

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD**

**May 17, 2016  
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on May 17, 2016. Those in attendance were 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 and Alternate Member #2 Donald Milne, Solicitor Jim Schroeder, City Planner Tim Michel, Engineer Ryan McGowan and Secretary Donna Heffley (Not Present were Mayor Jiampetti, and Alternate #1 Gladys Torres).

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, 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 yes, Mr. Mueller yes, Mrs. Johns absent, Mrs. Torres absent, Mr. Schroeder yes, Mr. Michel yes, Mr. McGowan yes and Secretary Donna Heffley yes.

**Approval of Minutes:** April 19, 2016

Upon motion made by Mr. Peterson, seconded by Mr. Colby and carried the April 19, 2016 meeting minutes were approved.

**Resolution: #1 of 2016**

Highway Petroleum  
1451 White Horse Pike  
Egg Harbor City, NJ 08215  
Block 715, Lot 28  
Preliminary Site Plan Approval  
Final Site Plan Approval

Upon motion made by Mr. Colby seconded by Mr. Milne Resolution #1 of 2016 was approved.

**Roll Call:** 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 yes, Mr. Mueller yes.

Resolution: #2 of 2016  
Stephen Murphy  
239 New York Avenue  
Egg Harbor City, NJ 08215  
Block 2.07, Lot 19  
Variance Relief

Upon motion made by Mr. Dennis McKenna, seconded by Mr. Warker Resolution #2 of 2016 was approved.

**Roll Call:** Mr. Dennis abstained, Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. Dennis McKenna yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Milne yes, and Mr. Mueller yes.

Mr. Mueller announced that the agenda order will be changed due to some conflicts of interest with Board Members and certain applications.

**Informal:** The Former Checkers  
Walter Martinez

Mr. Martinez was present with Greg Modelle an Architect from Somers Point, NJ. Mr. Modelle prepared a graphic presentation of the exterior finishes that Mr. Martinez proposes for the outside of the building located at 220-224 White Horse Pike in Egg Harbor City. Mr. Martinez is the owner of Red Rose Body Shop, LLC and Repair located at 2033 Ocean Heights Avenue, Egg Harbor Township, NJ 08234. He is moving his business to the above location in Egg Harbor City.

Mr. Modelle stated they are seeking a site plan waiver; proposing a fence enclosure for the property, to upgrade and enhance the exterior of the building, including new signage, new lighting and exterior finishes:

Mr. Michel gave his review of this property. Mr. Michel noted Mr. Martinez will have to file an application to be formally reviewed by the Land Use Board. Mr. Michel listed the items that must be shown on the plan.

Board Members asked Mr. Martinez several questions concerning his present business. Mr. Martinez stated he is a licensed body shop and does not do restorations. He will have to install a spray booth at this new location and will obtain all proper permits that are required.

Mr. Dennis asked if Mr. Martinez will be towing cars. Mr. Martinez replied that he does have a tow truck but it is only used to pick up vehicles that he will service.

Mr. Colby asked about the apartment above the business. Mr. Martinez stated that there is a three bedroom apartment upstairs which is vacant at the present time. Mr. Michel cautioned Mr. Martinez to check to see if it is a legal apartment.

Mr. Martinez will return with an application for a site plan wavier.

Mr. Dennis left the meeting.

**New Business: One 05 LLC**  
105 Philadelphia Avenue  
Egg Harbor City, NJ 08215  
Block 206, Lot 29  
Site Plan Waiver

Mr. Frank Razzo, Attorney who represents One 05, LLC was present. Lisa Savage owner of the Leatherhead Pub was sworn in by Mr. Schroeder.

Ms. Savage described to the Board the outside dining area that that is being proposed. Ms. Savage will be leasing the City owned park property next to Leatherhead Pub for an outside dining experience. Ms. Savage described the area that which will be surrounded by a wrought iron fence, brick pavers, additional landscaping and about 8 to 10 Tables. Ms. Savage provided a color illustration of the outside dining area to Professionals and Board Members. This will be a beautiful addition to the Leatherhead Pub. Entrance into this area can only be accessed through the Pub.

Board Members asked several questions about future plans for the Pub.

Mr. Michel reviewed his report stating that this is a permitted use, outdoor dining is allowed and fully in compliance. Someone inquired about the outside lighting. Mr. Michel said if any new lighting is proposed to discuss those plans with the City Engineer.

