

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
May 21, 2024
7:00 P.M.**

The Regular meeting of the Egg Harbor City Municipal Land Use Board was held on May 21, 2024. Those in attendance were Mayor Lisa Jiampetti, Council Representative Karl Timbers, Chairman Jack Peterson, Vice Chairman Todd Warker, Municipal Official John Garth, Regular Members; Dennis McKenna, Michael McKenna, Keith Mullineaux, Alternate #1 Joseph Kuehner, Alternate #2 George Frick, Carol Goloff Esq., Land Use Board Engineer/Planner Ryan McGowan, and Secretary Donna Heffley. (Not present were Regular Member Gladys Torres, The Mayors Representative Stephania Kuehner, Council Representative Alternate Kim Hesse).

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 present, Dennis McKenna present, Mr. Michael McKenna present, Mrs. Torres absent, Mr. Kuehner present, Mr. Frick present, Mrs. Kuehner absent, Mrs. Hesse absent, Mr. McGowan present, Carol Goloff Esq. present and Secretary Donna Heffley present.

Approval of Minutes: April 16, 2024

Upon motion made by Dennis McKenna, seconded by Mr. Kuehner and carried the April 16, 2024 Land Use Board minutes were approved.

Approval of Resolutions: none

New Business: Jerzey Grown LLC

1401 Bremen Avenue 2 B
Egg Harbor City, NJ 08215
Request for Waiver from Site Plan Review and Approval
Conditional Use Approval

Tom Darcy was present representing the Applicant Jerzey Grown, LLC seeking a Conditional Use Approval to permit Jerzey Grown to operate in a class one cannabis cultivation facility at the site located in the Industrial Park at 1401 Bremen Avenue unit 2 B. The Applicant is also seeking a site plan waiver. The Applicant has the State license and currently has an application pending with the City for the City cannabis license. One of the submission requirements for that is Land Use Board Approval. There are 2 conditions to satisfy for a conditional use for this application. First, they must demonstrate

that the site is located in the Industrial park where a Class One Cannibals cultivation operation is a permitted conditional use and to demonstrate they have the appropriate State license.

Both conditions have been satisfied being 1401 Bremen is in the Industrial Park and Jerzey Grown has been issued a Class One Cultivator license by the State of New Jersey. Mr. Darcy gave a copy of this information in the exhibit package that was submitted to the Board Members and Professionals.

Mr. Timbers arrived at the meeting.

Ryan McGowan referred to his email dated May 16, 2024 to Members and Professionals concerning this application. Mr. McGowan noted that all conditional uses must come to the Land Use Board to demonstrate compliance with the conditions. Given that the site is an existing fully developed multi-tenant site and no changes to the site are proposed, the Applicant has not provided a site plan for review. This is a site that already has full site plan approval.

Questions and Comments from the Board

George Frick inquired if the Applicant would be growing inside the facility only?

Konstantine Charalidis was sworn in by Carol Goloff Esq.

Mr. Charalidis stated everything is done inside the building.

Mr. Peterson asked if there was a trash enclosure on site.

Jared Freeman a member of the LLC was present and sworn in by Carol Goloff Esq.

Mr. Freeman explained waste pick up which is governed by the State and the specified area in the site to store the waste. The office trash will be handled separately.

Mr. Warker inquired about the number of employees.

Mr. Charalidis noted they are allowed up to 10 employees but at this time they will have only 6 employees on site.

Motion approving the application as presented and what was set forth on the record by Mr. Darcy.

Upon motion made by Mr. Kuehner, seconded by Michael McKenna

Roll Call: Mayor Jiampetti yes, Mr. Peterson yes, Mr. Timbers yes, Mr. Warker yes, Mr. Garth yes, Dennis McKenna yes, Michael McKenna yes, Mr. Mullineaux yes, Mr. Kuehner yes, Mr. Frick yes.

Old Business: Possible Amendment to Resolution #2024-02

Carol Goloff Esq. summarized the resolution for Spread the Gospel and the email received from Marc Freedman, Attorney for Spread the Gospel, concerning the hours of operation and the new noise ordinance in place. Mr. Friedman requested the audio of the meeting to review.

