

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD  
November 16, 2021  
Live Meeting  
7:00 P.M.**

A Live meeting of the Egg Harbor City Municipal Land Use Board was held on November 16, 2021. Those in attendance were Mayor Jiampetti, Council Representative Karl Timbers, Chairman Jack Peterson, Vice Chairman Todd Warker, Egg Harbor City Fire Department Representative John Garth, Regular Members; Keith Mullineaux, Gladys Torres, Alternate #1 Andrew Dixon, Alternate #2 Dashawn Hare, Leo Manos Esquire, Land Use Board Engineer Ryan McGowan and Secretary Donna Heffley. (Not Present were Regular Members; Dennis McKenna, Michael McKenna, 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. Timbers present, Chairman Peterson present, Mr. Warker present, Mr. Garth present, Mr. Mullineaux present, Michael McKenna absent, Dennis McKenna absent, Mrs. Torres present, Mrs. Johns absent, Mr. Dixon present, Mr. Hare absent, Mr. McGowan present, Mr. Manos present and Secretary Donna Heffley present.

**Approval of Minutes: October 19, 2021**

Upon motion made by Mr. Warker seconded by Mayor Jiampetti and carried the October 19, 2021 Minutes were approved.

**Approval of Resolutions: none**

Mr. Hare arrived at the meeting

**New Business:** Hearing on Egg Harbor Lake Park (Block 954, Lots 1, 1.01, 1.02 and 1.03) to determine and recommend to City Council whether such property constitutes an area in need of redevelopment.

Leo Manos, Esq. addressed the Board concerning the hearing on the Egg Harbor Lake Park and reviewed the process with Board members. Following the hearing the Board will determine if this property constitutes an area in need of redevelopment and will make a recommendation to City Council that they determine the same.

Mr. Manos also discussed the public portion of the meeting and the format that will be used for residents to express their concerns on this matter.

Jen Heller, Civil Engineer and Project Manager was present from Polistina and Associates, LLC. Ms. Heller discussed the criteria this study area must meet in order to be determined an area in need of redevelopment. Ms. Heller noted this study area satisfies the following criteria under the Local Redevelopment and Housing Law to be declared an area in need of redevelopment. Ms. Heller referred to N.J.S.A. 40A:12A-5.c. which states land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

This land is owned by the Municipality and has remained vacant for more than ten years. Given the environmental constraints and the existing deed restriction on the property in this study area, it is unlikely to be developed through private capital.

Ms. Heller referred to N.J.S.A. 40A:12A-5. e. A growing lack or total lack of proper utilization of areas cause by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety health, morals or welfare of the surrounding area or the community in general.

Ms. Heller noted this study area lacks the proper utilization of areas due to the conditions of title, current deed restrictions and the diverse ownership of the leased parcels in the study area. Ms. Heller went into further detail concerning wet land buffer restrictions, lack of sewer service, boundaries not defined on the city's tax map, each having negative impacts on the area.

**Questions from Board Members:** Mr. Timbers inquired about the Deed restriction on this study area.

Ms. Heller noted the deed restriction was placed on this area in 1850 when the parcel was deeded to the City stating that the parcel would remain as Open space. This was with the idea that a park would be developed in the center of town. Ms. Heller noted the wetlands in this area would restrict development.

Mr. Garth wanted to know what area would be developed and where is it located.

Keith Davis, the attorney who represents Tom Gill and his family was present. Mr. Gill was also present who has an interest in developing a portion of this property. The plans have not been set which would require a site plan in the future. Mr. Gill and his family are very active in the fishing and tackle business. They have a desire to establish a commercial use on this property in the future, that would be opened to the public, would have a retail component and other recreational entities along the lake for the public to utilize.

Mr. Davis noted the only task tonight for the board is to determine whether the study presented by Ms. Heller constitutes an area in need of redevelopment. A redevelopment plan would later be developed which would dictate what type of development can take place in this area. Proper channels and approvals would have to be obtained. A site plan would have to be prepared by any applicants which would have to be consistent with the redevelopment plan in place. The applicant would come before the board and the public would be noticed of any application.

Tim Michel was present who is part of this project team and served as the Egg Harbor City Planner for many years. In 2019 Mr. McGowan and Mr. Michel met with Pinelands to find out how they would react to a proposal for redevelopment on this particular location. Mr. Michel noted Pinelands Commission will want to look at a change in management areas as a result of any redevelopment proposal. He discussed the forest area and the impact with the Pinelands Commission on a possible proposal to change the forest area to town area which would allow for sewage. Sewer is critically important for development and the camp ground. Mr. Michel discussed the environmental impacts, wetlands, endangered species and traffic impacts. Mr. Michel also discussed the deed restricting this area from the 1850's.

