

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD**

October 20, 2020

Remote Meeting

7:00 P.M.

A remote access meeting of the Egg Harbor City Municipal Land Use Board was held on October 20, 2020. Those in attendance were Mayor Jiampetti, Chairman Jack Peterson, Vice Chairman Todd Warker, Egg Harbor City Fire Department Representative John Garth, Regular Member; Dennis McKenna, Keith Mullineaux, Alternate #1 Andrew Dixon, Alternate #2 DaShaun Hare, Leo Manos Esquire, Land Use Board Engineer Ryan McGowan and Secretary Donna Heffley. (Not Present were Council Representative Robert Ross, Regular Members; Michael McKenna, Gladys Torres, and the Mayors Representative Marie Johns).

Chairman Peterson opened the meeting with the flag salute.

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.

Chairman Peterson directed the Secretary to enter this public announcement into the minutes.

Roll Call: Mayor Jiampetti present, Mr. Ross absent, Chairman Peterson present, Mr. Warker present, Mr. Garth Present, Mr. Mullineaux present, Michael McKenna absent, Dennis McKenna present, Mrs. Torres absent, Mrs. Johns absent, Mr. Dixon present, Mr. Hare present, Mr. McGowan present, Mr. Manos present and Secretary Donna Heffley present.

Approval of Minutes: July 21, 2020

Upon motion made by Mr. Warker, seconded by Mayor Jiampetti and carried the July 21, 2020 minutes were approved.

Approval of Resolution: none

**New Business: Highway Petroleum, Inc.
Block 715, Lots 26 & 28
1451 White Horse Pike
Egg Harbor City, NJ 08215
Resolution No. 1-2019
Request for Extension**

Mr. Manos gave a brief review of this application that was originally before the Board in 2016 and explained the extension guidelines.

Mr. DeClement Esq. was present representing the applicant Highway Petroleum. In 2016 the Egg Harbor City Planning Board granted a conditional preliminary and final major site plan approval under Resolution # 1-2016. Due to the state of the economy the project was delayed from moving forward. The Applicant has received two one-year extensions under Resolution No. 1-2019 which was adopted on May 21, 2019 and extended to May 17, 2020. Due to the current crisis Covid -19 and under the recently approved and implemented "Permit Extension Act", the Applicant is requesting an extension to address the conditions of the conditional approval, obtain the necessary outside agency approvals in order to perfect the plans for final sign off from the City. Mr. DeClement Esq. is hopeful that the project will start in the new year by May 2021.

Mr. Manos noted zoning protection is valid for two years and then three one-year extensions taking them to May 17, 2021. The letter submitted September 23, 2020 would be their last extension or they may not be able to build with their prior approval.

Mr. Peterson asked for a motion to grant this extension Upon motion made by Mayor Jiampetti, seconded by Mr. Mullineaux and carried the extension was granted.

Mr. Manos will have a resolution for the next meeting.

B. John Donohoe - #2020-03 LUB
209-215 New York Avenue
Egg Harbor City, NJ 08215
Block 2.07, Lot 27
Variance

Mr. John Donohoe and his son, Dan Donohoe were present and were sworn in by Leo Manos, Esq. Mr. McGowan, City Engineer reviewed his report dated October 15, 2020 which was distributed to Board Members and Professionals. The Applicant is seeking relief from the minimum lot width standard. The minimum lot width in the zone is 150 feet and this lot width is 80 feet and currently a wooded lot.

Dan Donohoe shared his screen which shows the map that he submitted with his application. Dan showed the location of his lot in green 80 x 30 and pointed out other lots of equal or lesser size within a 500-foot radius and 3 lots that don't meet the required R-22 standards for road frontage. The applicant feels a home on their lot would look better and match in with the existing neighborhood instead of having an empty lot.

Mr. McGowan reviewed his report dated October 15, 2020.

Mr. McGowan asked the applicant when they acquired the property.

Mr. Donahue noted 2 years ago he purchased the property with Pinelands approval, with water and sewer on site. The Applicant tried to purchase the neighboring vacant lot but the high cost would have created a hardship.

Mr. Peterson asked if the lot is 300 ft. deep. The applicant agreed.

Mr. McGowan continued his review and under completeness he suggested that the applicant request a site plan wavier so the Board can deem him complete.

Questions from the Board:

Mayor Jiampetti wanted to know what this home would be used for and if Mr. Donahue has a buyer. Mr. Donahue's plans for this site is a single-family ranch style dwelling and he does have someone interested at this time.

Mr. Warker inquired how the home will be built on the lot and if it would be sideways due to how narrow the lot is. Mr. Donahue responded the home would not be sideways on the lot.

Mr. McGowan noted the applicant did not ask for any other waivers and any development must meet all other standards of the ordinance.

Mr. Dixon noted the size of the lot next to his home is 40 x 150 which is not very wide and the house is sideways and is curious how the applicant is proposing to put this rancher on his lot.

