

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD  
October 16, 2018  
7:00 P.M.**

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

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 absent, Mr. Michael McKenna present, Mrs. Johns present, Mr. Milne absent, Mr. Mullineaux present, Mr. Prime absent, Mr. Michel present, Mr. McGowan present, Mrs. Lottinville present and Secretary Donna Heffley present.

\*Nancy Lottinville, Esq. attended this meeting for Duncan Prime Esq. who was unable to attend tonight due to a scheduled hearing for another client.

**Approval of Minutes:** September 18, 2018

Upon motion made by Mr. Dennis, seconded by Mr. Warker and carried the September 18, 2018 meeting minutes were approved.

**Resolutions:** none

**New Business:** **Strong Holding, LLC**  
111 New York Avenue  
Egg Harbor City, NJ 08215  
Block 1.07, Lot 7  
Preliminary Site Plan Approval  
Final Site Plan Approval

Mr. Michel noted the Gateway Redevelopment Plan was approved earlier this year and has been approved with revisions that permit a multi dealer automobile facility, meaning you have multiple dealers within one building on one lot. This application is proposing rehabilitation of the former Acme property that is a 60-year-old building site as developed. The Applicant will use the existing building rehabilitate it and then totally remove the asphalt in the parking lot and repave the entire parking lot.

There will be a total of 363 parking spaces and 121 dealer offices in the building. The applicant will present their plan tonight to show compliance with the State regulations for multi dealer facility as well as compliance with the Redevelopment plan for the Gateway Rehabilitation area.

James Clancy with H.C.E. & S., LLC, Clancy and Associates, Inc. who are Civil Engineer's and Land Surveyors was present and sworn in by Nancy Lottinville, Esq. The applicant Ray Persia was also sworn in at this time. Guido Babore, Esq. the Attorney representing Strong Holding and Ray Persia was also present.

Guido Babore, Esq. gave a brief overview of the application. Mr. Persia is proposing a used car dealer facility, which houses licenses for used car dealers to sell cars in the State of New Jersey. The state requires certain criteria that must be met such as; any dealer that wants a dealer license in the state of New Jersey must have an office space of 72 square feet, must be heated, have electric, a phone and must have 2 parking spaces each, each office should have a sign inside and also a sign should be on the street.

The applicant has met with Mr. Michel and Mr. McGowan concerning the sign. Mr. Persia also met with the sign company and will get all of the details. They are going to try to modify the existing sign if not they will provide a sign on the site that meets all of the ordinances and all of the requirements. If they do not utilize the existing sign they are aware that they will have to remove it and Mr. Persia agreed to this.

Mr. Persia stated they are proposing 121 offices and each office will have 2 parking spaces. Mr. Babore noted that they were asked to provide loading and unloading details on the plan. There will be a designated area as requested but it will not be striped.

Mr. Persia explained this facility will be used to house NJ licensed automotive dealers. The dealers may not be occupying the building as The State of New Jersey does not offer whole sale licenses only retail licenses. In order for a dealer to go buy at one auction and then go to another auction to sell they need a facility to hang their license. Mr. Persia is offering them a facility to do this. This will be their place of business. The hours of operation will be from 8 a.m. to 5 p.m. They will have an office to store their paper work and have a physical business address. There will be two secretaries and one maintenance crew for the building.

Mr. Persia will be rehabilitating the exterior of the building.

Nancy Lottinville, Esq. marked the revised plans Exhibit A-1 date of revised plan 10-11-18. The two-page rendering and floor plan will be marked A-2 with today's date of 10-16-18

Ryan and Tim met with Ray Persia and his professionals last week and the revised plans just came into the office on Friday October 12, 2018. Mr. Michel noted some of the numbers may not match up due to the number of parking places changing because there was an error in the calculation for the number of handicap spaces. The number of handicap spaces had to increase which decreased the number of parking spaces from 367 to 363. The reason the number of offices changed is because you need 3 spaces per office. The way this was calculated is 363 parking spaces divided by 3 equals 121 offices. Their plan showed 140 offices which must be revised to show 121 offices to be consistent with the Redevelopment plan. The applicant agreed it will be revised.

