adjourn at 6:17 P.M. Vote 9 Yes:** Aponte, Carman, Cook, Eykyn, Levy, Cafero, Miller, Rosenberg Garth

Respectfully submitted by,

Theresa Wilbert, Secretary