

**Bass River Township Planning Board**

**November 21, 2013**

The regular meeting of the Bass River Township Planning board was held on November 21, 2013 in the Municipal Building and was called to order at 7:08 PM. The meeting was opened with the flag salute. In accordance with the Sunshine Law, notice of the meeting was posted in The Beacon and the Atlantic City Press.

Planning Board members present were: Mr. Brower, Mr. Pennella, Mr. Shuff, Mr. Gomez, Mr. Bien, Mr. Neuweiler, Mr. Mathis and Mr. Steele. Mr. Steele was made a voting member due to absent members.

The minutes of the regular meeting of October 17, 2013 were available for the board and the public. A motion to approve said minutes was made by Mr. Pennella and was seconded by Mr. Bien. All were in favor and said minutes were approved. Mr. Brower and Mr. Mathis abstained.

**Correspondence:** Correspondence list was gone over, reviewed and discussed by the Board.

**New Business:**

**Viking Yacht Company- Preliminary and Final Major Site Plan Application:** William Hyland was present- representing Viking Yacht. This is an application to build an addition of about 52,000 square feet in an infill area, already in an area that is impervious- to be excavated down to the base material and then the construction built on there. This will be to accommodate the ability to build boats that require the additional space. They are asking for a height variance- but it is less tall than the one they asked for and had gotten approval for in the past. This is approximately for 40 feet 10 inches. 2 witnesses, Mr. Babek and Mr. Masur were sworn in. Steven Masur is a Licensed Engineer and Planner at Dixon Associates Engineering. Chris Babek Plan Engineering Manager for Viking Yacht. Each professional gave a background in their credentials.

They are requesting waivers from all requirements of a site plan. This is an existing developed property. It has been existing in an impervious condition and this will continue. Drainage considerations remain the same.

Block 26 lots 2 and 8. No current survey. "Breezes" restaurant is not shown on this submitted plan.

Since this is included in the lot coverage amounts- it needs to be shown on the plan, regardless of if it is in the vicinity of the proposed new development.

Mr. Brower suggested that Viking Yacht submit a current survey. Mr. Hyland said they would be willing to submit a new and current survey.

Mr. Pennella wants to know what operations are performed in each building and this is not shown on the current submission, nor are well locations. Mr. Hyland said they would explain that and Mr. Pennella said it needs to be on the plan.

Mr. Babek explained what operations go on in each existing building although he was uncertain if this was what was requested.

They are in the process of building a 92' boat. Mr. Pennella asked them if they already had one built. Mr. Babek explained that the molds are in place but the boat has not been built. The height of the new boat is going to be the problem and why they need the variance. This new building will be attached to existing buildings. They are going to use bridge cranes instead of monorails and the bridge cranes have a depth to them.

The Board was walked through the "production" of the 92' boat.

Mr. Gomez questioned if anything was changing in any of the existing buildings. It is not. Everything is exactly as it has always been except for this requested variance due to the building of a larger boat.

Mr. Mathis questioned the Emergency Vehicle access. Mr. Pennella reminded the board how this was a major issue in the past. It was asked of the Secretary if this application was provided to the Fire Department. It was not. Plans will be provided to them, as it is important to have their input. Clear access is required.

Mr. Pennella is questioning when the "impervious" surface in question was approved. No one is exactly certain of the date- but apparently the concrete is quite old and Mr. Mathis remembers it being there for some time. The concrete will most likely be redone.

Mr. Pennella- questioned if flood elevations are on the plan.

Mr. Pennella questioned the ventilation plan due to the amount of doors that can be opened at the facility. DEP will be back in to reevaluate the whole system at some point.

Mr. Pennella questioned the locations of the bathrooms.

Mr. Pennella stated that he has been on this Board for 22 years and that dealing with Viking has not always been pleasurable. Stating that things had been done without permits in the past and that is why they are requesting all of this information.

Mr. Babek stated this information would have been provided if they knew it was required when asking for a height variance.

Mr. Pennella mentioned that the traffic issue. That their flashing warning sign is not working. He was there at 4:30 when the traffic is heaviest and it was not working. Mr. Babek stated the light is the DOT, not theirs. They do not control the light. Engineer Kluk stated that Viking had agreed to pay for the light and DOT had it installed.

