

**MINUTES**  
**MT. EPHRAIM LAND USE BOARD MEETING**  
Borough Hall Court Office  
121 S Black Horse Pike, Mt. Ephraim, NJ 08031  
Monday, July 11, 2022, 7:30pm

The meeting was called to order. The meeting opened with the Pledge of Allegiance to the flag and stated the meeting was advertised and notices posted in accordance with the “Open Public Records Act.”

Roll Call – Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, present. Anthony Stagliano, Gary Prinski, Michael Marrone, Douglas Morgan, Jason Kerns, absent.

**Old Business**

**Motion to Approve Minutes June 13, 2022 – Michael Schiavo made a motion to approve the minutes, the motion was seconded by Commissioner Gies.**

**Roll Call:** Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, all voting yes. Robert Carter, abstain.

**New Business**

**Application for Site Plan and Variances – Giant Fitness – 237 S Black Horse Pike.**

Brian Hall – I am the attorney, I represent the applicant, with me tonight I have Greg Simmons – Professional Engineer, and Sam Balducci Sr. – Owner. We are here tonight for a minor site plan application, for a 3000 square foot addition onto the back of the property of the Giant Fitness it will be about 30-feet by 100-feet in size, we are seeking a variance for parking where 71 are proposed and 99 are required, we will be losing some parking in the back but then adding it into the front, so really we will only be losing 4 parking spots. The purpose of the addition is not to change the nature of the gym or nature of the business, we will just be able to move the equipment around more effectively and run the business more effectively. There will not be a huge influx of new patrons of the business or new cars coming, but Mr. Balducci will be able to explain more of that a little later. This is a relatively straight forward application with just adding the addition in the back and rearranging the parking in the front. So, with that Mr. Nardi should with swear in everyone.

Joe Nardi – just with the matter of order, in the application I just want to make sure we are clear, the application requires the consent of the owner if they are not the same and I see that we have two different names for owner and then for applicant but there is only one signature, can you just clarify that.

Brian Hall – so Sam Balducci is the principal owner of the actual property which is CHB Maude and the owner of the applicant.

Joe Nardi – so you are the principal for both.

Sam Balducci – yes.

Joe Nardi – great, I just wanted to be clear on that. Ok, and Mr. Hall you also have received the letter of June 9, 2022, from Key Engineers.

Brian Hall – yes, we have.

Joe Nardi – swears in both Greg Simmons and Sam Balducci. Mr. Simmons if you could just give her your full name and address.

Gregory Simmons – 5 Edgewood Court, Swedesboro, NJ.

Sam Balducci – 20 Lane of Acres, Haddonfield, NJ.

Brian Hall – Mr. Simmons would you like to give an overview of where the addition will be and how we are going to change the parking.

Gregory Simmons – per this addition 2,000 something (**voice was muffled**) square feet will be off the back rear of the building, approximately 15 parking spaces will be eliminated for the circulation coming through the one area, on the drawing that he is showing the members and residents, he point to the template of the trash enclosure, there will be 5 spaces, proposed in the front with the reconfiguration of the islands, he again shows on the drawing where the new spots will be going. So, if we lose 15 spaces and we are adding 11 we have a net reduction of 4 spaces.

Joe Nardi – just so we have a clear record, what is the number of spaces that are required with the building as it exists today. I believe it is 81.

Gregory Simmons – that is correct. So, with a building size of 16,531 square feet 99 spaces are required and a total of 71 are provided, we reviewed the engineers letter and can go through that if the board is ready.

Robert Carter – yes, that would be good.

Brian Hall – maybe we can just have Mr. Balducci give a little testimony on what will go on with the addition and why we are doing it and what is anticipated.

Sam Balducci – so the whole idea of this, is to just accommodate the current members, at times it gets really crowded inside the gym, it will not enhance the business at all, all this will do is actually make it operate more efficiently, so we are just going to continue to add more space and spread the equipment out and add what's being used and what is

actually being occupied the most, but what I am doing will not create additional revenue or additional members. Fortunately for me I can do this and make it make sense.

Brian Hall – so you won't be advertising this at all to get more members.

