

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD MEETING**

**July 20, 2015**

**Planning Board Professional(s):**

**Solicitor:** Christopher Brown, Esq.: (present)

**Engineer:** James A. Mott, P.E., of Mott Associates: (Greg Schnieder, P.E., present)

**Planner:** Vincent Polistina, P.P., of Polistina and Associates: (present)

A regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

**Roll Call Taken as Follow(s):**

Manuel E. Aponte, V-Chair., present

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Dennis Kleiner, Alt. #1, wrk. late

Robert Levy, present, left @ 5:32 p.m.

Mayor James J. McCullough, Jr., another engage.

Peter Miller, Township Administrator, present

Committeewoman, Laura Pfrommer, present

Daniel Pittaro, Alt. #II, present

Paul Rosenberg, 2<sup>nd</sup> V-Chairperson, another engage.

**PUBLIC HEARING(S):**

**1. SPPF 04-15**

**Plan**

**Vizaoli Enterprises, LLC**

Zone: RCD, 2.48 acres, water/sewer, applicant

Proposing to change the use of the existing building from

all retail to a 1,600 sq. ft. dance studio, 3,180 sq. ft. retail area, 400 sq. ft. office, 3,734 sq. ft. of storage/ workshop area, and 3,500 sq. ft. party room. Applicant proposing to restripe 49 space parking lot. CAFRA

**Preliminary/Final Major Site**

**2121/7**

2907 Fire Road

Waiver of Time - **Not Indicated**

**Variance Relief:**

**1. §225-56A: 78 parking space required, 49 parking spaces proposed**

James Swift, Esq., introduced himself as attorney for the applicant Vizaoli Enterprises, LLC. He indicated present tonight is Sean and Marylynn Evans, whom are the owners of the LLC. Attorney Swift explain they own the birthday business that is presently in the Township next to the Produce Junction and they have been there for a number of years. Attorney Swift also noted the applicant's engineer is present this evening, Rami Nassar, who will explain the site plan.

Attorney Swift advised the Board is probably familiar with this site, which is the former Motion Enterprises who sold motorcycle equipment and motorized equipment. He indicated it is valuable site for the municipality since it is highly visible to traffic day in and day out. Attorney Swift explained Motion Enterprises has not operated from this site for about five (5) to six (6) years so presently it is an empty, vacant, and quickly becoming a dilapidated, overrun property.

Attorney Swift advised he would ask the Board to favorably review this application and grant the parking variance requested. He advised they will provide support as to why this variance should be granted. He explained the applicants have been in business for over 20 years. Attorney Swift advised the business consists of birthday parties, dance and fitness, and apparel that goes along with the dance and fitness, as well as, swimming. He indicated the applicants have been doing this for a long time. Attorney Swift indicated they have had thousands and thousands of children through their facility. He further noted they hire local people they have provided a tremendous asset to the municipality by providing services such as good health, good community fitness.

Attorney Swift advised the applicant wants to take the businesses that they currently have and make it better by purchasing a property on Fire Road and committing to the municipality. He indicated the applicant is going to demonstrate that even though 79 spots are required, which would be based on three (3) separate businesses, operating at the same time. He indicated this is an owner/operator business and at any given time it is the Evans' who are the administration of the businesses and do much of the work themselves, as well as, some of their workers.

Attorney Swift stated he understands the parking requirements, however, the applicant does not need all of the spots required. He indicated the applicants and himself did a rough overview of the business and the history of it for the last ten (10) years. They would need 30 to 35 parking spaces and maybe on holidays a little bit more. He advised as an example the ordinance requirements for the party room is 35 spaces. He indicated this would be a scenario for each child coming individually in a car. He advised in his own situation he may bring multiple children to the facility and if they are younger such as four (4) to five (5) years of age they will stay. He indicated if the children are little older such as seven (7) or eight (8) the parents will drop off children and then leave. He advised Mr. Nassar will discuss this more.

Board Solicitor Brown has duly sworn Rami Nassar, P.E., Sean and Marylynn Evans, and the Board Professional's.

Engineer Nassar stated he believes everyone is familiar with the location of this property. He advised it is located on Fire Road near the intersection of the Black Horse Pike. He advised it is on the North Eastern side are the railroad tracks and the concrete plant, behind the site is the Chapman building, across the street is the two (2) story building Bellevue Properties, next to them is a residential property and adjacent to that is a gas station. Engineer Nassar stated this is one of the most important intersections in Egg Harbor Township and this site is a very visible property.

