

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
September 20, 2016
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on September 20, 2016. Those in attendance were Marie Johns, Mayor's Representative, Chairman Gerhard Mueller, Vice Chairman Richard Colby, Egg Harbor City Fire Department Representative John Garth, Regular Members; Todd Warker, Dennis McKenna, Michael McKenna, Jack Peterson, Solicitor Jim Schroeder, City Planner Tim Michel and Secretary Donna Heffley (Not Present were Mayor Jiampetti, Ed Dennis City Council President, Alternate #1 Gladys Torres, and Alternate #2 Donald Milne).

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 absent, 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 yes and Secretary Donna Heffley yes.

Approval of Minutes: August 16, 2016

Upon motion made by Mr. Colby, seconded by Mr. Peterson and carried the August 16, 2016 meeting minutes were approved.

Resolutions: #6 of 2016

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

A motion was made by Mr. Colby, seconded by Mr. Peterson to approve Resolution 6.

Roll Call: Mayor Jiampetti absent, Mrs. Johns yes, Mr. Dennis absent, Mr. Garth absent, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes, Mr. Michael McKenna yes, Mr. Warker yes, Mr. Mueller yes.

#7 of 2016

Jay Cameron
745 Philadelphia Avenue

Egg Harbor City, NJ 08215
 Block 212, Lot 1
 Request for Waiver from Site Plan and Approval

A motion was made by Mr. Warker, seconded by Mr. Dennis McKenna to approve Resolution 7.

Roll Call: Mayor Jiampetti absent, Mrs. Johns yes, Mr. Dennis absent, Mr. Garth yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes, Mr. Michael McKenna yes, Mr. Warker yes, and Mr. Mueller yes

Mr. Garth arrived at the meeting.

Informal Review

Curt Perone is interested in purchasing 459 Philadelphia Avenue to house their spirits distillery. This will be the primary production facility for the spirits created by Blue Rascal, and will include a small, by appointment only tasting room. The distillery business will eventually have several product lines: Cellos, Vodka, Brandy, Bourbon and Whisky.

Mr. Michel reviewed this informally. Mr. Michel believes this type of business will be consistent with the retail commercial zone. Mr. Michel asked various questions pertaining to the proposed business. Mr. Michel explained that he cannot give an answer as to how the Board will rule but can say that the use is consistent with zoning. Mr. Perone should follow the criteria that are set up in the Land Development Ordinance, section 170- 68, Retail stores with limited fabrication and the guidelines for a site plan. Mr. Michel noted he did receive a survey of the property. Mr. Michel reviewed other items that must be addressed when the application is made.

Mr. Perone described the process to become licensed.

Chairman Mueller noted if the Applicant is an LLC he will need legal representation when he returns before the Board with his application.

New Business:

#16-05 LUB
 Red Rose Body Shop
 Walter Martinez
 220-224 White Horse Pike
 Egg Harbor City, NJ 08215
 Block 102, Lot 15
 C & D Variances

Mr. Callahan gave a brief overview of the history of this site located at 220-224 White Horse Pike. Mr. Callahan noted the Applicant is applying for a conditional use variance because they cannot comply with a couple of the conditions contained within the ordinance. For instance one of the requirements is that you have a 10 foot front yard buffer for landscaping. This entire 120 foot property is right on the property line so this condition cannot be met requiring a D-3 variance. The Applicant is also seeking a D-3 variance from the signage which requires signage no more than 40 square feet. A larger sign for safety purposes is a better alternative.

Mr. Model, licensed architect and Mr. Martinez the Applicant was sworn in by Mr. Schroeder.

Mr. Model had two exhibits A-1 Plan and A-2 Google Map.

Mr. Model noted they made a change on the sign then what was originally submitted.

Mr. Model discussed the landscaping, the lighting exists however it will be updated, parking is sufficient, the existing awnings will be restored, the exterior of the building will be improved with new stucco finishes on the front, painting in the rear and the plywood on the front will be replaced with metal or suitable material.

Access to the site was discussed. The service entry is in the rear. Gates on the Terrace side will permit access into the controlled parking area. Mr. Martinez intends to put a 6 ft. chain link fence around the entire property for security. There will be three employees, three bays and one apartment. The requirement is to have eleven spaces. At the present time they are showing thirteen spaces, one handicap and two spaces for the tenants. They believe the parking has been satisfied. The Washington Avenue entrance will be for tenants and the gates in the rear on the Terrace will be for the cars that need to be repaired. Lighting was discussed. The fence will have privacy slats or vines between the business and the house on the south side. The hours of operation will be 8a.m. to 6p.m. There will be no outside storage except for the trash.

