

EAGLESWOOD TOWNSHIP LAND USE BOARD
REGULAR MEETING
October 9, 2012

Swearing in New Member:

Sean Kinnevy was administered the Oath of Allegiance and Office by Russell P. Cherkos, Esquire, Land Use Board Attorney

Call to Order:

Chairperson, Paul Poklikuha called the meeting to order at 7:00 PM. Mr. Poklikuha led in the salute to the flag.

Roll Call:

Members present upon roll call were James Bartlett, Kenneth Holman, Sean Kinnevy, Michael Pasternak, Paul Poklikuha, Debra Rivas and Kate Thomas. Donald Haines, Edward Nickel and James Pine were absent. Also present were Russell P. Cherkos, Esq. Land Use Board Attorney and Frank J. Little, Jr., P.E. Land Use Board Engineer.

Statement of open public meetings act was read by Mr. Poklikuha.

Approval of the Minutes:

September 11, 2012 Regular Meeting

Kenneth Holman made a motion to approve the minutes with a minor correction. Second by Michael Pasternak. Roll call: Mr. Bartlett, yes, Mr. Holman, yes, Mr. Pasternak, yes, Mrs. Rivas, yes, Ms. Thomas, yes and Mr. Poklikuha, yes. Motion carried.

Memorializing Resolution 2012-12

Russ Cherkos summarized Resolution 2012-12 for the record.

Michael Pasternak made a motion to approve Resolution 2012-12. Second by Debra Rivas. Roll call: Mr. Holman, yes, Mr. Pasternak, yes, Mrs. Rivas, yes and Mr. Poklikuha, yes. Motion carried.

New Business:

Atlantic City Electric, Block 29 Lot 8, 457 Route 9, Application for Preliminary & Final Major Site Plan together with a Accessory building height Variance

Debra Rivas excused herself as she is a neighboring property owner.

Enid Hyberg, Esquire of Montgomery, McCracken, Walker & Rodes, introduced herself as the attorney for the applicant and described the nature of the application to the board. This application did appear before the Environmental Commission and received a letter supporting their request for a waiver of an Environmental Impact Statement submission. There will two (2) witnesses providing testimony for this application.

Frank Little summarized his review letter dated September 26, 2012 pointing out the variance for accessory building height as 24 FT is permitted and 29 FT is proposed. Other waiver requests included are for required curbing & sidewalks along Cox Crossing Road and Route 9 and Driveway and Parking area curbing surfacing and landscaping. Mr. Little does not have any issues with the grading and drainage on the site and does not feel the proposed accessory structure will have any impact. No new landscaping is proposed, the applicant should discuss any prior buffers since the 1990 approval.

Nicholas Salvatore of Atlantic City Electric was sworn in for testimony. Mr. Salvatore has been employed as a Senior Real Estate Representative for Atlantic City Electric for twenty five (25)

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years. Mr. Salvatore described the nature of the operations at the West Creek facility. This facility is responsible for new electric service to all customers residential and commercial and the maintenance and repair of existing lines. Bucket trucks will be stored under the new proposed structure. The operations at the site will remain the same and not be impacted by the new structure. There will not be more employees or vehicles at the site. The proposed accessory structure is for protection to the vehicles currently on site from inclement weather. Solid Waste on the site is collected by a private hauler. All the improvements required by prior approval were installed to the best of Mr. Salvatore's knowledge.

David Fleming of Birdsall Services Group was sworn in for testimony. Mr. Fleming has been employed with Birdsall Group for two and a half (2 1/2) years. Mr. Fleming has a Bachelor of Science in Civil Engineering and a Master of Science in Civil Engineering both from Drexel University. Mr. Fleming holds this license in the State of NJ. Mr. Fleming's credentials were accepted by the board chairman. A color rendering of the site plan was marked as Exhibit A-1. The existing accessory building is for parking and storage of vehicles. Mr. Fleming testified no codes have changed since prior approval. A small canopy area exists there is a need for a larger pole barn constructed structure to store the vehicles on site to keep them out of inclement weather. Atlantic City Electric is in the process of constructing these types of structures on all their sites such as Winslow Township. The proposed structure will replace the existing smaller structure and be 78 FT by 112 FT or 8736 square feet on story accessory pole barn building. The structure will include designation of 16 vehicle parking stalls and four (4) pole barn mounted LED illumination lighting fixtures or canopy lighting. Mr. Fleming testified the proposed structure will not have any impact on the existing stormwater runoff. The applicant does not propose to remove any trees; the development will be located on the existing developed portion of the site. Mr. Fleming testified the LED canopy lighting will only be activated when the employees are accessing the vehicles at night. The pole barn structure will be a pitched roof of 29 feet. The vehicles require 14 feet height clearance. The Zone permits an accessory structure to be 24 FT in height. Due to the architecture pitch of the roof for this type of structure, the clearance height and the pitch of the roof equal 29 FT and the height variance is then required. Mr. Fleming's opinion is the site will be aesthetically more pleasing by having the vehicles on site stored under this structure. There would be no detriment to the surrounding properties as the site is currently developed and sits back from Route 9, approximately 200 FT.

