

**CITY OF EGG HARBOR  
MUNICIPAL LAND USE BOARD  
April 19, 2022  
7:00 P.M.**

The regular meeting of the Egg Harbor City Municipal Land Use Board was held on April 19, 2022. 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; Dennis McKenna, Michael McKenna and Gladys Torres. (Not present were Regular Member Keith Mullineaux, Alternate #1 Andrew Dixon, Alternate #2 Shaun Hare and the Mayors Representative, Marie Johns).

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.

**Pledge of Allegiance**

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

**Approval of Minutes:** January 18, 2022

Upon motion made by Mr. Warker, seconded by Mayor Jiampetti and carried the January 18, 2022 Land Use Board minutes were approved.

**New Business: Informal Review**

James McCallion was present to discuss the old Acme site and permitted uses. Mr. McGowan addressed his questions and concerns.

Mr. Timbers arrived at the meeting.

**Application: #2022-01LUB  
ShoreReal Estate 1, LLC  
1225 White Horse Pike  
Egg Harbor City, NJ 08215  
Block 619, Lot 11.02**

Michael J. Malinsky, Esquire with the law firm of Fox Rothschild LLP was present representing the Applicant, Shore Real Estate 1, LLC for preliminary and final major site plan approval together with variances and waivers approval. This application is to develop a 4,220 square foot liquor store and a

second story three-bedroom residential apartment at 1225 White Horse Pike identified as Block 619, Lot 11.02 on the official tax map of Egg Harbor City. Mr. Malinsky listed the waivers and variances that are being requested.

Elias (Leo) Manos Esquire asked for a Motion to grant a submission waiver which was made by Mr. Garth, seconded by Mayor Jiampetti and carried.

Mr. Malinsky gave an overview of the existing building located at 1225 White Horse Pike which will be demolished and replaced with a 4,220 square-foot liquor store with a second story three-bedroom residential apartment. Mr. Malinsky gave a brief overview of the project, listing the variances and design waivers the Applicant will be requesting.

Three witnesses were present and were sworn in by Leo Manos, Esquire. Thomas Sidrane, AIA with the Sidrane Group, Andrew Schaeffer, PE the Applicants Engineer and Divakar Nethagani the Applicant.

Andrew Schaeffer, PE described the existing site, and is proposing to increase the liquor store size by 10 percent with the residential portion on the second story instead of one story for the liquor store and residential area. Mr. Schaeffer discussed parking which will be better defined than previous parking and driveway entrances that will be changed to make circulation more efficient. Replacing an old building with a new building will be a pleasant addition to the neighborhood. Mr. Schaeffer discussed the existing signage and the new improved signage that is proposed eliminating the large existing free-standing sign that creates a traffic hazard. Mr. Schaeffer discussed deliveries for the site and explained the loading area and the size of the trucks that will be making deliveries. Deliveries will be made by 25-foot trucks twice a week on Wednesday and Thursday, two to three times a day between noon and 3:00 p.m. The hours of operation will be 6 days a week 10 a.m. to 9 p.m. and Sunday 10 a.m. to 7 p.m. Trash and recycling will be picked up once a week. Most of their recycling generated from this business will be cardboard. The Handicap ramp was discussed. There will be four to six employees on staff and a maximum of two employees on any one shift. Security will have twenty-two cameras monitoring 24 hours a day by an outside company.

Concerning the general comments from Ryan McGowan's report dated April 14, 2022 the Applicant will comply with all however had one comment on the lighting. Mr. Schaeffer noted the lights out front will be shielded to prevent glare but not shielded to prevent light from spilling onto the White Horse Pike which will make entering and exiting the site safer. The landscaping was discussed for the site. The Applicant will work with the City Engineer on Pedestrian access from San Francisco Avenue into the site.

Mr. McGowan noted on the existing plan there is no landscaping shown along San Francisco Avenue where a 5 ft landscaping buffer is required. The Applicant will comply with Ryan's suggestions and will work with him on the landscaping.