Sam Balducci – no, to the contrary I am starting a women's club in Westville, which that may take members from this club and send over to the women's club.

Michael Schiavo – how many members do you have Sam?

Sam Balducci – I believe it's like 2600.

Michael Schiavo – ok.

Sam Balducci – but on average about 10% use the club, 90%...

A member asks if that is total for all his clubs. Sam responds the 2600 is just for this club in Mt. Ephraim.

Greg Fusco – what will you be building the addition out of?

Sam Balducci – cinder block.

Greg Fusco – so it will be masonry.

Sam Balducci – yes.

Greg Fusco – flat roof or.

Sam Balducci – yes, well it will be pitched.

Greg Fusco – shed frame.

Sam Balducci – yes.

Robert Carter – with the membership that you have now what is the capacity that you have now, other words are you at the capacity of your membership for this location.

Sam Balducci – it could always do better, but at the peak hours it is crowded in there, and that is the whole idea behind the addition, during peak hours it takes a little longer for people to work out, so while people are waiting for equipment people keep coming in and that causes a little bit of a crowd. This should eliminate the crowds especially at the peak hours and the mornings are really not that bad, its gets pretty crowded in the morning but its not bad, not all the parking is taken or anything, but in the evening its definitely a lot worse, we still aren't parking in the back the area, very rarely will you see someone going

in the back, again the whole idea of this is that at least I would be utilizing the whole back and maybe getting people in and out a little faster.

Thomas Maxwell – so currently none of your customers park out back.

Sam Balducci – occasionally we may get a big truck back there, during the peak hours I try and have my employees park there, so very rarely is there someone in the back parked.

Greg Fusco - how many employees are there when you are busy?

Sam Balducci – we have 3.

Steve Eggert – do people still enter through the front of the building?

Sam Balducci – everyone enters through the front of the building.

Robert Carter – lets go through the engineer’s letter.

Greg Fusco – Mr. Nardi, how should we proceed.

Joe Nardi – I guess we can leave it up to the applicant, why don’t we start on page 1. There are 2 ways we can do this, one of them is we can walk through each comment on each page, and you can tell us what is acceptable and what is not, or you can walk through the pages and identify what you need to have more discussion with the engineer about.

Brian Hall – should we go over what is completed first in the letter.

Greg Fusco – yes why don’t we do it that way.

- Page 2, item 1D – do you have a current survey?

Brian Hall – we don’t have a current survey we just have what we used on the plan. I don’t believe there has been any significant changes to the property since then. We can provide and get a survey.

Greg Fusco – unfortunately, in the State of New Jersey you are supposed to submit a current survey with the site plan.

Sam Balducci – nothing has changed.

Greg Fusco – if nothing has changed then the surveyor should be able to come out and just update it without it being an issue.

Sam Balducci – we can take care of that.

- item 2 – a lot has changed with the Stormwater Requirements in the State, every 2 years NJDEP enforcement sends an inspector out to all the municipalities, she goes through all the stormwater requirements that the town is supposed to fulfill, one of the requirements is site plan review and any basins, stormwater management basins that the town has they are required to be maintained and the records are supposed to be submitted to the municipality, so the woman was here in April and met with Mr. Beebe and we didn't have any records, as a matter of fact there were two basins in town that she is aware of, so I just need to bring that to your attention, this basin has not been maintained in years the side slopes are all overgrown they have trees growing in them they are not supposed to, you will need to get this maintained and bring it into compliance for the basin and any records regarding maintenance you will need to keep at the facility and submit a copy to Mr. Beebe every year.
- item 3 – there were no building elevations or at least I didn't receive any building elevations, was there anything submitted? Will you be having a plan prepared?

Brian Hall – Sam, does the new elevations match the existing elevations of the building?

Sam Balducci – yes.

Brian Hall – Do you have any architectural plans?

Sam Balducci – no, not yet. It would be Rob who is working on them.

Brian Hall – ok, and it will be the same height as existing.

Greg Fusco – everything will be same height.

Sam Balducci – yes.

Greg Fusco – same masonry material, same color.

Sam Balducci – yes. The only difference is I will be doing a pitched roof.

Greg Fusco – I guess the lean 2 shed will be removed completely, the one on the back now to build the addition, what about the shed in the far corner of the site in the rear.

