

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
March 19, 2024
Re-Organization
7:00 P.M.**

The Re-Organization meeting of the Egg Harbor City Municipal Land Use Board was held on March 19, 2024. Those in attendance were Mayor Lisa Jiampetti, Jack Peterson, Karl Timbers, Todd Warker, John Garth, Michael McKenna, Gladys Torres, Joseph Kuehner Jr., George Frick, Carol Goloff, Esquire, Ryan McGowan, PE, PP, CME with Remington and Vernick Engineers, Inc. and Donna Heffley, Secretary. (Not Present were Regular Members Dennis McKenna and Keith Mullineaux).

Pledge of Allegiance

Mr. 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.

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

Re-Organization:

Oaths of Office: Carol N. Goloff, Esquire swore in the following Members below:

- Regular Member – Gladys Torres – Term 01/2024 – 12/31/2027 (4-year term)
- Regular Member – Jack Peterson – Term 01/2024 – 12/31/2026 (3-year term)
- Regular Member – Michael McKenna – Term 01/2024 – 12/31/2026 (3-year term)
- Alternate #2 – Georg Frick – Term 1/2024 – 12/31/25 (2-year term)
- Member of Governing Body Class III – Council Appointment – Karl Timbers (1-year term)
- Council Representative Alternate – Kim Hesse - (1-year term)
- Mayors Designee – Stefania Kuehner – (1-year term)

Roll Call: Mayor Jiampetti present, Mr. Peterson present, Mr. Timbers present, Mr. Warker present, Michael McKenna present, Mr. Garth absent, Mrs. Torres present, Mr. Kuehner present, Mr. Frick present, Ryan McGowan present, Carol Goloff present and Secretary present.

Legal Counsel: Land Use Board Appointment for Legal Council is Carol Goloff, Esquire
Motion was made by Mr. Timbers, seconded by Mr. Kuehner

Roll Call: Mayor Jiampetti yes, Mr. Peterson yes, Mr. Timbers yes, Mr. Warker yes, Michael McKenna yes, Mrs. Torres yes, Mr. Kuehner yes, Mr. Frick yes.

Carol Goloff, Esquire introduced herself as well as her Daughter Rachel Goloff who is also an Attorney and was present. Carol Goloff noted that Mr. Timbers asked a very good question about the differentiation during the oath of Planning Board and Zoning Board. Carol Goloff addressed this question and explained the voting rules of members being on a combined board. Depending upon the application only certain members are allowed to vote on certain decisions. If a member cannot vote on a certain zoning board issue because of their member class they will be asked to step down.

Land Use Board Engineer and Planner:

The Board's nomination for Land Use Board Planner and Engineer

Motion was made by Mr. Warker nominating Remington and Vernick Engineers, seconded by Mr. Kuehner

Roll Call: Mayor Jiampetti yes, Mr. Peterson yes, Mr. Timbers yes, Mr. Warker yes, Michael McKenna yes, Mrs. Torres yes, Mr. Kuehner yes, Mr. Frick yes.

Secretary

Mr. Peterson made a motion for Donna Heffley as Secretary for the Egg Harbor City Land Use Board, seconded by Mr. Kuehner and carried.

Election of Board Officers:

The following positions of Chairman and Vice-Chairman were made for the Calendar Year 2024.

A. **Chairman**

Mr. Warker nominated and made motion for Jack Peterson for Chairman of the Egg Harbor City Land Use Board, seconded by Mayor Jiampetti and carried.

B. **Vice Chairman**

Mr. Kuehner nominated and made motion for Todd Warker for Vice Chairman of the Egg Harbor City Land Use, seconded by Michael McKenna and carried.

2024 Meeting Dates:

Upon Motion made by Mr. Kuehner, seconded by Mr. Warker and carried the following meeting dates were approved for 2024.

January 16, 2024

February 20, 2024

March 19, 2024

April 16, 2024

May 21, 2024

June 18, 2024

July 16, 2024

August 20, 2024

September 17, 2024

October 15, 2024

November 19, 2024

December 17, 2024

The aforementioned meetings shall take place on the above dates, namely the 3rd Tuesday of each month at Egg Harbor City Municipal Complex, 500 London Avenue, Egg Harbor City, New Jersey 08215.

News Paper Ads:

The Press of Atlantic City, and the Hammonton Gazette were designated the official newspapers for Egg Harbor City for 2024.

Upon motion made by Mr. Warker, seconded by Mr. Kuehner and carried.

Carol Goloff suggested that many Boards are adding their Facebook page as a form of advertising in case of a snow storm or an unexpected cancellation.

Mr. Peterson amended the motion to add the City Facebook page.

Upon motion made by Mr. Peterson, seconded by Mr. Kuehner and carried.

Approval of Minutes: December 19, 2023

Upon motion made by Mrs. Torres, seconded by Michael McKenna and carried the December 19, 2023 Land Use Board minutes were approved. Mr. Peterson abstained he was not present at the December 19, 2023 meeting.

New Business: Application #2024-01 LUB

Egg Harbor City Partners, LLC

Michael J. Lario Jr. Esquire with Nehmad Davis and Goldstein, P.C. representing the Applicant Egg Harbor City Partners, LLC apologized the principal of the applicant will be late due to vehicle issues and would like to let the other Applicant proceed first.

