

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
August 15, 2017
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on August 15, 2017. Those in attendance were City Council President Ed Dennis, Chairman Jack Peterson, Vice Chairman Todd Warker, Egg Harbor City Fire Department Representative John Garth, Regular Members; Richard Colby, Dennis McKenna, Michael McKenna, Gladys Torres, Alternate #1 Keith Mullineaux, Solicitor Duncan Prime, City Planner Tim Michel, Engineer John Smith and Secretary Donna Heffley. (Not Present were Mayor Jiampetti, The Mayor's Representative Marie Johns, Alternate #2 Donald Milne, and City Engineer Ryan McGowan).

Chairman Peterson 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 present, Mr. Garth absent, Mr. Peterson present, Mr. Warker present, Mr. Colby present, Dennis McKenna present, Mrs. Torres present, Mr. Michael McKenna present, Mrs. Johns absent, Mr. Milne absent, Mr. Mullineaux present, Mr. Prime present, Mr. Michel present, Mr. McGowan absent and Secretary Donna Heffley present.

Approval of Minutes: July 18, 2017 Minutes

Upon motion made by Mr. Warker, seconded by Mr. McKenna and carried the July 18, 2017 Land Use Board minutes were approved.

Resolutions: none

New Business: #17-01 LUB

Samir Ibriham (Discount Liquor)
827 White Horse Pike
Egg Harbor City, NJ 08215
Block 433, Lot 12
Minor Site Plan

Attorney James E. McGeary was present on behalf of Samir Ibriham (Discount Liquor) in reference to obtaining approval for a minor site plan for 827 White Horse Pike in Egg Harbor City. Charles Endicott the Licensed Engineer and Professional Planner representing the Applicant was also present and was sworn in by Duncan Prime. Mr. Endicott listed his credentials.

Mr. Garth arrived at the meeting.

Mr. Endicott gave the Board and Professionals a description of the site and noted the building footprint will not be changed at all. Mr. Endicott described the parking lot and described some of the areas that are in need of repair. The Applicant would like to remove these areas, rebuild them and seal coat the entire parking lot and provide new stripping.

Mr. Michel gave his report dated May 31, 2017. Mr. Michel and Mr. McGowan met with the Applicant on June 23, 2017 and requested a site regrading and paving plan. Mr. Michel noted what they did receive was a proposal to seal coat the asphalt. Mr. Michel circulated photographs of the parking lot to Board Members. Mr. Michel pointed out extreme cracking and puddling throughout the lot. The photos also showed the driveway access particularly to the White Horse Pike and Chicago Avenue where the curbing and asphalt is cracked and does not meet today's standards. Mr. Michel explained the reason why we are going through this process is we would like to see the site look brand new, refreshed and ready to go through decades more. Also in Tim's report, the Applicant was asked for; A trash enclosure that meets the requirements of the City ordinance, and lighting details which were not provided on the revised plans. Mr. Michel and Mr. McGowan cannot comment on these items because they were not submitted for review. Mr. Michel noted the Board can handle this application in two ways. First, the board can declare the application incomplete because the Professionals met with the Applicant and asked them to provide additional details on revised plans and they were never received. Second, the Board can consider granting conditional approval based upon the Professionals receiving the details they requested already both verbally and in writing and rely upon the Professionals to see these improvements are made to the site in the appropriate manner. The second option would save the Applicant time and he would gain the advantage to continue to develop the site. The first option would delay the Applicant because it would take a week or more preparing the requested details and waiting another 3 or 4 weeks before they can return to the board.

Some of the improvements that are needed are in the Public right of way, City right of way and the City should not be responsible for replacing the sidewalks and curbs.

Mr. Michel noted when Mr. McGowan first reviewed the plans he needed to see Grading throughout the entire site. The grading is not shown only a few spot elevations and the finished elevations are not shown on the plan.