All set backs are being improved, changes to access, adding parking, changing site circulation this will be a positive improvement to the site. A building that is not visually pleasant will be removed and replaced with a brand-new building.

Mr. Manos wanted clarification on the set backs and variances.

Mr. Peterson asked what type of landscaping is being proposed for the site. Mr. Schaeffer noted they will work with Mr. McGowan on the landscaping for the site.

Mr. Peterson expressed his concerns on trash and recycling and inquired if the enclosure will be similar to the one located at Wawa with bollards in front. The applicant will work with the City Engineer to meet the trash enclosure standards.

Mr. Garth would like to see less landscaping and more concrete so the site is always clean. Trash seems to gather between bushes that are not maintained. They will have a landscaper under contract to make sure the property landscaping is maintained.

The owner will be working in the store so he will be at the site to insure the property is being maintained.

Mr. Peterson asked if there will be outside storage of any type.  
Mr. Schaffer answered no outside storage

Mayor Jampetti and Mr. Peterson expressed their concerns about outside trash cans being provided by the door to stop customers from just throwing trash on the ground.

The Applicant agreed to provide 2 trash cans one on the 12<sup>th</sup> Terrace side and one on the San Francisco Avenue side.

Next witness was Thomas Sidrane, AIA with The Sidrane Group. Mr. Sidrane described to Board Members and Professionals what the exterior of the building will look like. The new building will have a metal standing seam roof, and metal panel siding in a warm grey. Windows will be across the front of the building with stone veneer under the windows. Signage will be provided on the front side of the building over the windows as well as on the right-side entrance over the doors. The air conditioning units will be in the rear of the building on a raised platform and will have a fence surrounding the condensers which will allow for air circulation. Stairs will be in the rear of the building for the 2<sup>nd</sup> floor.

Mike Mckenna inquired about the type of material that will be used between the first and second level of the structure. Mr. Sidrane addressed his question.

Mr. Garth inquired about the air conditioning in the back of the building and if a fence separates this property from the neighbor.

Mr. Sidrane noted there will be landscaping between this property and the neighbor's property.

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

Ryan McGowan, Land Use Board Engineer with Remington and Vernick reviewed his report dated April 14, 2022. Attached here to made part of is Ryan McGowan's report dated April 14, 2022.

Mr. McGowan reviewed the setbacks and noted the improvements that will be made to this site. Mr. McGowan reviewed parking, entrances and exits, parking spaces, loading space, landscaping and signage. Mr. McGowan discussed the pedestrian access walking route to the store.

Mr. McGowan further discussed the trash enclosure which he will provide details for the enclosure to the applicant.

Mr. McGowan discussed the air conditioning platform and pointed out that with an elevated platform against a metal building the sound will reflect off the building and be louder. Fencing is ok as long as it provides sufficient air flow to cool the unit.

The Applicant agreed to provide fencing and additional landscaping around the Air conditioning unit to suppress the noise. Board members and Professionals discussed this matter further. After discussion the Applicant agreed to provide taller vegetation around this area, install a bigger platform for the unit and install sound panels around the unit.

The Applicant agreed to register their security system with the Police Department.

**Questions and comments from the Board:**

Mr. Manos asked for clarification on the proposed signs.

**Public comments:** Erin Rausch was present who resides at 126 San Francisco Avenue and was sworn in by Mr. Manos. She currently has a problem with the light coming from the Red Barn property into her bedroom windows and with this proposed project the parking lot will be facing her home which she fears will make matters worse.

Mr. Schaeffer explained the lighting will be down lighting and will be shielded to prevent spillover. She wanted to know about the head lights from cars when pulling in to the parking lot and how that will be addressed. Mr. Schaeffer noted Landscaping will be used to block headlights from neighboring properties. After discussion the applicant suggested heavy landscaping to reduce lights shining into the neighboring property.

**Public Portion:** closed

**Comments from the Board:** none

Mr. Manos summarized the Motion for preliminary and final major site plan approval with several variances and waivers. All conditions of Approval will be listed in the resolution prepared by Mr. Manos.