Engineer Nassar stated the applicant received approval, administratively, for Phase I for a dance studio, retail space, and office/storage area, which is currently under construction. He advised the applicant is present this evening to seek approval for the other business that they have, the party business. He indicated the parties only happen on the weekends and during the week they operate only the dance studio so there is no overlap of the use. Engineer Nassar referred to Board Planner Polistina's report outlining the parking requirements for parking. Engineer Nassar advised the report indicates one (1) space is needed for the office, sixteen spaces are needed for the retail, sixteen spaces are needed for the dance studio, and eight (8) spaces are needed for the storage. Engineer Nassar explained the

storage that is used for the shop is quantified as storage and the ordinance does not deal with it so we would have to apply warehousing, but it is not really warehousing.

Engineer Nassar stated there is also a work shop proposed for Mr. Evens. He indicated he does prop's for the Casino's when they have events. Engineer Nassar advised he will store the prop's at this location and will bring them back and forth, which is a storage area. He indicated based on all these numbers it comes up to 49 parking spaces. He indicated currently on-site there is 48 spaces but the applicant will provide 49 spaces so the applicant would comply 100% Monday through Friday with the parking requirements. He further noted most of these uses are non-peak hours so it will not create a traffic issue.

Engineer Nassar advised the Party Room is about 3,500 sq. ft. and the ordinance does not quantify how many parking spaces you would need. He advised the closet they found would be one (1) space for every 100 sq. ft. He indicated when you have a party room where there is only 20 to 25 children attending you actually need 35 parking spaces. So the applicant is seeking a variance for relief. He advised when the party room is operating the dance studio is not nor is workshop so the applicant will have more than enough parking during the weekend. Engineer Nassar advised based on the experience of applicants and their clients there is really no need for more than 35 parking spaces at any one time.

Engineer Nassar advised the applicant is not proposing any modifications to the site. He advised the parking will be restriped, there is no increase to the storm water, the applicant is proposing wall mounted signs that will comply with the ordinance and the applicant is proposing more landscaping along the entrance ways.

Township Committeewoman Pfrommer asked why there was no parking on the right hand side of the facility. She asked if this was due to trucks coming into the storage facility in the rear. Engineer Nassar stated it was constructed this way for Motion Enterprises. He advised if this area were to be striped it would lead to confusion because people will be get to the end of this area and have to turn around to get out. Township Committeewoman Pfrommer asked to confirm that the dance studio is not in operation during the weekends. Engineer Nassar stated the dance studio is in operation only during the week. Township Committeewoman Pfrommer asked if there are parties during the week. Engineer Nassar stated no. He indicated there are only parties provided on the weekends. He advised historically it is two (2) to three (3) parties each day on Saturday and Sunday's. He advised there is usually a separation of at least a half hour between the parties so there will be no overlap.

Township Committeewoman Pfrommer asked if the retail proposed is just dance supplies or dance oriented. Engineer Nassar indicated yes, but it will also include fitness attire. He advised they also provide for large groups and teams such as the Seahawks. He explained these groups normally do not come to the shop. Advising the applicant has a mobile trailer and they fit them out at the group/teams facility.

Board Member Pittaro asked if there will be more than one party going on in the room. Engineer Nassar stated no, there will be one (1) party at a time going on. He indicated currently the applicant has 2,000 sq. ft. at their existing facility. This site the applicant proposes 3,500 sq. ft. so it will provide additional

space for the children and they could have up to 25 children in the room at one (1) time. Engineer Nassar advised there will be two (2) employees operating the party room and their will also be one (1) employee for the retail store. Township Administrator Miller asked if there is food preparation on site. Engineer Nassar advised pizza is ordered from Pizza Hut and the clients bring their own cake. Mr. Evans advised there is water and coffer offered to the parents.

Township Administrator Miller asked how many parents normally stay. Mr. Evans indicated it depends on the age group. He advised up to the age of six (6) years old some parents stay. He indicated their average party use to be 22 when the economy was good. He advised now the average party is 12 to 13 and there is never more than 10 cars. Township Administrator Miller asked if the applicant would agree to a condition that none of the parties will exceed 30 participants. He indicated if all 30 people stayed and if you calculate the employees it appears there is enough parking. Mr. Evans advised the contract which the parents sign currently indicates they cannot have more than 25 participants. Engineer Nassar advised this is based on a smaller sized facility. Mr. Evans advised he has no problem limiting the attendance of 30 participants to one (1) party. Mr. Evans further noted at one time they did try having parties during the week but it did not work and they tried Saturday dance classes and it did not work.

Board Member Aponte asked if they approached Atlantic Divers for any space. Engineer Nassar advised they do not have enough space. He added Atlantic Divers uses the parking at this site because the site has been vacant and it is easier for people coming to their shop. Board Member Pittaro asked if there is a passage way in the back of the party room building near the parking. Engineer Nassar stated there will be sidewalk along the facility to the entrance of the party room.

**Motion Kearns/Eykyn to open public portion. Vote 8 yes.**

May the record reflect no one came forward.