Sam Balducci – we still use the one for storage.

Greg Fusco – it just seems like it is ready to get engulfed by all the vegetation and the trees out there.

Sam Balducci – you know I cut that stuff down every year, contrary to what anyone may think. I can show you the bills, but every year I do this, and it comes back bigger and thicker than before, I literally have no idea how they grow that fast, but they do.

Greg Fusco – so the shed in the back is to remain. Regarding the site plan review, the applicant is asking for a variance, the required number of spots with the expanded use is 99 spaces, you are only able to provide 71, there will be a net lose of 4 based on what your engineer just said. Are there any cross-access easements that exist for parking, formal easements for parking?

Sam Balducci – not that I am aware of.

Brian Hall – we are not aware of any cross-access easements, but we can submit a deed of property to see if any are listed.

Sam Balducci – except for the driveway, there is an easement for the driveway for Valvoline and us. I own the property, but they have an easement to use the driveway. It works out good with the two businesses because they close when we are at our peak hours.

Greg Fusco – you will use those parking spots?

Sam Balducci – yes, we have been doing that for ears.

Greg Fusco – if you own both properties, Joe is there a way that that can be formally addressed.

Sam Balducci – I don't own Valvoline.

Joe Nardi – the total number of spots will be 75, is that correct.

Greg Fusco – 71.

Joe Nardi – ok, 71, and that is for the three businesses.

Sam Balducci – that is just for the gym.

Joe Nardi – ok.

Sam Balducci – the other business upfront is the Valvoline, they have their own parking.

Joe Nardi – ok, that is just what I wanted to make clear. How many spots does Valvoline have?

Sam Balducci – maybe like 14.

Joe Nardi – so they have 14 and now how many does the Auto Zone have?

Sam Balducci – the AutoZone is fenced off from us, that is a totally different business.

Joe Nardi – ok, so there are only two businesses. So, the spots that butt up against the AutoZone property they are part of your 71 spots.

Sam Balducci – yes that is correct.

Joe Nardi – that is what I wanted to clarify.

Greg Fusco – so it is not unusual I guess for the sake of conversation that when Valvoline is closed that your patrons may park there.

Sam Balducci – yes that is correct.

Greg Fusco – so there is kind of like an additional 14 spaces.

Joe Nardi – they aren't blocked off, correct.

Sam Balducci – during our peak hours they get used.

Joe Nardi – there are no restrictions from them.

Sam Balducci – no, never.

Joe Nardi – what time do they close?

Sam Balducci - I think between 6pm and 7pm, I am not sure.

- item 4 – the site requires 3 barrier free parking spaces.

Brian Hall – we will agree to comply with that.

- item 5 – there are no formal loading or unloading, to be honest I can't imagine there would be any formal deliveries at a fitness center, most you would get is water and that would be in a truck that can park in the front. The only thing that the board members should realize is if that applicant should ever change the use and that use needs a loading zone then that will become an issue in the future.
- Item 6 – the addition as it is positioned, severely reduces the circulation behind the building, it looks like the applicant's engineer provided a template for the trash truck to make sure that it can get back there to pick the trash up, correct.

Sam Balducci – correct.

Greg Fusco – I know the fire official had made some comments about whether a fire engine can get around the back in the event of a fire, that is something that I think needs to be looked at, he is a member of the fire department and a member of the board.

Joe Nardi – what Mr. Fusco is indicating is that the plans should be submitted to the Fire Marshall, has that been done yet.

Brian Hall – no we have not yet just got the comments from the board member.

Greg Fusco – is it possible, you do have some room in the back to possible slide the building to the left, is it possible that could be looked at.

Gregory Simmons – we can slide it to the left a little more, we may just lose an additional 2 spots, to make it more manageable and acceptable for the fire trucks and police to get back there.

Joe Nardi – well I really think it really depends on whether the truck can get back there or not, and I think that maybe that should be explored.

Gregory Simmons – well a ladder truck is a very large truck to be pulling back there, I think that maybe you would use a ladder truck out front, I don't know how far the hoses go or the spray, but from the front of the building to the back of the building its about 84 feet, but we can look at moving the addition down as recommended.

