

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD  
May 21, 2019  
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on May 21, 2019. Those in attendance were City Council President Robert Ross, Egg Harbor City Fire Department Representative John Garth, Chairman Jack Peterson, Vice Chairman Todd Warker, Regular Members; Dennis McKenna, Gladys Torres, Michael McKenna, Keith Mullineaux, Solicitor Leo Manos Esquire, City Planner Tim Michel, City Engineer Ryan McGowan and Secretary Donna Heffley. (Not Present were Mayor Jiampetti, The Mayors Representative Marie Johns, Alternate #1 Andrew Dixon and Alternate #2 Mason Wright).

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. Ross present, Mr. Garth present, Chairman Peterson present, Vice Chairman Warker present, Dennis McKenna present, Mrs. Torres present, Mr. Michael McKenna present, Mrs. Johns absent, Mr. Mullineaux present, Mr. Dixon absent, Mr. Wright absent, Mr. Manos present, Mr. Michel present, Mr. McGowan present and Secretary Donna Heffley present.

**Approval of Minutes:** April 16, 2019

Upon motion made by Vice Chairman Warker seconded by Dennis McKenna and carried the April 16, 2019 Land Use Board Minutes were approved.

**Approval of Resolutions:** #1 of 2019

Granting Extension of Approval to Resolution 1 of 2016  
Preliminary and Final Major Site Plan Approval  
Highway Petroleum, Inc.  
Block 715, Lots 28 and 26  
1451 White Horse Pike, Egg Harbor City, NJ 08215

Upon motion made by Vice Chairman Warker, seconded by Mr. Dennis McKenna

**Roll Call:** Mr. Ross yes, Mr. Peterson yes, Mr. Garth yes, Mr. Warker yes, Mr. Dennis McKenna yes, Michael McKenna yes, and Mrs. Torres yes.

**Oath of Member:** Mason Wright was not present to be sworn in.

Chairman Peterson announced that application #2019-05 LUB – 235 New Orleans, LLC and application #2019- 03 LUB – Strong Holding, LLC will not be heard tonight, and will be moved to the June 18, 2019 Land Use Board Meeting.

Mr. Manos noted that this was an informal announcement due to both of the applicants not noticing for tonight's meeting. Both applicants will have to provide notice and publication for the June 18, 2019 Land Use Board meeting.

**New Business:** #2019-04 LUB – McDonald's LLC  
 924 White Horse Pike  
 Egg Harbor City, NJ 08215  
 Block 435, Lot 1.01  
 Variance Relief  
 Conditional Use Approval  
 Site Plan Approval

Mr. Manos announced a couple of the Land Use Board members will have to recuse themselves from this application. Mr. Ross due to a D Variance being applied for by the applicant and Mr. Mullineaux due to another matter.

Mr. Ross took a moment to update the Board on the Egrie matter (1602 White Horse Pike). Mr. Ross stressed the importance that Applicants must follow proper procedures and receive necessary approvals BEFORE beginning a new business in Egg Harbor City.

Mr. Ross left the building.  
 Mr. Mullineaux recused himself.

Tracy Siebold Attorney with Nehmad Perillo Davis and Goldstein was present representing McDonald's LLC. Ms. Siebold is presenting the application for McDonalds for renovations at 924 White Horse Pike. Ms. Siebold gave a brief description of the renovations that will be done to the exterior and interior of the existing building and the approvals that are required for them to move forward. The Professions present with Ms. Siebold were Marty Swaggard, Civil Engineer and James Miller, Licensed Professional Planner.

Mr. Swaggard wanted to note that the address for this McDonalds is 924 White Horse Pike and they will be correcting their plans and survey which had 911 as the address.

Mr. Swaggard marked the following Exhibits:

**Exhibit A-1 – An Ariel Photo of the site**

**Exhibit A-2 - Photos of Existing Site** showing the building is very dated. A very standard McDonalds meeting the qualifications to be remodeled. Mr. Swaggard showed to the board what the building will look like after proposed renovations. Such as bathroom remodel, remove the red roof, paint the building, interior remodel new service area, new décor, new signage, sidewalk ADA accessible, outside seating. The Building will look brand new by the time the renovations are all completed.