Mr. Pennella stated all the other suggestions that were made in the past - regarding traffic patterns.

Mr. Pennella said the Mr. Healy (Viking) stated that the entrance to the plant would be beautified and wonders why this has not happened.

Mr. Pennella questioned where the town fits in to this plan.

Mr. Babek stated that Viking is and has been compliant.

Mr. Babek stated that updating the entrance to Viking needs to get on the schedule to be done. The company has had a rough few years – and it was not their priority. Finances were discussed between Mr. Pennella and Mr. Babek. Mr. Pennella stated that 82 boats sold for “bare bones” 5 million dollars a boat. Mr. Babek stated that they do not build them for free.

Mr. Pennella stated that everyone is proud to have Viking in this town, but that something needs to be in it for the town.

Mr. Babek asked “ what is it you’re thinking should be in it for the town”? The safety and the emergency management plan came up and the beautification of the entrance was again mentioned.

Mr. Hyland said in their defense- they were not aware that the plan would not be provided to the Fire Department.

Mr. Pennella stated that the Fire Department currently has a truck that needs an \$80,000.00 pump – and that if that pump was available to fix the truck- it sure would come in handy to put out a fiberglass fire at Viking.

Mr. Babek stated they are more than willing to discuss requests made by the Board.

Mr. Kluk stated that Viking will need to update the site plan- to show fire safety exits, calculate impervious surface coverage. A condition of approval would be that it is required to be reviewed and comply with the fire company recommendations.

The Board would like to look at the site- perhaps set up a time when they can get over there. Mr. Hyland did not see a problem with this- but it would need to be arranged around the plant schedule- as it could be a safety issue while they are working.

Mr. Norman reminded about the Sunshine Law.

Mr. Hyland stated he was uncomfortable with the previous discussion regarding the fire company- he stated that boards have gotten in trouble and “horse trading” could be

interpreted if someone was reading the record. Mr. Norman stated that there is case law that you can not require a donation of a fire truck with the condition of approval. Mr. Pennella stated he was merely stating the current status of the truck.

Mr. Kluk stated that the entryway and safety issue could be made a condition of approval.

Mr. Babek stated that since the cop has been removed from the plant entrance/exit- there have not been any traffic incidents.

Mr. Gomez questioned are we approving the building, or the height of the building. The answer was “both”.

Mr. Bien questioned if this had anything to do with the “node”. This has nothing to do with the Node. The DEP has 90 days to adopt the node and it is in that process now. The wind turbine was questioned. They had done a yearlong wind study- and priced out the turbine- when only buying one- the cost is astronomical. So they are not going to use the wind turbine.

Steve Masur- engineer- Positive and negative criteria. Promotes the MLUL, appropriate location, already existing. Negative- no detriment to the zone plan, variance given in past for taller buildings than this request. Other buildings – site line are approximately the same height. There are still 5 acres deed restricted from the last approval. This site line will not really be visible from the water either  
Health and safety- will increase jobs in the area.

Kris Kluks review letter: Per Mr. Hyland- they agree to comply with all requests in Mr. Kluks letter.

The actual height request was questioned. It is 40 feet 10 inches.

It was asked where the boats pump their septic- does it go in to the Viking Treatment plant? Mr. Hyland stated he did not think so- it was asked that this information be verified.

DEP regulates this.

The treatment plant was designed to handle 25,000 gallons per day and they never came close to the maximum usage. The employee count is significantly reduced now – they are certain they will stay under the maximum usage.

Parking was questioned. They had parking for 1300 employees at one point. They have less employees now- but if it ever exceeds 1300 again- parking will need to be reevaluated.

Mr. Brower stated that looking at lots 2 and 8 that the lot sizes are not correct. He requested that all lots need to be on the survey and that the sizes need to be accurate.

Mr. Pennella- questioning number of employees and number of parking spaces. If employment exceeds 1300 people, the current parking conditions will need to be reevaluated. They are relatively certain that it will never exceed that.

At 8:40 this hearing was opened to the public.

