



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
Tina M. Lawler, Secretary

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**SEPTEMBER 27, 2023
PLANNING BOARD
MEETING MINUTES**

The meeting was called to order by Bob Preston at 6:30 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Aleli, Gersh, Horton, Howell, Reilly, Thompson, Strugala, Tiberio, Preston

ABSENT: Kirk, Clinkscale

ALSO PRESENT: Joe McGroarty, Board Attorney; Andy Previti, Board Engineer and Chris Dochney, Board Planner

OLD BUSINESS:

VOTE: Minutes of August 23, 2023 meeting

Motion to approve – Lou Strugala – second – Nick Tiberio

All were in favor.

VOTE: D&R #3-2023 for ENV Growers, LLC for Final Site Plan Approval with Variances and Waivers for construction of a cannabis cultivation building - Block 260 – Lot 1.01 – 125 Pleasant Avenue

Motion to approve: John Aleli – second – Betty Howell

Roll Call: Aleli, yes; Horton, yes; Howell, yes; Strugala, yes; Tiberio, yes; Preston, yes

NEW BUSINESS:

Appl. # 5-2023 for Big Land LLC for Preliminary and Final Site Plan Approval with variances and waivers for construction of an ice creamery store – 610 Mill Road – Block 206 – Lot 12

Kristopher Facenda, attorney for applicant and Rami Nassar, applicant's engineer appeared.

Big Land is the contract purchaser of the property in question. He described the site and current conditions and they are looking for preliminary and final site plan approval tonight along with a couple of c variances and waivers. The plans reflected that CBS Contractor as the applicant, but they will be doing the build out. It will be a new state of the art ice cream parlor going by the name Jersey Cow. They already operate one successfully in Northfield.

Rami Nassar – described the site and its current conditions and the configuration of the property. It needs a major face lift. Exhibit A1 – the site plan was marked into evidence and he discussed with the board. They plan on using one wall of the building where the utilities all run through. Exhibit A 2 – a color rendering of the new store was marked into evidence and he then went over that explaining all the details. A fountain is to be located out front; an ice cream statue and exterior seating consisting of benches. There will be no inside seating. People order at the window and walk away with it. He went over the list of “C” variances:

1. Lot width – is a pre-existing condition – 100 ft. needed - has 70.9
2. **Side yard setback – has 31.5 with the canopy – 24.1**
3. Minimum structure size – 1,400 sq. ft. needed - has 791
4. Front yard setback – 35 ft. needed – has 20.9
5. Impervious coverage – 65% allowed – has 76%
6. Signage – 110 sq. ft. allowed – has 148 sq. ft. – There will be one sign mounted on the front of the building; two emblems on each side of the building; the existing pole sign, which will be moved 15 ft. and an ice cream cone statue out front.

Waivers needed:

1. Some technical issues
2. A street profile
3. Soil erosion test, but a soil conservation letter will be submitted
4. Storm water management plan

They discussed the positive criteria and they feel this location is appropriate and will be desirable environment. As to the negative criteria, they see none, it is a commercial facility that meets the requirements and there is no detriment to the master plan and the benefits outweigh any. Since Mill Road is a county road, the site plan would need to be approved by them as well. They need soil conservation approval as well. The County did a preliminary review and some of their comments were: the possibility of having summer and winter hours for the drive thru; adding a stop bar 20 ft. from the sidewalk if the drive thru line gets too long; so probably only 6-7 cars in the line depending on the size of the vehicles; they will have an employee outside to alleviate the lines and shutting it down when it gets dark; right in and right outs only; a sign for the drive thru; additional signs on Mill Road saying “No Stopping or Standing” and deliveries during non-operating hours.

Design Waivers:

1. Landscaping buffer
2. Truck loading area
3. Parking stalls at 9 ft. wide, where 10 is required
4. Keeping the existing lighting, but putting new heads on

They have no problem addressing the comments in the board's professional's review letters. There is no need for a grease trap since no food is going to be made.

Rob Lancaster – member of Big Land LLC. – testified that they will be open 7 days a week from 11:00 a.m. to 11:00 p.m. in the summer and from 12:00 p.m. to 10:00 p.m. in the winter. There will most likely be 4-6 employees. Menu boards will be behind the front glass and on the pole. The distance from the menu board is 80 ft. from the property line. He agrees with the county's conditions.