Upon motion made by Vice Chairman Warker, seconded by Michael McKenna

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

**Old Business:** none

**Public comments:** none

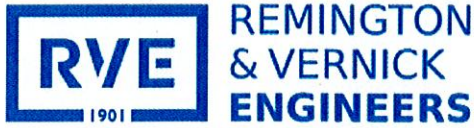
**Board comments:** none

**Council report:** The Mayor announced that Bill Johnson our Tax Assessor has retired and our new Tax Assessor will be Michael Stocklos. The Mayor updated the board on the bike path. An ordinance was approved prohibiting K- turns and U-turns on Philadelphia Avenue to be enforced by the Police Department.

The 15<sup>th</sup> annual City-wide Cleanup day is scheduled for May 7, 2022 rain or shine. Please come out and help clean up our City.

**Adjournment:** Upon motion made by Gladys Torres, seconded by Dennis McKenna and carried the April 19, 2022 meeting was adjourned.

Respectfully Submitted  
Donna Heffley, Land Use Board Secretary



845 North Main Street  
Pleasantville, NJ 08232  
O: (609) 645-7110  
F: (609) 645-7076

April 14, 2022

Donna Heffley, Board Secretary  
Egg Harbor City Planning Board  
500 London Avenue  
Egg Harbor City, NJ 08215

**Re: Application No. 22-01 LUB  
Harbor Liquors  
1225 White Horse Pike (Block 619, Lot 11.02)  
City of Egg Harbor, Atlantic County, New Jersey  
Preliminary and Final Site Plan Approval  
RVE File No. 0107-P-139**

Dear Board Members:

Please review the following report prepared for the above-referenced application based on the materials received by our office.

**I. Application Materials**

1. **Land Use Board Application No. 22-01**, dated February 9, 2022.
2. **Review Letter from the Pinelands Commission** dated January 6, 2022.
3. **Certificate of Formation for Shore Real Estate 1 LLC.**
4. **Applicant/Owner Sales Contract** dated January 13, 2021.
5. **Site Plan Checklist.**
6. **Egg Harbor City – Fees and Deposits.**
7. **W-9** request for taxpayer identification number and certification.
8. **Property Location** information sheet.
9. **Zoning Map Location** prepared by Peter P. Karabashian Associates, Inc.
10. **200 Foot Property Owners List** prepared by the City of Egg Harbor, dated September 9, 2021.
11. **Major Site Plans for Harbor Liquors for Zoning Analysis and Planning Board Review** prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated August 25, 2021, and last revised February 2, 2022.
12. **Architect Plans for Harbor Liquors** prepared by The Sidrane Group and dated February 2, 2022.
13. **Zoning Schedule** prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated August 25, 2021, and last revised February 2, 2022.

This report consists of our review of the subject application for conformance with the Egg Harbor City Land Use Ordinance requirements and is limited to planning and engineering. Legal issues shall be deferred for review by the Board Solicitor. Our review is limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing.

Based upon our review we offer the following comments:

**II. General**

The following general information has been provided for this application.

**Applicant/Owner:** Shore Real Estate 1, LLC  
28 Falling Leaf Court  
Galloway, NJ 08205

**Project Attorney & Planning Consultant:** Michael J. Malinsky, Esq  
1301 Atlantic Ave #400  
Atlantic City, NJ 08401

**Project Engineer:** Andrew Schaeffer, PE, CME  
1425 Cantillon Blvd.  
Mays Landing, NJ 08330

**Project Architect:** Thomas Sidrane, AIA  
201 Tilton Road  
Northfield, NJ 08225

**Location:** 1225 White Horse Pike (Block 619, Lot 11.02)

**Zoning:** HC – Highway Commercial

The site is located in the Highway Commercial (H-C) Zone. Retail stores are a permitted use in this zone.

**Existing Use:** The existing use serves as a 3,910 square-foot (sf) liquor store with an attached 3-bedroom residential apartment unit.