Mr. Martinez described his business operation. Mr. Martinez has worked in EHT for fourteen years and would now like to start his own business. Vehicles will only be stored and worked on inside the building. A roll back truck will always be parked outside. Cars dropped off will be brought inside. They have three separate bays.

Mr. Model discussed the signage. Originally the sign proposed was much larger than what is shown on the plans. A larger sign will be much more visible and would look better on the building.

Containers were discussed for the landscaping but may be dangerous located right next to the White Horse Pike.

The use is permitted, there will be no negative impact and would be a great opportunity to have a business in this location. The footprint of the building will remain the same.

Mr. Mueller inquired about the existing lighting noting that if the fixtures are old the Applicant will have to work with the Engineer on updating the fixtures to insure no spill over on neighboring properties. Mr. Model described the existing lighting. Mr. Martinez stated he will be replacing all of the lighting. Mr. Mueller suggested that Mr. Martinez and his architect work with the City Engineer on the proposed lighting upgrades.

Mr. McGowan noted the survey was showing the size of the building was labeled as 120 feet instead of 150 feet. This will help with the size of the sign for the property.

Signage was discussed with the Board members and Professionals.

Mr. Michel reviewed his report dated September 8, 2016.

Mr. Michel referred to page 2 of this report to a table for compliance with the automotive service stations and repair garage criteria.

Mr. Michel discussed the landscaping and refers this decision to the Board.

Mr. Michel discussed the parking and asked how many employees will be on the site.

Mr. Michel noted the Applicant is required to have one space for each employee, plus 2 spaces for each service bay and two spaces for the residents upstairs.

Mr. Model noted they revised the plan but did not submit the new plan to Board Members.

Professionals and Board Members discussed the entrances and the exits to the site. One option discussed was to Replace the garage door in the front on the White Horse Pike and replace it with windows.

Mr. Mueller noted there still may be some issues with the parking flow on the property.

Mr. Michel asked that the plans be revised and resubmitted showing the parking.

Page 3 of Mr. Michel's report reviewed items that needed to be addressed. The trash enclosure must be an approved fire container according to the cities standards. Outdoor lighting will be deflected.

Mr. Michel asked Mr. Martinez about deliveries.

Mr. Martinez stated a box truck or car will deliver parts about three times a week.

Mr. McGowan noted the broken driveway apron should be replaced. Mr. Martinez stated he will be replacing the drive way aprons.

The apartment over the business was discussed. Board members and Professionals discussed the apartment over the business. The apartment is over the office portion of the building. A CO inspection and an inspection by the Fire Marshall of the building will be required.

Mr. Michel recommends 5 conditions of approval for this application and is as follows;

1. No auto sales can take place on the property.
2. Exterior lighting shall be arranged so that it will not deter the visibility of drivers or pedestrians. No blinking or flashing lighting systems shall be permitted.
3. All repair work shall be carried on in fully enclosed structure.
4. Outdoor storage of equipment or parts shall not be permitted.
5. Signs, pennants, flags and all advertising displays visible or audible from any public rights-of-way are prohibited, except as allowed under the sign provisions of the Egg Harbor City Developmental Ordinance.

Mr. Callahan stated all of these conditions are acceptable to the Applicant.

Ryan McGowan did not have a report. Mr. McGowan discussed the rearranging of the parking lot earlier in the meeting. The lighting still needs to be addressed. The Applicant will provide lighting specks to the City Engineer.

Mr. Schroeder asked Mr. Martinez if his plan will be to have only three service bays.

Mr. Martinez said there will only be three service bays and three lifts but they have the ability if a fourth car comes in it can still be stored inside the building.

Open to Public: Mr. Christopher Morris was present and expressed his concerns about adding a public bus stop on the White Horse Pike and Washington Avenue. Mr. Morris stated a bus stop at that location will make it harder for people to get out of Washington Avenue and onto the White Horse Pike.

Mr. Morris asked how Mr. Martinez would be disposing of vehicle fluids.

Mr. Martinez replied all fluids will be removed by an approved company.

Public portion: closed

Mr. Schroder reviewed the motion which is a D Use variance, conditional use in a highway commercial zone under ordinance 70 – 56 to permit auto service and repair at this site.

A motion was made by Mr. Peterson, seconded by Mr. Michael McKenna to grant a D Use Variance.

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

The next variance the Applicant is applying for is a C- Variance – Variance on Landscaping, signage. Mr. Schroeder noted that version one of the signage was liked more by the Board, which would be the larger size. Mr. Mueller noted a sign is for information purposes and if the sign is not big enough it defeats the purpose. It makes more sense to have a larger sign on this building since the building parallels the White Horse Pike. With the traffic and high speed of the Pike a larger sign is easier to see and therefor safer.

