

LITTLE EGG HARBOR TOWNSHIP PLANNING BOARD

**665 Radio Road
Little Egg Harbor, NJ 08087**

Minutes of Meeting Held On March 7, 2024

Regular Meeting, Thursday, March 7, 2024, 7:00 p.m., Municipal Court Room, 1st Floor, 665 Radio Road, Little Egg Harbor, New Jersey.

1. READING OF THE OPEN PUBLIC MEETING STATEMENT

2. SALUTE TO THE FLAG.

3. ROLL CALL

Chairman George Garbaravage, Vice-Chairman Ed Andrew, Mayor Blaise Scibetta, Deputy Mayor Dan Maxwell, Joshua Coates, Kathy Tucker, Ryan Vaux
Absent: Matthew Benn

APPEARING FOR THE PROFESSIONALS:

Terry Brady, Esq., of Brady & Kunz, Planning Board Attorney
James Oris, PE, PP, CME, CPWM of Remington & Vernick, Planning Board Engineer
Scott Taylor, of Taylor Design Group, Planning Board Landscape Architect

4. ANNOUNCEMENTS

None

5. APPROVAL OF MINUTES

On a motion by Mr. Andrew, seconded by Ms. Tucker, the minutes of the February 1, 2024 Planning Board meeting were moved for approval. Roll Call:

Tucker – Yes Coates – Yes Vaux – Yes Maxwell – Abstain
Scibetta – Yes Andrew – Yes Garbaravage - Yes

6. MATTERS OF DISCUSSION

None

7. MEMORIALIZATION OF RESOLUTIONS

A. Resolutions 2024-01 to 2024-06 – Appointment to the Board

On a motion by Mr. Andrew, seconded by Ms. Tucker, Resolutions 2024-01 through 2024-06 were moved for approval. Roll Call:

Tucker – Yes Coates – Yes Vaux – Yes Maxwell – Abstain
Scibetta – Yes Andrew – Yes Garbaravage - Yes

- B. Resolution 2024-08
CJD Enterprises, LLC – Application #2023-13
Route 539
Block 192, Lots 1 & 14

On a motion by Mr. Andrew, seconded by Ms. Tucker, Resolution #2024-08 were moved for approval. Roll Call:

Tucker – Yes	Coates – Yes	Vaux – Yes	Maxwell – Abstain
Scibetta – Yes	Andrew – Yes	Garbaravage - Yes	

8. APPLICATIONS FOR CONSIDERATION

- A. Application #2023-04A
Carl Tortora
52 & 54 Kansas Road
Block 326.215, Lots 30 & 31
Extension of Minor Subdivision Approval

James Raban, Esquire for the applicant, who provided a summary of the prior application and testimony and reason for the extension. Sworn in applicant, Carl Tortora. Mr. Raban explained that it took quite some time for the applicant to obtain approval for one lot by the DEP, and is working with the DEP on approval for the second lot. The applicant provided a copy of his contract with a bulk heading company and a deposit has been given. Mr. Andrew stated that the board previously required to stabilize the site with hay bales until the bulkhead is complete and asked why this has not been completed. Mr. Tortora replied that the neighbors asked him not to place the hay bales, but to allow the site to grow back naturally to allow for some stabilization. The water and sewer line has been installed.

On a motion by Mr. Andrew, seconded by Ms. Tucker, the application was opened to the public. All aye. There being no public wishing to comment, on a motion by Mr. Andrew, seconded by Ms. Tucker, the application was closed to the public. All aye.

There being no other testimony or questions, on a motion by Mr. Andrew, seconded by Ms. Tucker, application #2023-04A was approved. Roll Call:

Tucker – Yes	Coates – Yes	Vaux – Yes
Scibetta – Yes	Andrew – Yes	Garbaravage - Yes

- B. Application #2023-10A
Chindo Enterprises, LLC
Route 539 & Frog Pond Road
Block 194, Lot 10
Preliminary & Final Site Plan Approval & Minor Subdivision

