

MINUTES
MT. EPHRAIM LAND USE BOARD SPECIAL MEETING

Borough Hall Court Office
121 S Black Horse Pike, Mt. Ephraim, NJ 08031
Thursday, September 22, 2022, 7:30pm

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

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

New Business

Application for Use Variance – Delarso – 106-108 W Kings Hwy.

Joe Nardi – swears in the applicants, he asks them to state their name and address for the record.

Bruce Delarso – 20 Normandy Rd., Marlton NJ 08053.

Barry Benner – 12714 Hollins Rd., Philadelphia PA 19154

Joe Nardi – explains that they are here, for their application for a use variance to change the property use from commercial use on the first floor, one of the commercial properties you want to reconfigure the interior of the inside of the property, so under the New Jersey Municipal Land Use Law that when you ask for a variance from the existing zoning and to change from a commercial to residential, its your burden to be able to prove to the board that you have met the standard for the change and that is premised on the fact that the municipality for many years has established a standard that when you have mixed uses along Kings Hwy., for example that first floor has been designated for commercial and the second floor has been designated for residential, you now want to use part of the first floor as residential, so you have to explain and prove to the board why its in the boroughs advantage to be able to allow that change to occur without harming or presenting a detriment to the overall zoning plan that I just described. Your burden is to convince the board, now the other thing I want to point out and make sure you are aware of is for a use variance you need to get 5 affirmative votes, now you have 6 eligible voters here this evening, but Commissioner Gies by statute is not permitted to vote on a use variance, so you have to 6 others and you just need to convince 5 of them.

Bruce DeLarso – so our building presently at 106 has a business in there called Muse, it is like esthetician, she does lashes, eyebrows, things of that nature, it's a small little commercial front property, 108 which was previously a Raw Health Dog food place which is a much bigger unit that is about 1000 sq. ft., we have owned this building for about a year now and we have had it up for rent now since we have owned it and can not

get any renters, the girl who rents the other space wants to grab a little more space , she just doesn't want the other half entirely, it will just be the frontage on both sides for her along Kings Hwy. As of now there is an existing doorway inside which was there, which we will keep, and she will just expand over to that front side and in the rear of the second commercial property we would convert in a 1-bedroom apartment. We presently have three apartments here and this will be a fourth one if it gets approve. So, in essence we would be going to one commercial frontage property and then having a total of 4 apartments. There is parking in the rear for all the residential units.

Joe Nardi – when you say three, all three apartments are on the second floor?

Bruce DeLarso – there is one apartment that we have now that is behind the second store front which is bi-level.

Joe Nardi – ok.

Bruce DeLarso – what I wanted to also say, the risk for losing my tenant I have now is higher because she wants more space and if we can't get this approved, she will have to leave and then we have two empty store fronts.

Michael Schiavo – you have all those units rented out already, minus the new one you would like.

Bruce DeLarso – yes, that is correct.

Joe Nardi – so the three apartments are rented and then your goal is to rent the fourth unit out.

Bruce DeLarso – correct.

Joe Nardi – the fourth apartment would be next to an existing apartment.

Bruce DeLarso – yes.

Joe Nardi – you had submitted with your application a sketch; can you just explain that to the board.

Bruce DeLarso – ok so if you look at the sketch and where it says doorway, that would be Kings Hwy., upfront where you see the 14.2 and the 13.9 that is a wall there dividing the store front that she will occupy and then behind that would be the new apartment. The doorway in front by Kings Hwy., to the right that is the existing doorway, the two stores' fronts use to join and then they added a wall and divided it. So, her business will run the entire length of the front of the building.

Jason Kerns – is she going to agree to a long-term lease.

Bruce DeLarso – so she is doing a one-year lease now, but stated she will probably be here forever, she really does not want to leave.

Steve Eggert – so the property is already a mixed use of commercial and residential properties.

Joe Nardi – yes it already is mixed.

Barry Benner – its bad enough we have had 1 vacant store front for as long as we did, if she moves out then we will have two empty spaces.

Jason Kerns – you would have to convert it back then to two commercial store fronts.

Bruce DeLarso – well I would have just one store front if that happened. I would rent it out same way with having the whole front be commercial.