Mr. Davis noted the redevelopment designation provides the City with multiple tools and funding.

Ms. Torres inquired about eminent domain.

Mr. Davis noted the only reason eminent domain is mentioned is because of the deed restriction. The City of Egg Harbor has no desire to take anyone's private property for this project. The entire redevelopment area is owned by the City of Egg Harbor with the intent to have the park deed restriction condemned.

Mr. Timbers asked if sewer is provided could this open up opportunities to developers who may want to develop lake front property.

Mr. Davis noted the City would have to designate residential uses in the redevelopment plan.

Mayor Jiampetti added to Mr. Timbers comments and noted years ago the City inquired about possibly building another lake with lake front property which was not allowed at the existing lake. Mayor Jiampetti wanted to confirm with Mr. Michel that there are a number of lots past the lake that could possibly be developed.

Mr. Michel noted when going north of the Egg Harbor City lake, the Pinelands does not want to see any more intensive development than what is currently permitted under the forest area development program.

Mr. Michel discussed this further

Mr. Warker asked about protentional problems that may occur if they tried to bring sewer across the lake.

Mr. Michel noted there would be problems to supply sewer north of the lake.

It is important to reassure the Pinelands that the city has no desire to go against their environmental restrictions.

Mayor Jiampetti noted the Police Activity League (PAL) has an interest in the lake area. The League would like to build something in this area and would require sewer. The Mayor noted a grant has been identified that can be obtained to add sewer to this area. This would increase the value of the lake and campground area and make it more desirable.

Board Members and Professionals discussed the process of clearing the deed restriction title on the land from 150 years ago which required the land to only be used as a park.

Mr. Peterson inquired if there are intentions to create a new lake or use the existing lake

Mr. Michel noted a new 5-acre pond may be established to teach fishing and ecology. Mr. Michel noted pond would be specific to the property.

Mr. Warker expressed his concerns on this matter and stressed that whenever you approve for redevelopment you are opening the door to anything. Everyone should understand what is being voted on tonight.

Mr. Peterson expressed his concerns on this matter.

**Public Portion:**

Nanette Galloway who resides at 349 Buffalo Avenue in Egg Harbor City was present to speak against the proposed redevelopment plan. Ms. Galloway would like to see this lake area preserved which has been enjoyed for many generations as an open space and recreation area. Ms. Galloway would like the City to continue to honor the hand-written deed of Sarah Colwell. Ms. Galloway noted Tackle direct would be a great business for Egg Harbor City but in another location such as the Industrial Park, the old Acme site, the Old Better Built Door site, to name a few.

Rhyan Grech with Pinelands Preservation Alliance was present. Written comments were submitted dated November 16, 2021. Ms. Grech is opposed to the designation of the Egg Harbor City Lake property as an area in need of redevelopment and disagreed with several findings in the redevelopment study. Ms. Grech would like the Municipality to look for alternative development opportunities and for the Land Use Board to not recommend this study area as an area in need of redevelopment.

Michael Sheridan who resides at 2326 New York Avenue in Egg Harbor City was present and believes this is a shameful project that is being proposed and that this is land that was deeded to be a public park forever. Mr. Sheridan is very passionate about the history of this area. He and his family enjoy using the fishing pier and park area and is opposed to commercial development in this area.

Dick Colby who resides at 217 Liverpool Avenue in Egg Harbor City expressed his concerns and noted the Industrial Park is the perfect place for any large commercial development. Mr. Colby would like the City to use the Industrial Park for the reason it was produced.

Jane Shollenberger who resides at 2336 New York Avenue in Egg Harbor City is totally against this study. She has concerns about the animals and endangered species in the area and how redevelopment could affect the dock area that promotes a lot of family time. The lights and traffic will destroy this area. She believes the City can put in their own sewer system and would like the board to vote this redevelopment plan down.

Jason Howell, Public Lands Advocate for the Pinelands Preservation Alliance was present to express his concerns and noted there is an Industrial park which is where any commercial development is meant to go within the towns master plan. Mr. Howell stressed the founders of this town said this land should remain forever public.

Nanette Galloway inquired how the deed restriction will be lifted.  
Mr. Davis explained the process that would be required.

Mark Miller who resides at 2336 New York Avenue in Egg Harbor City inquired if there are plans to rebuild the dam or deepen the existing lakes.

Ms. Shollenberger inquired if this is approved will the existing lake be maintained.