Mr. Smith commented and agreed with Mr. Michel on the condition of the asphalt. Mr. Smith described how the puddling areas can be improved. Mr. Smith discussed the new driveway that is being proposed on Chicago Avenue and grading must be shown on the plans. Mr. Smith pointed out that the loading area is substandard in size but also encroaches into the right of way and also encroaches into the pedestrian route in the sidewalk along Chicago avenue. This sidewalk in this area has been paved over and you can actually see the outline popping up the sidewalk. Mr. Smith recommended that the asphalt be replaced in this area for suitable pedestrian access along the Chicago Avenue footage.

Mr. Smith concurs with Mr. Michel's comments on the trash enclosure unless they document that they have interior trash and recycling.

Mr. Smith also recommends stop signs at the exit driveway onto Route 30. Site Lighting was discussed but must be checked. The Handicap parking should be one space, van accessible and stripped.

Mr. Endicott testified that they would be willing to review the condition of the asphalt and cut out and repair the bad areas. Mr. Smith suggested if the Board decides to grant the Administrative approval that

Tim is recommending then the Professionals should meet on site with the Applicant and in addition to the grading and the puddling areas will come to an agreement which areas need to cut out and repaved so the lot is a like new condition once the seal coat is installed on the parking lot.

Mr. Dennis expressed his concerns about an Administrative approval and wants to make sure the Board Members concerns are addressed. Mr. Dennis expressed the importance of the parking lot being repaired and how it would complement the improvements that have been made to the building.

Mr. Garth visited the site and expressed his concerns about the concrete aprons entering into the site and how they are all busted up and if they are just paved over they are only going to crack and be worse. This issue needs to be addressed now later the Board will not have the authority. Mr. Garth noted there are curbs and sidewalks everywhere else. He also noted that Wawa's parking lot was probably in ten times better condition than this site and they're did the parking lot. Mr. Garth noted that the lighting should also be addressed so the area is well lite. The concrete island in the middle of the parking lot should also be removed.

Mr. Colby noted sidewalks on either side of the site at the bank and WAWA sidewalks are all brand new and look beautiful. The board should insist that this property should do the same as well as the parking lot. Mr. Colby asked about the grass area between the curb and the sidewalk and would like to know if that is going to be maintained.

Mr. Michel mention that in an email from Ryan McGowan to the Applicant that the site needed to be regraded, certain curbing needs to be replaced, sidewalks need to be replaced, Mr. McGowan did not write a final report because he did not get what he asked for from the Applicant. If the Approval was to go along the lines that the Applicant will satisfy all the requirement of the Boards Professionals than they would have the right to get an Administrative review by the Board Professionals. If they are not satisfied with that review they can come back to the Board and request waivers.

Mr. Michael McKenna noted there is no sidewalk along the White Horse Pike connecting the two curb cuts on both ends of their property. This area should be taken care of especially along the white horse pike it is a heavily traveled area for pedestrians. Also, the sidewalk down Chicago avenue should be replaced back to concrete and defined sidewalk not paved over.

Mr. Garth suggested the trash enclosure not be in plain site

Mr. Michel noted WAWA trash enclosure faces Chicago Avenue and looks very nice and looks like their building. The Applicant will have to follow what is required by the City Ordinance. Mr. Michel no trash enclosure detail has been given by the Applicant.

Mr. Peterson noted in order to proceed we need to ask the Applicant if they intend to make these changes or we deem the applicant ion incomplete and request that the Applicant comes back with a plan for the Professionals to review.

Mr. Prime swore in the Applicant Samir Ibriham.

Mr. Endicott noted the Applicant is willing to work with the Professionals on the trash enclosure, the lighting, the signage, and the sidewalks. However, the biggest issue is the parking lot and if they have to fully mill, replace and repave the entire lot then the cost would be too much and this project would not

work for the Applicant. The Engineer noted the Applicant is willing to repair and replace the areas of the parking lot that need it, seal coat and restripe. Mr. Endicott and the Applicant are willing to meet with the Land Use Board Professionals to discuss the parking lot.

