

**TOWNSHIP OF EAGLESWOOD**  
**LAND USE BOARD MEETING**  
 Minutes  
**June10, 2014**

**CALL TO ORDER**

The Eaglewood Township Land Use Board was called to order by Vice Chairman Jerry Holman at 07:00 p.m.

**FLAG SALUTE**

Mr. Holman led the Flag Salute

**ROLL CALL**

Those members present upon roll call were Mr. Bartlett, Mr. Holman, Mr. Kinnevy, Mr. Nickel, Mr. Pasternak, Mrs. Rivas, and Mrs. Sysol Also present were Terry Brady, Esquire. & Frank Little, Engineer Absent: Mr. Haines, Mr. Pine and Mr. Poklikuha

**STATEMENT ~ PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT**

"Provisions of the Open Public Meetings Act have been met. Notice of this meeting Resolution 2014-04, has been transmitted to the Asbury Park Press and the Times Beacon given to those having requested and paying for same, and posted on the Bulletin Board in the Municipal Building on January 14, 2014."

**APPROVAL OF MINUTES**

May 13, 2014

Land Use Board	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Mr. Bartlett (Alternate)					x		
Mr. Haines						x	
Mr. Holman					x		
Mr. Kinnevy			x				
Mr. Nickel		x	x				
Mr. Pasternak			x				
Mr. Pine						x	
Mrs. Rivas	x		x				
Mrs. Sysol			x				
Mr. Poklikuha						x	
<b>VOTE:</b>			5		2	3	

**RESOLUTION**

**2014-007**

**RESOLUTION NO. 2014-07**

**RESOLUTION OF EAGLESWOOD TOWNSHIP LAND USE BOARD  
APPROVING THE APPLICATION FOR AN AMENDED SITE PLAN**

**EAGLES NEST AIRPORT, APPLICANT  
APPLICATION NO. 2014-04  
BLOCK 34, LOTS 1, 2, 3, 3.01 &  
BLOCK 36, LOTS 13, 13.01, 16 THRU 22  
CEDAR LANE & OLD COUNTRY ROAD  
LIMITED BUSINESS/AIRPORT SAFETY OVERLAY ZONE**

**WHEREAS**, the applicant, Eagles Nest Airport, has applied to the Eagleswood Township Land Use Board for amended site plan approval to permit the extension of the airport runway in a westerly direction by 400ft with a corresponding shift of 400ft of airport runway on the easterly side of the same, regarding property known as Eagleswood Township Tax Map Block 34, Lots 1, 2, 3 & 3.01, and Block 36, Lots 13, 13.01 & 16 thru 22, and being located at Cedar Lane & Old County Road in the Limited Business/Airport Safety Overlay zone; and

**WHEREAS**, the Overall Taxiway Layout Plan was prepared by Michael Geller, PE, dated 1/14/2014; and

**WHEREAS**, the Eagleswood Township Land Use Board, after carefully considering the evidence presented by the applicant, and the report from its professional staff, hereby makes the following findings of fact:

1. The applicant has a proprietary interest in the property.
2. The applicant has requested approval in accordance with the Land Use Ordinances of the Township of Eagleswood and all record property owners located within 200 feet of the subject property were duly notified of the public hearing, and a notice summarizing the application was duly published, as required by law, in an official periodical of the Land Use Board.
3. The property is located at Cedar Lane & Old Country Road.
4. The applicant is requesting approval in accordance with the Zoning Ordinance of the Township of Eagleswood for the purpose of permitting the extension of the airport runway in a westerly direction by 400ft with a corresponding shift of 400ft of airport runway on the easterly side of the same.

5. Frank Little, P.E., of Owen, Little & Associates, the Board's engineer, prepared a report to the Board dated January 28, 2014.

The Board hereby adopts the findings in the report of its professional and incorporates the same in this Resolution by reference.

6. The applicant and its professionals testified that the proposed runway relocation does not require any variance from the Township Zoning Ordinances. The applicant has requested only an application submission waiver of an environmental impact statement. The applicant's proposal is in compliance with the area and neighborhood zoning, and that the granting of the site plan amendment would not be detrimental to the public good.