Mr. Michel noted that the Applicant is not ready for final approval and it is his recommendation if the Board chooses to act tonight it should be on a preliminary basis with conditions of approval that can be satisfied at the time of final submission.

Mr. Michel reviewed the Completeness section of his report dated October 11, 2018.

1. Existing topography is necessary to establish repaving of the lot and this is not shown on the existing plans so it is incomplete
2. A certified survey is required and this has been submitted.
3. Floor plans and elevations are required and the applicant did not provide elevations of the building but one rendering of the building was provided. Professionals need a picture of each side of the building with all of the building materials marked on it.
4. The location and details of any signs is needed.
5. A written plan and illustrative plan for the collection, disposition and recycling of recyclable materials is required.
6. Any deficiency in requirements for landscaping installation may be satisfied by a monetary contribution.
7. Change title of plan, which has been done on the revised plan.
8. Sign plans must be submitted and the applicant has indicated that they are not ready to do so yet.
9. A security plan is required.

Mr. Michel noted all of this item can be conditions of a preliminary review if the Board chooses so.

Ryan McGowan reviewed the completeness section of his report dated 10-16-18 and discussed the following items:

1. All bearings shall be given to the nearest tenth of a second. Datum used for the plans should be defined
2. As Tim had mentioned no grading proposed or existing is shown on the plan.
3. All means of vehicle access and egress proposed for the site showing the size and location of driveways and driveway or curb openings to existing public streets.
4. Street profiles or cross sections are not needed but the sidewalk dimensions should be shown so they can confirm they meet today's standards.
5. The water service location and connection are not shown and this information should be shown on the plan for city records.
6. Signage information and location should be submitted.
7. An internal surface drainage plan designed to produce no greater volume of surface runoff from the site subsequent to development than that existing prior to development. The submitted plans indicated more stormwater runoff generated from the proposed site than from the existing site.  
\*The Engineer for the applicant indicated that this issue has been corrected.
8. Any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land shall provide a written plan and illustrative plan for the collection, disposition and recycling of recyclable materials.
9. Performance guarantee is needed.

Mr. Clancy noted all of the trash will be stored inside the building.

Mr. Michel would like the trash storage area to be shown on the plan.

Guido Babore, Esq. noted the trash will be collected and removed by a professional service. Mr. Michel suggested to explain their trash collection and removal in their response.

The Applicants engineer Mr. Clancy would like the Board to declare the application complete so they can move on with the technical portion of the application.

The Board and Professionals discussed the meaning of declaring the application complete.

Mr. Michel prepared a report dated October 11, 2018 which has been distributed to the Board and to the Applicant.

Mr. Michel reviewed his report and informed the Board where changes have been made. On page 1 first paragraph Mr. Michel pointed out that the number of parking spaces have been reduced to 363 and the total number of offices will be 121. There is an existing 16,800 square foot building on the property (was the acme market) which was constructed in 1958. Pinelands issued a Certificate of Filing dated August 10, 2018 which states the proposed development is a change in use of an existing commercial building to an office complex and associated development.

Mr. Michel moved to page two A. Permitted Uses of his report and recited the description of a Multi-Dealer Automobile facility as it is read from the Gateway Rehabilitation plan which is described as: A New Jersey licensed automobile dealer's facility having multiple dealers. A shared or common reception area/waiting room, conference room(s), lunch room and rest room. The operation will include building and site staff for maintenance and upkeep.

This application meets the description requirement contained in the Redevelopment plan.

#### B. Conditional Use Requirements

Mr. Michel discussed the inconsistencies between the chart shown on the applicants plan and Mr. Michel's table on page 3. There is a deviation in the amount of impervious cover. They took that from the bulk regulations for the gateway residential use which is not for this proposed use. So that max impervious cover does not apply to this development and it would be understandable that their impervious cover would be very high because the Acme supermarket has a lot of surface parking area.