The applicant is requesting design and improvement waivers from the Ordinances that were typically created for a site that is not developed. This site is currently developed and the current operations will not change by adding the proposed structure. There will be no additional utility service requested nor ingress or egress from the adjoining streets for this proposed development. There is no site lighting proposed only under canopy lighting. The applicant is requesting a waiver from the required curbing and sidewalks. The only public that may access this building are employees. Customers do not visit this building to make payments. The applicant agrees to make any revisions necessary in regards to the technical revisions in the review letter and any input of the board members.

Paul Pokliuha asked if there were going to be any additional vehicles on site. Mr. Fleming testified this would be an improved storage cover for the vehicles existing on the site.

Kenneth Holman asked if this would be a canopy structure or a pole barn with sides to the structure. Mr. Fleming testified this is pole barn construction or a supported roof over the vehicles. There will be no doors or no occupied space. This structure will be only for storage of vehicles and provide better lighting to access the vehicles during inclement weather. Mr. Holman recalled seeing in the application a mention of storage and maintenance and wanted to know if they would be maintaining the vehicles in this structure on site. Mr. Fleming the proposed structure would be for storage of vehicles and equipment.

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Kate Thomas asked if the proposed building would be "open" as the testimony provided indicated it would be a column supported roof, it appears on the color rendering Exhibit A the gable ends are closed, no architectural drawings were provided. The Site Plan Building Section detail shows 28 gauge painted steel siding panels over the wood frame trusses. The proposed structure will be set back from Route 9 approximately 200 FT. There is some vegetation in that area to obstruct the public view from a car passing along Route 9. There will be no overhead doors. Ms. Thomas asked that the stormwater runoff to be recharged into the ground as it will be clean water runoff. Mr. Fleming testified if it is a requirement of the board it is achievable.

Mr. Cherkos asked if the peek roof measurement was taken from the mean or the peak. There was discussion on where the measurement was taken and where it should be taken.

Frank Little addressed the buffering on the site. The original site plan called for white pine plantings. Mr. Little's view of the site, it appears the white pines have been removed or died as they are non existent on the site and transformers are being stored along the fence giving the site a very unpleasing look. Mr. Little suggested some buffering to be installed from the entrance gate and west along Cox Crossing Road.

Mr. Salvatore testified that over the years the applicant has experienced theft at the site. The White Pine plantings provided screening to anyone that wanted to access the site by cutting the fence and stealing copper cable wire from the rear of the site. Mr. Little was referring to the portion of the site that faces Cox Crossing Road.

Sean Kinnevy agreed with Mr. Little that the transformers on the site should be relocated and not be an eyesore to the surrounding development. Mr. Kinnevy examined the site plan and survey and it appears the existing fence and stored transformers are located 5 - 10 FT in the right-of-way of Cox Crossing Road. Mr. Little concurred with Mr. Kinnevy. Mr. Kinnevy stated the fence and transformer storage would have to be removed to install the curbs and sidewalks as well.

The applicant does not want to encourage pedestrian traffic on this site by installing curbs and sidewalks.

Frank Little informed the applicant that the board has waived curbs and sidewalks along side streets but not along Route 9 as the board is very concerned about pedestrian safety along Route 9. In short term it may appear that there is sidewalk to nowhere however in long term it will all piece together.

Paul Poklikuha advised the applicant that nine (9) lots down (north) of the site is the Eagleswood Elementary School. The board is unfortunately anticipating courtesy bussing for students to be cut at some point in time. The side walks along this site would increase safety along Route 9 when and if this should happen.

Ms. Hyberg asked if there was an alternative to making a monetary donation in lieu of performing the work of installing the curbs and sidewalks. Mr. Cherkos informed Ms. Hyberg the curbs and sidewalks must be installed.

Kenneth Holman made a motion to open the meeting for public comment. Second by Kate Thomas. All ayes. Motion carried.

With no public interested in commenting on this application. Kenneth Holman made a motion to close the meeting for public comment. Second by Kate Thomas. All ayes. Motion carried.

Kenneth Holman made a motion to approve the application for Preliminary & Final Major Site Plan and height variance with the exception of the waiver requested for the curbing and sidewalk installation along Route 9. The applicant agrees the proposed structure will have enclosed sides meaning the shortest measurement would be considered the side. The applicant agrees to comply with the technical revisions in the Engineer review letter and to catch the runoff in recharge basins. The applicant has also agreed to provide additional plantings along Cox Crossing Road from the entrance gate and west. A waiver for curbs and sidewalks along Cox Crossing will be granted. Curbing and Sidewalks will be required along Route 9. Second by

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Michael Pasternak. Roll call: Mr. Bartlett, yes, Mr. Holman, yes, Mr. Kinnevy, yes, Mr. Pasternak, yes, Ms. Thomas, yes and Mr. Poklikuha, yes. Motion carried.

Correspondence:

Paul Poklikuha read the resignation letter from Board Secretary, Sherry Cummings to the board and for the record.

Adjournment:

Kenneth Holman made a motion to adjourn. Second by Kate Thomas. All ayes. Motion carried. The meeting was adjourned at 7:50 PM

Respectfully Submitted,

Sherry G. Cummings, Secretary,
Eagleswood Township Land Use Board