Mr. Donahue noted they have not committed to a house plan yet until they get approved from this board but are proposing a 1500 square foot rancher.

Mr. Warker and Mr. Dixon feel that size home on that lot will be tight.

Comments from the Public

Steve Murphy and his wife Dawn Murphy were present and are neighbors to this property. Mr. Murphy was sworn in and resides at 239 New York Avenue. Mr. Murphy expressed his concerns about what type of home is being proposed. He would like to see the layout of the home if possible. Mr. Murphy complained that he could not get the link to work correctly on the website, just received the certified letter today and was concerned whether his neighbors received their notices.

Mr. Warker asked the Applicant if this would be a stick-built home and Mr. Donohoe replied yes.

Mr. Peterson discussed options of the location of the dwelling on the property that would be more desirable. The Applicant would have to return to the board to move the proposed dwelling further back on the property if desired.

Mayor Jiampetti was concerned that Mr. Murphy could not obtain the photos that were provided on the website. Mayor Jiampetti suggested tabling this application till next month.

Mr. Peterson asked if the notices were sent out correctly. Mr. Manos noted he had the applicant resend the original notice because he used a 200 ft list that he printed out himself and must use the 200 ft list provided by the Tax Assessor. Mr. Manos also noted City Hall is Open to the public and if the documents cannot be viewed on the City website the application can be viewed at the building department.

Mr. McGowan asked if the Applicant would have a problem holding off on his application until next month to give neighboring property owners time to get the notice and review the application and supporting documents.

Mr. Peterson pointed out that Mr. Murphy's name is not on the Tax accessors 200-foot list to be sent notification of this application.

Mr. Manos noted the second list went out on the 10th and was sent out correctly. Mr. Murphy was one of the extra people that were sent a notice in error.

Mr. McGowan said if Mr. Murphy just received the list sent out on the 8th then none of the neighbors would not have received the notice sent out on the 10th.

Mr. Peterson asked if the Board could table this application until next month without making the Applicant notice again.

Mr. Peterson asked what Board members would like to do. The Board could be challenged by the notification even know the notices were sent out in the required time frame.

Mayor Jiampetti noted that the Board does not want to stop development in any way but the neighbors still should have time to receive the notices and review the documents.

Discussion continued on the notices. Mr. Manos said they did what the law required and should not have to notice again. A notice will be put on the City Web site that the application will be tabled until November.

Mr. Manos made a formal announcement that this application will be continued until November 17, 2020. New Log in information will be on the website. The Applicant will not have to re notice. The application, plans and zoom information will be provided on the City Website.

Mr. Peterson was sorry a decision could not be made tonight.

Ryan McGowan discussed the City Master Plan and explained when the time is to re examine the plan in place. The City last prepared its comprehensive master plan in December 2009 and it was adopted in May 2010. The City is now in that 10-year window and it is important that this re-examination is done. The Current City's Master Plan is available at the following link: <http://www.eggharborcity.org/2018/09/master-plan/> .

Mayor Jiampetti mentioned that many changes have taken place since the Master plan was written and that the City has accomplished many of the things they wanted to do. Recommendations will be made by the Land Use Board and presented to Mayor and City Council for their review.

Mr. McGowan introduced Angela Maione Costigan Esquire; City Attorney was present to discuss a comprehensive review on appropriate placement of group homes in the City. Mrs. Costigan noted in conjunction with the Master plan they are going to ask for a review of the Land use plan which consists of all of the zoning within the City to ensure the zoning is appropriate for what the City has done and what the City proposes to do. We need a comprehensive evaluation of how the City would like to treat community residences throughout the City. This is mandated by Federal and State law. The Federal law is the Federal Housing Act which prevents discrimination to persons of disability and State laws prevent discrimination to persons with disabilities. This is why

we need a comprehensive review so no one is discriminated against with a disability or potential of a disability and to properly and fairly evaluate the location of these properties throughout the City. In December of 2019 Council passed an ordinance which they are going to rescind at the next meeting in order to have the Land Use Board review the Master plan and come up with a comprehensive evaluation. Then the Board will make a recommendation to Mayor and Council and they will choose to accept, reject or ask the Land Use Board to re-evaluate their evaluation again. Based on that information Mrs. Costigan will prepare a comprehensive ordinance sometime next year adopting or rejecting some of the proposals.

Mr. Peterson asked Mr. McGowan to send out the link for the Master plan to the Board members for their review so they may come back with comments for the next Land Use Board Meeting.

A conversation was held with regards to the expiration of the City's existing Master plan and all of the appropriate changes to be made with input from Mayor Jiampetti, Mrs. Costigan, and Mr. McGowan.

Old Business: none

Public Comments: none

Questions and Comments from the Board: none

Adjournment: Upon motion made by Mr. Warker seconded by Mullineaux and carried the October 20, 2020 Land Use Board Meeting was adjourned.

**Respectfully Submitted,
Donna Heffley
Land Use Board Secretary**