Mr. Garth arrived and was sworn in by Carol Goloff as the Municipal Official Class II member, a 1-year term.

New Business: Application #2024-02 LUB

Spread the Gospel, Inc.

235 and 243 St. Louis Avenue

Egg Harbor City, NJ 08215

Block 437, Lot 7.03

Request for Waiver from Site Plan Review and Approval

Mark Friedman, Esquire representing the Applicant Spread the Gospel, Inc. /Elaine Hawkes gave a brief summary of the application. This application was originally heard on June 20, 2017 resulting in the granting of a use variance and on August 15, 2017 resulting in the issuance of a temporary site plan waiver. The approvals were memorialized on October 17, 2017 in resolution #2 of 2017.

The Applicant is requesting a waiver of site plan requirements concerning the paving of the parking lot.

Present was Elaine Hawkes, CEO of Spread the Gospel who was sworn in by Carol Goloff, Esquire. Mrs. Hawkes stated that Spread the Gospel is a nonprofit radio station and organization. The Organization purchased the property for a place to hold different events such as weddings, parties, etc. as well as offering the hall to churches and the community.

The Applicant did obtain a Temporary Certificate of Occupancy after the completion of the ADA handicap ramp and parking space improvements.

Questions and Comments from the Board

Mr. Garth inquired how many of the 8 requirements listed on page 2 of Ryan McGowan's report dated March 19, 2024 have been met.

Mr. McGowan noted #5, # 7, and #8 have been satisfied and #6 is being requested tonight.

Mr. Garth expressed his concerns on the conditions that were listed that pertained to when events are held. Mr. Garth noted the times listed are rarely followed, parking has been a problem as well as the noise. Mr. Garth would like to know how the Applicant plans to address these concerns in the future while operating in a residential area.

Mr. McGowan reviewed his report dated March 19, 2024. Attached here to made part of is Ryan McGowan's report.

The Applicant contracted with Doran Engineers to prepare a site plan and address the City and Pinelands Commission storm water management requirements. It was determined after soil testing, that paving the parking lot area would be technically infeasible.

The Applicant is present tonight requesting the Board grant a permanent waiver of site plan and waive the requirement to pave the existing parking lot.

Discussion took place concerning the Applicant and their Pinelands submission.

Mr. McGowan discussed the tests that were taken at the site.

Chairman Peterson noted at the time of the original application the board did not impose the parking lot on the Applicant they offered to pave the parking lot in the future. There were no requirements from this board to pave the parking lot which held up the Final CO. Filing with Pinelands first was one of the conditions of approval.

Mr. Timbers discussed the past use of the site and whether the parking lot ever imposed any problems. Mr. Timbers noted when they were issued a TCO it was because they did not complete some of the conditions.

Mr. Friedman did note a temporary storage building that was on the site has been removed.

Mayor Jiampetti wanted to make the Applicant aware that the City is in the process of amending the Noise Ordinance so the hours of operation noted in Ryan's McGowan's report may change. This new ordinance has only been introduced and has not been passed yet.

Mr. McKenna expressed his concerns on the presence of security during events at the site to keep the neighborhood safe and listed numerous incidents that occurred at the hall when the police were called. Mr. Warker expressed his concerns and stressed the importance of having security present during events.

Mr. Friedman noted the owners Son lives next to the hall and provides security at the site.

Carol Goloff addressed the Board on this matter. The resolution will address the new noise ordinance and if the Applicant breaks those rules then Code Enforcement or the Police will address the matter not the Planning Board. Based on what the Applicant is requesting, relief from paving the parking lot, the Planning Board has very limited jurisdiction.

Mr. McGowan noted the Board can discuss with the Applicant the conditions in the resolution but the reason the Applicant is here is to get relief from paving the parking lot.

Mr. Frick noted there may be a conflict of interest due to a real-estate transaction in 2017 within his firm. He will abstain from voting on this matter.

Mr. Garth wanted to address some of the concerns he has with the current use of the building. Since 2017 there has been parking issues during events. Mr. Garth inquired if there is enough parking with the square footage of the building and would like the occupancy load posted in the building. He

inquired if the hall would be rented out for weddings, meeting and events or only used for church activities.

Mr. Friedman noted the hall will continue to be rented out for different events such as weddings, church functions and so on.

Parking was discussed between Members and Professionals.

Mr. McGowan noted only so many cars will fit in the lot whether it is paved or not.

Carol Goloff read into the record paragraph 8 of Resolution #2 of 2017 the public offered testimony with the following comments; Kenyatta Covington, who lives across the street from the site along St. Louis Avenue, spoke in favor of the proposed use. Specifically, she stated that she has attended a number of events on site over the years and that she would much rather see the building in use than vacant with "for sale" signs. Further, she was initially concerned about rowdiness and parking, but after hearing who is purchasing the building, being applicant, she feels everything will be kept under control. Finally, she added that guests of the site should be instructed to park in the parking lot. Manny Ortiz echoed Ms. Covington's remarks regarding parking.

Parking was discussed between Professionals.

Carol Goloff noted the issue is not about the paving the parking lot it is whether the site provides adequate parking.

Mr. Friedman noted they have sufficient parking on the site.

Mr. Kuehner inquired if he wanted to rent the building how many people are allowed.