Joe Nardi – well can a truck get back there now?

Gregory Simmons – well we have a trash truck there on the template now that can fit and that is about a 35-foot truck.

Joe Nardi – I mean there is no reason to move a building if you can still have access to the back.

Mayor Tovinsky – I would think a trash truck is wider than a fire truck.

Joe Nardi – I am also thinking about when they come around, the length of it. I just don't know, and Anthony is the expert, and he isn't here tonight.

Brian Hall – I don't want to misquote his emails but if I understood it, this will be one way going behind the building, and he was saying that the truck couldn't go in the one direction and come out, and our responses was that it was one way.

Joe Nardi -ok so it will be one way going in and coming out, its already one way now.

Sam Balducci – yes that is correct.

Greg Fusco – it is just a matter of whether the vehicle that the fire department has that would typically go back there can make that first left.

Gregory Simmons – I am not sure it could make it on the far side either.



Greg Fusco – again that is something I think should be reviewed with the fire official and see how it can be addressed. I can't answer to that, it's a fire issue.

Gregory Simmons – I guess the question is if they do pull the fire truck up, he then points to the drawing of different locations that the truck may be able to pull up too, and we would need to see if the water would reach and none of us can answer that, so we will distribute to the fire official for review.

- Item 7 – I just noted that you two connections with Valvoline and you propose to cut one off so to speak and create parking, do you have the objection with creating the island, do you can do that is there enough room.

Sam Balducci – I have no objection to that it may not be as big, but we can do something.

Greg Fusco – I also did note that there was some ponding out there and there is also some ponding in the area that you are going to eliminate the access so there is some survey field work that will need to be done in terms of elevations and grades, do you have any objection to this.

Sam Balducci – yes, I can do that.

Gregory Simmons – do you want him to cut out the low areas and refill them.

Greg Fusco – well you can, you need some elevation to determine where the water is going, same thing you are going to need someone to go out there to shoot the elevations for the barrier free ramp that needs to be constructed.

Brian Hall -so as I understand it Sam did repave the entire parking lot 3 years ago. So, it's new but what he is saying is he must get a new survey anyway.

Sam Balducci – it wont cost me anymore to do the topography at the same time.

- Item 9 – before the application came in, the borough received several complaints from the surrounding neighbors, I guess you had constructed some new lighting out there, LED lighting and the building mounted lights kind of illuminate the entire neighborhood in the back.

Sam Balducci – the lights on the back have always been the same lights since I have been there, but we did put new pole lights up, so it is brighter in the parking lot.

Gregory Simons – we agree to put shielding on those lights.

Greg Fusco – you will need to do something it lights up the whole neighborhood.

A large discussion takes place with applicant and members of the public.

Robert Carter – excuse me, members of the public we will get to your portion shortly.

Gregory Simmons – we agree to put shields up to aim the lighting down and protect the glare from the residents.

- Item 14 – the site plan submission requirements indicate that the applicants are supposed to submit an environmental impact statement, they are asking for a waiver from this, again it's an existing structure and an existing site, I don't believe lifting weights inside the building is an environmental concern, I do know there are some monitoring wells on the site, those wells need to remain active, and you have no objection.

Robert Carter – are those wells within the footprint of the proposed addition?

Sam Balducci – some would be, yes. I have wells inside the building right now, and we have them marked off, and instead of using glue down rubber we use rubber tiles that you can just lift them up at any time.

Brian Hall – how many wells are presently there now?

Sam Balducci – I believe there are 2 in the building and then in the back of the building I believe there are 3 along with a machine in the back as well.

Robert Carter – where is the equipment now, can you show on the plan?

Sam Balducci shows the members and the public where the machine is on the plan. There is a little shed covering the machine because of the sound right now. It will be moved inside once the addition is complete.

Greg Fusco – I have nothing else currently.

Joe Nardi – number 11, I think you have covered that in comment number 2 about the maintenance of the basin.

Greg Fusco – yes, I did.

Sam Balducci – we will clean out the basin.

Robert Carter – any questions from the board, hearing none I will open it up to the public for comments or questions.