Mr. Michel discussed the setbacks from the street line and setbacks from the interior property line and noted they are correct in showing the dimensions of 59.3 feet to the building but there are loading docks that encroach within those spaces and he does not see any purpose for these to remain. The loading docks are in very bad shape and should be removed rather than rehabilitated.

The Applicant should provide the Board with elevations of each side of the building that should show the removal of the loading docks and specify the improvements to the exterior of the building for each of those elevations.

Mr. Michel continued on the same chart to Demonstrated Compliance concerning licensing requirements which were unknown at the time of his report. However, the Applicant has testified to their compliance.

The Applicant is also required to identify a phasing plan which was not shown on the plan. The plan reviewed by the Professionals showed no phasing incorporated in their proposal.

The Parking analysis should say 363 parking spaces and 121 dealers.

On Page four C. Parking and Circulation

The Applicant does comply with the requirements of the Redevelopment plan.

On Page four D. Loading

Mr. Michel discussed loading and he noted that the Applicant explained that will not be having a lot of loading activity. Mr. Michel and Mr. McGowan did not find it necessary for the Applicant to have a dedicated loading space for the type of operation they will have. Mr. Michel has suggested the loading areas be removed from the plan and the building.

On Page 4 E. Landscaping

Mr. Michel discussed the Landscaping requirements and discussed the Applicants choice of hedge and suggested he may want to look into a different type. The Applicant would like to meet with the professionals to discuss the different shrubs that are acceptable.

On Page 4 F. Lighting

The site plan appears to rely on existing light poles for site lighting. Further lighting comments are referred to the Boards Engineer.

On Page 5 G. Fencing

Mr. Michel discussed fencing. Fencing shall be required around the perimeter of the site. Board Members and Professionals discussed the fencing location on the site.

On Page 5 H. Signs

Mr. Michel continued with the discussion of signage. No sign detail was submitted for review. Mr. Michel noted there are 3 free standing signs and two building mounted signs on the site.

On Page 5 I. Design Standards.

Mr. Michel would like a building description of all of the building materials for each of the four sides. This is a deficiency and should be a condition of approval. This should be on the plan so it can be reviewed, approved and then attached to the Redevelopment agreement.

On Page 5 J. Security Plan

A written security plan must be written and submitted

On Page 5 K. Affordable Housing

The applicant should coordinate with the Tax accessor to determine any requirements for affordable housing that may be required by the state.

On Page 5 L. Design Standards

Section 6.3.4 J of the Redevelopment Plan requires all development proposal comply with Article XI, Design Standards found in the Egg Harbor City Developmental Ordinance. Architectural plans are needed to evaluate the proposal.

On Page 5 D. Site Plan Review

An applicant must provide sufficient information to demonstrate that the proposal will be in compliance with all requirements of for preliminary and final site plans review, Section 170-31 A & B. The completeness items detailed above must be provided to complete this review. The applicant should explain:

1. Trash enclosure is required if stored outdoors but the applicant has already testified the trash will be stored inside the building.
2. Deliveries should be explained and the applicant has provided a brief description how deliveries will be handled.
3. Sidewalks are required. Mr. Michel discussed sidewalks along New York Avenue and noted the sidewalks on Arago are even worse and need to be replaced.

Mr. Dennis questioned the loading and unloading area and questioned how a tractor trailer will load and unload and then turn around and exit the parking lot area.

Mr. Clancy noted there will be no tractor trailers making deliveries on the site. The only deliveries will be made by fed ex and they will pull up to the closest door.

Mr. Clancy suggested that the Professionals could put a note on the plan that their will be no tractor trailer activity.