Mrs. Hawkes says according to the Fire Marshall there is a tag on the door, the main hall is 200 people and the bar area is 50 People.

Chairman Peterson expressed his concerns on past incidents that have occurred during events at the site. Mr. Peterson would like to see better management of the property.

Questions and comments from the public

William Hawkes was present and was sworn in by Carol Goloff. Mr. Hawkes summarized what had happened when they originally came before the board in 2017. Mr. Hawkes wanted to be a good neighbor and suggested he would like to pave the parking lot. That was the spirit, he had no idea hiring an engineer and applying to Pinelands would take so long and turn into such a costly project. The required ADA Handicap parking space improvements were completed which were a condition of approval.

Ernest E Coursey Sr. from Atlantic City was sworn in by Carol Goloff. Mr. Coursey has used the hall in the past for different events and the hall was very clean and nice. They are good neighbors and noted safety is a number one priority to the Hawkes.

Laura Ebert, 240 Chicago Avenue, Egg Harbor City was sworn in by Carol Goloff and expressed her concerns about the site. She did not have any issues with paving or not paving the parking lot. Her main issue was the tragic event that took place so close to her home and felt it was not handled appropriately to keep the community safe. When she purchased her home, she did not expect to have to deal with issues that occur during events held at the hall. She is just concerned about the safety of her family, her home and guests attending events. She also noted she feels she has seen more than 200 people at a

time at the property. She complained about noise, loud music and people parking close to her yard. When she has contacted Mrs. Hawkes concerning the noise it was addressed. Laura feels with proper precautions and proper security this can be a safe place to continue having events.

Kenyatta Covington a neighbor was sworn in by Carol Goloff and has noted people don't realize the parking lot is there and tend to park on the street when they attend events. There has always been a parking problem with the past owner of the property as well. Guests should be instructed to park in the parking lot. She expressed her concerns on the past incident that occurred at an event and noted we all want safety concerning firearms and this is not the only place incidents have occurred. She would like to see the hall back in operation and noted all comments made, should be taken into consideration by the Applicant and try to improve the noise issues and improve security at the site.

Tania Lanham who resides in Egg Harbor City was sworn in by Carol Goloff. Tania noted as long as the Applicant has been operating there she has never had issues. She has more of an issue with the college kids on the corner of St. Louis Avenue. She feels more of a focus should be on that property addressing the parking, trash, noise, and parties that occur there.

Mayor Jiampetti gave an update on this matter and discussed that the fraternity is not permitted to have any more parties due to past incidents and many complaints made against them. Code Enforcement is addressing the property maintenance issues and the City will continue to monitor this property.

Christopher Hawkes who resides on the property was sworn in by Carol Goloff. He does his best to control the parking and has notified neighbors about events and provided them with cones to place in front of their homes. He does not just stay inside the building during events he is also walking around monitoring the outside of the building. Christopher is a coach for the Egg Harbor City Crusaders and the basketball team and has children that live with him and is very concerned about safety. They will do everything in their power to keep the neighborhood safe.

Joseph Geisenhoffer who resides in Egg Harbor City was sworn in by Carol Goloff and expressed his concerns and mentioned many of his complaints are Code Enforcement matters involving people smoking pot, drinking, relieving themselves in the lot, trash blowing around in neighbors' yards, noise, guests parking across people's driveways so they cannot get out, all which has nothing to do with the waiver for the parking lot. Mr. Geisenhoffer was a member of Knights of Columbus for many years and they use to have the parking lot regraded from time to time. The water runs off and if it was paved it will run off more. All other complaints aside the Board should move forward and grant the waiver.

Kenneth Purnell resides in Egg Harbor City and spoke on behalf of the Applicant. Mr. Purnell spoke very highly of the Hawkes and believes that opening up this hall has been a blessing to the Community. He rides by and checks on the property from time to time just to help out.

No other comments the Public portion was closed.

Mr. Friedman presented his closing statement concerning this application. His clients have acknowledged that there are conditions of their approval and they are willing to adhere to them and will work on improving security at the site. The Applicant opened in good spirit and will have to address the concerns of the neighbors and are willing to improve.

Mayor Jiampetti is in favor of waiving the requirements of the parking lot.

Mayor Jiampetti expressed her concerns on alcohol being served on the site and would like an update on this. Mr. Hawkes noted when they purchased the property there was a liquor license available but they were not interested in purchasing this license because most of their events were Spread the Gospel events and they did not need a liquor license. Mr. Hawkes was advised when a tenant has an event and would like to serve alcohol the tenant could apply for a one-day event certificate. This would protect their interest as well as the tenant obtaining the permit. Mr. Hawkes noted whenever they book an event and a tenant wants to serve alcohol they will provide them with the site to apply for the one-day license. This process has worked well for the last five years. Details are noted on the Certificate the person obtains to serve alcohol at their event.

Mayor Jiampetti commented if there is a catered event the people who are catering the event should have a liquor license if they are serving alcohol.

Carol Goloff noted before any liquor is served at the site whoever is running the event has to get an ABC permit. The original wording of the resolution should be changed, the applicant is not seeking their own liquor license, the tenant will obtain the liquor license and liquor will be served on the site. They are only renting out the facility.

Discussion continued concerning the liquor license. The tenant for each event is responsible for getting a liquor license or permit if they will be servicing liquor.