Jason Kerns – the back would be a full one bedroom, one bath.

Bruce DeLarso – that is correct, private entrance, private parking, all through the back of the property. This is how all the apartments are.

Steve Eggert – any other questions form the board, hearing none, do we have any other questions from the public, seeing none can we have a motion.

Bruce DeLarso – hands Tara paperwork.

Joe Nardi – is that the proof of publication and notice to the residents?

Tara Weiss – yes.

Jason Kerns – are you going to renovate that store to make it look like its one store?

Bruce DeLarso – nothing is going to change.

Jason Kerns – so it will still look like two store fronts.

Bruce DeLarso – yes.

Joe Nardi – besides your property, are there any other properties with first floor apartments in this district?

Bruce DeLarso – yes, there is one property that was a barber shop.

Tara Weiss – yes, it's on the corner of S Oak Avenue, he came in as well to convert the barber shop into another apartment.

Steve Eggert – I remember that one.

Bruce DeLarso – I believe the building that was just sold has same thing, there is a store front and then apartments behind it.

Tara Weiss – the vacant white building?

Bruce DeLarso – yes it just got sold.

Tara Weiss – yes, I believe that has a store front and two or three apartments.

Bruce DeLarso – I believe there are two apartments.

Joe Nardi – so within this zone there are other properties with mixed uses on the first floor.

Bruce DeLarso – yes.

Steve Eggert – well I thought you stated the one apartment on your property does have 2 stories.

Bruce DeLarso – yes it does.

Joe Nardi – I was asking about additional properties in that area.

Steve Eggert – understood.

Joe Nardi – does anyone else have any questions or comments.

Thomas Maxwell – I am just questioning getting improvements done to the front of that property, also will signage change.

Bruce DeLarso – there is a big sign that has been there empty, and she will be putting her sign in there.

Thomas Maxwell – ok so it will be in that sign, do you plan on changing landscaping or anything.

Bruce DeLarso – no I was not.

Thomas Maxwell – maybe you should, or should I say can you update things in the front to make it look better.

Bruce DeLarso – I was thinking maybe removing the grass and putting pavers in.

Thomas Maxwell – anything just to give it a little update.

Bruce DeLarso – sure I can do that.

Jason Kerns – maybe make it look like one property verses two store fronts.

Bruce DeLarso – I think with that sign going up it will help because its leans more on the 108 side of the property and she already has a sign on her window of the 106 side, it will look more uniform.

Joe Nardi – in relation to the sketch you presented where is that sign going?

Bruce DeLarso – the sign is already existing.

Joe Nardi – ok, so that is not moving. So now it will be up to the board to make a motion to approve or deny the use variance to convert the first floor or part of the first floor into a residential use, so it would be converting from now two commercial uses and three residential to now a partial commercial use and four residential uses based on the testimony.

Thomas Maxwell – one more question, you say there will be enough parking for this person with the whole store from and the residents and possibly her employees.

Bruce DeLarso – every residential person has a parking spot in the rear.

Thomas Maxwell – the business does not have parking.

Bruce DeLarso – she has the street.

Thomas Maxwell – well the customers go there as well, will there be anyone else working in the business with her.

Bruce DeLarso – they usually come in with their own personal set times.

Thomas Maxwell -yes, but she will have I am assuming more employees since she is expanding her space, does she have off street parking.

Michael Schiavo – is there additional parking between Cabana's and where the driveway is to the corner.

Bruce DeLarso – from the driveway to the corner that is a bus stop.

Michael Schiavo – I am talking about the alley way.

Bruce DeLarso – oh yeah, you can park all along there.

Michael Schiavo – so there are a couple extra spots if needed along the alley way.

Bruce DeLarso – yes.

Joe Nardi – so either a motion to approve or deny the use variance based on the testimony which was presented.

Thomas Maxwell made a motion to approve the application, the motion was seconded by Michael Schiavo.

Roll Call: Kim Beebe, Michael Schiavo, Steve Eggert, Thomas Maxwell, Douglas Morgan, Jason Kerns, voting yes. Commissioner Gies was not able to vote on this application per statute.