The Board concurs with these representations and so finds.

**WHEREAS**, the Land Use Board has determined that the applicant should be granted the requested amendment to the site plan and the waiver of the environmental impact statement submission requirement for the following reasons:

1. The granting of the application will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, Master Plan and/or the Zoning Ordinances and Master Plan of the Township of Eagleswood.

2. The Board has taken into consideration the comments of public present at the hearing.

3. **The safety and well-being of the immediate area will not be adversely affected by the granting of the application.**

4. No use variances or bulk variances are proposed or requested.

5. The waiver of the environmental impact statement submission requirement will not impair the ability of the Land Use Board to properly consider and evaluate the application.

**NOW THEREFORE BE IT RESOLVED**, by the Eagleswood Township Land Use Board that the Land Use Board hereby grants and approves the application as submitted, subject, however, to the following conditions being satisfied prior to the signing of the plan or issuance of a Zoning Permit:

1. **Revised plans will be submitted to reflect only the previously approved and presently approved site conditions (no parachute landing zone to be designated at this time).**

2. Complaint telephone quick contact information shall be maintained on the Airport website and on property signage for the Airport Owner's immediate availability.
3. All lots will be consolidated into a single lot in each affected tax map block by deed of consolidation.
4. Additional drainage facilities will be noted on the plans and be installed to account for any additional impervious lot coverage.
5. The applicant will provide camera monitoring of the site no later than December 31, 2014.

In addition, the following general conditions of approval apply:

1. Submission of an affidavit signed by the Eagleswood Township Tax Collector certifying payment of outstanding real estate taxes.

2. No building permit will be issued until the Land Use Board Secretary has confirmed that all professional fees have been paid in full. In the event a building permit is issued and there are outstanding Land Use Board professional fees, a stop work order will be filed against the applicant/contractor(s) and remain in effect until the fees have been paid.

3. In the event there is an *existing* violation, the applicant shall have thirty (30) days from the date the Notice of Decision is published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.

4. Within fourteen days of receipt of the approved resolution, the applicant must submit for publication a Notice of Decision to an approved newspaper of the Township of Eagleswood. Once the Notice is published, the applicant must submit the Affidavit of Publication issued by the newspaper, along with all other resolution items, to the Board office.

5. Approval of the following agencies and any other municipal, county, state, and/or federal agency having jurisdiction over said application, if not already obtained, and if required:

- a. Ocean County Planning Board;
- b. Eagleswood Township Municipal Water and Sewer Department;
- c. Ocean County Soil Conservation District;
- d. NJ Department of Environmental Protection;
- e. NJ Department of Transportation.

6. Applicant must assemble all executed conditions in a COMPLETE package and submit them along with the reproducible original to the Board office so the map can be signed and the Zoning Permit can be issued prior to an application for Building Permit being filed.

7. The applicant must obtain signed certifications from the Township Code Enforcement Officer certifying that the applicant has complied with all conditions of this Resolution of Approval.

8. Signing of the plan and issuance of a Zoning Permit will not take place until compliance with all conditions has been certified.

9. This approval will expire one year after the date of approval if a building permit is required or, if a building permit is not required, a certificate of occupancy, if required, has not been obtained.

10. It is incumbent upon the applicant/owner to prominently display the address number on the premises so that it is clearly identifiable and visible from the street.

**BE IT FURTHER RESOLVED**, the applicant's request for amended site plan approval, with an application submission waiver, as set forth more fully in the preamble of this Resolution, be and hereby is approved.

Land Use Board	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Mr. Bartlett (Alternate)					x		
Mr. Haines						x	
Mr. Holman					x		
Mr. Kinnevy	x		x				
Mr. Nickel		x	x				
Mr. Pasternak			x				
Mr. Pine						x	
Mrs. Rivas			x				
Mrs. Sysol			x				
Mr. Poklikuha						x	
<b>VOTE:</b>			5		2	3	

**OLD BUSINESS**

**NONE**

Mr. Bartlett excused himself due to his residence being within the 200 feet radius of the application.