The Applicant has agreed to post the liquor license.

Carol Goloff reviewed motions and gave a brief review of the history of this application and what the applicant is requesting. Carol noted there is language in the original resolution that says the applicant will apply to the board for full site plan review within 30 days after receiving approval from the Pinelands Commission. There have been comments tonight good and bad and concerns from the neighbors.

The Applicant does not have to do the parking lot so they do not have to return to the board for a site plan. The handicap ramp and ADA access was completed before their TCO was issued.

Carol Goloff will reiterate the old conditions into the new resolution. Whatever the applicant does not do they must reach out to Code Enforcement or the Police Department to address the matter, it is not the Land Use Boards Responsibility.

The motion is the application to waive the prior requirement of full site plan review and to pave the parking lot after obtaining Pinelands approval is granted on the condition that all of the prior conditions in the prior resolution have been met, acknowledging that prior conditions 7 & 8 have been met and that the Applicant acknowledges and will comply with the anticipated new noise ordinance.

Upon motion made by Mrs. Torres seconded by Mr. Kuehner

Mr. Garth suggested modifying the motion to change the noise ordinance aspects because of where the hall is located in the City and past history to 10 p.m. on Friday and Saturday.

Carol Goloff discussed the meaning of a noise ordinance.

Carol discussed this motion with the board. Mr. Garth is suggesting if anyone is disturbed by the noise by 10 they can contact the police and ask them to turn the music off.

Mr. Kuehner noted there are other businesses on St. Louis Avenue and one business that will be opening soon and they would have a different time.

Discussion continued concerning the motion that Mr. Garth was suggesting.

Carol discussed with Mr. Garth the motion he was suggesting and the implications if you single out one business.

Mr. Garth expressed his concerns with this Applicant.

No one seconded Mr. Garth's motion

Mr. Peterson noted there is already a motion which is:

The motion is the application to waive the prior requirement of full site plan review and to pave the parking lot after obtaining Pinelands approval is granted on the condition that all of the prior conditions in the prior resolution have been met, acknowledging that prior conditions 7 & 8 have been met and that the applicant acknowledges and will comply with the anticipated new noise ordinance.

Upon motion by Mrs. Torres seconded by Mr. Kuehner

Roll Call: Mayor Jiampetti yes, Mr. Peterson yes, Mr. Timbers yes, Mr. Warker yes, Mr. McKenna no, Mr. Garth no, Mrs. Torres yes, Mr. Kuehner yes, Mr. Frick abstained.

Chairman Peterson suggested a 5-minute break

The meeting resumed

New Business: Application #2024-01 LUB
 Egg harbor City Partners, LLC
 10 Philadelphia Avenue
 Egg Harbor City, NJ 08215
 Block 319, Lot 5.01
 Preliminary Site Plan Approval
 Final Site Plan Approval

Michael J. Lario with Nehmad Davis and Goldstein representing the Applicant Egg Harbor City Partners LLC gave an overview of the property located at 10 Philadelphia Avenue which is behind the Wawa convenience store.

Carol Goloff asked the Applicant if they would like to proceed with this application due to the time he is beginning the application. The Applicant wanted to proceed. Mr. Peterson did not know of a time limit on meetings and wanted to proceed until all business was done.

Mr. Lario called Mr. James Angeloni who was sworn in by Carol Goloff. He is the managing member of Egg Harbor City Partners, LLC.

Mr. Lario reviewed the requirements of a Class 5 retail license to operate a retail cannabis store. The applicant is before the Board for final major site plan approval, condition use approval to permit a Class 5 cannabis retail dispensary within the Highway Commercial zone and C variance relief for the location and setback of the proposed trash enclosure and any and all other variances or waivers the board may require. The applicant would like to construct, establish and maintain a 3,500 sq. ft cannabis retail dispensary with a class 5 license issued by the NJ Cannabis Regulatory Commission. The applicant is also proposing a number of site improvements including parking, landscaping, lighting, signage, stormwater management.

Mr. Angeloni discussed the hours of operation which would be Monday thru Saturday 7 a.m. to 11 p.m. Sunday would be 9 a. m. to 9 p.m. There will be 20 employees, 2 shifts 8 employees each shift with 2 guards at all times. There is no on-site consumption. Security is very important and will be sent to the State for review. Cameras will be inside and outside the building and monitored at all times. These cameras are also monitored by the State. All will be compliant with the State regulations. Deliveries will take place between 1:00 p.m. and 4:00 p.m. during regular business hours. Security guards will accompany each delivery in unmarked boxed trucks and will be delivered at a secured location at the building. The State tracks all shipments. Regular mail Deliveries will be made through the front door.

Mr. Lario discussed trash and recycling with Mr. Angeloni. Disposal of cannabis product is also regulated by the State. On site regular trash will be removed once a week or as needed and stored in a fire proof trash enclosure on the site. Cannabis trash is stored inside the building until scheduled pick up for proper removal which is regulated by the State.

Landscaping will be maintained by the Landscape Company and snow removal will be done on the site.

Mr. Timbers noted the ordinance allows one retail cannibals store on Route 50 and one on Route 30 and wanted to make sure the applicant was aware of this.

