

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
November 21, 2023
7:00 P.M.**

The Regular meeting of the Egg Harbor City Municipal Land Use Board was held on November 21, 2023. Those in attendance were Mayor Lisa Jiampetti, Chairman Jack Peterson, Vice Chairman Todd Warker, Municipal Official John Garth, Regular Members; Dennis McKenna, Michael McKenna, Gladys Torres, Alternate #1 Joseph Kuehner, Alternate #2 Shaun Hare, Leo Manos, Esquire, Land Use Board Engineer/Planner Ryan McGowan, and Secretary Donna Heffley. (Not present were the Mayors Representative Marie Johns, Council Representative Karl Timbers and Regular Member Keith Mullineaux).

Pledge of Allegiance

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 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 present, Mr. Timbers absent, Mr. Peterson present, Mr. Warker present, Mr. Garth present, Mr. Mullineaux absent, Dennis McKenna present, Mr. Michael McKenna present Mrs. Torres present, Mrs. Johns absent, Mr. Kuehner present, Mr. Hare present, Mr. McGowan present, Mr. Manos present and Secretary Donna Heffley present.

Approval of Minutes: September 19, 2023

Upon motion made by Mr. Warker, seconded by Mr. Hare and carried the September 19, 2023 Land Use Board minutes were approved.

Approval of Resolutions: none

New Business: 1602 Pike R LLC and 1602 Pike S LLC

1602 White Horse Pike
Egg Harbor City, NJ 08215
Block 52.07, Lot 1
Minor Site Plan
Variance Relief

Mr. Peterson apologized to the Applicant for their application being delayed a couple of times due to lack of a quorum. Mr. Peterson thanked the Applicant for being so patient concerning this matter.

The Applicants Attorney Jack Plackter was not present and Bridget Sykes his Associate was present to represent the Applicant. Mrs. Sykes gave a brief overview of the site and listed the variances the Applicant is seeking.

Mayor Jiampetti stepped down at this time due to this application being for a use variance. William Swiderski, Engineer with Swiderski Associates, Shea Rosenfeld the property owner and Thomas Conchado with Grow Culture were sworn in by Mr. Manos.

Mr. Swiderski gave an over view of the site constructed in 1965, located in the highway commercial zone and described the businesses that have operated there in the past. Mr. Swiderski discussed the setbacks and parking of the property. The property has 39 striped parking spaces and the site according to square footage is required to have 64. This building is suited for light industrial use. The Applicant is seeking a use variance to allow not only the uses within the HC (Highway Commercial) zone but as well as the IND zone (Industrial).

Mr. Swiderski described the layout of the inside of the building noting the building is suited more for uses in the industrial zone than for uses in the Highway commercial zone.

Mr. Swiderski described the improvements they are proposing for the parking spaces, including handicapped parking and striping of existing areas. The existing loading dock at the rear of unit 3 will be removed to provide additional parking with car bumpers. With these changes the required 69 parking spaces required by code should be provided by reconfiguring existing areas with new striping. The Applicant is proposing lighting and landscaping along the White Horse Pike, as well as along Baltimore Avenue.

Mrs. Sykes noted during prior approvals there was a commitment from the prior owner to install sidewalks along the White Horse Pike. Mr. Swiderski noted the applicant will submit a separate application and will get necessary approvals to install the sidewalks. The applicant has agreed to this which will be a condition of this approval and will bond for the improvements.

The applicant is requesting to use this building for six industrial tenants. As a condition of approval all tenants will have to submit a zoning application for confirmation that they meet the requirements of the zone and if not will have to return to the Land Use Board for approval. The applicant has agreed to comply with all conditions of this approval.

Questions and comments from the board:

Chairman Peterson inquired about the industrial use the Applicant is requesting. Mr. Swiderski listed the uses for this industrial zone.

The applicant is applying for a separate use variance to allow cannabis cultivation at this property, which is not permitted in the Highway Commercial Zone. The site can accommodate both the light industrial and cannabis cultivation uses.

Mr. McGowan discussed the industrial uses further.

Mr. Swiderski discussed the Trucking Company that the board allowed to occupy the site on a temporary basis.

Mr. Peterson noted the site has been well kept however in his opinion after reviewing the plan, he believes there is not enough room for the trucks to move freely on the site.

Discussion continued concerning the trucking company and circulation on the site. Mr. Swiderski believes the plan he submitted will provide enough room for the trucking company.

Mrs. Sykes asked Mr. Rosenfeld the owner to discuss this matter. The Trucking company's lease is up in May of 2024 and at that time the Trucking Company will be leaving the site.

Mr. Warker expressed his concerns on the agreement the Board had with the applicant concerning the trucking company. This matter was discussed among board members. The money is still in escrow.

Board members discussed how the 6 units will be occupied and by who. Unit 3 is occupied by Earls Girls, unit 6 is occupied by South Jersey Electric Vehicles, unit one is occupied by the trucking company, unit 4 and unit 5 are empty. When the trucking company moves out it will be occupied by Cannabis grow culture.

Board members continued discussion on access to each of the units.

Ryan McGowan discussed the sidewalks briefly and noted they will be addressed in the minor site plan application. Tonight, is just for the use variance. Pinelands prior approval will be required for the minor site plan.

Ryan McGowan reviewed his report dated October 12, 2023. The applicant is proposing to establish six separate units with generic light industrial uses. The applicant is also requesting one of the units be permitted to host indoor cannabis cultivation. Mr. McGowan's made his recommendation for approval with the following conditions;

- There shall be no outdoor storage of any materials, waste products or unregistered or inoperable vehicles or trailers.
- The applicant should provide a site plan delineating designated parking areas for each proposed use.
- The suppliant should discuss access to proposed Unit #5
- The lighting details should be part of the follow up application. The lighting details will be submitted to Mr. McGowan

Mr. McGowan noted there are no existing trash enclosures on the site and the City's ordinance requires fireproof trash enclosures for commercial uses.

