

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
August 16, 2016
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on August 16, 2016. Those in attendance were Marie Johns, Mayor's Representative, City Council President Edward Dennis, Chairman Gerhard Mueller, Vice Chairman Richard Colby, Egg Harbor City Fire Department Representative John Garth, Regular Members; Todd Warker, Dennis McKenna, Jack Peterson, Solicitor Jim Schroeder, City Planner Tim Michel and Secretary Donna Heffley (Not Present were Mayor Jiampetti, Alternate #1 Gladys Torres, Alternate #2 Donald Milne and City Engineer Ryan McGowan).

The 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. 1:4-6 Seq. Notices were sent to official publications for the Egg Harbor City Municipal Land Use Board; the Press of Atlantic City, the Egg Harbor News, the Atlantic Current and the Hammonton Gazette. 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.

Roll Call: Mayor Jiampetti absent, Marie Johns yes, Mr. Dennis yes, Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. Dennis McKenna yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Milne absent, Mr. Mueller yes, Mrs. Torres absent, Mr. Schroeder yes, Mr. Michel yes, Mr. McGowan absent and Secretary Donna Heffley yes.

Approval of Minutes: May 17, 2016

Vice Chairman Colby noted two corrections were needed before the approval of the May 17, 2016 minutes. First on page 3 Mr. Michel inquired should be changed to someone inquired and on page 4 instead of Mr. Mueller announced he will be turning the meeting over to the Chairman it should be to the Vice Chairman.

Upon motion made by Mr. Peterson, seconded by Mr. Warker and carried the May 17, 2016 meeting minutes were approved.

Resolution: #4 of 2016
One 05 LLC
105 Philadelphia Avenue
Egg Harbor City, NJ 08215
Block 206, Lot 29
Site Plan Waiver for outdoor seating

A motion to approve Resolution #4 of 2016 was made by Mr. Michael McKenna seconded by Mr. Dennis McKenna.

Roll Call for Approval: Mr. Dennis abstained (conflict of interest) Mr. Garth yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes, Mr. Mueller yes, Mrs. Johns yes.

Resolution: #16-03
Margaret McDonald
312 Havana Avenue
Egg Harbor City, NJ 08215
Block 617, Lot 2.02
Variance (Roof over deck)

A motion to approve Resolution #16-03 was made by Mr. Michael McKenna, seconded by Mr. Peterson.

Roll Call for Approval: Mr. Dennis abstained (Did not sit at the meeting and is also a neighbor), Mr. Garth yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes, Mr. Mueller yes, Mrs. Johns yes.

Mr. Colby noticed the City Engineer was not present at the meeting. Mr. Michel spoke to Mr. Walberg and he was told that the applications being heard are site plan waivers requiring no plan review by the Engineer.

Mr. Mueller announced the agenda will be changed due to Mr. Dennis not being able to sit for certain applications or certain informal reviews.

Mr. Schroeder announced each informal will have a limit of 10 minutes. If the matter cannot be addressed in 10 minutes the Applicant will have to return at a later date.

Informal #1

Cindy Gibson
359 St. Louis Avenue
Egg Harbor City, NJ 08215

Mr. Michel reviewed this informal. Cindy Gibson has submitted an application for a zoning permit to operate a business at 359 St. Louis Avenue. When Mr. Michel reviews an application he also looks into the history of the property. The Code Enforcement Office provided a past history of the property showing that many different offices have occupied this property.

Mrs. Gibson explained to the Board she would like to open an art studio at 359 St. Louis Avenue where 10 to 20 students will attend paint parties. This will be open in the evening and possibly during the daytime. There will be two employees on site.

Mr. Dennis noted this property has been a commercial property for many years. He also believes this business will bring people into the area and will be good for the City. Mr. Dennis commented on how well the property is kept.

Mr. Colby inquired about there being adequate parking at this site.

Board members commented on the parking area that is available.

Cindy Gibson presented a picture of the existing parking lot which she showed to Mr. Colby and he agreed the parking is sufficient.

All Board Members were in favor of this proposed new business. Mr. Michel will issue a zoning permit and Cindy Gibson will obtain all other necessary permits.

