

**CITY OF EGG HARBOR
PLANNING BOARD MINUTES
March 6, 2012
SPECIAL MEETING**

A Special meeting of the Egg Harbor City Planning Board was held March 6, 2012 at 7:15 with Vice Chairman Richard Colby presiding. Members in attendance were City Official Chester Breder, Regular Members Dennis McKenna, Miriam Mueller and Alternate #2 Jack Peterson. Also present was Solicitor Michael Coluzzi, City Planner Tim Michel, and Conflict Engineer Joseph Maffei. (Not present due to conflicts of interest were Chairman Gary Mueller, Mayor Kuehner and Council President Edward Dennis.

Roll Call: Mr. Breder yes, Mr. Dennis not present, Mrs. Mueller yes, Mr. McKenna yes, Mayor Kuehner not present, Mr. Camillo not present, Mr. Peterson yes, Mr. Mueller not present, Mr. Colby yes, Mr. Coluzzi yes, Mr. Michel yes, Mr. Maffei yes and Secretary Donna Heffley yes.

The Vice Chairman called the meeting to order and made the following announcement.

This meeting was advertised pursuant to the NJ Open Public Meetings Act, N.J.S.A. 10:4-6seq. Notices were sent to official publications for the Planning Board; the Press of Atlantic City, the Egg Harbor News and the Atlantic Current. A copy of the notice was posted on the bulletin board of the Egg Harbor City Municipal Building.

The Chairman directed the Secretary to enter this public announcement into the minutes.

Approval of Minutes:

Upon motion made by Mr. Peterson, seconded by Mrs. Mueller and carried the January 17, 2012 meeting minutes were approved.

Upon motion made by Mrs. Mueller, seconded by Mr. Peterson and carried the February 21, 2012 meeting minutes were approved.

Approval of Resolutions:

Upon motion made by Mr. Breder, seconded by Mr. Peterson and carried Resolutions #1-6 and Resolution #7 of 2012 were approved.

New Business

12-01PB

Egg Harbor City

500 London Avenue

Egg Harbor City, NJ 08215

Egg Harbor North Redevelopment Area

Subdivision Approval Preliminary and final

Fred Scerni serves as Redevelopment Council for the City of Egg Harbor City. Mr. Scerni began his overview with the adoption of the Egg Harbor North Redevelopment Plan dated December 19, 2009 noting tonight's Application was brought pursuant to that plan. Mr. Scerni discussed the selection process for a Redeveloper. On May 27, 2010 Haber Associates LLC was designated as the Redeveloper. This was followed by a negotiation between the City and Mr. Haber which resulted in an agreement of sale to sell a portion of the Redevelopment Area to Haber and Associates. That particular portion would result in the creation of about 100 residential single family building lots. On April 14, 2011 a Redeveloper's Agreement between City Council, Mayor Kuehner and Haber Associates LLC was authorized and signed. On January 8, 2012 there was an amendment to the Redevelopment Plan. Discussions took place between the parties for the City to remain in the approval process then transferring the property to the Redeveloper with the approvals already in place. Through this process the City has been the Applicant before the Pinelands Commission and it's a natural extension to have the City continue through with the remainder of the approval process. The agreement made on January 8, 2012 is a document which authorizes the City to move forward and work out the financial relationship between the parties. Mr. Scerni discussed the agreement between the City and Haber Associates.

Mr. Scerni discussed the details of the application and has provided hard copies of the exhibits to the Secretary as plans were viewed on a screen for meeting purposes.

Anthony Cavallo the Engineer for this application and Brad Haber were sworn in by Mr. Coluzzi.

Mr. Cavallo stated his professional affiliation to the Board and Professionals. Mr. Coluzzi asked for a consent vote accepting Mr. Cavallo as an expert witness for this application.

Upon motion made by Mr. Peterson, seconded by Mrs. Mueller and carried.

Mr. Scerni asked Mr. Cavallo to explain his involvement with this application. Mr. Cavallo began his presentation referring to the following exhibits:

Exhibit A- 1, outlined the over all location of the Redevelopment area Egg Harbor North.

Exhibit A-2, showed City preparation for the Redevelopment Agreement outlining potential lots and basins.

Exhibits B1-6, gave an overview of the major subdivision plan that will be filed with the County. This configuration was approved by the Pinelands Commission. Mr. Cavallo described areas of the subdivision pointing out typical lots in a grid pattern and the deed restricted area where a storm basin will be located and no subdivision will take place.

Exhibit B-7 was the Phasing Plan describing the schedule of improvements, settlement and the change of hands of the property from the City to Haber Associates.

Exhibit C – F showed different portions of the project concerning over all grading issues. Mr. Haber asked the Board for approval to grade block by block grading individual lots to preserve trees and natural growth and avoid excess cutting.

Tim Michel will review this in his report.