**Proposed Use:** 4,220 square-foot (sf) liquor store of new construction with a 3-bedroom residential apartment located on the proposed second story.

**Proposal:** The applicant is seeking preliminary and final site plan approval for the proposed reconstruction of Harbor Liquors.

**Area, Yard & Bulk Regulations – HC Zone District:**

ITEM	REQUIRED/EXISTING	PROPOSED	STATUS	DEVIATION FROM EXISTING
Use	Liquor Store/ 3 BR Apartment	Liquor Store / 3 BR Apartment	Conforms	No change
Minimum Lot Area	15,000 SF / 22,500 SF	No Change	Conforms	No change
Minimum Lot Width	100 ft / 150 ft	No Change	Conforms	No change
Maximum Building Coverage	30% / 21.6%	19.1%	Conforms	Improvement From Existing

ITEM	REQUIRED/EXISTING	PROPOSED	STATUS	DEVIATION FROM EXISTING
<b>Minimum Setbacks</b>				
Front (Principal)	50 ft / 19.7 ft	35.5 ft	ENC / NC	Improvement From Existing
Side (Principal)	15 ft / N/A	N/A	Conforms	N/A
Rear (Principal)	30 ft / 6.4 ft	15 ft	ENC / NC	Improvement From Existing
Front (Accessory)	50 ft / Encroaches ROW	0:0 ft	ENC / NC	Improvement From Existing
Side (Accessory)	N/A	N/A	Conforms	Remains Same
Rear (Accessory)	N/A	10 ft	Conforms	
<b>Maximum Height: Principal Building (HC)</b>	4 stories; 60 ft/ 17 ft +/-	25 ft 2 stories	Conforms	
<b>Parking</b>				
Principal Structure	Liquor Store: 1 SF/1 SF Building (1) 3-BR Apartment: 2-Spaces 28 Total Spaces req. 16 Spaces Existing	23 Spaces	ENC / NC	Improvement From Existing

1: Values are as provided by Andrew Schaffer on the submitted zoning schedule dated 8/25/2021 except where otherwise noted.

2: A notation of "ENC" indicates an existing nonconforming condition that will not be expanded by Applicant.

3: A notation of "N/A" indicates that the subject requirement is not applicable to this application.

4: A notation of "N/P" indicates the necessary information has not been provided to determine conformance.

5: A notation of "TBD" indicates that additional information is required to determine conformance.

6. All flammable and combustible liquids, including gasoline, shall be stored in compliance with the BOCA National Fire Prevention Code, National Fire Protection Association regulations, Chapter 102 of the New Jersey Laws of 1986, N.J.S.A. 58:10A-21 et seq., and all other pertinent regulations of the State of New Jersey. A permit shall be obtained from the Egg Harbor City Fire Subcode Official for installation, removal or changes to any storage tank or facility for flammable or combustible liquids. The Fire Subcode Official shall not issue any permits until the Pinelands Commission notice and review requirements in § 170-32(D) and (E) of this chapter have been complied with. Each such tank or storage facility must be inspected annually by the Fire Official.

### **III. Completeness**

The applicant requested the following waivers (W), exclusions for no changes (EX) or marked items "not applicable" (NA) for the following checklist items which can be granted by the Board:

#### **Site Plan Checklist**

1. All driveways and streets within 200' of the site. – **W**
2. Existing and proposed sanitary sewer disposal system. Show percolation test holes and results and soil log data. - **NA**



The above-received information has been reviewed for completeness in accordance with the requirements set forth by the Land Use and Development Ordinance (Chapter 170) of the City of Egg Harbor (hereafter "Ordinance") and the New Jersey Municipal Land Use Law (NJSA 40:55D et. seq.). Based on the requirements set forth therein, if the Board decides to grant the requested waivers, then our office recommends that Application 22-01 LUB of the City of Egg Harbor Land Use Board (hereafter "Board") is deemed **complete**. If the Board decides not to grant the requested waivers, then our office recommends that this application be deemed **conditionally complete** provided all completeness items above are addressed as a condition of any approval granted by the Board.