Informal #2

Ms. Covington
226 St. Louis Avenue
Egg Harbor City, NJ 08215

Mr. Michel reviewed his report on the proposed use of 226 St. Louis Avenue. Mr. Michel noted that this property is a residential property with a business attached. The property has a history of being a barber shop in the past. Ms. Covington would like to open a hair salon. This would be considered a home based business. Ms. Covington will be required to obtain a mercantile license, an approved zoning permit, and a business Certificate of Occupancy and any other permits required must be obtained from the building department.

All Board Members were in favor of this proposed new business. Mr. Michel will issue a zoning permit and Mrs. Covington will obtain all other necessary permits.

Informal #3

Nick Rifice
2101 Liverpool Avenue
Egg Harbor City, NJ 08215

Mr. Michel read the definition of a home occupation according to Egg Harbor City, Land Use and Development Chapter 170 Page 170:42. Mr. Rifice is a Home Improvement Contractor and is appearing before the board tonight due to complaints that the Code Enforcement Office received concerning his property. The complaints entailed that a business was being run out of his home with multiple vehicles and construction equipment on site. All complaints received must be handled on a case by case basis.

Mr. Michel noted it appears as though Mr. Rifice exceeds the home occupation definition in the ordinance and what is permissible in a residential area. Mr. Rifice appeared before the board to explain his business and believes that it does not violate any City Ordinance. He is a home contractor, no business is conducted on the site, and he drives to the sites to work and then returns home.

Mr. Mueller asked how many vehicles he has.

Mr. Rifice has seven vehicles and they are all registered in his name not the business name. Trailers are all his personal trailers. He is doing an addition on his property and this is why there is excess equipment on this property at this time. Mr. Rifice did a very detailed description of his business and the Board feels he is within the description of a home business. The Board found that Mr. Rifice was in compliance and no action was needed.

Informal #4

Ivan Segal
Car Buys
1019 White Horse Pike
Egg Harbor City, NJ 08215

Mr. Michel gave a brief description of 1019 White Horse Pike. Mr. Segal would like to repair vehicles at his business other than the ones he sells on his site. Mr. Segal has been in business since 1977. The question is, does this suggest there will be two principle uses on the property. The site is small and fully

occupied. Mr. Segal stated that he will be selling less cars and doing more repair work on vehicles.

Board Members asked various questions and expressed their concerns.

Mr. Warker asked Mr. Segal if he plans on parking any vehicles on the City Street and will all repairs be done on his lot.

Mr. Segal agreed.

Mr. Segal would like to also change his sign and will obtain proper permits.

Mr. Schroeder explained the code and the uses. And the way the application was filled out lead the Professionals to believe a business expansion would entail two uses. Mr. Michel is not empowered to approve a zoning permit without getting the board's approval first.

Once a detailed description was given and explained. The Board believes a variance is not required and Mr. Segal may proceed.

New Business: #16-06

Carmen DeFeo
452 Philadelphia Avenue
Egg Harbor City, NJ 08215
Block 315, Lot 14
Use Variance

Mr. DeFeo was present with his Attorney Mark Emmer, Both Gentlemen were sworn in by Mr. Schroeder. Mr. Schroeder noted all proper notices were completed and submitted for review. Mr. DeFeo is the owner of 452 Philadelphia Avenue. The 1890's property is occupied by Al's Luncheonette on the ground floor with 2 apartments above, and a separate brick garage is located along the Terrace which reportedly had been converted to an efficiency apartment prior to acquisition by Mr. DeFeo. The apartments pre-existed the provision for seniors housing, therefore the use may continue as long as rental registration is maintained. The Converted efficiency apartment represents a second principal use on the property, which would be prohibited by Section 170-18C and a use variance, is required. Zoning is Retail Commercial which does not allow a second principal use on the property, Section 170-17C. To be entitled to a use variance the applicant must address NJSA 40:55D-70D (1); showing both positive and negative criteria are met. Attorney Mark Emmer addressed all criteria before the board and requested approval for the apartment that has been at the property for over thirty years. This apartment was never registered with the City and did not have Land Use Board approval.

Mr. Michel gave his report on this property and noted this two car garage was converted many years ago. This property if approved as a rental will have to be inspected by Code Enforcement and brought up to code.