Mr. Dennis expressed his concerns about the Fire Department access to the building in the back if the Applicant plants shrubs. Mr. Peterson and Mr. McKenna noted the Fire department would not have to get that close to the building. Mr. McKenna discussed different points of access.

Mr. Dennis would like to see some type of stockade fence installed along the back of the building and the property owners. Mr. Dennis suggested blocking off Hamburg Avenue where the road runs into the acme parking lot to stop access and clean up the property line where it is overgrown.

Mr. Dennis wanted to know if the Applicant will be removing the old pump station on the site.

Mr. Persia is not planning on removing the old pump station.

Mr. McGowan noted the old pump station should be removed or professionally abandoned so, it does not become a hazard.

Mr. Dennis would like to see the sidewalks that are in front of the Acme extended to the White Horse Pike instead of stopping at the end of the Acme property. Mr. Dennis would also like the curbing to be looked at and replaced.

Guido Babore, Esq. stated they are proposing all new sidewalks.

Mr. Dennis would like to see the driveway off the White Horse Pike which customers tend to use going into the Adult World be closed off.

Members discussed the access road off of Hamburg Avenue.

Mr. Warker inquired about how many cars would be parked at the site.

Mr. Clancy will take pictures of the Bridgeton site showing how many cars are in their parking lot. Chairman Peterson expressed his concerns about the parking and noted there will be 363 parking spaces available and 363 cars could be on the lot at any time.

Nancy Lottinville, Esq. provided Board Members with a printout of the State requirements for NJ Auto mobile licensing for the members to look at.

Mr. Warker asked about the other properties where this type of business was taking place and what happened to them.

Mr. Persia noted the only facility in operation is located in Bridgeton.

Mr. Dennis asked if the internet sales fails what is to say that this would turn into a car lot. Mr. Dennis wants to make sure what the Board approves stays that way. The Applicant must come back before the board for approval to change the approved use.

Mr. Michel explained to the Board that the resolution will be very specific and clear as to the type of use that will be on this property. If this use does not work out and in time someone else would like to occupy the site they will be required to come back before the Board for approval.

Mr. Michel noted the resolution will be clear that there will be no vehicle maintenance or repairs done at this site.

Mr. McGowan reviewed the technical section of his report dated October 16, 2018.

Mr. McGowan reviewed the following;

Site circulation

170-38A. (2 &3) Site circulation should eliminate dead ends to the maximum extent practicable. Angled parking along Arago Street should be revised so that access to the angled parking does not terminate at a dead end.

Mr. Clancy said he would look at this and see what they can do.

170-38. B. (1) (a) Pedestrian access to and from the site has not been provided. The Applicant is requesting a design wavier because that would take parking away from the site and then they will not meet the number of parking spaces that are needed.

170-38. B. (3) (a) Verify lighting. All lighting shall be designed, oriented and selected to prevent glare upon surrounding properties or roadways. The Applicants engineer should verify to the Board that no glare will cast on adjacent properties and roadways.

Mr. Clancy will review the lighting.

170-38. B. (3) (c) Mr. McGowan discussed the lighting plan must meet IES Standards.

The Applicant would like to request a wavier because there is residential property close by and they would like to keep the light down in the rear of the building.

170-38. B. (4) Many locations in the proposed parking lot do not have any screening or barriers. Around the perimeter of the site, the parking setback appears to be 0' in numerous locations along New York

Avenue frontage and Arago frontage puts the tips of their parking stall right at the property line which does not comply with the ordinance so the applicant will need a waiver.

Mr. Clancy said they are requesting this waiver.

170-38. B. (6) (b) Entrances and exits shall be located not less than 50 feet from the driveway edge nearest the right of way of an intersecting public street and 30 feet from the tangent of the closest curb radius. It is not clear whether the existing driveway entrance from New York Avenue complies with this requirement. The applicant should consider relocating the driveway entrance to a more central location on the frontage.

Mr. Clancy noted they can slide that driveway over.

170-38. B.(6)(c) Sight Triangles have not been provided at exits and entrances.

