

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
March 15, 2016
Re-Organization
7:00 P.M.**

A regular meeting of the Egg Harbor City Municipal Land Use Board was held on March 15, 2016. Those in attendance were Mayor Jiampetti, City Council President Edward Dennis, Chairman Gerhard Mueller, Vice Chairman Richard Colby, Egg Harbor City Fire Department Representative John Garth, Regular Members; Todd Warker, Michael McKenna, Jack Peterson and Alternate Member #2 Donald Milne, Solicitor Jim Schroeder, City Planner Tim Michel, Engineer Ryan McGowan and Secretary Donna Heffley. (Not present were Regular Member Dennis McKenna and Alternate #1 Gladys Torres.

The Chairman 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.

Roll Call: Mayor Jiampetti no, Mr. Dennis yes, Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. Michael McKenna yes, Mr. Warker yes, Mr. Milne yes, Mrs. Johns yes, Mrs. Torres absent, Mr. Mueller yes, Mr. Schroeder yes, Mr. Michel yes, Mr. McGowan yes, and Secretary Ms. Heffley yes.

Approval of Minutes: January 19, 2016

Upon motion made by Mr. Peterson seconded by Mr. Colby and carried the January 19, 2016 Egg Harbor City Municipal Land Use Board Minutes were approved.

Resolutions: none

New Business: Mr. Mueller announced that if anyone was present to hear the Highway Petroleum, Inc. application or the Stephen Murphy application neither would be heard tonight.

Mr. Schroeder announced both applications will have to renotice and everyone within 200 feet will be notified again by letter and the notices will be published in the newspaper.

There was a defect in the notice for the Stephen Murphy application. The Highway Petroleum application was carried over once but cannot be carried twice. Highway Petroleum will be required to renotice.

Mr. Schroeder asked the Secretary to post on the City Hall doors on Wednesday March 16, 2016 that the Murphy application will not be heard and will be heard at a later date.

Mr. Dennis requested that the Murphy application be placed at the end of the agenda when they appear due to Mr. Dennis and The Mayor not being allowed to vote on that application and then they will be able to participate in the rest of the meeting.

New Business continued: Rastelli's Seafood, LLC
 1301 Bremen Avenue
 Egg Harbor City, NJ 08215
 Block 1003, Lots 14 and 15
 Final Site Plan Extension request

Michael Peacock with Nehmad Perillo & Davis, P.C. was present who was representing Rastelli's Seafood, LLC the owner of the above property in Egg Harbor City.

The Applicant originally received preliminary and final major site plan approval along with associated design waivers for a proposed 42, 625 square foot expansion of its existing facility on the property along with additional on-site parking, lighting, landscaping and an expansion of stormwater drainage facilities. The Applicant received these approvals from the Planning Board pursuant to a hearing held before it on October 21, 2008 and as memorialized in the Planning board Resolution #14 of 2008.

Mr. Peacock was submitting the Applicants first request for a one-year extension of the final major site plan approval pursuant to N.J.S.A. 40:55D-52a. His client still hopes to move forward in the near future.

Mr. Dennis made the motion to grant the one year extension to Planning Board Resolution #14 of 2008. Mr. Peacock requested the extension run from June 30, 2016 to June 30, 2017.

Upon motion made by Mr. Dennis, seconded by Mr. McKenna

Roll Call: Mayor Jiampetti absent, Mr. Dennis yes, Mr. Garth yes, Mr. Colby yes, Mr. Peterson yes, Mr. McKenna yes, Mr. Warker yes, Mr. Milne yes, Mrs. John's yes and Mr. Mueller yes.

Informal: Margaret McDonald
 312 Havana Avenue
 Egg Harbor City, NJ 08215
 Block 617, Lot 2.02

Ms. McDonald had a deck constructed back in 2008 and would like to put a roof over this deck. Mr. Michel explained that Ms. McDonald must come before the Land Use Board for a C-variance to ask relief for the side yard conditions. This action will also require public notice. Mrs. McDonald thanked the board for their time and will return in the near future.

Old Business: none

Public Comments: Mr. and Mrs. Terence Grawl from 1714 Liverpool Avenue, Egg Harbor City came before the Board to inquire about a zoning permit that was denied. Their application was denied due to their property being a corner lot and there being a fence height restriction of 3' high within 15' of Itzstein Street. They are requesting to put a higher fence up for their children's safety.

Mr. Michel suggested they come before the board tonight. The City Ordinance states that you cannot have a fence higher than three feet on a corner lot in the front yard.

Mr. Michel suggested making an ordinance change that would allow people to put up a higher fence in the front yard of a corner lot.

Mr. Dennis noted this change would alleviate time coming before the board and will alleviate expenses for the residents. Mr. Dennis noted the applicant should try to hold off until the ordinance is changed.

Mr. Dennis made a motion to allow Mr. Michel the City Planner to develop an ordinance that would allow or permit residents that live on a corner property the ability to construct a fence under safe conditions as it would pertain to all known safety issues and bring it back to this board so it can be reviewed and submitted at the earliest date to City Council, seconded by Mayor Jiampetti

Discussion took place between Board Members and Professionals concerning public easements from curbs.

Roll Call: Mayor Jiampetti yes, Mr. Dennis yes, Mr. Garth, yes, Mr. Colby yes, Mr. Peterson yes, Mr. McKenna yes, Mr. Warker yes, Mr. Milne yes, Mrs. Johns, yes and Mr. Mueller yes.

Elliot Rosario came before the Board to inquire about opening a business in Egg Harbor City at 259 A Philadelphia Avenue. He would like to operate a retail store selling electronic cigarettes and accessories.

Mr. Michel gave a brief overview of 259 A Philadelphia Avenue. The Board decided years ago that any use permitted within the retail commercial zone would be appropriate for this building. They would not need to come before the Land Use Board for an approval. This proposed use for a retail store would be a permitted use and would not require Land Use Board approval. Mr. Rosario can proceed to the building department for a business CO and a mercantile license will have to be obtained.

Mr. Dennis discussed trash dumpster locations and maintenance of trash areas for commercial buildings and apartment complexes.

Adjournment: Upon motion made by Mr. Colby, seconded by Mr. Dennis and carried the March 15, 2016 Land Use Board meeting was adjourned.

Respectfully Submitted
Donna Heffley/Municipal Land Use Board Secretary