Old Business

Motion to approve minutes August 8, 2022

Commissioner Gies made a motion to approve the minutes the motion was seconded by Steve Eggert.

Roll Call: Kim Beebe, Commissioner Gies, Michael Schiavo, Steve Eggert, Thomas Maxwell, Douglas Morgan, Jason Kerns, voting yes.

Professional Comments

Joe Nardi – another issue which was brought up by Tara and wants the board to discuss is a potential ordinance for cannabis sales. So last August every Municipality in the State of New Jersey either had to adopt an ordinance of some sort, whether it be rejecting and declining any use or approval of any cannabis operation in the respective Municipalities or come up with something that could be adopted which would allow it, failure to do anything preventing the municipalities or any municipality preventing anything for 5 years meaning we would have to allow everything. So, the borough wanted to have additional time to study the topic and if it may be appropriate to solicit information from the professionals and also to survey the community to see if it would be something that that is acceptable in any portion of the town, so with that stage the question has come up and I think the Commissioners and the Borough Clerk had advocated getting together and having a group study, now before the study starts and I think the primary issue is going to be where would you locate this at this point, the towns and the surrounding communities like Collingswood only allow something like this to be on Route 130 in the industrial area, it will however butt up against an apartment complex but I believe its about 200ft away from it, so the real issue is location.

Douglas Morgan – it's a lot of traffic, there are lines around the corner at those places.

Joe Nardi – well parking will be an issue at all these places.

Jason Kerns – its city life around here, you are going to expect bad parking everywhere at this point.

Joe Nardi – I mean in terms of, so it's not backing up on the Black Horse Pike.

Jason Kerns – it's even about as far as other areas, it depends on how you sell it, are you letting more retail or more like Curaleaf in Bellmawr where its more medical and retail, but it feels like a hospital.

Joe Nardi – so yes there are the issues, what kind of use, I know that those that have obtained or have had medical and then developed into both medical and retail, now many of them are looking into cultivation, and with that you need a big facility and a real hot topic these days is the containment, hoe do you keep the odors within the building.

Jason Kerns – you don't.

Joe Nardi – that just it and I think more people are not discovering that.

Douglas Morgan – I mean if you are growing tons of pot, you are going to smell pot.

George Gies – let me make this clear, we all voted no but we had to because if we didn't, we would have been completely cut out. It was supposed to come down to the Land Use Board, I was on the committee, Carmine, Bob, and I believe Anthony.

Tara Weiss – it was Bob, Mike Marrone, Kim Beebe, and then it was supposed to be Carmine, but now we must put someone else in since he resigned.

George Gies – correct, and then we never got started. So, all we are really talking about is retail, and another reason why this is brought up is we have a person that wants to open a store for retail called Brotherly Bud, he already has a license and all.

Jason Kerns – he does, then go, let's get this done.

George Gies – it would have to be us deciding where this can go, it can not go on Kings Hwy.

Jason Kerns – it can't, Kings Hwy., is dragging go to any.....

Steve Eggert – you have schools, there are rules, how far from schools, parks and churches.

Jason Kerns – we have the Spread Eagle right there.

Greg Fusco – you can make buffers when doing this.

George Gies – this is why we are bringing it up, we need a committee.

Joe Nardi – yes, we must have a committee and need a map.

Doug Morgan – are there any other areas, and I agree it can't go on Kings Hwy., I guess my question is, is there an area like a Kings Hwy., that is markable and is working that we know of.

Tara Weiss – across the street, the old gas station.

Thomas Maxwell – the place by the apartments that was going to be a bar.

George Gies – no, that is sold already.

Tara Weiss – what about All Brand that has decent parking as well.

Steve Eggert – that is right by the baseball field.

George Gies – that is why we need a committee to figure these sites out. We must now do something because now we have prospects 2% of the sales complete sales is the Municipalities, so that is a positive.

Tara Weiss – so how about this, the committee that we have minus getting someone to take Carmine's spot we schedule to meet before our regular meeting on October 24th have everyone come in around 6:30pm.

Joe Nardi – I would make it at a minimum time of 6:30pm, we will need a map and get a discussion. Please send email now and then a reminder closer to the date.

Motion to adjourn.

All voting in favor.