**Motion Kearns/Pfrommer to close public portion. Vote 8 Yes.**

**Motion Kearns/Eykyn to grant requested variance relief. Vote 8 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Pfrommer, Pittaro

Board Solicitor Brown advised the applicant would like to obtain a temporary certificate of occupancy between now and memorialization of the resolution, if the Board would allow. Attorney Swift indicated there is still some work that needs to be done, however, it is not much. Engineer Nassar stated the applicant has a building permit for the existing building and if everything is finished before August 1<sup>st</sup> the applicant would like a temporary certificate of occupancy to begin operations of the facility rather than wait until the resolution is passed later in the month of August. Township Administrator Miller indicated the Board is having a special meeting on July 28<sup>th</sup>. He asked if a resolution could be presented for memorialization that evening. Board Solicitor Brown indicated he will provide and this will include the condition that the birthday party events will not exceed 30 participants.

**Motion Aponte/Eykyn to grant conditional preliminary/final major site plan approval. Vote 8 Yes:** Aponte, Eykyn, Garth, Kearns, Levy, Miller, Pfrommer, Pittaro

**SUMMARY MATTER(S):**

**SECTION I:**

Discussions of matters pertaining to the Board:

**\* May the record reflect:** Township Administrator recused himself from this discussion and removed himself from the dais.

Board Secretary Wilbert advised she would like to memorialize meeting dates for the month of August concerning the deannexation. She explained she would like to have the Board confirm their regular meeting date for the month of August which will be the 17<sup>th</sup> for the deannexation. Board Secretary Wilbert indicated there may be one (1) additional item scheduled for this meeting but it should not take any longer than a half hour. She further noted the only other date where both the professional's and Mr. Doyle will be available in August would be Tuesday, August 25<sup>th</sup> at 5:00 p.m.

Board Secretary Wilbert stated the next series of dates being considered is for September. She advised again, she would like to place the deannexation matter on for the Boards regular meeting, which will be September 21<sup>st</sup>. She noted there will also be another application possibly heard that evening, but again, it should take no longer than a half hour and the remainder of the evening will be dedicated for the deannexation.

Board Secretary Wilbert also asked for approval for Tuesday, September 29<sup>th</sup> and Wednesday, September 30<sup>th</sup>. She advised she was not trying to be pushy, however, Special Board Solicitor Marcolongo was scheduling witnesses and he requires dates in which he can discuss the availability of these individuals. Board Secretary Wilbert announced the dates previously given and advised all meetings would begin at 5:00 p.m.

Board Secretary Wilbert advised if the Board were to still need meeting dates into October. The dates considered would be Tuesday, October 6<sup>th</sup>, Wednesday, October 7<sup>th</sup>, which is a Township Committee Meeting night so the Planning Board would not be able convene until 7:00 p.m., the Board also has their regular meeting date that is available which is October 19<sup>th</sup> and October 27<sup>th</sup>. She indicated there is one other date for consideration which is Monday, October 5<sup>th</sup>, which is normally the zoning board regular meeting date. Board Secretary Wilbert advised she is not sure if they will have an October meeting.

Board Member Aponte asked who was anticipated to speak. Board Secretary Wilbert advised the Chief of Police, Fire, representative of the School Board, Auditor and the Planner. She indicated she is not sure if Special Board Solicitor Marcolongo anticipates calling any additional witnesses. Board Member Aponte indicated this will be at least six (6) meetings.

Township Committeewoman Pfrommer advised she reached out to Bill Danz after the Board discussed making he come here. She advised she does not believe this is a good idea. She indicated he does not want to do it and he will not do it. Township Committeewoman Pfrommer stated he indicated he would help the acting chief if he needed it by giving him his information.

Board Secretary Wilbert advised she did speak with Special Board Solicitor Marcolongo today who discussed having Fire Chief Winkler and Fire Official, Donald Stauffer together to discuss. Board Member Aponte stated there is still five (5) people, possibly a sixth and it still must be open to the public. Board Secretary Wilbert stated yes. She apologizes with getting pushy concerning the dates, however, it is difficult with providing the dates, trying to get the room, having the availability the professionals and others together to try to get this done as quickly as possible for Board and the residents of Seaview Harbor to take to the next level. She added she is not sure how long the testimony will be for some of the witnesses.

Township Committeewoman Pfrommer asked if Attorney Doyle has agreed to these dates. Board Secretary Wilbert advised Attorney Doyle provided her dates where he was not available. She indicated these dates appear not be an issue. Board Member Aponte advised he would like to set the August and September dates and on August 17<sup>th</sup> he will be present and it can be determined further as far as the remaining dates.