Mr. Endicott and the Board members discussed the location and size of the trash enclosure.

Mr. Warker asked what the percentage of the parking lot needs to be redone.

At this time Mr. Ibrahim would like to repair the areas that are needed only. Maybe in a year he will be able to do the entire parking lot.

Mr. Dennis asked the Applicant at what point would you decide if the entire parking lot would be done. Mr. Ibrahim stated if more than 50 % of the parking lot needs to be repaired and replaced then he will do the entire parking lot. If it is less than 50 % then he will just repair the areas needed. Board Members continued to discuss the parking lot.

Chairman Peterson explained to the Applicant that the Board tries to accommodate an Applicant by having them meet with Professionals a head of time. Then when the Applicant appears before the Board if Members have questions they have a plan to refer to. Chairman Peterson does not want to solely depend upon the Professionals to make sure everything is addressed. Board Members have certain issues that they want resolved and this is the Boards only chance to make sure each one is addressed. Chairman Peterson notes that Board Members would like to see the parking lot done properly and the puddling issues resolved. Mr. Peterson does not want to deem the application incomplete and does not want to rely on the Professionals. The Board Members have the ultimate decision and it gives the Board Members the chance to make sure that their concerns are addressed.

Mr. Prime's recommendation to the Board was to ask the Applicant to continue this Application to the September meeting. The Applicant gave testimony tonight on the record. The Applicant can meet with the Professionals before September and amend his plan according to comments from tonight's meeting. Also, the Applicant may have to request a parking variance for the trash enclosure.

Members continued to discuss this application and what improvements they are looking for by the Applicant.

Mr. McGeary understands that there are certain issues that must be addressed and asked if the Applicant will have to re-notice.

Mr. Prime stated it will not be necessary to re-advertise

Mr. Prime stated the motion is to carry this application until the September 19, 2017.

Motion was made by Mr. Dennis, seconded by Michael McKenna

Roll Call: Mr. Dennis yes, Chairman Peterson yes, Mr. Warker yes, Mr. Garth yes, Mr. Colby yes, Mr. Dennis McKenna yes, Mrs. Torres yes, Michael McKenna yes, Mr. Mullineaux yes.

Mr. Dennis left the building.

New Business: Application #17-02 LUB

Spread the Gospel, Inc.
235 and 243 St. Louis Avenue
Egg Harbor City, NJ 08215
Block 437, Lot 7.03
Site Plan Waiver and Use Variance

Mr. Michel and Mr. McGowan met with the Applicant and had an understanding that it would be desirable for the Applicant to improve the parking lot. This would include paving, which would necessitate storm water management requirements and pinelands review would be required. If this was required before the Applicant came before the board tonight, the applicant would not be using the property. Mr. Michel and Mr. McGowan wanted to figure out a way that the Applicant could begin using the property while they are going through the design and then through the regulatory review process.

Mr. Michel contacted Pinelands and explained the use variance had been granted, the Board will be considering a waiver of site plan review and the building will continue to be used in a similar fashion. From a Pinelands perspective, this would not be considered a change of use they would not have to receive a submission for a site plan waiver but will be required to review any submission for improving a parking lot, storm water drainage and associated landscaping requirements.

At this time, The Applicant is asking to improve two handicap parking stalls on the site as well as any associated ramp that would be necessary to access the building and that would be it for the physical improvements to the site. If the Applicant is not asking for this and they are told by the Board that they must make a formal submission to Pinelands first then the building will remain empty until next year. The process would entail; a month or two to design the plan, submission to Pinelands sometime in October and then return to the Land Use Board sometime in January. By this time, it would be winter and paving would have to be diverted until April of next year.

Mr. Michel suggested that the Board can consider a waiver of site plan based upon the conceptual plan that has been submitted. Recognizing that this has been a stone parking lot for many years and the Applicant is committing to improving the parking lot. A schedule can be made for the Applicant to follow that can be reviewed and approved by the Board. If the Applicant is unable to satisfy some of the steps in the prescribed period then they would have to come back before the board and ask for a waiver or an extension.