Mr. Scerni noted the Applicant would like a condition in the D + R (Decision and Resolution) approval for this individual vegetation plan.

Exhibit G showed the typical lot layout and landscaping detail sheet.

Mr. Breder expressed his concerns with grading of individual lots and street cutting and protecting existing properties.

Mr. Colby expressed his concerns about run off, grading and basins.

Mr. Cavallo discussed run off, grading and noted there will be 5 basins and only fencing around the pump station. Additional Fencing can be discussed.

Mr. Michel Professional Licensed Planner for the City reviewed the exhibits that Mr. Cavallo provided on the screen.

Mr. Michel did an over view of this project and the process that led to this application presented by the City.

Mr. Michel explained various details involved in the Pinelands Review of this subdivision area such as; wetlands and wetland buffers, requirement for review of endangering species, requirement for cultural resources survey, requirement for civil engineering plans showing clearing and disturbance of vegetation, storm water management and future development. Mr. Michel noted a full blown traffic analysis was not required by pinelands. Mr. Michel also pointed out the wet land buffers and deed restricted areas.

Mr. Michel noted permit applications have been submitted to the State for water and sewer extensions. A requirement for Atlantic County Planning Board submission review and approval which will take place after approval by the Egg Harbor City Planning Board, and finally Atlantic County Soil Erosion Sediment Control Plan requirements would have to be met.

Mr. Michel reviewed his report dated February 16, 2012

The Subdivision will create 101 lots, of which 98 will be for new single family dwellings. There is one isolated free standing lot (Block 224, Lot 2.02 that was included in the pinelands review and does not require subdivision making the total number of new homes considered here as 99. The development is located in the Pinelands Town of Egg Harbor City and will be served by new public water and sewer that is included in the plans submitted for review. The proposed development is consistent with the Egg Harbor City Master Plan adopted May 18, 2010 and is also consistent with the Redevelopment Plan for the Egg Harbor North Rehabilitation Area as amended.

Mr. Michel discussed lot sizes, building limit controls, restricted areas, recreation areas, recycling plan, calculations of number of new residents.

Mr. Michel reviewed sidewalks, street signs, storm water management and waste management. He also discussed other requirement of the Redevelopment plan for the Egg Harbor North Rehabilitation Area including landscaping, fencing around basins, sign requirements and approvals that will be needed, architectural controls.

Mr. Michel reviewed design standards which were created to preserve and enhance the traditional street pattern in Egg Harbor City.

Mr. Michel reviewed Other Requirements in his report that must be addressed by the Applicant.

Mr. Michel discussed Humbold Street which will require a street vacation and indicated that Block 189, lot 7.01 must be consolidated with lot 7 to avoid creation of an under sized lot.

Mr. Michel reviewed fences and noted that no fences are proposed at this time around storm water basins. Mr. Michel noted this condition should be referred to City Council for further consideration.

Mr. Michel discussed two of the proposed lots that do not have terraces along the rear property lines. The parcels are in Block 183, Lots 1.01 and 1.02. Half of the Terrace was vacated and consolidated with Block 183, Lot 11.02. If the City is successful in arranging an easement or dedication from the current private owner the Terrace may be extended through the entire Block. Mr. Michel wanted this to be considered as a condition of approval.

Mr. Michel reviewed site plan modifications, waivers and variances page 9 of his report that will be required by the Applicant.

Mr. Breder expressed his concerns about narrow street widths in this development and access for emergency vehicles.

Mr. Colby questioned location of fire hydrants. Mr. Cavallo stated fire hydrants will be located in the terraces.

Mr. Michel reviewed the architectural Controls dated April 2011. These controls will be provided to all home buyers and builders and will be recorded with the title documents. Everyone will be bound to comply with these controls as a property owner. The Controls do not supersede the Zoning Ordinance or the Sub-Division/Land Development Ordinance of Egg Harbor City (the “Ordinance”) but specify additional design criteria for the development of the Project. Where the Ordinances and the Controls are in conflict and where variances or waivers have not been granted the Ordinances shall prevail. These controls pertain to the Projects and specifically Phase I which is to become known as the “Neighborhoods of Cedar Creek” The Architectural Controls create the setting the Redeveloper is trying to capture for this new community.

Mr. Joe Maffei the Conflict Engineer for this project reviewed the plans for technical compliance. Mr. Maffei did a brief review of his report dated February 9, 2012. Mr. Maffei noted he discussed all comments with Mr. Cavallo and he (Mr. Cavallo) has accepted all of these comments and has agreed to comply.

Mr. Colby questioned Mr. Maffei about drainage basins. Mr. Maffei noted there are 5 basins varying in depth. Mr. Maffei and Mr. Colby discussed fencing around these basins. The Applicant has no objections to Mr. Maffei's report.

