

MINUTES
MT. EPHRAIM LAND USE BOARD MEETING

Borough Hall Court Office
121 S Black Horse Pike, Mt. Ephraim, NJ 08031
Monday, August 16, 2021, 7:30pm

CALL TO ORDER. Steven Eggert called the meeting to order and stated the meeting was advertised and notices posted in accordance with the “Open Public Records Act.”

PLEDGE OF ALLEGIANCE. All persons present, stood for the pledge of allegiance.

ROLL CALL – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Anthony Stagliano, Michael Marrone, present. Charles Alexander, Thomas Maxwell, Robert Carter, Gary Prinski, Carmine Rampolla, Douglas Morgan, absent.

NEW BUSINESS

Hearing on Tavern (Joe McElhiney) for preliminary and final site plan approval, and variances – property located at 267 S Black Horse Pike, Mt Ephraim, NJ.

Michael Amino, I am the attorney subbing in for Dale Taylor, who is the original attorney for this application. He had an emergency so I will be filling in.

Joe McElhiney – applicant gets sworn in.

Vincent Milano – engineer for the applicant gets sworn in.

Michael Amino, Mr. McElhiney can you explain to the board what it is that you will be doing at the location. Mr. McElhiney, basically we are going to fit out the existing building which used to be a Little Caesars and create the Tavern. Michael Amino, prior to Little Caesars, do you know when Little Caesars closed. Mr. McElhiney, no I do not, maybe 2 or 3 years ago. Michael Amino, prior to Little Caesars do you know what it was? Mr. McElhiney, it was a Subway. Michael Amino, and prior to that. Mr. McElhiney, a Baskin Robins, I think. The board members responded it was a Carvel Ice Cream place. Michael Amino, so I am seeing that the board members are very aware that this was a business commercial establishment for a very long time, you are not intending to change the footprint of the building. Mr. McElhiney, no everything will be remaining the same except the lining on the parking lot, for now anyway. Possibly further down the road we could make some more improvements.

Mr. McElhiney shows the board members the rendering of what he plans on having the building look like.

Michael Amino, we are here tonight to seek site plan approval and some variances, the building itself, again is not being moved, but the building does not comply with what the ordinance states for side yard setbacks, we have 20ft and the building only has a 10ft side yard setback, it is an existing condition so if the board deems it as an existing condition or feels we need a variance we would ask for the variance. The parking as its configured

is only 20ft from the street, we are asking for a variance for that. Mr. McElhiney would like to have two signs as well. Mr. McElhiney, well there are two existing signs on the location, one is at the sign post out front of the building and the other one is on the building, so since they are there, we would like to utilize them. Michael Amino, the idea behind the signs is one for identification and for people to find your location and for marketing purposes. Mr. McElhiney, yes that is correct, the building is kind of screaming for a sign on there. Michael Amino, just so the board is aware we are seeking a variance for the height of the existing sign, the engineer will confirm I believe the existing sign that is there now is about 15ft. and the ordinance only permits 12ft., other than that we are just replacing what is existing. We also need a variance as the existing sign again is within 20ft of the road. We are also looking for a variance for the square footage of the sign.

Michael Amino, do we have any questions for Mr. McElhiney? Joe Nardi, Mr. McElhiney you do not own the building, is that correct. Mr. McElhiney, no I have a lease agreement with the ability to purchase if I choose. Michael Amino, there was a question about the liquor license, which you have already. Mr. McElhiney, yes, I already purchased the liquor license and its mine. Joe Nardi, and you own the liquor license yourself? Mr. McElhiney, my LLC owns the liquor license. Joe Nardi, and what is the name of the LLC. Mr. McElhiney, McStones LLC, and that has been approved for that location already. Joe Nardi, for purposes of this meeting can you please state who is the owner of the building. Mr. McElhiney, Pen Li Wang owns the building currently.

Michael Amino, at this time I would like to have Mr. Milano come and give testimony for this application and briefly go over the site plan for the board. Mr. Milano, sure as most of this was covered already, but the building is existing and has always been a commercial business. We really did not change much as far as the site design, we added some handicap parking spots, we did some striping and the cross walk, along with the loading zone in the back of the building. Other than that we just needed to do some repairs to the existing fence located in the back of the building where the trash enclosure is going to be placed. We will not need to provide any lights; we did perform an existing light survey an everything is met from what is out there now. Joe Nardi, ok so there will be no variance requested for lighting, you will be able to comply with the Borough. Mr. Milano, yes that is correct. Michael Amino, with respect to the signage, is it typical of what is being purposed for this type of business. Mr. Milano, yes. Michael Amino, and the signs that we are purposing are not out of line for this type of commercial establishment. Mr. Milano, no they are typical for what we usually see. Michael Amino, the boards engineer brough up about the size of the sign. Mr. Milano, we went out there and scaled the size of the sign and its about 15ft in height and 12ft is the maximum that we can have. Michael Amino, if I could just go over with you a couple of the issues that were raised, we have a question about a survey, was that done? Mr. Milano, yes that was done and submitted. Michael Amino, there was another question raised about the proposal of 1 van accessible parking space, this was submitted as well. Greg Fusco, Engineer, I could not find on the plan that it would be painted blue. Michael Amino, we will agree to take care of that as a condition of approval. Greg Fusco, great, everything else is fine. Michael Amino, there was a question about painting the loading zone, we