**Exhibit A-3 - shows the elevations.**

**Exhibit A-4 - Shows the entire site**

**Exhibit A-5 - shows the proposed signage.**

Everything in the interior and as well as access to the building will now be ADA compliant. The parking spots are not ADA compliant in size or slope as well as the path of travel to the building, the outdoor seating area, or the existing bus stop does not have a path of travel. They are repaving the parking spots, repaving the sidewalk and the concrete on the outside seating area and a new sidewalk connection from the public sidewalk to the building entrance on the south side.

The second component of the site work is the replacement of the drive thru signage which is in very bad condition. A new digital menu board which will be programmed to change three times a day will be installed. Mr. Swaggard discussed site Lighting and the LED Lighting.

The Applicant reviewed Mr. Michel's and Mr. McGowan's reports and addressed the following: The applicant does not have a designated loading area on the site. Deliveries are made no more than twice a week and are made during off peak hours so a designated loading area is not necessary. Another issue is to paint the trash enclosure to match the building. The doors should also be upgraded to noncombustible material. The applicant agreed to both of these requests.

Mr. Swaggard addressed the no left turn comment from the exit drive with the suggestion to consider making it a right turn only. Mr. Swaggard went to the site today and tested this during rush hour and made a left-hand turn with no problem. The Applicant is requesting to keep the exit the way it is.

Mr. Miller Professional Planner gave his review of the site and noted the Applicant is only updating the site. Mr. Miller reviewed signage and described each proposed sign. He also noted that the improvements that are proposed will enhance the site.

Chairman Peterson asked for questions or comments from the Board members.

Mr. Michel reviewed his report dated May 13, 2019. Mr. Michel noted the Applicant has addressed all of his concerns and complimented the them on a clear presentation and believe they have met all of their criteria.

Mr. McGowan noted everything in his letter dated May 15, 2019 was discussed, the only matter he would like to discuss with Board members is the no left turn onto route 30 from the driveway nearest St. Louis Avenue. It is his understanding that NJDOT suggested this revision when the Traffic signal was added to the intersection of US Route 30 and St. Louis avenue. Left hand turns are restricted from streets on either side within one block of the intersection, a left hand moving onto route 30 is restricted.

Board members discussed this matter and decided to leave things the way they are.

Chairman Peterson asked for any other questions or comments from the board.

Chairman Peterson agreed with Mr. Michel and thanked the Applicant for providing a clear and complete presentation of their proposed project.

Chairman Peterson opened the floor to the public. No public was present.

Mr. Manos asked for a Motion to grant a conditional use variance which is a permitted use in the zoning district subject to certain conditions. A variance from Section 170-58 A (1)(e) will be required for the minimum building frontage which is required to be 60 feet and it will be 39.3 feet. The existing building frontage is 39.11 feet

Motion was made by Mr. Garth, seconded by Mr. Warker

**Roll Call:** Mr. Peterson yes, Mr. Garth yes, Mr. Warker yes, Mr. Dennis McKenna yes, Mr. Michael McKenna yes, Mrs. Torres yes.

Mr. Manos asked for a Motion for a minor site plan, C variances for signage and 5 additional waivers. A motion was made by Michael McKenna, seconded by Ms. Torres

**Roll Call:** Mr. Peterson yes, Mr. Garth yes, Mr. Warker yes, Mr. Dennis McKenna yes, Mr. Michael McKenna yes and Mrs. Torres yes.

Chairman Peterson asked for questions and comment from the Board: none

Chairman Peterson asked for any questions and comment from the public: none

Mr. Dennis McKenna asked if McDonalds will remain open during the renovations.

Mr. Swaggard said they will be staying open as much as possible and may only have to shut down for a couple of days.

**Public Comments:** none

**Adjournment:** Upon motion made by Mr. McKenna seconded by Mr. Garth and carried the May 21, 2019 Land Use Board Meeting was adjourned.

**Respectfully Submitted**

**Donna Heffley, Land Use Board Secretary**