Mr. Schroeder noted the Conditions entailing Inspections to be done, bringing the apartment up to code and the dumpster must be enclosed with a fire proof material.

Mr. DeFeo has agreed.

A motion to grant a use variance to allow for that apartment to exist within the City's retail commercial zone was made by Mr. Michael McKenna, seconded by Mr. Peterson.

Roll Call for Approval: Mr. Garth yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes, Mr. Mueller yes.

New Business: #16-07

Jay Cameron
Philadelphia Avenue
Egg Harbor City, NJ 08215
Block 212, Lot 16-19
Variance Relief
Request for Waiver from Site Plan and Approval

Jay Cameron was present with his Attorney, Planner Tom Darcy. Both Gentlemen were sworn in by Jim Schroeder.

Jay Cameron is requesting a use variance and waiver of site plan review for a property located at 745 Philadelphia Avenue. Mr. Cameron sells high end stainless steel performance fixtures for high end machines such as hot rods, muscle cars and high end air conditioning units. Mr. Darcy passed out a brochure showing some of these items. The Use variance is required because Mr. Cameron is not only selling these items but is also manufacturing them. Zoning is Highway Commercial which does not allow manufacturing use. To be entitled to a use variance the Applicant must address NJSA 40:55D-70D (1); showing both positive and negative criteria are met. Mr. Darcy described the property which is fully developed and already has an existing parking lot, draining basins, City Water and Sewer connection, lighting, and minimal landscaping. No site improvements are being proposed at this property except for a handicap parking space. The parking lot must be restriped and a handicap space must be added to make the lot ADA compliant for the retail end of the property. An existing sign is on the property and that will be reworked with the new name of the business. The proper permits will be obtained for work.

Mr. Cameron described his business to the Board and Professionals. There will be two employees Mr. Cameron and his Son. Mr. Cameron uses local distributors for raw materials. He described the waste from the business and how it is disposed of. Mr. Cameron will clean up the site and spruce up the landscaping around the building.

Mr. Darcy asked Mr. Cameron to describe to the board the level of noise that will be coming from the building. Mr. Cameron noted the noise level may be similar to that of a circular saw. The drilling process may be the loudest noise made. However when outside not much noise can be heard with the doors closed.

Mr. Darcy asked where the trash and recycling will be stored.

Mr. Cameron said all the trash and recycling will be stored inside the building and removed by a private hauler.

Mr. Mueller asked about the waste generated and if any oils are used. Mr. Cameron explained the process and stated he uses a biodegradable substance when manufacturing. The Waste resembles popcorn which is stored in 50 gallon barrels and is taken to a recycler.

Board members asked various questions pertaining to deliveries and waste,

Mr. Schroeder noted for the record all proper notices were made and all taxes are paid.

Mr. Schroeder stated all storm drains exist and no changes are proposed, trash will be stored inside the building and removed by a private contractor and there will be no outside storage of materials, refuse or waste.

Mr. Schroder Asked Mr. Cameron to describe the noise level that will be coming from the building.

Tim reviewed his report dated August 12, 2016 which has been distributed to the Board. Mr. Michel discussed the parking which is wit is sufficient. The site is suited for this proposed use.

Mr. Cameron must be out of his present business in California by the end of August and would like to have permission to have his machinery shipped and stored in the property and keep them up and running. This will be done before the resolution is adopted and he will do this at his own risk. Mr. Darcy also assured the Board that Mr. Cameron will get all necessary approvals and permits to move forward with his business.

Public Comments: none

A motion to allow a Use Variance at 745 Philadelphia Avenue was made by Mr. Warker, seconded by Mr. Colby.

Roll Call for Approval: Mr. Garth yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes, Mr. Mueller yes.

A motion to Waive a Site Plan Application for 745 Philadelphia Avenue was made by Mr. Garth, seconded by Mr. Dennis McKenna.

Roll Call for Approval: Mr. Garth yes, Mr. Warker yes, Mr. Michel McKenna yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes and Mr. Mueller yes.

Old Business: none

Public Comments: none

Questions and Comments from the Board none

Adjournment: Upon motion made by Mr. Peterson, seconded by Mr. Dennis McKenna and carried the meeting was adjourned.

Respectfully Submitted
Donna Heffley
Land Use Board Secretary