Board Members discussed outdoor lighting and the requirements.

**Public Comments:** none

Upon motion made by Mr. Peterson, seconded by Mr. Colby a waiver of site plan was granted.

**Roll Call:** Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. Dennis McKenna yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Milne yes, Mr. Mueller yes.

Application #16-03  
Margaret McDonald  
312 Havana Avenue  
Egg Harbor City, NJ 08215  
Block 617, Lot 2.02  
Variance

Ms. McDonald was sworn in by Mr. Schroeder.

Ms. McDonald was before the Board requesting a variance to build a roof over her existing deck. Ms. McDonald explained to the Board that she completed everything that was required.

Mr. Michel noted that Ms. McDonald's application is for approval to build a roof over her existing deck. There is a C-hardship variance, required for the narrowness of the lot. Once the variance is approved Ms. McDonald will be required to obtain the proper permits from the building department.

Ryan McGowan had no concerns and noted the proper building permits will have to be obtained.

Upon motion made by Mr. Michael McKenna, seconded by Mr. Warker a variance to allow a roof over the existing deck was granted.

**Roll Call:** Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. Dennis McKenna yes, Mr. Warker yes, Mr. Michael McKenna yes, Mr. Milne yes, Mr. Mueller yes.

Mr. Mueller announced he will be turning the meeting over to the Vice Chairman. The next applicant is a personal friend and he will be leaving the building.

Vice Chairman Dick Colby took over the meeting.

Informal: Steve Barile owner of 40 Boston Avenue  
Lauren and Paul Erbacher possible leasee

Mr. Barile was sworn in by Mr. Schroeder.

Mr. Barile gave a brief history of the building located at 40 Boston Avenue in Egg Harbor City.

Mr. Barile operated the Pastry Prince at this location and the cupcake café on Philadelphia Avenue in Egg Harbor City in 2005.

According to Resolution #4-2005 Mr. Barile was granted two years to repave the parking lot located at 40 Boston Avenue which at this time has not been completed.

Lauren and Paul Erbacher are proposing a bakery and will be selling to farmer markets and delivering their products.

Mr. Michel noted the proposed business does not have any issues however going back to 2005 there was a condition in the resolution that has not been complied with. A zoning permit cannot be issued until all conditions of approval from the past have been completed. Mr. Michel noted an application can be made to the Land Use Board to revisit the conditions and see if the Board would entertain changing them or the conditions will have to be complied with.

Mr. Schroeder reviewed Mr. Barile's options which are: first to meet the conditions of the prior resolution if he chooses or second provide in writing why it would be impractical to repave the parking lot.

Mr. Barile noted all other conditions have been met except for the repaving of the parking lot.

Mr. Warker and Mr. Michael McKenna expressed their concerns about the conditions of approval that have not been completed.

Mr. Barile expressed his concerns about repaving of this parking lot.

Mr. Schroeder reviewed the past resolution and which conditions were completed. The parking lot is the issue and that when Mr. Barile received the approval he agreed to the conditions which had to be met.

Mr. Schroeder reviewed Mr. Barile's options again concerning this issue. There are legal issues that must be met.

Mr. Barile asked the Secretary for past information pertaining to this resolution.

The Secretary provided all past notes to the Attorney pertaining to this case.

Mr. Peterson noted if there was a past condition that had to be met he should comply with the site plan conditions.

Board Members discussed conditions of approvals being met by applicants.

Mr. McKenna noted the Board has worked well with him concerning this application and now he needs to meet the conditions that are required.

Mr. McGowan said he would be willing to meet with Mr. Barile to discuss options for repaving the parking lot at 40 Boston Avenue.

Lauren Erbacher expressed her concerns about the parking lot issue. And that they would be willing to clean up the parking lot and patch the cracks properly and to line outside with planters planting herbs to add curb appeal to the property. Ms. Erbacher is requesting that a mercantile be issued on a temporary business until the parking lot issue is resolved.

Mr. Michael McKenna noted he approved this application in 2005 and the conditions were not met he would not approve another application without the conditions being completed.

Mr. Schroeder noted if Mr. Barile meets the conditions and agrees to repave the parking lot the Erbacher's will not have to come back before the Board for approval.

Discussion continued between Board Members, Professionals and the Applicants.

If Mr. Barile decides to repave the parking lot he must contact the City Engineer.

Public Comments: none

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