No final plans have been made for the sign. Mr. Schroeder asked if anyone liked the smaller sign better. Board Members asked what kind of sign he is proposing.

Mr. Martinez was waiting to see what the Board would approve.

Mr. Michel reviewed the guide lines for signage. Mr. Michel noted if signage was not submitted during this application it would be submitted to the zoning official and he would have to follow the ordinance. Mr. Michel noted the Applicant can continue this application and return to this Board with signage specs for approval for the sign.

Mr. Martinez agreed to return next month with signage details.

Mr. Schroeder reviewed the motion; a landscaping variance hardship, the trash enclosure will be fire resistant approved, parking shall be approved by the City Engineer handled administratively, no auto sales on the premises, exterior lighting shall be constructed not to deter visibility from drivers, signs, banners, flags are prohibited by the ordinance, employees only shall use the terrace service bay entrance and exit only, reconstruct the aprons on Washington and 2nd Terrace, Plan revisions based on tonight's testimony, Mr. Michel's report dated September 8, 2016, traffic for the business shall be one way enter on Washington and exit on 2nd Terrace, the tenants will exit and enter on Washington, the one ventilation door on the White Horse Pike shall be closed and the door facing 2nd Terrace shall be kept close so people driving by do not have full view of work being done in the shop.

Mr. McKenna did not agree with the last condition. Mr. McKenna noted every service work station in town has their doors open for ventilation. The three service bay doors can always be open. The board continued discussion on this topic.

Professionals noticed the service bays have been mislabeled on the plans.

Revised plans will be submitted to professionals for their review.

Mr. Garth asked if a safety gate can be pulled across to restrict people from coming into the garage off the 2nd Terrace during working hours.

A motion was made by Mr. Garth, seconded by Mr. Peterson to grant a C Variance.

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

This application will continue on October 18, 2016 for the signage. The Applicant does not have to re-notice.

Mr. Mueller would like to see a complete sign package with all details so the Board can make a decision on the sign.

Mr. Michel reviewed the Redevelopment Plan for the Tower Site Rehabilitation Area dated September 8, 2016. Mr. Michel reviewed the proposed uses and the rejected proposals. All of the developmental controls have now been put in place. Mr. Michel reviewed the seven permitted uses for the Tower Site Rehabilitation area which may contain any one or a combination of the following uses.

1. Single family detached dwellings,
2. Recreational themed housing development around a golf course or manmade lake
3. Assisted living
4. Institutional Use as defined by the Egg Harbor City Developmental Ordinance such as hospital; urgent care; medical offices; college, University and related features such as dormitories and athletic facilities.
5. Commercial recreation: indoor and or outdoor sports facilities
6. Retail commercial uses as defined in the Egg Harbor City Developmental Ordinance and intended to complement other primary uses such as a service center for institutional uses providing medical supplies
7. Parks and playgrounds.

Board Members and professionals discussed manmade lakes.

Public Comment: none

Mr. Schroeder reviewed the Motion to recommend the Redevelopment Plan as presented by Mr. Michel to the Mayor and Council to continue with development of the tower site.

A motion was made by Mr. Colby, seconded by Mr. Peterson with the following roll call.

Roll call: Mr. Garth yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mr. Peterson yes, Mr. Michael McKenna yes, Mr. Warker yes, Mr. Mueller yes.

Old Business: none

Public Comments: Bill Clark from KC signs was present. Mr. Clark discussed digital signs which the Egg Harbor City ordinance.

Mr. Michel discussed signs. Mr. Michel discussed digital signs and how this type of sign is becoming more popular in communities. There is a public purpose for these signs especially in cases of emergency and amber alerts. Egg Harbor City has not had any sign changes for many years and it may be time to look at updating the City ordinance. Mr. Michel wanted the Board to hear the proposal and see what their response may be. Mr. Clark described the proposed sign and how it would be mounted on the building. The sign would only be 4 ft. by 4 ft. Mr. Schroeder and Professionals discussed approvals that

may be required from Pinelands first. Mr. Schroeder wanted to check into a past case concerning digital signs. Mr. Michel said they should call Pinelands and ask if they would need to fill out an application.

Mr. Michel suggested Mr. Clark come back for the next meeting scheduled for October 18, 2016. Mr. Colby suggested an experiment by hanging a digital sign downtown and letting the public give comments as to if they like the sign perhaps email. It would be a borrowed sign for experimental purposes. Mr. Clark has a sign that could be used in this experiment.

Adjournment:

Upon motion made by Mr. Peterson, seconded by Mr. Colby the September 20, 2016 meeting was adjourned.

Respectfully Submitted

Donna Heffley/Land Use Board Secretary *D.H.*