170-38B. (6)(f) the grading of driveway entrances and exits has not been provided

170-38. B.(6)(g) Technically acceleration lanes are required for parking lots with 200 or more spaces. Mr. McGowan noted they are not suggesting this and recommends that the Board entertain that waiver. Mr. Clancy stated they are requesting a waiver from this.

170-38. C. (2) (c) Any proposed phasing of the proposed improvements should be indicated on the plan. Mr. Persia stated that he is not phasing the site improvements exterior of the building only on the interior of the building.

Each one of these offices will be required to get a mercantile license and a fire inspection.

170-39B. (2) (c) At the discretion of the Board, off-track improvements including but not limited to curb, sidewalk, and roadway repairs/resurfacing may be required along US Route 30, New York Avenue, and Arago Street.

Mr. McGowan noted that, based upon testimony given earlier in the meeting, the Applicant is already proposing to replace the sidewalks around the site.

Mr. Dennis would like to see the sidewalk run to the White Horse Pike.

Mr. Clancy stated they will run sidewalk up to where they are permitted.

170-57. F.(4)(a) Parking areas shall be lighted to 1.5 foot-candles throughout. Chairman Peterson and professionals discussed the lighting details.

Mr. Clancy stated they are asking for a waiver for any additional lighting.

Discussion on additional lighting was continued.

Mr. Clancy will discuss lighting further with the Professionals. They are proposing to replace or upgrade the existing lighting on site.

Mr. Dennis said they should add additional lighting to the site so the entire site has adequate lighting.

The Applicant is proposing .5 and if it is not adequate then the Applicant should have to come back and add additional lighting.

Mr. McGowan explained they have to establish what size lighting will be adequate.

Mr. Clancy will bring a light meter to the next meeting and will demonstrate for the Board members so they can visually see the foot candle.

Discussion continued on types of lighting.

Mr. McGowan will consult with the Police department and gather what their thoughts are on sufficient lighting for the site.

Mr. Garth asked for Mr. McGowan's opinions on the amount of lighting the Applicant is proposing.



Mr. McGowan feels ½ foot candle should be sufficient for the site.  
 Chairman Peterson asked if there will be lighting on the parking area that is paved.  
 Mr. McGowan explained as of now it is not proposed on the plans.  
 The Applicant has added wall packs to the sides of the building. There is nothing in the back of the building where the vegetated area is and the neighbor's house.  
 Mr. McGowan suggested lighting that shines straight down should be provided.

170-62. D. (2) Planted landscape strip with a minimum 5' width shall be provided around the site. Mr. McGowan noted with the cars close to the property line this will not be practical. One location Mr. McGowan would suggest extend the hedge in the back of the lot.  
 Mr. Clancy noted one of the Board members suggested doing away with all of the landscaping and fence the property instead.  
 Mr. Dennis agreed and noted the trees would be better to be planted along New York Avenue on both sides of the garden strip creating a buffer for the site for neighbors and it would enhance that area.

170-110. B Off Street parking spaces are not permitted in the front yard setback.  
 Mr. McGowan noted they are right at the property line so the applicant needs a waiver from this.

110.D(2) A 5'hedge wall of other screening of parked vehicles is required around the site.  
 Mr. McGowan noted this was discussed.

110.D(3) The parking lot interior does not provide shade or visual relief. One tree per six (6) parking spaces are required.  
 Mr. McGowan explained this and the Applicant will be requesting a waiver from this item.

110.D(4) The proposed parking lot layout does not define pedestrian circulation routes.  
 Mr. McGowan noted the Applicant is requesting a waiver from this

170-114.D Landscaping Plans shall be prepared by a certified professional in the field of Landscape Architecture  
 Mr. McGowan noted they have granted a waiver from this requirement.

170-114.K Selected plant species shall be consistent with N.J.A.C. 7:50-6.25  
 Mr. McGowan noted this is a list from the Pinelands and they can consult with the Applicant on this.

