

**CITY OF EGG HARBOR
MUNICIPAL LAND USE BOARD
September 17, 2024
7:00 P.M.**

The Regular meeting of the Egg Harbor City Municipal Land Use Board was held on September 17, 2024. Those in attendance were Mayor Jampetti, 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 Esquire and Secretary Donna Heffley. (Not present were Regular Member Gladys Torres).

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 Jampetti present, Mr. Timbers present, Mr. Peterson present, Mr. Warker present, Mr. Garth absent, Mr. Mullineaux present, Dennis McKenna present, Mr. Michael McKenna present, Mrs. Torres absent, Mr. Kuehner present, Mr. Frick present, Mr. McGowan present, Carol Goloff Esquire present and Secretary Donna Heffley present.

Approval of Minutes: July 16, 2024

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

Approval of Resolutions: none

Carol Goloff, Esq. announced anyone present in regard to agenda item Ordinance #11-2024, to amend the Redevelopment Plan for the Gateway Rehabilitation Area to permit contractor vehicle storage as a conditional use, to be presented by Nehmad Davis & Goldstein, for review and recommendation to City Council will not be heard tonight.

John Garth Arrived at the meeting.

New Business: Informal Review

Benjamin F. Risley, Jr.
2058 Liverpool Avenue
Egg Harbor City, NJ 08215

Carol Goloff addressed the Board on informal reviews noting they are not common. The nature of an informal review is a Planning Board matter. If you are not considered part of the Planning Board then you would not take part. Carol also noted a letter was presented to City Council concerning Benjamin

Risley Jr., Subdivision Amendment Request dated 3/31/23 which should have been submitted to the Land Use Board. Carol Goloff read this letter into the record which was as follows:

Dear Mayor Jiampetti, City Council Members and to all Whom it May Concern,

This letter is being written on behalf of the residents listed below of the 2000 and 2100 blocks of Liverpool and Philadelphia Avenues. It is to voice our adamant opposition to the letter sent by Mr. Ben Risley Jr. dated 3/31/2023, requesting a subdivision variance of his lots located at 2058 Liverpool Avenue to build another home.

We either built or purchased our homes in what is referred to as Egg Harbor City's "Gold Coast" because of its seclusion and space/land surrounding our homes. The neighborhood was built with larger lots giving separation between the homes. This separation affords each resident a level of privacy, seclusion and quiet. The request by Mr. Benjamin Risley Jr. is contradictory to the aesthetics, continuity, and design of our neighborhood. The variance request we believe will potentially lower property values of our existing neighborhood. Those closest to the proposed subdivision would incur the greatest impact from this proposal. We, therefore, respectfully request that any such variance be denied now and in the future to preserve our neighborhood and seclusion it affords. We also request that we are notified of any further proposals or meetings regarding these lots in writing and /or at the phone number listed below, signed by Laurie and Steffen Otto, Susan and Hal Lugerner, Bernard Noble, Edgar Butler, Rebecca VanFossen, Denise Calabrese, Kristin Martinez and Bruce Gardner.

Carol Goloff noted the Board is not allowed to take testimony through writing even if it is notarized and because this letter was submitted to Council it is public record and Carol wanted to make the Board aware of the fact.

Carol discussed the tax map showing Mr. Risley's lot who is requesting an informal review. Carol noted she was not provided any site plan. Carol discussed the State Statute 40:55d-10.1 concerning Informal Reviews. Carol's concern with this informal is it is only dealing with one lot and possibly split into two lots and feels this is truly a zoning board matter. The nature of the joint board is if it is a zoning board matter certain members would have to step down.

Mr. Risley's lot was two lots when he purchased the property and when he refinanced the two lots became one lot. Mr. Risley would like it to go back to two lots. Carol discussed the tax map and the lots owned by Mr. Risley. A Zoning matter does not allow for an informal review. A zoning board application for the two variances is needed. Carol discussed this matter further.