will agree to take care of that as a condition of approval. Michael Amino, there is a dumpster in the back that will be utilized for trash, there is a question about it being repaired and we will repair it as a condition of the approval. Mr. McElhiney, they want an enclosure, so we are going to clean it up and get an enclosure for the dumpster. Michael Amino, number seven on the letter deals with the lighting, the engineer has testified that the lighting meets the borough code, but we will be happy to discuss everything with the engineer directly, number eight on the letter talks about the signage and as we indicated we are seeking a variance. Joe Nardi, so let's be clear the basis is that all these signs are pre-existing for both height and distance from the road. Michael Amino, yes that is correct. Joe Nardi, and you are just going to utilize the existing signs that are out there. Michael Amino, yes that is correct, the pole sign which is out there and then the sign on the building, so a variance we are seeking for two signs. Michael Amino, we will comply with the letter from NJDOT. Greg Fusco, have you at least spoke to someone. Michael Amino, we have reached out. Mr. Milano, we have reached out we are just trying to get to the correct person. Greg Fusco, its just a letter of no intent, they should be able to give that to you with no issues. Michael Amino, for number 12 on the letter we will provide a deed if required. Michael Amino, number 17 on the letter.

Joe Nardi, I am sorry did we miss number 10 and 11 on the list. Michael Amino, they are shown on the plans. Joe Nardi, oh ok and Greg that is satisfactory from what you can see. Greg Fusco, yes that is what they proposed on the plan. Steve Eggert, in the front they are both bollards and, Mr. McElhiney, they are both they are bollards and planters.

Michael Amino, as far as any outside agency we will comply with getting in touch with them. There was a question regarding the performance and maintenance bond, I think under the current, I don't believe anything would fall under that or needing that. Greg Fusco, that is correct, we will do a small inspection estimate for escrow and that will be it.

Greg Fusco, if I can before I forget, if we could just go back to the plans and the numbers of parking spaces that you are proposing, on the plan it shows the number 14, but you only have 13 spots. Michael Amino, we will correct that on the plan so then we will have a total of 19 then. Greg Fusco, no you will still have 20 they just marked the accessible spot and a parking spot and its not. Michael Amino, we will correct that, I have no further testimony. Greg Fusco, there are two things that I want to mention if I may, our office will need to check the lighting, so we will go out and check that, what I would prefer is while the applicant is working on the building, we would go out there and check everything, are the lights on yet. Mr. McElhiney, no they are not. Greg Fusco, I would like to get this done early so in case there is something wrong it can be addressed quickly, so the minute they are energized let me know and we will come out. Mr. McElhiney will do. Greg Fusco, and the other thing that I wanted to mention is the reason why the comment is in my review letter about protecting the building with bollards, I can tell you through experience if someone drives thru the building and injures someone or injures themselves it will not be the drivers fault it will be your fault, so please do what you can to make sure you protect your building and the people who use it.

Joe Nardi, questions will there be any outside seating. Michael Amino, no outside seating presented at this time. Joe Nardi, the only reason why I questioned that is because on the plan it looked like there was a door to an outside area. Mr. McElhiney, so when we applied for the liquor license they had asked if we wanted to extend the license outside the building so we did it, but they may need to change because of the setback. So as of now we are not doing anything outside we just would like to get this done and then in the future look into it. Joe Nardi, that is fine just know when you do decide this you will need to come before the board to get approvals. Mr. McElhiney, yes, we will.

Steve Eggert, will now open it up to the board to see if they have any questions, concerns or comments, the question I have is will there be any signage to have people from the areas around you to not park on the property? Mr. McElhiney, yes, I will have signs on the parking spots. Steve Eggert, do we have any other questions from the board, since we have none, I will now open it up to the public, with no public being present we can now have a motion.

Motion to approve Site Plan and Variances for a Tavern located at 267 S Black Horse Pike (McElhiney), Anthony Stagliano made the motion, the motion was seconded by Michael Schiavo.

Roll Call: Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Anthony Stagliano, Michael Marrone, all voting yes. Mayor Tovinsky, abstaining his vote.

OLD BUSINESS

Motion to approve Resolution for Taco Bell, Anthony Stagliano made the motion to approve, the motion was seconded by George Gies.

Roll Call: Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Michael Marrone, all voting yes.

Joe Nardi goes into discussion let the board members know we will need to have a special meeting for the properties that are involved with the Sacred Heart Church, that there needed to be a study done by our engineers and now that, that is complete we need to have a meeting with the residents. The meeting will be scheduled for September 27th at 7:30pm.

Motion to go into closed session, George Gies seconded the motion.

The Land Use Board came out of closed session.

Motion to adjourn.
All voting in favor.