

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
January 16, 2018
Re-Organization
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on January 16, 2018. Those in attendance were The Mayors Representative Marie Johns, Chairman Jack Peterson, Vice Chairman Todd Warker, Egg Harbor City Fire Department Representative John Garth, Regular Members; Richard Colby, Michael McKenna, Gladys Torres, Alternate #1 Keith Mullineaux, Alternate #2 Donald Milne, Solicitor Duncan Prime, City Planner Tim Michel, City Engineer Ryan McGowan and Secretary Donna Heffley. (Not Present were Mayor Jiampetti and Regular Member Dennis McKenna).

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

Re-Organization:

1. Oath of Members

The following Members were sworn in by Duncan Prime, Solicitor for Egg Harbor City Land Use Board.

Jack Peterson, Regular Member for a 3-year term ((01/01/18 through 12/31/2020).

Edward Dennis, Council Appointment for a 1-year term (01/01/18 through 12/21/18).

John Garth, Egg Harbor City Fire Department Representative for a 1-year term (01/01/18 through 12/31/18).

Marie Johns, Egg Harbor City Mayor Representative – for a 1-year term (01/01/2018 through (12/31/18).

Michael McKenna - Regular Member for a 3-year term (1/1/18 through 12/31/2020).

Don Milne – Alternate #2 for a 2- year term (01/01/2018 – 12/31/2019).

Marie Johns the Mayors Representative was sworn in at the City Council Meeting held on January 6, 2018.

2. Election of Board Officers

Mr. Peterson announced the following Appointments made by City Council:

Duncan Prime – Prime Law – Solicitor

Tim D. Michel – City Planner

Ryan McGowan – Remington, Vernick and Walberg Engineers

3. Election of Board Officers:

The following appointments for the positions of Chairman, Vice-Chairman and Secretary were made for the Calendar Year 2018.

A. Chairman

Mr. Dennis nominated Jack Peterson for Chairman of the Egg Harbor City Land Use Board, Mr. McKenna seconded the nomination.

Mr. Peterson asked for other nominations – none

Mr. Dennis moved the nominations be closed, seconded by Michael McKenna and carried.

Jack Peterson was appointed Chairman of the Egg Harbor City Land Use Board.

B. Vice Chairman

Mr. Peterson nominated Todd Warker for Vice Chairman of the Egg Harbor City Land Use Board, Mr. Dennis seconded the nomination.

Mr. Peterson asked for other nominations – none

Mr. Dennis moved the nominations be closed seconded by Mr. Mullineaux and carried.

Todd Warker was appointed Vice Chairman of the Egg Harbor City Land Use Board

C. Secretary

Mr. Peterson nominated Donna Heffley for Secretary of the Egg Harbor City Land Use Board, Mrs. Torres seconded the nomination.

Mr. Peterson asked for other nominations – none

Mr. Dennis moved the nominations be closed, seconded by Mr. Mullineaux and carried.

Donna Heffley was appointed Secretary of the Egg Harbor City Land Use Board.

4. 2018 Meeting Dates

January 16, 2018

February 20, 2018

March 20, 2018

April 17, 2018

May 15, 2018

June 19, 2018

July 17, 2018

August 21, 2018

September 18, 2018

October 16, 2018

November 20, 2018

December 18, 2018

The aforementioned meetings shall take place on the above dates, namely the 3rd Tuesday of each month at Egg Harbor City Hall, 500 London Avenue, Egg Harbor City, New Jersey 08215

Upon motion made by Mr. Dennis, seconded by Mrs. Torres and carried the above dates were approved.

5. News Paper Ads:

The Press of Atlantic City, The Egg Harbor News, the Atlantic Current and the Hammonton Gazette were designated recipients of meeting notices for 2018.

Upon motion made by Mr. Dennis, seconded by Mr. Warker and carried

Approval of Minutes: December 19, 2017

Upon motion made by Mr. Dennis, seconded by Mike McKenna and carried the December 19, 2017 meeting minutes were approved.

Resolutions: Resolution #4 of 2017
 Tri State Towing, LLC
 11 11th Terrace
 Egg Harbor City, NJ 08215
 Block 527, Lot 4
 Block 527, Lot 7
 Minor Site Plan

Mr. Dennis brought to the Boards attention that the owner stated at the last meeting that the trash dumpster would be kept inside the building and only moved out on trash day. The dumpster is still outside the building and is not on wheels to move the dumpster in and out easily. Also, the dumpster was moved from the front of the building to the back of the building so the owner is aware that it must be moved. Mr. Dennis feels that if a person testifies under oath and states that something will be done if they fail to do so they should be held responsible and have to return to the board and their approval should be held up.

Mr. Prime noted it would appropriate to memorialize the resolution because it is an action that the board took at the last meeting. The applicant can be sited for conditions not met by Code Enforcement.

Mr. Peterson noted many vehicles have been removed from the lot.

Mr. Dennis noted vehicles are still being left outside of the fence and the owner stated this would not happen.