Tenant Magee, Esquire for the applicant. Applicant is seeking preliminary and final site plan approval for the construction of a 17,100 sq. ft. restaurant and banquet facility with porch / outside dining, a storage building and 140 parking spaces, which is a permitted use in the zone. Applicant is also seeking a minor subdivision of three lots. Sworn in Frank Little, who provided his background. Marked as Exhibits were color renderings of the plans previously submitted to the board. Referring to Mr. Oris' letter dated February 13, 2024, the applicant will comply with all review comments under D(1) as to the minor subdivision. The subdivision is 100% conforming and there is no proposed development on the two new vacant lots at this time. As to the site plan approval, a CAFRA permit has been submitted. Applicant will comply with the 50 foot buffer requirement of the Scenic Gateway Overlay Zone. All drainage basins are in compliance with DEP regulations. Referring to Mr. Taylor's letter dated February 17, 2024, the applicant will change the fence height from six feet to eight feet in height in the employee parking area, which would cause a variance. Applicant is seeking a waiver for the trash enclosure, but Mr. Taylor would prefer to keep the required concrete enclosure. Applicant is seeking variances for the proposed signage on both Route 539 and Frog Pond Road. Applicant will need approval from the county as to Route 539. Mr. Taylor discussed the proposed landscaping plan and suggested that trash pick-up be limited to 7:00am to 7:00 pm. Mr. Oris discussed the grading and drainage and it was agreed that no fencing will be required around the swales, and a four foot, post and rail fence with wire mesh will be installed around the basins. All rear lighting will be shielded and will reduced to lower levels after hours. During construction, applicant agreed that hours of construction operation would be 7:00 am to 6:00 pm, Monday through Friday. Hours of operation and the Township's Ordinance was discussed. Mr. Magee stated that the applicant would comply with ABC regulations with regard to noise. Mr. Oris advised that the Township's Noise Ordinance was amended in 2023 (2023-35). The applicant did have a traffic study completed, siting their peak hours of operation would be between 5:00 pm and 7:00 pm. There will be a right turn only lane to access Route 539. Any left hand turns would have to exit through Frog Pond Road to the traffic light on Route 539. Mr. Coates suggested that during construction, all construction equipment and vehicles be required to be on site, not on the road. Mr. Scibetta asked if deliveries can be required to use a certain access point. A no right turn onto Frog Pond Road for delivery trucks was discussed. Sworn in applicant's architect, Edward Gorleski. Applicant is proposing a one-story, white building with a green metal roof with three main spaces inside (bar, banquet facility and kitchen/mechanical). The applicant is also proposing a 24x30 detached storage building with one man door, one garage door and two windows.

On a motion by Mr. Scibetta, seconded by Mr. Andrew, the application was opened to the public. All aye.

Jamie Lynn Lezzie (sworn in) – Ms. Lezzie asked what is the largest possible event that could be accommodated, which will be 220 guests. She feels the new restaurant is an asset to the township, by bringing a tax revenue and jobs.

Arnold Behrman (sworn in) – Mr. Behrman asked that the applicant be rejected based on noise, smell from the dumpster, deliveries, traffic and lights.

Bob Moran (sworn in) – The proposed project is 75-80 from Mr. Moran's bedroom and has concerns with traffic and noise.

Elizabeth Moritz (sworn in) – Ms. Moritz asked why the building location was chosen and why it could not be placed further from the residences. She also had concerns with overflow parking along Frog Pond Road.

Joyce May (sworn in) – Ms. May read her pre-written statement setting forth her concerns with wildlife, the eco-system, smell, noise, being too evasive for the site, and conflict of use with adjacent residences and requested the application be denied.

Vincent Conelli (sworn in) - Mr. Conelli has concerns with the traffic that will be generated through the Sea Oaks community and asked the board to think about their decision.

Richard Dutton (sworn in) - Mr. Dutton read his pre-written statement expressing his concerns with traffic, hours of operation, the proposed use is a bad fit for the site, hours for deliveries and dumpster smell.

Anthony Caiazzo (sworn in) – Mr. Caiazzo asked if the site would be in violation of the drug free school zone regulations. Mr. Oris stated that it is not.

Kurtis Morante (sworn in) – Mr. Morante has concerns with the traffic and speeding and feels it's not a good fit between two schools.

Michael Coogan (sworn in) – Mr. Coogan has concerns with the traffic going through the Sea Oaks community.

Cynthia Varamo (sworn in) – Ms. Varamo has concerns with clearing of so many trees and stormwater runoff to the surrounding area. Mr. Oris stated that the applicant is in compliance with the local and state stormwater management regulations.

Michael Smith (sworn in) – Mr. Smith has concerns with drunk drivers and traffic.