The Project Engineer Erin Chan with Stonefield Engineering came forward and was sworn in by Carol Goloff. Mr. Chan provided his qualifications to the Board. Mr. Chan reviewed an Ariel Exhibit marked A – 1 dated March 18, 2024 showing the existing condition of the site located in the Highway Commercial Zone which is vacant at this time.

Site exhibit A-2 dated 3-18-24 was a proposed plan and site rendering showing the proposed site and proposed landscaping in color. The proposed building is about 3500 sq. ft and will share the parking lot with WAWA. Access will be along Atlantic Avenue. The site is required to have 13 parking spaces and 19 will be provided.

The Loading space will be on the Atlantic Avenue side. A fully enclosed fire proof trash enclosure will be provided. Mr. Chan discussed loading and unloading for the site. Proposed lighting will be serviced by 2 poles and goose neck style lights will be mounted on the building. Landscaping will be a mix of trees, shrubs on all sides of building and seed mix around the storm water basin. The same landscaping architect that provided the plants for Wawa will be designing this project as well. The owner, operator will be responsible for maintaining landscaping.

The Architectural design was described next with exhibit A-3 prepared 12-2-23. Mr. Chan described the exterior of the building. Signage was discussed which requires some variances, two signs are permitted.

The Applicant is proposing a number of storm water improvements including two additional basins to the two Wawa basins already on the site.

The Applicant will return to Pineland's for a no call letter. The applicant has a county approval dated April 26, 2023.

Mr. Chan discussed Ryan McGowan's report dated March 8, 2024 and has reviewed all of the comments.

Questions and comments from the board.

Mr. Garth noted this is the entrance to the City and suggested that the back of the proposed building not face Philadelphia Avenue because that is where the trash would be stored.

Mr. McGowan agreed with Mr. Garth's point to switch the building so the more decorative side faces Philadelphia Avenue. Mr. McGowan discussed the changes to improve the frontage.

Mr. Lario spoke to the applicant concerning this matter and the front of the building that would have faced the Wawa parking lot will now be switched to face Philadelphia Avenue. Mr. McGowan discussed the sidewalks for the site.

The Professional Planner Stephen Hawk for the project was sworn in by Carol Goloff and provided his credentials. Mr. Hawk discussed the bulk variances, positive, negative criteria and wall signs.

Mr. Warker inquired about the number of allowed cannabis retail stores.

Mr. McGowan discussed this matter with the City Solicitor that there are three conditions for this conditional use; first the property is in the zone where retail cannabis is permitted, second the number of uses permitted by the ordinance has not been exceeded, which it has been met and third they have a conditional license from the State of New Jersey. Mr. McGowan discussed the second condition where the board had two applications for the single license that existed. When this application was submitted the Boards, intention was to hear this application in the same manner because no one had secured their City license yet. That license was issued two weeks ago. The matter was discussed further and decided the City would continue to hear these applications so when the licenses become available there will be applicants ready to proceed. The applicants will be treated as a conditional use but with the understanding they cannot move forward until they secure a City license. If and when the City opens more licenses in the future they will have the site approval to move forward. The City Ordinance would have to change in order to allow more.

Mayor Jiampetti expressed her concerns on this matter and asked for clarification on the Redevelopment Plan.

Mr. McGowan discussed that the applicant is also located in the redevelopment zone. This application was reviewed as a permitted use in the highway commercial zone because that would be the faster path forward for the applicant. The applicant would not have to wait for the City to amend the redevelopment plan and to consider adding another license or not.

The Applicant won't be eligible to get a license now because it does not exist but if and when it would become available they would be able eligible under the Highway Commercial Zone. The City also has the opportunity to create another retail cannabis license in a Redevelopment Zone.

Mr. McGowan discussed this matter further. The main point is to continue hearing applications so if someone drops out you have applicant ready to proceed.

Mr. Timbers expressed his concerns on this matter.

Mr. Lario noted the applicant understands there are no licenses available at this time and they cannot operate until they obtain the City license.

Discussion took place between board members and professionals concerning the ordinance and City licenses.

If someone forfeits their license then there will be people in place with the proper approval. Discussion continued on the number of licenses allowed and locations.

Mr. Lario noted they satisfy the three conditions and will comply with all of the conditions. Carol Goloff reviewed the three conditions. The applicant is in hopes one license will be forfeited or one more will be added.

Ryan reviewed his letter dated March 8, 2024. Attached here to made part of is Ryan McGowan's report. Ryan reviewed Zoning and Completeness, parking, trash recycling, signage, landscaping, stormwater

Public comments: none

Motion will be to approve preliminary and final site plan approvals as presented with the variances and waivers enumerated in Ryan's report but to put on the record the sizes of the signs to make sure the resolution is correct. Mr. McGowan addressed this question is as followed. McGowan stated they have 3 of the same signs the maximum height is 2 feet they are proposing 4 1/2, they are allowed 2 signs because they have two frontages that face the street they are requesting 3 signs, they have a total sign area of 156 feet where 100 square feet is permitted.

Mr. Lario asked that they be referred to as variances.

Motion to approve preliminary and final site plan approvals with a conditional use if they get all three things they do not need the conditional use, they understand that they are here on their own parcel, variances, waivers referenced in Ryan's report and signage relief is also a variance.