Mr. McGowan discussed the zoning map that reflects the Redevelopment area that shows a boundary which encompasses Mr. Risley's property and other properties but when you go to the actual Redevelopment plan it enumerates a list of blocks and lots. Later in the plan it indicates privately owned lots that are not included in the listed Egg Harbor North Rehabilitation Area may be developed and used in accordance with R-3.2C Cluster zoning found in section 170-72C of the development when connected to a public sewer system. Without sewer, lots shall be subject to R-3.2C controls. There is no intent to require a property owner to become part of the Egg Harbor North Rehabilitation area by sale of the private property to a Redeveloper. The section before that says the redeveloper can acquire private parcels and request that they be incorporated into the Rehabilitation area but that is not guaranteed and would be at Council's discretion.

Mr. McGowan understands that Mr. Risleys property is within the area on the zoning map but Mr. Risleys property is not included on the list and it states if you are not on the list then one would be governed by the rules R-3.2 C.

This matter was discussed further.

Mr. McGowan explained the purpose for having Redevelopment areas or plans.

It is Carols opinion to the board this is clearly a zoning board matter.

Mr. Garth expressed his concerns on informal reviews.

Carol addressed the Board on this matter.

Mr. Risley is before the board for a zoning board matter and there is no provision in the law for an informal review for a person who only wants to seek variances the ordinance does not permit.

Chairman Peterson and Professionals discussed this matter further.

Chairman Peterson expressed his concerns on Informal reviews and fees involved.
Carol noted informal reviews are for the Planning Board.

Mr. Kuehner and Mr. Warker expressed their concerns on this matter.

Chairman Peterson noted any further action that Mr. Risley would take whether its an application for a subdivision or for variances, there would be a meeting with public notice and testimony would be given at the meeting. Mr. Peterson felt the board should not proceed any further on this matter.

Carol made the announcement that in the letter presented to Council there was a request that the concerned neighbors be notified of any further proposals or meetings regarding these lots. Carol noted everything is posted on the City website, bulletin board and if one needs to find out what is going they can also call City Hall.

Mayor Jiampetti suggested also posting the agenda on the City facebook page.
The Secretary will have future agendas posted on the City facebook page.

Carol noted social media is becoming more popular with towns and that is where people are getting their notices and with any government entity it is our job to get out this information as broadly as possible.

Old Business: none

Council Report:

Mayor Jiampetti gave an update on the proposed Movie studio. Mayor Jiampetti discussed grants the City is working on. The City did receive a recreation grant for the pickle ball court and completed the other recreational grant project which was the ADA playground (George Memorial Playground). The City has received a \$450,000 grant to make ADA upgrades at City Hall. The City also received a grant for

\$400,000 for ADA upgrades at the Lake and received two 1 million dollar grants for tree maintenance and plantings around town.

Mr. McGowan gave an update on the bike path .

Mr. McGowan noted the Reconstruction of the curb and sidewalks on the 300 Block of Liverpool Avenue has begun.

Mayor Jiampetti noted the City is applying for a grant to be a Brownsfield Redevelopment Area and with that designation the City decided to look at the Gateway site which has a lot of contamination and needs to be cleaned up. This designation will open up funds to redevelop that area and provide incentives for businesses to come in.

Mr. Garth inquired about the Ordinance #11-2024 on the agenda. Mr. McGowan addressed this question noting it is the Gateway Rehabilitation Area (Acme) and noted there is a company who has utility trucks that are dispatched to emergency situations along the east coast and they are interested in using the site for vehicle storage. Mr. McGowan was out sick when this matter was discussed by Council and noted the language was very broad and he requested the language be revised. The revisions were not provided in time for tonight's meeting.

Public Comments: Nanette Galloway discussed several grants that were received for trees and training available for learning about trees. She further discussed companies that do tree inventories and discussed the importance of trees and the benefits to the environment.

Questions and Comments from the Board:

Mr. Garth asked for an update on the Trocki property. Mr. McGowan addressed this question.

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

Respectfully Submitted
Donna Heffley
Land Use Board Secretary