Township Committeewoman Pfrommer asked if there is a presentation at the end by Attorney Doyle or Special Board Solicitor Marcolongo. Board Secretary Wilbert indicated she does not know if there is some type of summation presented to the Board by either one.

Board Member Aponte stated he is concerned with brining up all these dates. He stated sometimes things happen and the meetings cannot go forward and it is brought up to Board that all these dates were available and only one (1) occurred. Board Member Aponte stated he is being cautious since this has been said before.

Township Committeewoman Pfrommer stated she would like to block the dates in October. Board Secretary Wilbert suggested the Board provide two (2) motions. The first for the dates they comfortable with in August and September and provide a motion to conditionally block the meeting dates for October.

**\*May the record reflect:** Board Member Levy left the meeting for the evening @ 5:32 p.m.

**Motion Aponte/Kearns to schedule the following meeting dates of August 17<sup>th</sup>, 25<sup>th</sup>, September 21<sup>st</sup>, 29<sup>th</sup> and 30<sup>th</sup>. Vote 6 Yes:** Aponte, Eykyn, Garth, Kearns, Pfrommer, Pittaro

**Motion Aponte/Pfrommer that October 5<sup>th</sup> and 6<sup>th</sup>, 5:00 p.m., prevailing time and October 7<sup>th</sup>, 7:00 p.m. – 10:00 p.m., prevailing time, 19<sup>th</sup> and 27<sup>th</sup> are conditional meetings that could be finalized as of the August 17<sup>th</sup> regular planning board meeting date. Vote 6 Yes:** Aponte, Eykyn, Garth, Kearns, Pfrommer, Pittaro

**\*May the record reflect:** Township Administrator Miller returned to the dais for this following portion of the meeting. Board Member Pittaro could not vote on the following minutes since he was not a member of the Board during these hearings.

Board Secretary Wilbert advised Township Administrator Miller he could not vote on the Planning Board Minutes of December 15, 2014, since this was a deannexation meeting, however, the remaining minutes he could vote on.

**Motion Eykyn/Pfrommer to approve planning board minutes of December 15, 2014. Vote 5 yes:** Aponte, Eykyn, Garth, Kearns, Pfrommer. **1 Abstentions:** Miller

**Motion Eykyn/Pfrommer to approve planning board minutes January 12, 2015. Vote 6 yes:** Aponte, Eykyn, Garth, Kearns, Miller, Pfrommer.

**Motion Pfrommer/Eykyn to approve planning board minutes February 9, 2015. Vote 6 yes:** Aponte, Eykyn, Garth, Miller, Pfrommer,

Chairman Garth announced the Planning Board will conduct a special meeting on Tuesday, July 28, 2015, beginning at 5:00 p.m. Board Secretary Wilbert advised the 28<sup>th</sup> is a special meeting specifically for the Seaview Harbor deannexation.

**Motion Aponte/Eykyn to open public portion. Vote 7 yes.**

John DeBak, 36 Sunset Boulevard, Longport, New Jersey, duly sworn. Mr. DeBak thanked the board for their consideration concerning the scheduling of the meetings. He indicated it is very important to them and he appreciates all the time and consideration. He indicated he knows it is a burden on all of the Board's time but on behalf of the Seaview Harbor residents they do appreciate this. Mr. DeBak advised Mr. Doyle did make these dates available. He advised he had set forth the dates he was not available and he is making this a priority. He indicated locking in the dates with the professionals even for October is important.

He indicated aside from the thank you concerning the meeting dates the other subject he would like to discuss is Chief Danz. He advised at the last meeting the subpoena was discussed and he had set forth a lot of materials with respect to a fire perspective. Mr. DeBak stated he would like to request the Board subpoena him as to the power that the Board has.

**\* May the record reflect:** Board Solicitor Brown, Board Planner Polistina, and Township Administrator Miller have stepped down during this testimony since they are all recused from this matter.

Board Member Aponte stated he does not believe the Board could make any decisions without their professional's. Chairman Garth stated yes, he advised the Board would have to wait for their professional's that is dealing with the deannexation. Again, Board Member Aponte stated he does not feel comfortable making a decision and he asked Mr. DeBak that he could understand this. Mr. DeBak stated yes, he understands and he believes the testimony is important. He advised putting together the materials there is many things he can talk to since he has been the Chief for a long time. Mr. DeBak advised he would like to make sure they give that consideration when the subject matter does come up because it is important to them as residents of Seaview Harbor. Mr. DeBak stated this is all he has and to thank all.

**Motion Eykyn/Pfrommer to close public portion. Vote 7 Yes**

**Motion Eykyn/Aponte to adjourn at 5:57 P.M. Vote 6 Yes:** Aponte, Eykyn, Garth, Kearns, Pfrommer, Pittaro.

Respectfully submitted by,

Theresa Wilbert  
Secretary