**NEW BUSINESS**

**Application 2014-005- Eagles Nest Airport - Block 34 Lots 1,2,3 & 3.01 and Block 36 Lots 13,13.01,16-22 Skydiving-Amended Site Plan**

Chairman Holman introduced Attorney Howard Butensky and gave him the floor.

Mr. Butensky stated he is the Attorney for the Co-Applicant Skydive East Coast and Eagles Nest Airport. Tonight's application is a continuation of a partially heard application for the jump facility at the airport. The Use is permitted however it does require site plan approval. So they are here this evening to seek that approval. We have present this evening two possibly three witness, Michael Geller, George Voishnis and on an as needed basis Mr. Weidhorn.

At this time Chairman Holman requested that the Township Engineer report Frank Little to give his findings on this application. Mr. Little stated he would summarize his findings. The applicant is seeking to amend prior site plan to establish parachuting and skydiving at the airport. No new construction is proposed. The actual landing zone location should be addressed by the applicant.

Attorney Terry Brady stated there are two application number 2014-002 and now 2014-005. Mr. Butensky stated the intent was to piggyback on application 2014-002, he is asking that we use both numbers so there is no gap but the intent is to work with the first application. The testimony from the first hearing would carry over to this application. The purpose of the new application was to make it clear to what the applicant is requesting. The applicant's original request for interpretation shall be considered moot and withdrawn due to the applicants agreement that the subject additional operations and use of land require site plan approval.

At this time the Witnesses for the applicant were asked to step forward so they could be sworn in. Mr. Weidhorn, Mr. Geller and Mr. Voishnis were all sworn in.

Attorney Butensky requested that George Voishnis come to the microphone and give a brief overview of the skydiving operation. Mr. Voishnis stated people show up they watch a 10-15 minute video they have a discussion they sign waivers showing that are excepting these risks, they have a small training session with them on how its going to work, they take them up in the airplane, they exit the airplane they fall for approximately one mile we open the chute we fall for the second mile and we land that day within our landing zone. The entire operation takes about a half hour to forty five minutes. The traffic would be approximately four (4) cars an hour. There are two bathrooms (ADA) on site. Mr. Geller indicated on the plan where the restrooms are

located. Hanger (two) 2 is dedicated for the skydiving; one hanger is used for the operations/ processing of the customers and the other hanger is for packing of the chutes and storage of the airplane. Two instructors, two jumpers and one Pilot are on the plane. There are approximate two ground people, a total of 4 to 5 cars tops added to the operation.

Mr. Weidhorn has agreed to submit a formal written description of Operations incorporating the sky dive use and detailing all other approved operations on the site.

If at anytime the basin should contain water, the applicant agrees that operations will cease and will not resume operations until the basin is empty.

Mr. Brady has requested a written verification from the NJ Department of Transportation be provided indicating what the actual size of the drop zone shall be. It was also noted that the center of the zone shall be marked by a highly visible center marker.

It was also stated that the Sky Dive Operation shall be limited to 9am to sunset on weekdays, Saturdays 8am to sunset and this shall also include holidays. Sunday hours of operation shall be 9am to sunset. There will be no tandem sky diving at night.

After some board discussion it was recommended that the applicant shall arrange for a private garbage hauler if the applicant plans to use more than six (6) garbage cans/bags as permitted by the Township Ordinance.

The applicants has also agreed that every effort to minimize the noise from the airplane skydive use to help minimize the disturbance to area residents.

And lastly it was agreed that the applicant will provide written certified mail notice to the Mayor and the Township Committee of Eagleswood and to the Land Use Board regarding a renewal of any and all permits for the sky dive operations issued by the Federal Aviation Administration and/or the New Jersey Department of Transportation.

At this time a motion was made to open this part of the meeting to the public.

Mr. Nickel made a motion and seconded by Mrs. Sysol all in favor.