Mr. Coluzzi asked if there were any questions or objections by the Applicant pertaining to the reports given by Mr. Michel. Mr. Scerni noted that they are in agreement with Mr. Michel's report.

Mr. Coluzzi submitted another exhibit (J) to the record which is a breakdown of lots to be subdivided.

Mr. Haber gave an overview of the homes to be built in the "Neighborhoods of Cedar Creek" project. The art of the project is to address the elevations. The community is intended to reflect the traditional neighborhood design in the pattern of the Great Villages of Southern New Jersey. There are five different model homes two of which are ranch style, one is a Cape Cod style and two are two story models. All of the homes will include full basements which will be habitable space. Homes range in size from 1750 to 2500 square feet and will be energy efficient.

Mr. Haber discussed clearing of properties, landscaping and the use of retaining walls to eliminate excess clearing. Clearing and Landscaping will be done on each individual lot according to the model home that is chosen.

Public Session

Upon Motion made by Mr. Peterson, seconded by Mr. McKenna and carried the public session of the meeting began.

Hal Lugerner
2018 Liverpool Avenue
Egg Harbor City, NJ 08215
Block 225 lot 1

Mr. Lugerner was sworn in by Mr. Coluzzi.

Mr. Lugerner has lived at the above address for 38 years. His concern is the developer plans to build two homes on a 120 foot lot which will alter the look of a neighbor that has maintained a spacious look for the past four decades. Mr. Lugerner requested that the developer build only one home on this lot instead of two.

Mr. Michel explained the use of undersized lots. Building two homes in this location is consistent with the Redevelopment Plan. The design standards note it is good to have lots of different sizes within the development.

Edgar Butler
2035 Liverpool Avenue
Egg Harbor City, NJ 08215
Block 184, Lot 20

Mr. Butler questioned why the neighborhood was not notified about the undersized lots and given the option to attend the Council meeting before the lots were approved.

Mr. Scerni noted that an ordinance was adopted in 2009 and proper procedures were followed.

Mr. Butler noted the smallest lot in this area is 120 feet (in frontage) and the majority of the lots are 160 feet or more. The decision to build two homes on a 120 foot lot will alter the way the neighborhood has looked for 40 years. Mr. Butler asked if the Board would consider building only one home on this lot.

Nick Rifice
2101 Liverpool Avenue
Egg Harbor City, NJ 08215
Block 183, Lot 11.02

Mr. Rifice was sworn in by Mr. Coluzzi.

Mr. Rifice purchased his property eight months ago and was not aware of upcoming development in his neighborhood. He requested that the subdivision of Lot 7 be postponed due to an issue with his property running through the terrace.

Mr. Michel addressed this issue and noted that this subdivision will not have an impact on his situation. Also that it is possible that his situation can be negotiated because the City has a desire for the terrace to be open and Mr. Rifice presently owns a shed that is located on City property.

Gina Wasik
1850 Liverpool Avenue
Egg Harbor city, NJ 08215

Mrs. Wassik was sworn in by Mr. Coluzzi.

Mrs. Wassik questioned why the City is spending money on this development instead of the builder.

Mr. Scerni noted the City is not spending money and explained the finances and the way this application is being handled. Mr. Haber plans on building 18 homes in the first year. Mr. Scerni noted there is a financial benefit to the Municipality when the land is sold to Mr. Haber.

Mr. Colby stated the City has an interest in increasing its population, increasing the prospect for good business, increasing the amount of property taxes; redevelopment is a benefit to everyone.

Mrs. Wassik asked who is paying for the storm drains.

Mr. Scerni noted storm drains are paid for by the Redeveloper.

Mrs. Wassik expressed her concerns about fencing around storm drains.

Mr. Coluzzi noted a condition of approval is that the Board would make a recommendation to Council that the issue of fencing around storm water basins be evaluated.

Mrs. Wassik asked how many acres are in the deed restricted area which she believes is eleven.

Mr. Cavallo noted it is 13 acres.

Mrs. Wassik brought in letters from Pinelands concerning streets stating that improvements were made without application to pinelands.

Mr. Michel addressed this issue referring to a letter from Pinelands dated 12-30-11. There were certain streets developed without approvals. They were developed with approvals for utility installation. Some of the streets were repaired with crushed asphalt to stabilize them, other streets were paved. Applications were submitted to pinelands and are in review.

Mrs. Wassik expressed her concerns about Kant Street and how it is a waste of tax payers money to widen the street again when its only going up two blocks and noted it is a speed way.

Mr. Cavallo explained any construction in the streets, basin, sanitary sewer; storm sewer that goes on from this time out the Redeveloper is responsible.

Thomas Grunwald
6196 White Oak Way
Mays Landing, NJ 08330

Mr. Grunwald questioned the five year tax abatement on the new homes.

Mr. Coluzzi noted this is not a Planning Board issue but an issue for City Council.