A formal site plan would be required by the Applicant in the future. This is to allow Spread the Gospel to use the building after the handicap parking area and the ramp are completed. The Applicants engineer must complete the proper elevations with Mr. McGowan for the two-handicap spaces. Then when the parking lot is totally done in the future the handicap parking spaces will already be at the proper elevations.

Mr. Hawkes was sworn in by Mr. Prime.

Mr. Michel 's suggestion is if the Board grants this waiver tonight the Applicant should submit to the Pinelands by October 1, 1017 and that would be for the development application. All civil engineering details should be submitted on the plan for submission to the Pinelands.

After Pinelands reviews and approves the application it must be submitted to the Land use Board by January 1, 2018.

Mr. Michel's final suggestion for a date incorporated in a decision. The site improvements and paving would be done by May 1, 2018.

Mr. Michel reviewed the time line; first a site plan wavier which would be granted tonight, second the Applicant will agree to improve two handicap stalls prior to occupying the building and any associated ramp needed to access the building. This will require engineering detail and the Applicant will have to submit these details to Remington, Vernick and Walberg for their review and approval. Third building permits will be required for work being done. Fourth the site plan which the applicant has agreed to do all of the site plan improvements for instance the handicap parking, storm water, and civil engineering plans. The time schedule will be how the Land Use Board can enforce that these improvements will be done. If the time schedule cannot be met then they must come back before the Board and explain why they cannot meet the deadline. Finally, enforcement if they are required to have a TCO for the occupancy.

Board Members discussed the issues with TCO's

Mr. Hawkes expressed his concerns

Mr. Prime explained to Mr. Hawkes that he has a use variance right now for the proposed use. A formal site plan is still required. It is well within the Boards rights to require some protection. The Board is trying to work with you by giving you a timeline and still let you operate the building.

Mr. Prime explained the TCO would be issued to the Applicant once they complete the minor handicap related improvements. The Applicant may occupy the building and proceed with the Pinelands application. Once the work is completed they may apply for a Certificate of Occupancy.

Mr. Michael McKenna noted if they do not finish everything by May 1, 2018. The Applicant must come back to the Board to explain what happened and ask for an extension.

Questions and comments from the board: none

Mrs. Hawkes wanted to clarify that they Meet with the Engineer to create elevations for handicap ramp and stalls and then they can operate.

Mr. Peterson told Ms. Hawkes that permits will be required to do the improvements and they will have to be inspected by the building department.

Public or comments from the board: none

Mr. Prime stated the Board will be voting tonight on a temporary waiver of site plan for the Applicant to make minor ADA Handicap improvements on the site. Also, Board Members will be voting on a schedule for submission to Pinelands and to this Board as follows; October 1, 2017 for a full submission to Pinelands for certificate of filing, submission to this board for a full site plan review within 30 days after receiving Pinelands approval and a recommendation to the City that they grant a temporary TCO upon showing completion of the ADA improvements.

Mr. Prime noted All building requirements must be satisfied as well as the building department that is separate from this Board.

Issues that must be settled with this Board will be in the resolution.

Upon motion made by Mr. Michael McKenna, seconded by Mr. Dennis McKenna

Roll Call: Mr. Peterson yes, Mr. Warker yes, Mr. Garth yes, Mr. Colby yes, Dennis McKenna yes, Ms. Torres yes, Michael McKenna Yes, Mr. Mullineaux yes.

Informal: Jose Aldarondo from AJ's Auto Repair was present; however, the owner of the property Mr. Gunther was not present. The Board could take no action without the owner of the property being present.

Old Business: none

Questions and Comments from the Board: Mr. Colby expressed the Boards deepest sympathy to Ryan McGowan for the loss of his father.

Adjournment: Upon motion made by Michael McKenna, seconded by Dennis McKenna and carried the August 15, 2017 meeting was adjourned.

Respectfully submitted,
Donna Heffley Land Use Board Secretary