#### **IV. Technical Review**

##### **Section 170-38 – Site Plan Design Standards**

- B(1)(b) Entrances and exits are less than 50' from the driveway edge to the nearest right-of-way line.
- B(3)(a) All proposed lighting should be shielded from US Route 30 and the adjacent residential property
- B(3)(c) The applicant should clarify whether the lighting plan meets IES standards
- B(6)(a) Two driveways are provided on the US Route 30 frontage where only one is permitted (This is an existing condition)
- B(6)(b) Entrances and exits are less than 50' from the driveway edge to the nearest right-of-way line.

The applicant proposes to utilize two existing driveway entrances from US Route 30 but would narrow and better define them with curb. One of the existing driveways from 12<sup>th</sup> terrace would be eliminated the other would be better defined with a narrower width and curb.

The applicant should shield lighting from US Route 30 and the adjacent residential properties.

##### **Section 170-62 – Off Street Parking and Loading**

- C.(1)(c) Single unit truck loading space required to be 10' by 45 feet
- D.(2) Planted landscape strip, minimum 5' wide along all property lines
- E.(1) All proposed lighting should be shielded from US Route 30 and the adjacent residential property
- G 1 square foot of parking required per square foot of gross floor area (4220 SF)  
2 spaces per dwelling unit

The parking calculation requires 26 parking spaces ( $4220\text{sf}/162\text{sf}/\text{space}=26$  spaces) for the commercial use and two for the dwelling unit. 28 spaces are required and 23 are provided. It should be noted that there are 16 spaces in the existing condition.

The applicant should discuss the frequency of deliveries and the types of vehicles anticipated. The loading space depth does not comply with the ordinance.

The applicant does not propose any plantings along the San Francisco Avenue frontage and the parking lot extends to the ROW line. A 5' landscaping buffer is required along proposed parking areas.

By calculation, 28 parking spaces are required and 23 are proposed. It should be noted that the proposed retail square footage and the number of bedrooms in the proposed apartment are substantially similar to the existing building where only 16 spaces are provided in the existing condition.

The applicant should consider eliminating the two parking spaces at the corner of San Francisco Avenue and US Route 30 to reduce conflicts with vehicles entering the lot from US Route 30.

### **Section 170-71 – Note 19: Signs**

- A.(2) Projecting signs shall not exceed 16 square feet. The proposed projecting sign(s) are 40 SF.
- A.(3) No wall sign shall exceed two feet in height. Each wall sign is 4 feet in height.
- A.(4)(b) Projecting signs are required to project from the wall at a 90 degree angle. The angle of the proposed sign is not provided but it appears to be far less than 90 degrees. The maximum height for projecting signs is 20 feet. The top of the proposed sign is shown as 20 feet and 6 inches. The applicant should clarify the distance of the projection from the wall; a 6 foot projection is permitted.
- A.(6) No temporary signs made of paper, cardboard, canvas or similar material, other than a sign advertising a sale on the premises or the sale or rent of the premises on which the sign is located, shall be permitted except inside the building. A temporary sign permit shall be required. **This section of the ordinance is highlighted for the benefit of the applicant.**
- A.(9) Projecting signs shall not be permitted where a commercial use abuts a residential zoning district.

The ordinance does not envision a projecting sign of the type and style proposed. The proposed projecting sign is substantially larger than permitted and not perpendicular to the building. The applicable sign ordinance section is a reference to the Retail Commercial sign ordinance which is the downtown area along Philadelphia Avenue. The proposed building and site deviate significantly from the conditions on Philadelphia Avenue. The Board should evaluate the circumstances of the site when considering the relief required for the proposed signs.

### **Section 170-110 – Required Off-Street and On-Street Parking**

- D.(4) Pedestrian access should be taken into consideration. The applicant should provide pedestrian access to the storefront from an adjacent sidewalk

### **Section 170-114 - Landscaping**

- M. The applicant should provide a detail for the trash enclosure. It is required to be constructed with non-combustible materials.