Mr. Scerni offered an explanation but any further questions would have to be referred to City Council. Mr. Scerni noted Council has had a 5 year tax abatement ordinance in effect for many years. The ordinance was amended to include single family

development. The tax abatement works on a graduated scale as follows the first year zero taxes are paid, the second year 20% is paid of what normally would be collected, third year increase, four year increase and by the fifth year one hundred percent of the taxes is paid. All money collected goes to the Municipality subject to a small percentage that goes to the County.

Mr. Grunwald noted this abatement will affect other home sales in Egg Harbor City.

Bernard Noble
2045 Liverpool Avenue
Egg Harbor City, NJ 08215

Mr. Noble was sworn in by the City Solicitor.

Mr. Noble expressed his concerns about undersized lots in the new development. Mr. Noble believes building two homes on a small lot will ruin the integrity of the whole block. All other home owners have 3 to 4 lots per house on that block.

Dan Haines
211 Buerger Street
Egg Harbor City, NJ 08215

Mr. Haines was sworn in by Mr. Coluzzi

Mr. Haines expressed his concerns about the Landing Creek Estate homes not being sold and that he believes this new development is a big risk for the City.

James Mercanto
2021 Philadelphia Avenue
Egg Harbor City, NJ 08215

Mr. Mercanto was sworn in by Mr. Coluzzi.

Mr. Mercanto had questions pertaining to future sidewalks on Keppler Avenue and asked if Residents will be notified.

Mr. Michel discussed sidewalks and noted sidewalks occur within the public right of way, and will not take away any of the Resident's property.

Mr. Mercanto expressed his concerns on living in the Gold Coast and having the privilege of larger lots but also being taxed for that privilege. Residents do not want to see two houses on a small lot.

Mrs. Lynn Roesch
1955 Liverpool Avenue
Egg Harbor City, NJ 08215

Mrs. Roesch was sworn in by Mr. Coluzzi.

Mrs. Roesch questioned lot sizes and what is permissible. Mrs. Roesch asked for the Planner or Engineer to explain the difference between a retention basin and a detention basin to residents for a better understanding.

Mr. Breder noted a retention basin is located by the pump station. After a heavy rain there will be water in it and a day or two later it will be dry. This is what is being proposed but on a larger scale.

Mr. Cavallo discussed basins and how Pinelands requires that these basins must drain in 72 hours.

Mr. Maffei also gave an explanation noting that more than one person will be checking these basins, if there is clay, engineers will have to dig down deeper because the water will not percolate through clay. This will be a condition placed on the application.

Mrs. Roesch noted the Board has heard the concerns of all of these people from the Gold Coast tonight concerning one small piece of the subdivision. Mrs. Roesch asked the Board to exclude the lot at the corner of Keppler and Liverpool from the subdivision because residents feel it would ruin the integrity of the neighborhood if it is divided into two lots.

Upon motion made by Mueller and seconded by Mr. McKenna and carried the public portion of the meeting ended.

Mr. Colby asked, before voting on preliminary and final site plan review, whether the Board could consider an amendment to withdraw the two 60 foot properties in question from the rest of the approval process.

Mr. Peterson began to make a motion to withdraw the two 60 foot properties from the approval process.

Mr. Michel stated the application has been filed with the Pinelands including those additional parcels. Mr. Michel explained this application can still be voted on tonight with a recommendation that City Council amend the parcels in question.

Mr. Colby and Mr. Coluzzi discussed the issue of holding the 2 parcels out of the approval. Mr. Coluzzi noted a recommendation is in the best interest of the Board to handle this situation. Mr. Colby responded that he felt obliged to accept the legal advice of the Board's solicitor, but noted that the solicitor's advice – that the Board did not have the authority to impose restrictions on the application – might be subject to challenge as a point of law in an appeal process.

Mr. Peterson amended his original motion , moving that Council consider a recommendation from the Planning Board to combine Block 225 lot 1 from a proposed subdivision of two lots of 60 feet frontage and combine it into one lot. This will be one of the conditions.

Motion to approve the application was made by Mr. Peterson, seconded by Mr. Breder
Roll Call: Mr. Breder yes, Mrs. Mueller yes, Mr. McKenna yes, Mr. Peterson yes, Mr.
Colby yes.

Mr. Haber noted that he understands the concerns of the residents living in the Gold Coast pertaining to the two corner lots and is confident that Council will reconsider their decision. Mr. Haber assured the Residents he will only build one house on that particular lot.

Public Comment: none

Other Business: none

Council Report: none

Mr. Coluzzi announced that Mr. Breder was leaving the meeting but the Board still has a quorum.

Adjournment:

Upon motion made by Mrs. Mueller, seconded by Mr. Peterson and carried the Meeting was adjourned

Respectfully Submitted
Donna Heffley/Planning Board Secretary

Minutes Approved by Egg Harbor City Planning Board

Richard Colby

Date