Michelle Paccione-Laurel Hill Lane

Mrs. Paccione requested to give into evidence Exhibit 1, Exhibit 2 and Exhibit 3- Each exhibit is a picture depicting sky dive operations. Mrs. Paccione stated her concerns regarding the Sky dive operations.

Attorney Terry Brady stated that Ms. Paccione can't not speak on things that she herself has not witnessed, this is considered hearsay and is not permissible.

Chairman Holman stated that tonight's meeting is about the site plan for the purpose of placing a drop zone on the site plan map. It has already been determined that sky diving is a permitted use at the airport.

Susan Ricciardi- Rosa Swamp Road

Mrs. Ricciardi stated she has lived here for 20 years and because of the operations at the airport she has to leave her house on Saturday and Sunday because the noise is so bad. Between the Banner planes and the sky dive operations it has gotten so bad that she would like to sell her home.

Jerry -Driftwood Drive, Little Egg Harbor

He is an aviation enthusiast; he is in support of the Airport. He loves the Airport. He totally agrees you can't please everyone all the time.

Michelle Paccione-Laurel Hill

Does the board have to approve this drop zone; can the board turn this down?

Chairman Holman stated yes the board can turn down the drop zone; the board can't just say "No" There has to be just cause to turn down the drop zone and than the applicant has the right to go Superior Court for an appeal.



Seeing there is no one else wishing to speak from the public, a motion to close this portion of the meeting was needed. Mr. Pasternak made a motion to close, seconded by Debra Rivas unanimously carried.

Board Member Mr. Kinnevy would like to see that the lots have been consolidated he would also recommend that we keep the previous condition that a private hauler for trash be left on the site plan. Mr. Butensky indicated that the lots have all been consolidated as previously recommended. Mr. Weidhorn is open to working with the Township regarding the hauler, if trash volume increases he will look into hiring a hauler.

At this time Attorney Mr. Howard Butensky asked if may recall Mr. Voishnis to comment on things that were said.

Mr. Voishnis stated that one parachute did land next to the run way, there was no one in it; it was a cut away by our packer there was an emergency in the air, the jumper landed safely in the sandpit his parachute landed next to the parkway, the jumper landed safely and in control, he landed with his reserve chute. Mr. Voishnis stated that there are solo jumpers, all solo jumpers are licensed. We do not take pleasure on upsetting the residents who reside near the airport. We are trying to be a good neighbor.

At this time Dave Pancove was sworn in to testify.

Mr. Pancove is the Chief Pilot of East Coast Sky Dive. He stated they are doing the best to try to abate the noise. Safety is the number one priority of their operation.

Seeing there was nothing else Chairman Holman asked to hear discussion from the board.

If the board should so desire, Mr. Brady will draft a Resolution including all of the recommendations that the board has requested.

Chairman Holman asked for a motion to approve Attorney Brady to draft a Resolution approving

the Amended Site Plan to include a drop zone with the conditions that the board has requested.

Land Use Board	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Mr. Bartlett (Alternate)							x
Mr. Haines						x	
Mr. Holman			x				
Mr. Kinnevy	x		x				
Mr. Nickel		x	x				
Mr. Pasternak			x				
Mr. Pine						x	
Mrs. Rivas			x				
Mrs. Sysol			x				
Mr. Poklikuha						x	
<b>VOTE:</b>			<b>6</b>			<b>3</b>	<b>1</b>

At this time Mr. Bartlett returned to the board 08:45 p.m.

Mr. Weidhorn reminded everyone that there will be an Open House at the Airport on Saturday June 21st; he hopes that everyone will attend.

The board had a brief discussion regarding the property located on 382 Rt. 9. There was discussion regarding the fence, it appears that there was no fence permit issued. The Township Zoning Officer will be handling.

**CORRESPONDENCE**

None.

**BOARD DISCUSSION**

None

**ADJOURNMENT**

Mr. Pasternak made a motion to adjourn, Second by Ms. Sysol All Ayes. Motion carried. The meeting was adjourned at 08:50 P.M.

Respectfully submitted,

Lisa H. Hand  
Eagleswood Township Land Use Board