The Question is did the board make a motion to amend this applicant's hours of operation from what was already granted in 2017.

Discussion took place between board members concerning this matter, the hours of operation and the new noise ordinance.

Mr. McGowan reviewed the new noise ordinance with Board Members and Professionals.

Mayor Jiampetti expressed her concerns on this matter.

The board was very clear when the applicant appeared on March 19, 2024 that a new Noise Ordinance would be passed at the next City Council Meeting.

Elaine Hawkes was present to ask that the resolution be amended that the hours of operation did not change but the new noise ordinance would have to be adhered to.

Mrs. Hawkes needs to have an end time so she can tell clients when booking events.

She suggested having a middle ground and come up with a time. She would like the deadline to be 1 a.m. the noise would have to stop at midnight. The noise ordinance says midnight and would have to be out of the facility by 1:00 a.m.

William Hawkes was present and expressed his concerns on the hours of operation and the noise ordinance. He noted over 5 years they only had 2 noise complaints.

Mr. Peterson offered a couple of ways the board can handle this matter.

Mr. Warker suggested listening to the video so the board will know what was discussed and voted on at the last meeting.

Mayor Jiampetti noted it is important for Mrs. Hawkes to have a set time so she can continue booking events. Mayor Jiampetti suggested the board listen to the video to confirm exactly what was said and that a compromise is a good idea.

Mr. Warker and Michael McKenna expressed their concerns on this matter.

Mike McKenna made a motion to change the wording for the hours of operation for Friday and Saturday night to 1 a.m. and they understand they have to follow the noise ordinance and 11 p.m. for other nights.

Carol Goloff Esq. clarified hours of operation until 1 a.m. on Friday and Saturday with noise ending at midnight and until 11:00 p.m. on Sunday through Thursday and noise ending at 10 :00 p.m.

Motion made by Michael McKenna, seconded by Mr. Kuehner

Roll Call: Mayor Jiampetti yes, Mr. Peterson yes, Mr. Timbers yes, Mr. Warker yes, Mr. Garth yes, Dennis McKenna yes, Michael McKenna yes, Mr. Mullineaux yes, Mr. Kuehner yes, Mr. Frick abstain (did not vote on original application).

Council Report, Mayor Jiampetti announced Cleanup day was very successful 2.98 tons of trash was collected, 340 People came out to help clean up. June 1, 2024 will be the Summer Celebration. Mayor Jiampetti also noted the City received a grant for \$400,000 to make City Hall ADA compliant. Work will be done on the front doors, service counters, bathrooms, etc. The City also received a \$850,000 grant for forestry issues and a million dollar grant for street trees.

Mr. Warker asked for an update on the bike path.

Mayor Jiampetti and Mr. McGowan discussed this matter further.

Public comment: none

Mr. Peterson expressed his concerns about Dollar General on the White Horse Pike and the continuous problem with carts and trash not being contained in the trash enclosure. Discussion took place on this issue.

Mr. McKenna noted all Dollar General lots look the same way.
Mr. Peterson noted the Dollar General in Mays Landing is kept very clean.
Mr. McGowan discussed this matter further.

Carol Goloff Esq. discussed this matter and noted the cardboard should be crushed and stored properly in the trash enclosure.
Mr. Kuehner expressed his concerns on this matter.

Mayor Jiampetti discussed the bowling alley and the unsightly condition.
Carol Goloff Esq. discussed this matter further.

Mr. Garth expressed his concerns about the accumulation of tires at Kowalski Tire and that there are about 200 tires out there every day. Mr. Garth and Mr. Peterson noted the resolution states that tires should not be stored outside. Mr. Garth noted Mr. Kowalski came before the board for approval for a storage unit and that the tires should be stored in there.
Mayor Jiampetti noted she inquired about this and was told by Code Enforcement the tires are picked up on a regular basis.

This matter was discussed further concerning properties along the White Horse Pike and the condition of the sites.

Mr. Peterson noted the board is required to watch a Stormwater video each year and would only take a few minutes.

Old Business: none

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

Respectfully Submitted

Donna Heffley
Land Use Board Secretary