233 Stormwater Control – The Applicant has requested relief from the majority of the requirements in this section. The Board can consider that request if the Applicant can reduce the proposed impervious area to any value less than the existing impervious area. If the applicant cannot achieve this, a full stormwater review is required.

Mr. McGowan noted the plan that they have still shows an increase in impervious area.  
 Mr. Clancy stated they will make sure that the post development impervious area is at least one square foot less than the predevelopment impervious area which would allow the application to complete with the City stormwater management rules.

233-2-C (1) Topographic Base Map. A topographic base map is required to be submitted at a scale of 1" =200; showing natural and man - made features within 300 feet of the site. It is recommended that the Applicant provide the map. The path of positive overflow should be

shown on the map. In addition, the Applicant should ensure that no storm water discharge from the site impacts any adjacent properties.

Once the Applicant has the survey for the grading of the existing site this will be determined.

Mr. Clancy noted they are not changing the flow and when the topography is done it will show where the flow use to go.

Mr. McGowan noted we need to know where the flow goes now for our records.

233-4. A. (7) The area of disturbance, excluding areas that are proposed to be milled and overlaid, should be provided to confirm that less than 1 acre of disturbance is proposed.

233-4. B (4) (a) A minor reduction of impervious surface from existing to proposed is required to comply with this requirement.

Mr. McGowan noted this was already addressed earlier.

Moving on to General Comments.

Mr. McGowan reviewed comments

1. The Applicant should review the gutter line grades surrounding the site and confirm that there are no ponding issues on adjacent City Streets.
2. Proposed top and bottom curb grades should be provided for all new curb
3. The plans should provide a detailed layout for each underground stormwater management system.  
Mr. McGowan noted this comment was erroneously included.
4. Stop signs and stop bars should be provided at all exit driveways. Stop signs were listed but no stop bars.
5. Appropriate signage should be provided for the reserved employee parking spaces. All of the stacked parking should be reserved there should be no customer parking in the stacked spaces.
6. The plans show one driveway to be for ingress and one to be for egress on both the White Horse Pike and New York Avenue. The driveways should include appropriate traffic control Signage. If the driveway is moved to center location then you would not have the need to separate
7. The plans should depict all proposed signage at the site.
8. The applicant should provide a pedestrian linkage from the perimeter sidewalk to the building.
9. The applicant should discuss the adequacy of the loading area based upon the anticipated type of trucks to be utilized for deliveries.
10. Sight Triangles should be provided at all driveway locations.
11. The Applicant should indicate the hours of operation for the facility.
12. Details should be provided for concrete curb, sidewalk and driveway aprons.
13. An asphalt paving detail should be provided for areas where there is no existing asphalt. These areas should propose a 6" dense graded aggregate base course below the asphalt pavement.
14. The adequacy of the lighting at the farthest extents of the proposed parking lot should be addressed.
15. The layout of the proposed ADA spaces may not be the most efficient arrangement. The Applicant should consult the ADA rules to ascertain the minimum dimensions of the required ADA spaces.

Mr. McGowan noted the Applicant can reconfigured them

16. The landscape buffer proposed adjacent to the residential properties should extend across Lot 10, Lot 8 and the small section of the Applicants property being restored to grass.
17. Stacked parking spaces should be limited to use by the auto dealer owners/employees utilizing the facility for vehicle storage

18. The existing sanitary sewer pump station on the site should be professionally abandoned in place or removed.

Mr. McGowan noted if they do not want to remove it its fine but they must make sure it is sealed in a permanent fashion by a professional.

19. The need for a fire service should be discussed.

Mr. McGowan noted the water service is not indicated on the plan so we do not know the diameter. We do not know if the building had a requirement for a fire sprinkler system.

Mr. Dennis suggested the City can tell the Engineer the size of the meter.

This will have to be looked into with the utility and building department.