Mayor Jiampetti addressed their concerns. The City continues to pursue additional grants for improvements that are needed. The City just received a 10,000 grant to improve the dam which was in desperate of repair. Additional grants are being applied for to dredge the lake. This redevelopment plan will provide the opportunity for the City to obtain more grants without the need to raise taxes for necessary improvements. Mayor Jiampetti loves the Lake and has spent the last 15 years improving the lake area.

Mr. Michel noted by designating this site as an area in need of redevelopment, it gives the City the opportunity to get placed on a state data base, this data base is linked to funding applications for using public funding. Once you are designated an area of redevelopment you have an advantage in the funding process.

Discussion continued on the existing lake.

Mayor Jiampetti noted the lake belongs to the City. Tackle direct would like to be located in one small area to bring in revenue for the City. Tackle Direct would create a new lake or pond to teach fishing.

Chairman Peterson noted there is no application before the board at this time. The only matter at hand tonight is if this area is deemed in need of redevelopment. Mr. Peterson noted there is no better advocate for open space and doing things correctly than Mr. Michel. But not at the expense of a revenue development that would benefit all the citizens of Egg Harbor City and not just those who utilize the public space. Mr. Michel's experience and knowledge working with Pinelands has made the process with projects successful.

Discussion continued on the deed restriction

Mr. McGowan noted the City would condemn its own property to clear the title. Once the title is clear an evaluation would be done to see if there would be any area that would be appropriate for something like Mr. Gills proposed development. This cannot be done until the deed restrictions are cleared.

Mr. Garth inquired about the process of this board's recommendation to City Council.

Mr. Warker expressed his concerns on this matter and is concerned with the minute you say yes to redevelopment and the minute you get sewer in the game is changed. The board needs to realize that recommending this area as an area in need of redevelopment may lead to development that you may not want. Mr. Warker just wanted everyone to be aware of this and what can happen when redevelopment occurs.

Mr. Davis believes it is not pandoras box but opening the City up for many opportunities.

Mr. Davis noted the City can control what development takes place through a redevelopment plan which the city will write.

Mr. McGowan briefly discussed the studies that will have be undertaken by the applicant. If there are cultural resources that are found that area will be marked off.

Ms. Galloway expressed her concerns about redevelopment plans.

Chairman Peterson discussed deed restrictions noting some of these deeds have been lifted in the past to encourage town growth and to bring in ratables.

Mayor Jiampetti noted the reason for redevelopment plans is so the City retains control over projects. If the land is sold they can do whatever they want. The Wawa is a redevelopment project.

There are not any more lots open in the industrial park. There is not any more lots to build.

Hazel Muller who resides at 436 Hamburg Avenue in Egg Harbor City remembers this project years ago and would welcome the Tackle Direct business to Egg Harbor City but not at the lake area.

**Public Portion:** closed

**Comments from Board Members:** none

Mr. Manos noted the board is not here to remove any restrictions, approve any uses or site plans, variances or application development. The motion is to make a determination and recommendation to the governing body, whether this lake park property is in need of redevelopment and meets one or more of the factors that Ms. Heller described in her study. A resolution has been prepared 5-2021.

Upon motion made by Mr. Garth, seconded by Ms. Torres

**Roll Call:** Mayor Jiampetti yes, Mr. Timbers no, Mr. Peterson yes, Mr. Warker no, Mr. Garth yes, Mr. Mullineaux no, Mrs. Torres yes, Mr. Dixon no, Mr. Hare yes.

Resolution 5-2021 passed.

**Old Business:** none

**Public comments:** none

**Questions and comments from the Board:** none

Mr. Manos announced the board will be going into executive session.

Mayor Jiampetti and Mr. Timbers left the court room.

Mr. Manos read the executive meeting statement to Land Use Board members noting they will be entering into executive session involving the Yeshiva application.

Motion to go into executive session was made by Mr. Warker, seconded by Ms. Torres and carried.

The Board returned from executive session and are now back into public session.

In the Executive session Professionals and Board Members discussed potential future litigation involving the Yeshiva application who appeared at last month's land use meeting and other attorney client privileged matters. No formal action was taken. There was a majority of members who would like to reconsider the Yeshiva application

Motion was made to reconsider the Yeshiva Application by Mr. Hare, seconded by Mr. Dixon and carried

Mr. Manos noted board members will be notified of next meeting date.

Motion to adjourn was made by Mr. Hare, seconded by Ms. Torres and carried.

Respectfully Submitted,  
Donna Heffley  
Land Use Board Secretary