Mike McKenna made the motion, seconded by Mayor Jiampetti

Mr. Garth wanted to make sure it is noted in the resolution that the applicant agrees to switch which way the building faces. Switch from east to north elevations.

Mike McKenna made the motion, seconded by Mayor Jiampetti

Roll call: Mayor Jiampetti yes, Mr. Peterson yes, Mr. Timbers yes, Mr. Warker yes, Mr. McKenna yes, Mr. Garth yes, Mrs. Torres yes, Mr. Kuehner yes and Mr. Frick yes.

Council report: none

Comments from the Board: none

Public Comments: none

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

Respectfully Submitted,
Donna Heffley, Land Use Board Secretary

March 19, 2024

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

**Re: Spread the Gospel Inc.
Site Plan Waiver
Block 437, Lot 7.03
243 St. Louis Avenue
Egg Harbor City, Atlantic County, New Jersey
Land Use Board Application No. 24-02 LUB
Our File: 0107-P-125**

Dear Board Members:

We have received and reviewed the following information for the above referenced project:

1. Planning Board Application No. 24-02 LUB dated 1-31-24.
2. Existing Conditions Plan prepared by Doran Engineering
3. A letter from Marc Friedman detailing the request to the Board.

Based upon our review we offer the following comments:

General

In 2017, the applicant sought a received a use variance and site plan waiver to operate Spread the Gospel. Inc., a non-profit community center, within the existing 5,216-square foot building. The Board granted that approval with several conditions. One of the conditions of the approval was that the applicant submit a site plan to the Pinelands Commission which would include paving the existing gravel parking lot within six months of the approval and return to the Board for site plan approval. There was a significant delay in the completion of work on the application to the Commission but an application was ultimately submitted to the Commission. Sporadic design work toward the development of the parking lot did occur over the span of several years but the application eventually stalled.

The applicant contracted with Doran Engineers to prepare a site plan and address the City and Pinelands Commission stormwater management requirements. During the design process, it was determined that paving the parking lot area would be technically infeasible. Soil borings performed on the site indicate that there is a thick layer of dense clay from approximately 5' below the surface to approximately 10' below the surface. These soil conditions cannot support a compliant stormwater management system on the site without, at minimum, significant complications and expense. Given the soil conditions, the applicant is returning to the Board to request relief from a condition imposed by the previous approval. The applicant is now requesting that the Board grant a permanent waiver of site plan and waive the requirement to pave the existing parking lot.

Conditions of Prior Approvals

The applicant is reminded that there are numerous "Specific Conditions of Approval" listed in the October 17, 2017 approval resolution. Each of these conditions are listed in full below.

1. The use will be invite only and there will be no walk-up guests or events.
2. There will be no janitorial activities or storage on site.
3. There will be no live broadcasts of Applicant's radio stations on site.
4. The hours of operation will be limited from Sunday through Thursday, 8 a.m. to 11 p.m. and Friday and Saturday, 8 a.m. to 2 a.m.
5. Applicant will apply to the Pinelands Commission for a Certificate of filing by October 1, 2017.
6. Applicant will apply to the Board for full site plan review within thirty (30) days after receiving approval from the Pinelands Commission.
7. Applicant will complete the required ADA handicap parking space improvements prior to the Board issuing a recommendation to Egg Harbor City for the issuance of a temporary certificate of occupancy.
8. All building requirements related to the requisite permits for making the required ADA handicap parking space improvements must be satisfied.

The applicant is seeking permanent relief from condition #6 through this application. It appears that conditions #5, #7, and #8 have been satisfied. The Board should consider requesting the applicant to reaffirm their commitment to honoring conditions #1 through #4 of the prior approval.

General Comments

1. The scope of this application is limited and includes only a request for relief from the requirement to pave the existing parking lot and submit a site plan to the Board.
2. No Certificate of Filing is required for this application.

Other Approvals

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

Recommendations

If the Board is satisfied with the submitted information and Applicant's testimony and wishes to consider this application to relieve Specific Condition #6 of the prior approval, that relief can be granted.

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 & WALBERG ENGINEERS

A handwritten signature in black ink, appearing to read 'Ryan A. McGowan', written in a cursive style.

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

cc: Egg Harbor City Land Use Board Members
Carol N. Goloff, Esq.
Angela Maione Costigan, City Solicitor
Spread the Gospel, Inc.
Marc Friedman, Esq.
Deborah Wahl, Applicant's Engineer

March 8, 2024

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

**Re: Application No. 2024-01 LUB
Egg Harbor City Partners, LLC
Justice Cannabis Facility
10 Philadelphia Avenue
Block 319, Lot 5.01
City of Egg Harbor, Atlantic County, New Jersey
Site Plan and Conditional Use Approval
RVE File No. 0107-P-145**

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. 2024-01 LUB**, dated February 14, 2024.
2. **Egg Harbor City Site Plan Checklist** (undated).
3. **200' Property Owners List (Egg Harbor City)**, dated November 9, 2023.
4. **200' Property Owners List (Galloway Township)**, dated November 13, 2023.
5. **Certification of Taxes Paid**, dated November 1, 2023.
6. **Checklist Memorandum**, dated November 8, 2023 prepared by Stonefield Engineers.
7. **Zoning Relief Memorandum**, dated November 8, 2023 prepared by Stonefield Engineers.
8. **Outside Agency Jurisdictional Memorandum**, , dated November 8, 2023 prepared by Stonefield Engineers.
9. **Cape Atlantic Conservation District approval**, dated September 12, 2023.
10. **Atlantic County - Notification of Favorable Review of Land Development Application**, with favorable review dated April 26, 2023.
11. **Pinelands Certificate of Filing (Inconsistent)**, dated September 18, 2023
12. **Stormwater Management Report**, prepared by Stonefield Engineers and signed by Jeffrey A. Martell, PE, dated February 10, 2023 and last revised July 28, 2023.
13. **Stormwater Operations & Maintenance Manual**, prepared by Stonefield Engineers and signed by Jeffrey A. Martell, PE, dated February 10, 2023 and last revised August 28, 2023.