20. The plans should be reviewed with both the police and fire departments.
21. It is the Cities understanding that NJDOT will be replacing all curb and ADA ramps along US Route 30 as part of a larger construction project along US Route 30 through the City in 2018. It is our recommendation that the applicant therefore not be required to replace curb along US Route 30 that will be replaced by NJDOT.
22. We recommend that the Board require the Applicant to post a performance guaranty, a maintenance guaranty, and an inspection escrow in accordance with 170-49 and 170-50. The Applicant will be required to notify Robert Smith, PE of our office, should approval be granted, in order to schedule all required site inspections.

Chairman Peterson opened the floor to the public.

Emily Shinpaugh who lives across from the Acme site was present. Her concern was the lighting and the noise. However, after hearing the testimonies given her concerns have been addressed. She would like to be present for the next meeting. The secretary was asked to notify her of the next meeting date.

Tom Ade was present and had questions pertaining to the Acme project.

Mr. Ade wanted to make sure the City will be protected and that it will be clear that the site cannot be turned into a salvage yard years down the road. The property must be used for its proposed use.

Mr. Michel noted there is a Redevelopment plan in place and this will protect the City and allow the site to only be used for its approved use.

The Mr. Clancy suggested to add it to the resolution that no non-running salvage wrecks will be allowed on the lot.

Mr. Michel noted that this type of operation will be described and that is what is being considered tonight and that is what will be approved.

Chairman Peterson noted the applicant will have to provide a sign that will have the name of each Tennent on the property.

Mr. Babore is looking into if there is an ordinance requiring a certain size for the font on the sign.

Chairman Peterson asked if they will be removing the loading docks. Mr. Peterson noted the rendering of the building is impressive and the loading docks should be removed to add to the overall look of the building.

Mr. Clancy asked if they could have some time to look into what else they could do with the

loading docks instead of removing them.

Chairman Peterson said he would give him the time to see what he comes up with.

Chairman Peterson also expressed his concerns about trash. Some businesses have completed their trash enclosure properly and some have not. Chairman Peterson wants to make sure the trash will be stored and disposed of properly. He requested that where the trash will be stored will be clearly defined on the plans so there is no confusion. If the receptacles are outside they are always to be maintained.

The Mr. Clancy said he will put it on the plan and it should also be written in the resolution. Mr. Clancy also stated they will have a professional company to handles the trash.

Nancy Lottinville, Esq. suggested a motion to prepare a resolution for preliminary approval subject to all of the discussion this evening for the Boards consideration at the next meeting. Chairman Peterson and the Board agreed.

Chairman Peterson asked for Questions from the Board.

Mr. Colby expressed his concerns about repaving the huge area over at the acme site. He asked if it will be regraded and will they have to worry about puddling and ponds that will not get a peak flow. Mr. McGowan said they have to submit a revised survey that has grading so the professionals can figure out where the water is going and if there are any low spots.

Mr. Colby asked if Mr. McGowan will be present when this parking lot is done.

Mr. McGowan said yes, they will inspect the paving work.

Mr. Colby asked if the applicant will be required to repave the lot if it does not drain properly.

Mr. McGowan said yes it cannot be left with a pond in the middle of the parking lot.

Mr. Colby asked if such a large area should have a drainage system.

Mr. McGowan, replied they do not need one technically because of the existing impervious on that lot. If they were building this from scratch they would need a massive drainage basin.

Vice Chairman Warker questioned if Mr. Persia will be at the site every day.

Mr. Persia noted in the beginning he will be then he will have an office manager present every day.

Mr. Michael McKenna asked if each office will have a smoke detector. He expressed his concerns if there was a fire would the fire department have to have 121 keys to find which office has a smoke detector going off. Mr. McKenna asked that the Applicant provide some type of master key.

Mr. McGowan noted they would have to have an interconnected system and a central control panel. This would have to be discussed with the Construction Official.

Mr. Dennis inquired if they are actual offices or cubicles.