### **Section 170-117 – Architectural Design Standards and Guidelines**

- M. Awnings are not permitted to be constructed with metal.
- O. The proposed screening of the platform mounted HVAC equipment should be clarified. The type and height of the proposed fence around the equipment and the height of the equipment should be provided. The applicant should discuss whether the units will receive sufficient air circulation.
- Q. The applicant should discuss any proposed security measures which may conflict with this section.

The proposed HVAC equipment should be visually and audibly screened from the neighboring property. This will likely require a solid fence or other screening. The applicant should discuss how they intend to properly screen the proposed units while providing sufficient ventilation for the units to operate efficiently.

## **V. General Comments**

1. The proposed sidewalk width along San Francisco Avenue should match the adjacent existing sidewalk.
2. The limits of impervious cover should be shown on the existing conditions plan.
3. The applicant should clarify the total existing and proposed area of regulated motor vehicle surface.
4. The applicant may be required to address water quality for reconstructed motor vehicle surfaces.
5. Existing stormwater management piping should be shown on the plans.
6. Site grading should be reviewed to eliminate the potential for any low spots.
7. The applicant should consider raising the finished floor and site generally to assist with drainage routing.
8. Elevations of the recently replaced concrete aprons should be shown on the plans as existing to ensure compatibility with the proposed site grading.
9. The demolition plan should be revised to depict the limits of proposed demolition.
10. It is recommended that the loading area be gore striped. Any proposed striping in the loading area should be detailed on the plan.
11. Any proposed employee parking spaces should be designated with signage.
12. Two spaces should be designated for the residential use and appropriately signed.
13. If the ADA ramp wingwalls are part of the accessible route, they should be sloped at no more than 12:1.
14. The applicant should discuss the number of existing water and sewer services for the site.
15. The applicant should consider adding the word "ENTRANCE" to the surface of the metal canopy over the store entrance.
16. Truck turning movements for delivery vehicles should be shown on the plan to confirm the viability of the loading space and site circulation.
17. The applicant should eliminate the depressions for future ADA ramps along 12<sup>th</sup> Terrace. The City does not install or require sidewalk along terraces.
18. Proposed stop bars are required to be 24" white thermoplastic.
19. The applicant should add a stop sign to the interior driveway when coming from the 12<sup>th</sup> terrace side of the property into the parking lot side of the property.
20. The applicant is reminded that site safety is their responsibility during construction. A note should be added to the plan as follows "The owner or his representative is to designate an individual responsible for construction site safety, during the course of site improvements pursuant to N.J.A.C. 5:23-2.21(e) of the New Jersey Uniform Construction Code and C.F.R 1926(f) (OSHA Competent Person).
21. We recommend that the Board require the applicant to post a performance guarantee, a maintenance guaranty and an inspection escrow in accordance with §170-49 and §170-50. The applicant will be required to notify Robert Smith of our office, should approval be granted, in order to schedule all required site inspections.

## **VI. Other Approvals**

The applicant shall be required to obtain approvals and or permits from all other State and local agencies having jurisdiction over this project.

## **VII. Recommendations**

Based on our review of Application 22-01 LUB of the City of Egg Harbor Land Use Board, it is our recommendation that the Applicant may be granted Preliminary and Final approval if the Board is comfortable with the information submitted as supplemented by any testimony provided at the meeting. IF those approvals are granted, any outstanding issues can be addressed administratively.

We may have further comments pursuant to testimony presented at the public hearing or the receipt of revised plans.

Should you have any questions, comments or require additional information, please do not hesitate to contact our Pleasantville office at your convenience.

Very truly yours,

**REMINGTON & VERNICK ENGINEERS**



Ryan A. McGowan, P.E., P.P., C.M.E., C.F.M.

CC: Egg Harbor City Land Use Board Members  
Elias Manos, Esq., Planning Board Solicitor  
Shore Real Estate, LLC, Applicant  
Michael Malinsky, Esq., Applicant's Attorney  
Andrew Schaeffer, Applicant's Engineer  
Thomas Sidrane, Applicant's Engineer