14. **Plans entitled Proposed Justice Cannabis Retail Store** prepared by Stonefield Engineers consisting of 14 sheets, signed by Jeffrey A. Martell, PE, dated February 10, 2023 and last revised December 4, 2023.
15. **Plans entitled Egg Harbor City Cannabis**, prepared by Verve Design Studio consisting of 1 sheet, signed by Geoffrey Lewis Crowley, RA, dated November 21, 2023.

This report consists of our review of the subject application for conformance with the Egg Harbor City Land Use Ordinance 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.

II. General

The following general information has been provided for this application.

Applicant/Owner:	Egg Harbor City Partners, LLC 701 E Route 70, Building 1 – Second Floor Marlton Township, NJ 08053
Project Attorney:	Stephen Nehmad, ESQ 4030 Ocean Heights Avenue Egg Harbor Township, NJ 08234
Project Engineer:	Jeffrey Martell, PE 15 Spring Street Princeton, NJ 08542
Location:	10 Philadelphia Avenue (Block 319, Lot 5.01)
Zoning:	600 White Horse Pike Rehabilitation Area (600 WHPR) Underlying Zone: HC – Highway Commercial

The Site is subject to a Redevelopment Plan. Retail uses are permitted in the zone but Class 5 Adult Use Retail Cannabis is not specifically permitted in the redevelopment plan. The redevelopment plan pre-dates legalization of cannabis uses.

The underlying zoning for the property is the Highway Commercial (HC) Zone. Class 5 Adult Use Retail Cannabis uses are a conditionally permitted use in the zone.

Existing Use:	The site is currently vacant and contains some stormwater management facilities for the adjacent Wawa site.
Proposed Use:	Class 5 Adult Use Cannabis Retailer.
Proposal:	The applicant is seeking approval for an adult use cannabis retail store located at 10 Philadelphia Avenue.

Area, Yard & Bulk Regulations – HC Zone District:

ITEM	REQUIRED	PROPOSED	CONFORMANCE
Use	Highway Commercial	Cannabis Retail	Conditional Use
Minimum Lot Size	15,000 SF	33,270 SF	Conforms
Minimum Lot Width	100 ft	142.9 ft	Conforms
Minimum Lot Depth	None	142.9	Conforms
Principal Building Setbacks			
Front	50 ft	Philadelphia – 50 ft Atlantic – 58.4 ft	Conforms
Side	15 ft	Philadelphia – 25 ft Atlantic – 122.2 ft	Conforms
Rear	30 ft	Philadelphia – 122.2 ft Atlantic – 25 ft	Does Not Conform
Building Height	4 Stories or 60 ft	<4 stories or 60'	Conforms
Maximum Coverage of Lot by Buildings	30%	10.5%	Conforms
Accessory Uses	Accessory Parking Lots	Accessory Parking Lots	Conforms

III. Zoning & Completeness

The applicant is requesting preliminary and final site plan approval for a Class 5 adult-use cannabis retailer in the 600 WHPRA. The underlying zoning for the site is the Highway Commercial (HC) zone.

Retail uses are permitted in the 600 WHPRA. The Redevelopment Plan does not specifically reference cannabis, but cannabis uses were not permitted anywhere in the City when the redevelopment plan was adopted. The proposed Class 5 Adult Use Retail Cannabis use is a conditional use in the Highway Commercial zone and the City has a long history of allowing applicants to use the underlying zoning in-lieu of redevelopment plan requirements and standards.

As a conditionally permitted use in the HC zone, the applicant must satisfy the conditions or seek a conditional use variance. The conditions established by the City for proposed retail cannabis uses are as follows:

1. The subject property is in a zone where retail cannabis is permitted.
2. The number of uses permitted by the ordinance has not been exceeded.
3. The applicant has a conditional cannabis license from the State of New Jersey Cannabis Commission.

Each of the conditions is addressed below in order:

1. This application is proposed in a zone where cannabis retail is permitted.

2. The number of cannabis licenses permitted in the zone is limited to one. That license was recently granted to another site in the HC zone. Given the ordinance limitation on licenses and the number of licenses issued, it is impossible for this condition to be satisfied at this time. However, in the event that the single City issued retail cannabis license in the HC zone is forfeited by its current holder or another license is made available by the City, prospective applicants for the City's Retail Cannabis License should have an equal opportunity to apply to the City for any available retail license(s). There is another site in the HC zone that has already received land use approvals for a cannabis retail use. If the Board does not entertain additional applications for cannabis retail uses, it will be nearly impossible for any other applicants to compete for any Retail Cannabis license(s) that become available. To address this, it is our recommendation that the Board should hear any applicant for a Retail Cannabis use in a zone where it is a conditional use to allow the applicant to position themselves to compete for any license(s) that become available.
3. It is not clear whether the applicant has a conditional cannabis license from the State Cannabis Commission. The applicant should provide additional information regarding the status of any cannabis licenses.