Carol Bitzberger – 39 Goldecker Road- Bass River Township. Concerned about environmental issues. She states she is concerned about environmental issues with a manufacturing plant. Concerned about the 2 complaints about the “harsh odor” on Route 9 and said other residents also smelled it. Was it Styrene gas? She wants to know if the variance gets approved, can there be an “if” statement with it? Mr. Norman stated there could be conditions. Is there anything in place that states if they leave- they need to take the buildings down and clean up everything. Mr. Norman stated no- you could not make that a condition of approval. He stated you can not put that kind of cost on an applicant. He also stated that the township does not have the authority to make them restore the property to its original condition. Mr. Babek stated that if Viking was ever to leave and there was environmental issues- they would not be able to just walk away and leave it. Mr. Hyland stated that he is pretty sure that it is the DEP that would enforce this. There is a system and a mechanism to have this happen. Mr. Kluk stated there is public funding available for “clean up”.

Mr. Babek stated they are really on top of all of this now- “nothing goes in the ground”. The drinking water gets tested 4 times a year. He stated the acceptable levels of Styrene have decreased over the years.

Mrs. Bitzberger- questioned if the board was okay with Viking becoming a manufacturing node. Mr. Norman stated that was not in our jurisdiction. Mrs. Bitzberger disagreed. He explained the jurisdictions of this board are dictated by the MLUL. She asked if he had read Mr. Aaronson’s letter from 11/2. Mr. Norman had read the letter. He stated the applicant has the right to cross-examine him on that letter and Mr. Aaronson is not present. Mr. Norman explained the board has no say in the “node” issue and that if the DEP had a problem with the node designation that we would have received something from them stating so.

Mrs. Bitzberger asked if the local planning board has any power on the CAFRA issues and the answer to that is no. We can say they need to have the permit- but that is where the board input ends.

**8:53-** A motion to close the public portion of this hearing was made by Mr. Brower and was seconded by Mr. Mathis. All were in favor and the public portion was closed.

An older set of Viking Plans that had been approved years ago were gone over. The Emergency access road was discussed and it seems that the access will now go right into the area where the new building is going to exist.

The Board is requesting the uses and facilities for lot 2 – since that lot is being used in the calculations for impervious coverage, etc.

The Board was a new and detailed survey with the proposed building included. They would like an existing conditions survey on one sheet and the proposed building on

another. All lots need to be clearly shown. The emergency access road needs to be clearly shown.

Mr. Neuweiler requested that they label elevations.

Mr. Mathis asked if the Board can meet with the fire company. Mr. Norman stated they could have a representative or make a sub committee. A sub committee could do a walk through of Viking with a representative from the fire department. Mr. Hyland and Mr. Babek agreed this was a good idea.

Mr. Hyland asked if an “as built” would suffice? The Board wants a new survey.

Mr. Gomez asked why- if all the buildings are already existing and nothing has moved and if they are just putting an addition between buildings, why do we need all this other stuff?

Kris Kluk agreed with the question but stated that he believes the board just wants to see all numbers recorded and documented.

Mr. Pennella stated that Mr. Gomez and Mr. Kluk have not been here long enough to “witness what has gone on up there”.

Mr. Hyland questioned Mr. Pennella asking if he was stating the Viking has misrepresented things in the past?

Mr. Pennella stated he did not need to elaborate. He stated he has been there for 26 years and has seen a lot of issues addressed due to the fact that he and other board members brought them up and only due to that reason. He stated “we have seen enough”.

Mr. Bien had made a list of what the Board is requesting: Fire company approval, fire access road shown, proper impervious schedule on prints, label all elevations, existing coverage survey, show which lots are part of this application, define how many parking spots, address entrance design.

A motion to carry this meeting to December 19<sup>th</sup>, 2013 was made by Mr. Bien and was seconded by Mr. Pennella. All were in favor. No further notice required to be made by the applicant.

**Old Business:** No old business at this time

**7:19 PM Public Portion -** There was no public comment.

**9:38 PM-** Being no other business at this time, a motion to adjourn the meeting was made by Mr. Pennella and was seconded by Mr. Shuff. All were in favor and the motion was passed.

Respectfully Submitted,

Elizabeth Godfrey  
Planning Board Secretary