Mr. Swiderski discussed the trash area. Mr. McGowan noted there are two different areas were the trash could be stored. The owner would be responsible for providing the trash enclosure for 6 dumpsters.

Discussion continued concerning the trash enclosure between Board members and Professionals.

The Applicant will be posting a bond for the sidewalks which will ensure their return to this board for the minor site plan.

Mr. Peterson wanted to ensure that that this agreement is clear to eliminate any future issues with tenants for this building.

Mrs. Sykes stated the applicant is also seeking a separate use variance. Present was Mr. Conchado owner of Grow culture and the proposed tenant for this unit. Mr. Conchado gave a brief description of his proposed micro cultivation business. He would have about 6-8 employees total. Business hours would be Monday through Friday 8 a.m.- 4 p.m., Saturday and Sunday 8 a.m. – 12 noon for checkups. There would be one or less deliveries per week and two to four picks up per week within a secured key accessed lot. The Micro Business would occupy about 2500 square feet of grow space.

Mr. Conchado has an active conditional license with the NJ CRC for the Class 1 micro cultivation.

Mr. Conchado discussed the ventilation system within the unit.

Mr. Garth inquired about the venting to the outside of the building.

Mr. McGowan stated the state has standards and equipment requirements in place which they inspect.

Mr. Garth inquired if the Board can require the applicant to have a 100 % sealed recirculated air facility.

Mr. McGowan noted the Board can require any reasonable conditions such as permitted but without direct exhaust.

Mr. McGowan suggested since the board is having some level of concerns about outside odors, permit the micro grow facility in unit 1 and any expansion would have to come back before the Board.

The Security plan for the site was discussed and would be approved by the State of New Jersey. There will be no on-site use of cannabis and no public access to the site.

Mr. Conchado would occupy unit one and hopes to expand in the future into unit 2. The unit will be State inspected to make sure all state regulations are being followed. The unit will be approved for a micro Cannabis grow facility not necessarily this particular one.

Mr. Peterson expressed his concerns on this matter. Mr. Peterson does not feel this is a good fit for a micro Cannabis grow facility and it should be in the Industrial Park. His main concern is the smell. Mr. Conchado discussed in further detail the ventilation system.

Mr. Kuehner and Michael McKenna agreed that this type of business would be suitable for this site.

Questions and comments from the Board: none

Discussion took place concerning the trucking company.

Mr. Peterson expressed his concerns about old debris, tires, and stair risers that have been left on the site from the previous owner. He requested that the Owner remove all of this debris and clean up the site.

Mr. Peterson suggested allowing the trucking company to remain for the term of the lease expiring on May 31, 2024. A CCO inspection will be required to confirm when they have moved out.

Questions and Comments from the Public– none

Mr. Manos noted there will be two separate votes; first for the use variance to allow up to 6 tenants for uses that are allowed in the light industrial zones with the exception of cannabis that will be a separate vote.

Conditions will be listed in the resolution prepared by Mr. Manos.

Mr. Manos listed the bulk variances for front yard setbacks. A site plan waiver for some of the minor work which would be under the Pineland threshold. The owner will provide 6 dumpsters fully compliant with fire proof trash enclosure which will be included in the next site plan the Applicant will be submitting to the Land Use Board.

The applicant will return with a minor site plan and a bond will be put in place now for the sidewalks to insure their return.

Only indoor use is allowed at this site once the truck business leaves. The trucking Operation will operate until May 31, 2024 when the CO issued will expire. The new tenant going into unit one will have to show proof that trucking company has left and will be subject to City inspection to verify. Concerning unit five, the applicant will provide access through the interior of the site with a door and a pathway. The access on Baltimore Avenue will remain for emergency access only. The approval will include what is shown on the plans or combination of more than one unit, up to the six uses permitted in the light industrial zone with approval from the Zoning Official. Also included in this motion; Subject to outside approvals that may be necessary, subject to any representation made by the Applicant during this hearing, a lighting plan will be given to Mr. McGowan for review with the minor Site plan and all conditions listed in Mr. McGowan's report.

Upon motion made by Mr. Michael McKenna, seconded by Mr. Kuehner
Mr. Peterson yes, Mr. Garth yes, Mr. Warker yes, Mr. Dennis McKenna yes, Michael McKenna yes, Mrs. Torres no, Mr. Kuehner yes,

Second Motion pertains to the micro cultivator which is not a permitted use and will require a use variance. This approval will be for unit one, cultivation limited to no greater than 2500 square feet and no direct exhaust. Over 2500 square feet would have to be completely sealed and the applicant must return to the Land Use Board for approval.

Motion made by Mr. Garth, seconded by Mr. Mike McKenna
Mr. Peterson yes, Mr. Garth yes, Mr. Warker yes, Dennis McKenna yes, Michael McKenna yes, Mrs. Torres no and Mr. Kuehner yes.

Old Business: Mr. Warker inquired about the trash enclosure at the Liquor Store. Mr. Peterson would like the bent bollard in the parking lot replaced. Mr. McGowan will address these issues with Mr. Hadley.

Mr. Peterson thanked the Board Members for their attendance and noted all members are very important.

Mr. Peterson discussed Spread the Gospel briefly with the Board.
Mr. McGowan addressed the Board as well on this matter.

Mr. Kuehner expressed his concerns about the catch basins along the White Horse Pike.
Mr. McGowan discussed this matter.

Council Report: none

Public Comments: none

Questions and Comments from the Board: none

Adjournment: Upon motion made by Mr. Garth, seconded by Mr. Michael McKenna and carried the meeting was adjourned.