Code Enforcement will have to closely monitor the situation to ensure that conditions are met.

Upon Motion made by Mr. Colby to memorialize the Tri-State resolution, seconded by Mrs. Torres
Roll Call: Mrs. Johns yes, Mr. Dennis no, Mr. Peterson yes, Mr. Warker yes, Mr. Garth yes, Mr. Colby yes, Mrs. Torres yes, Michael McKenna yes.

Resolution #4 of 2017 Tri State Towing, LLC was memorialized.

Resolution #5 of 2017
 Atlantic County of Education Associations, Inc.
 842 Philadelphia Avenue
 Egg Harbor City, NJ 08215

Block 12, Lot 311
 Variance Relief
 Preliminary Site Plan Approval

Upon motion made by Mr. Warker to memorialize Resolution #5 of 2017 Atlantic County of Education Associations, Inc, seconded by Mr. Mullineaux

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

Resolution #5 of 2017 Atlantic County of Education Associations, Inc. was memorialized.

Resolution #6 of 2017
 Theatre Park Productions
 1602-48 White Horse Pike
 Egg Harbor City, NJ 08215
 Block G52, Lot 122
 Amendment to Kertz Application

Mr. Peterson noted the third resolution listed on the agenda, Theatre Park Productions will be tabled and Mr. Prime will explain as to why.

Mr. Prime announced he spoke to the Applicant's Attorney and the resolution for Theatre Park Productions will be tabled and a joint resolution will be done capturing everything from the last meeting combined with tonight's results. This resolution will be adopted next month and the Applicants attorney agreed to this.

A motion was made by Mr. Warker, seconded by Mike McKenna to table resolution #6 of 2017 – Theatre Park Productions

Roll call: Mr. Peterson yes, Mr. Warker yes, Mr. Garth yes, Mr. Colby yes, Michael McKenna yes and Mr. Mullineaux yes.

Old Business: Continuance of Use Variance for Theater Park Productions. Mr. Duncan excused Mr. Dennis and Mrs. Johns who cannot participate in this application.

Mr. John Scott Abbott who is representing the Applicant was present, with George Egrie, Roy Egrie, Expert Witness, Engineer, Planner Bill Swiderski. Mr. Abbott noted they have tried numerous times to contact the tenant who was interested in opening a pool business and have received no response. The Applicant is no longer interested in pursuing the use variance for the pool business. Mr. Abbott noted they did ask for an interpretation of the property.

Bill Swiderski noted they are moving forward for the approval on the 3 units the 4th unit will be vacant for the time being. Thirty-one parking spaces are being provided, twenty-eight for the employees, three for the people coming to the site, three 3 handicap spaces and a proposed stop sign on Bremen Avenue. They accept all of the recommendations of the Engineer. They are asking for a waiver from installing the 640 feet of side walk which would cost twelve to fifteen thousand dollars. They will provide some type of landscaping for the front t of the building to buffer the facade of the building. They have an existing fence from the building to Bremen Avenue and have agreed to provide slats in this fence as well as long as the Bremen Avenue side.

Mr. Abbott asked how the resolution what will constitute light manufacturing and will they always be required to come before the board for approval of a new tenant. Mr. Michel said he will get an approval for a certain number of tenants and as long as it is consistent with the uses that are permitted in the zone then it would be acceptable. The Applicant will be required to apply for a zoning permit explaining the type of business, how many employees, and additional information about the business. A mercantile application must also be applied for with the Clerk's Office.

Chairman Peterson asked if there were any Questions pertaining to the pool business use variance.

A motion to deny the use variance for the pool manufacturer for Theater Productions, Inc. was made by Vice Chairman Warker, seconded by Mike McKenna

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

The Use Variance for the Pool Manufacturer was denied.

The Board continued on to the Site Plan portion of the Theater Productions Park, Inc. application. Mr. Dennis and Mrs. Johns were permitted to return to hear the rest of the application. Mr. Prime explained they could vote only if they listened to the tapes or read the transcripts from the last meeting. However, if Mr. Dennis and Mrs. Johns did not they are still permitted to ask questions concerning the application.

Mr. Prime announced the Applicants concluded their presentation.

Mr. Prime turned the floor over to Mr. Michel.

Mr. Michel discussed sidewalks and referred to the Atlantic County Council application where they agreed to put in sidewalks if properties on each side installed sidewalks. Mr. Michel feels sidewalks are necessary along the White Horse Pike. A bus stop is also located at the intersection of Bremen Avenue and the White Horse Pike which should promote people to use bicycle or foot traffic which would encourage sidewalks. However, if DOT is going to replace the sidewalks then it is not necessary for the applicant to install sidewalks.

Mr. Michel discussed the slats for the fence and he recommends the fence be repaired and hedge slats be installed or a slat that is made of a very durable material. The fence should be repaired or replaced where needed.

Mr. Michel suggested trees be planted along the White Horse Pike.

Mr. Michel noted as long as the trailers located on the property are not being used for storage and are only being used to transport equipment to different locations they are allowed. This issue was discussed at the last meeting.