Janice Sylvester - 236 Center Avenue – you were just speaking about the shed around the machine, which it did help with the sound, so if you take that down will there be something around it to protect the sound.

Sam Balducci – the mason building will block the noise so much better, which will be inside the building.

Janice Sylvester – I also noticed that the security lights have changed as well, is it a different bulb.

Sam Balducci – they may be a different bulb, but I don't believe so.

Greg Fusco – they are different lights; they are LED and very bright.

Robert Carter - excuse me one of the comments from the engineer was about shielding, did the applicant agree to do this.

Brian Hall – yes, he did.

Janice Sylvester – the basin will also be cleaned up, correct?

Sam Balducci – yes, this will be cleaned I clean this every year.

Janice Sylvester – yes you cleaned it in 2020.

Sam Balducci – I have done it after that as well.

Robert Carter – excuse me, one of the comments was submission of the maintenance schedule for the basin.

Sam Balducci – yes, I was not aware of that, but now that I am I have no issues doing this.

Janice Sylvester – ok, knowing the basin will be cleaned is good. We also told your employee who was doing the fence, which he was very nice, we told him if the vines not maintained it will mess the fence up again and the fence is already getting messed up because of them again.

Robert Carter – you will take care of that as part of the basin maintenance.

Sam Balducci – yes.

Robert Carter – any other members of the public have comments, hearing none I will close it to the public.

Joe Nardi – does anyone else have any questions? Then members of the board you have heard testimony regarding the application for the construction of the new addition of 2,980 square feet, it appears that the only open issue is addressing the fire issue, so Greg how do you suggest that if we were to make this part of the motion how do you suggest we incorporate it into the resolution if approved.

Greg Fusco – what part?

Joe Nardi – the safety issue with the fire trucks.

Greg Fusco – my letter is subject to the letter from the fire official and the police.

Joe Nardi – so it would need to be submitted to the fire chief for suggestions and then a plan if it is a problem.

Brian Hall – so do we want to incorporate the fact that a possibility is to shift this addition down about 10 feet which would then have us lose about 2 spaces if that is what the fire official says is the safest thing to do. Will the board be ok with that?

Joe Nardi – I think we can do that as a condition. Ok, so then that will take us to the next issue which is, which probably is the major issue which is the bulk variance for parking, so if there is a motion to approve the site plan as is presented and the testimony which was given, there would be a variance required for the parking requirements with the addition there will be 99 parking spaces required, and you have heard the testimony on what the applicant does not believe the addition will increase the amount of parking necessary for this site, but there are 71 spots that are available and again just so I am clear, presently the requirement is 81 spots at the site and you currently have 75, is that correct. So, there will be a reduction of 4 spots, but the requirements will be increasing from 81 to 99, I just want to make sure everyone understands. So, it would be a variance for the parking, and I also believe a waiver for the reasons stated for the environmental impact statement.

Greg Fusco – how soon can you address the lighting because again we have been getting a lot of complaints.

Sam Balducci – I can get that done for you by the end of the month.

Greg Fusco – if you don't mind just give me a call so I can come and inspect.

Sam Balducci – yes, I will address all the lights.

Joe Nardi – so based on what Mr. Hall explained there will be consultation with the Fire Marshall and the engineer regarding the relocation of the addition if that were the safest way for the fire trucks which would cause an additional 2 spots lost. The other conditions as identified between the engineers this evening and supplemented by Mr. Balducci's testimony responses to questions, there were other conditions raised in Mr. Fusco's letter dated June 9<sup>th</sup> and so it will either be a motion with all those conditions to approve or a motion to deny.

**Mayor Tovinsky made a motion to approve the site plan and variances along with the conditions for the applicant at Giant Fitness located at 237 S Black Horse Pike, the motion was seconded by Commissioner Gies.**

**Roll Call:** Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, all voting yes.

Joe Nardi – the last order of business is for the approval of the resolution for Rodderow, LLC.

**Michael Schiavo made a motion to approve the resolution for final site plan and sub-division for Rodderow, LLC, the motion was seconded by Commissioner Gies.**

**Roll Call:** Mayor Tovinsky, Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, all voting yes.

Motion to adjourn.

All voting in favor.