Given the current status of the cannabis licenses in the City and the process through which City retail licenses are secured, our recommendation is that the Board should proceed with the review of applications for preliminary and final site plan approval for Class 5 Adult Use Retail Cannabis uses with the understanding that any approvals from the board are conditioned upon the availability of a City Cannabis Retail license. Given this, the applicant should understand that approval from this board does not guarantee that a retail facility will qualify for a cannabis retail license from the State or City.

IV. Technical Review

Off Street Parking

In accordance with section 170-62, the ordinance parking requirements for retail stores require 1 square foot of parking for each 1 square foot of gross floor area. A parking space is required to be 9' wide and 18' deep. Driveway aisles for 90-degree parking are required to be 24' wide. A parking lot will have spaces and adjacent drive aisle that are a minimum of 270 square feet each (the area of the parking space plus half the width of the minimum driveway aisle width). The 3,500 square foot building is required to have 13 parking spaces and 19 are provided.

A loading is required as 1 space for each retail establishment. Dimensions of a tractor-trailer loading space is required to be 10' wide x 60' long pursuant to Section 170-62C(1)(d). Plans show a dedicated loading space on the side of the building facing Atlantic Avenue that is depicted as 45' long and 14' wide. The proposed loading space meets the dimensions required for a single unit truck loading space. The applicant should describe anticipated deliveries and provide testimony about the adequacy of the provided loading space.

Trash and Recycling

In accordance with section 170-114 M., Garbage and recycling shall not be placed in the front yard.

The proposed trash enclosure appears to meet the ordinance requirements for fireproof materials.

In accordance with section 170-52, the applicant must add a note to the plan which reads: "No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the city."

Signage

The proposed wall signage complies with the ordinance requirements for signs. However, the applicant should consider adding a wall mounted sign on the Philadelphia Avenue frontage since this is the most heavily trafficked frontage adjacent to the site and there is a pedestrian walkway leading from that frontage.

The proposed freestanding sign is not permitted in the HC zone and will require variance relief.

Stormwater Management

The provided calculations appear to demonstrate compliance with the City's stormwater management standards. Should any of the general comments below require revisions to the proposed stormwater management systems, any minor revisions to the systems should be able to be addressed administratively.

Landscaping

The application appears to comply with the ordinance landscaping requirements.

Architectural Design Standards

The application appears to comply with the ordinance Architectural Design Standards.

V. General Comments

1. The emergency spillway from basin BA-1 appears to be 9' below the adjacent grade. Also, the 58 contour carries across the spillway but the spillway elevation is intended to be 57.55.
2. The detail for structure OS-2 calls for an inlet elevation of 56.85 but the structure is located above the 57 contour. Similarly, the detail for structure OS-1 calls for an inlet elevation of 56.50 but the structure is located above the 57 contour. The proposed inverts would be below grade. The structure details also imply that the grade shall be steeper than 3:1 adjacent to the structure but this is not shown on the site plan and no additional stabilization is indicated. The grate elevations are also below the surrounding grade by almost a foot in places. The structures should be relocated to be completely within the basin footprints instead of on the outside edges of the basins.
3. Stormwater management structure details which contain footings should clarify which portion of the structure is precast and which portions of the footing are to be poured separately.
4. It appears that there will be less than 1' of cover over the pipe in the parking lot area. The applicant should specify the class of RCP pipe proposed for installation in this area. It also appears that the top of the pipe may need to be modified (cut) to fit under the proposed inlet grate in structure D-100. The applicant should address whether this installation is feasible.

5. It appears that the top of curb elevation between the trash enclosure and the proposed building will be higher than the building elevation. This will cause stormwater runoff to drain towards the building. The applicant should consider lowering the curb reveal in this area to eliminate this condition.
6. The ADA ramp at the front of the building appears to slope toward the building (58.95 at building and 59.00 at curb). This should be corrected. Additionally, the applicant may want to consider adding header curb along the base of the building adjacent to the ADA ramp to avoid exposing the building foundation.
7. The applicant should discuss whether they have developed a safety and security plan for the facility. This should be reviewed by the Egg Harbor City Police and Fire departments.
8. The applicant should confirm the location and methods for connection to water and sewer utilities with New Jersey American Water Inc.

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. This includes but is not necessarily limited to both State and Local cannabis retail licenses and final approvals from the Pinelands Commission.

VII. Recommendations

Based on our review of Application 24-01 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 approvals are granted, any outstanding issues can be addressed administratively.

Again, the applicant should understand that approval from this board does not guarantee that a proposed facility will qualify for a cannabis retail license from the State or City.

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

Very truly yours,

REMINGTON & VERNICK ENGINEERS



Ryan A. McGowan, PE, PP, CME, CFM

cc: Egg Harbor City Land Use Board Members
Egg Harbor City Partners, LLC - Applicant
Stephen Nehmad, ESQ – Applicant's Attorney
Jeffrey Martell, PE – Applicant's Engineer