The Applicant confirmed there are 4 uses in the building and 31 parking spaces. Mr. Michel said the plans show the same.

Mr. Dennis inquired about the upstairs offices and who occupied the them.

Roy Egrie responded that there is one tenant in the upstairs office which is Earls Girls and they also occupy the largest portion of the downstairs. The other unit is about 2000 square foot with office space upstairs which was the proposed pool manufacturers unit.

Mr. Dennis asked Mr. Egrie if the building department will be given a drawing designating each unit and the space that will be occupied by each tenant.

Mr. Egrie answered yes.

Mr. Dennis asked about the space that will be occupied by the laundry business. The laundry business will have his own designated area consisting of 4500 square feet and is the tall building in the back of the property.

Board Members and Professionals discussed permitted uses.

Mr. Colby expressed his concerns about sidewalks and is in favor of the applicant installing about 40 to 50 feet of sidewalk along the White Horse Pike and along Bremen Avenue to serve the bus stop. This would be an added improvement to the entrance of Egg Harbor City.

Mr. Dennis expressed his concerns about sidewalks and would like to see sidewalks along the White Horse Pike. Mr. Dennis was also in favor of trees being planted instead of scrubs along the building.

Mr. Garth expressed his concerns about sidewalks and feels the Applicant does not need to install them at this time. If properties on either side get developed than the applicant should install sidewalks.

Michael McKenna expressed his concerns and actually looked at properties surrounding 1602-1648 White Horse Pike. He feels the applicant should not waste the money, the sidewalks would be going nowhere. If the neighboring property installs sidewalks then the Applicant should have to install them at that time.

Vice Chairman Warker noted the Applicant does not keep the grass mowed and pedestrians have to walk through tall grass to get to the bus stop.

Mr. Swiderski the Applicants Engineer believes trees would look much better than the sidewalk. Trees would create an appealing entry to the City.

Mr. Michel discussed applicants being required to install sidewalks years later and how it was a difficult task.

Mr. Peterson expressed his concerns on sidewalks and noted when new construction is done sidewalks are required. Mr. Peterson noted the applicant moved in tenants without mercantile licenses and still have not fulfilled past conditions of approval for the Kertz application. There are cars parked outside, the landscaping has not been done, the building is till not completely painted and now another application is here and conditions of approval will not be completed again.

Roy Egrie noted the money they should have used to paint the building they used to pave $\frac{3}{4}$ of Baltimore Avenue and the cost was about \$80,000.

Discussion continued on the issue of Baltimore Avenue.

Board Members all agreed that the grass at this location has been an issue for years and must be maintained on a regular basis.

Mr. Egrie will be making more improvements on the exterior of the property.

Mr. Roy Egrie noted they have invested in their own lawn mower instead of contracting it out so they will be maintaining grass on a regular basis.

Mr. Peterson asked for questions or comments from the board.

Mr. Garth suggested when Mr. Egrie gets a tenant for unit number 4 the tenant will not be able to get a mercantile license until the sidewalk is completed. Mr. Egrie agreed if they get a 4th tenant. The applicant will also have to apply for a zoning permit and a certificate of continued occupancy.

Mr. Dennis spoke about prior conditions and how they should be tied together with new tenants. Prior conditions should be completed before a new tenant can move in. Mr. Dennis wants to see that the promises that were made two years ago are fulfilled.

Professionals and Board members agreed all conditions that must be completed before the fourth tenant moves will be listed in the resolution.

In the future if the applicant ever wants to change the approval to more than 4 tenants at the site they will have to return to the board for a site plan waiver.

Public comments: no one was present

Mr. Prime noted there were two open issues first all prior conditions must be completed prior to the fourth tenant. Second, once those conditions are completed, they have a tenant, they must apply for mercantile license. Once the mercantile license is issued the owner has up to six months to install sidewalks and plant ten trees along the White Horse Pike.

The only conditions that fall under the 6-month deadline is the installation of the sidewalk and trees. All other conditions were from the prior application and must be completed at this time.

The motion is as follows for Theater Productions Inc.

The trailers on the property are only to be used for hauling not storage.

Four proposed tenants for the site with thirty-one parking spaces

In the future if the applicant would like more than four tenants he will have to apply to the Land Use Board for a site plan waiver

Upon motion made by Mr. Garth, seconded by Mr. McKenna

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

New Business: none

Council Report: Mr. Dennis discussed the Redevelopment Committee Meeting with the new owner of the Acme Site, Ray Persia. Mr. Persia will be filing with the Pinelands Commission and will be meeting with the City's Professionals in the near future.

Mr. Dennis announced that the property next to Dollar General has been sold and more updates will follow in the future.

Public comments: none

Adjournment: Upon motion made by Mr. Garth, seconded by Mr. Peterson and carried the January 16, 2018 Re-Organization meeting was adjourned.

Respectfully Submitted
Donna Heffley, Land Use Board Secretary