Arnold Behrman (sworn in) – Mr. Behrman asked if the site has been cleared of the Northern Pine Snake. Mr. Little stated that an Environmental Impact Study was completed. He also stated that the site is not in the Pinelands.

Rose May (sworn in) – Ms. May stated that her grandchildren will not be able to play outside due to the garbage smell. She asked the board to take everyone's concerns and not approve the application.

Lorraine Allee (sworn in) – Ms. Allee asked why this location was chosen.

Bob Janicek (sworn in) – Mr. Janicek stated that the proposal sucks and makes no sense.

Charlene Stiles (sworn in) – Ms. Stiles stated that the applicant keeps stating they are meeting the minimum requirement, why do they have to only meet the minimum, why can't it be more? She also had concerns with the traffic.

Arlene Murray (sworn in) – Ms. Murray stated that her and the rest of the residents along Augusta Drive have their bedrooms in the rear of the house, close to the site. She stated that this project will change their community and that August Drive already gets a lot of cut through traffic. She has concerns about the rats in the dumpsters and drainage into their property.

Bob Moran – Mr. Moran asked the board to not approve the application.

Ron Barton (sworn in) – Mr. Barton asked the board to not sweep the traffic issues under the carpet and that during school hours, there is a steady line of buses.

On a motion by Mr. Andrew, seconded by Ms. Tucker, the application was closed to the public. All aye.

Mr. Oris asked Mr. Little to confirm that according to the Environmental Impact Study completed that there were no documented Northern Pine Snakes on the site, which he did. Mr. Oris also stated that he is willing to walk the site with someone from the Township's Environmental Commission. Mr. Oris reviewed the distance from the residences to the rear parking area, which was determined to be 120 feet, which meets the setback requirements. Mr. Oris also stated the applicant's peak hours of operation does not coincide with school hours, and does not feel the customers will cut through the Sea Oaks community to access the restaurant and any stacking issues on Route 539 will be the jurisdiction of the county. Mr. Oris stated that the site is below the grade of the residences and drainage from the site would go away from the residential properties. Mr. Oris asked the applicant if they will withdrawal their waiver request for the trash enclosure and to build the required concrete enclosure, which the applicant agreed. Mr. Taylor and Mr. Scibetta requested that the eco-fencing be vinyl, not the sound proof chain link as proposed, which applicant agreed.

Mr. Andrew asked Mr. Brady if the board has the right to deny the application if it is in compliance, which the board does not. The waivers and variances are what the board has discretion on. The applicant will be required to comply with all outside agency approvals as part of resolution compliance. Applicant agreed that during the construction, all traffic will only be allowed to use the entrance and exit on Route 539.

There being no further testimony or questions, on a motion by Mr. Andrew, seconded by Ms. Tucker, application #2023-10A was approved. Roll Call:

Tucker – Yes

Coates – Yes

Vaux – Yes

Maxwell – Yes

Scibetta – Yes

Andrew – Yes

Garbaravage - Yes

9. PUBLIC COMMENT

On a motion by Mr. Maxwell, seconded by Mr. Scibetta, the meeting was opened to the public. All aye.

Ed Seeger – Mr. Seeger thanked the board for making a good decision for the entire community, and understood it was not an easy decision for them.

On a motion by Mr. Andrew, seconded by Ms. Tucker, the meeting was closed to the public. All aye.

10. ADMINISTRATIVE MATTER

Mr. Brady stated that there was a typo on the previously approved resolution for M.G.E.G. Investments, LLC and the Chairman would be re-signing same.

11. PAYMENT OF VOUCHERS

On a motion by Mr. Andrew, seconded by Ms. Tucker, the following payments were approved:

1. \$2,915.00 to Remington & Vernick Engineers;
2. \$3,146.75 to Taylor Design Group;
3. \$1,100.50 to Brady & Kunz; and
4. \$100.00 to Robin Schilling, Recording Secretary.

Roll Call:

Tucker – Yes
Scibetta – Yes

Coates – Yes
Andrew – Yes

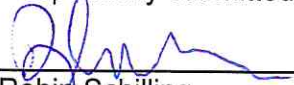
Vaux – Yes
Garbaravage - Yes

Maxwell – Yes

12. ADJOURNMENT

There being no further business, on a motion by Mr. Andrew, seconded by Mr. Scibetta, the meeting was adjourned. All aye.

Respectfully submitted,



Robin Schilling,
Planning Board Recording Secretary



George Garbaravage Chairman
Planning Board