Mr. Persia stated they are actual offices.

Mr. Dennis asked if the Applicant is replacing all of the asphalt or is it a patch and repair.

Mr. Clancy replied it is a milling overlay.

Chairman Peterson asked for any other questions from the Board or the Public.

Mr. Dennis made the Motion: That the Board allow the Attorney to draw up a preliminary

approval for the site, seconded by Mr. Mullineaux

**Roll Call:** Mr. Dennis yes and Mr. Dennis thanked the Applicant for their presentation and choosing Egg Harbor City, Chairman Peterson yes, Mr. Garth yes, Mrs. Johns yes, Vice Chairman Warker yes, Mr. Colby yes, Mr. Michael McKenna yes, and Mr. Mullineaux yes.

**Council report:** none

**Questions or Comments from the Board:** none

**Questions from the public:** none

Kishor Ghelani Professional Licensed Engineer and Jashoda Sait the owner of 140 Philadelphia Avenue was present.

Code Enforcement found construction work being done at 140 Philadelphia Avenue without the required permits. Construction was stopped by the Construction Official until the proper approvals and permits were obtained. Mr. Ghelani and Mrs. Sait are here tonight for an informal review to see if the Board will allow the change that they are proposing.

Mr. Michel explained that Code Enforcement went to the property and discovered that they were converting a storage room as labeled on the submitted plan into a bedroom for an apartment. The Apartment is attached to the storage room and the store. But in making the conversion from the storage room to a bedroom for an apartment. This would be expanding a non-conforming use. The apartment is a non-conforming use on the first floor. Now to try and emphasize how this analysis becomes critically important is what if they want to get rid of the store and expand the apartment into the entire first floor of the building. You are expanding a non-conforming use. This may seem insignificant to them but to convert a commercial space on a ground floor to a larger floor on a ground floor your expanding a non-conforming use. That would require this board to take jurisdiction and require a D variance.

Mr. Michel explained this to Mrs. Sait and the Applicants Engineer Mr. Ghelani. The Applicant is incorporated and would also need representation by an attorney if they choose to file an application with this Board.

Mr. Ghelani tried to explain that the storage room is part of the store.

Mr. Michel noted the applicant submitted a plan that clearly shows marked on the plan that the space in question is labeled storage room.

Mrs. Sait stated when she purchased the store that the storage room was part of the store and she used it for storage.

Mr. Michel said they can apply if they disagree to appeal the Zoning officers decision. Or they can file an application for a variance to expand a non-conforming use. An apartment cannot be on the ground floor of a commercial store.

Nancy Lottinville, Esq. noted the plan that was submitted indicates that the use of this room is for storage for the store. Which makes it a conforming part of the first-floor commercial use. Changing that use and connecting this storage room for storage to a residential apartment is a change of use and it's a change to a non-conforming use. The apartment as it exists today has the right to stay there because it is a prior non-conforming use but you do not have the right to expand the non-conforming apartment without the approval of this Board. And what you have

indicated in the terms of the change in the elevation and the closing and opening of doorways to the space always go to your proof.

The Applicant has already admitted that they used this storage room as part of the store. The fact that they want to change it means you will have to come before the Board for the proper approvals.

Mrs. Sait explained to the Board if this process is going to be too expensive, to file an application and get approval then she may just leave the room the way it is.

Mr. Michel noted Mrs. Sait will have to contact the building department and obtain permits to remove what she has done and return the room to its original state.

Chairman Peterson informed Mrs. Sait she can come before the Board with an attorney for approval of the application or possible denial based on the evidence that is provided to the Board. If you are incorporated you will need representation by an attorney.

The Board Professionals suggested that Mrs. Sait consult with an attorney for guidance on how to proceed if she would like to apply to the Board.

Chairman Peterson noted there is no action the Board can take concerning this matter other than informational.

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

Respectfully Submitted  
Donna Heffley, Land Use Board Secretary