Bob – asked about handicapped parking

Rob – there will be one

John – had concerns about Mill Road, but the county gave suggestions. He asked what the maximum number of outdoor seats are.

Rob – 24 seats

Holly – will they be corralled?

Rami – no

Lou – mentioned that he has been at the Northfield location and it is hard for him to maneuver his big truck in the parking lot, so he hopes it's better here.

Chris – he does not really have too many concerns; this is definitely an upgrade of what is there now. He feels there could be one more possible variance since we didn't have a rendering until tonight. The building mounted signs have a maximum height allowed at 12 ft. and this looks like it's at 18 ft. at the top of the building. There are some lack of details on the smaller items on the plan: the fountain details; (18" in height); the variances are due to the existing conditions on the site, so he doesn't have issues with them. He thinks maybe the ice cream cone might not be considered a sign. It could be considered a sculpture, but there are no details. It just says it's 7 ft. tall and there are no logos or branding. They did pass around a photo with the dimensions. The building footprint on the site plan and the architectural plans do not match, so that needs to be clarified.

Jesse Bishoff – contractor for applicant was sworn in – 266 N. Manheim Ave. – we are going to make the building a straight line and not have all those ins and outs. We are trying to save the one wall where the electrical is.

Chris – feels there should be some landscaping screening around the dumpster, but not blocking anything. The height of the building might be off as well, but that can be administratively done.

Jesse – these are small and the trash will probably get picked up three times a week like in Northfield.

Bob – would it be reasonable to ask for an enlargement of the area in between Mill Road and the building showing the fountain, the picnic tables, trash, bike rack, the ice cream cone, etc? The landscaping is shown in a photo, but not on the plan.

John – asked Chris if he thought the variances requested would impair the intent of the master plan.

Chris – he does not see a problem with it since it is hard for them to conform to the requirements. The signs do not seem to be over large for the size of the building. Most of the signs won't be seen until you are right in front of the site or on the property and the large existing pole sign they plan on keeping is to identify it from a distance. It is customary for any type of food place to have a free-standing sign for them to be seen.

Andy – referred to his 9/18/23 report. Many of his comments were addressed, but the plans will need to be revised to show all the details of what they want to have and what was mentioned tonight. Once the plan is approved and signed off, the city engineer will get it for his inspections. We don't want to have a lot of questions and concerns after the fact. The plans should show exactly what you want. He is willing to work with the applicant and he then mentioned some of the items that need to be addressed. Some are: the trash enclosure; gate details, posts for the enclosure; foundations for the cone and fountain; the lighting for the cone; the sidewalks along Mill Road should be ADA compliant and on the plan; some control measures for the storm water in the rear of the parking area; no storm water plan is needed, but they need to show the current pipe there and where it goes out to; the right in and right out only has been addressed; county has jurisdiction over Mill Road, so signage will need to be on the east side of Mill Road saying no left into the property; all the asphalt is in poor condition, so the new areas should be shown on the plan; the lighting needs to conform; a layout for the seating area and front of the building is needed. At the Northfield site there are bollards, so he feels some sort of physical barrier should be done here since there will be drive thru and something along Mill Road between the fountain.

Bob – feels landscaping and a fence of some type should be there if seating is going there and there are no designated routes to follow.

Andy – the grading plan needs to be enlarged and cleaned up to be able to read. The plans need significant changes and it's up to the board what they want to do tonight.

John – should we stick with just preliminary approval tonight?

Joe – the board can decide to do that, but their attorney might want to say something.

Kris – we have certain contractual deadlines for this deal and we need show the seller that we have approvals to move forward with this. He asked for the board's approval to have the board professionals review the revised plans with all of the conditions mentioned. He thinks the seller will take any chance to turn this deal down if it doesn't happen.

Andy said he would work with Bob and the applicant.

Bob opened the meeting to the public.
There was no public comment.

The motion to be made was to approve preliminary and final site plan with conditions and was made by John Aleli – seconded by Betty Howell

ROLL CALL: Aleli, yes; Gersh, yes; Horton, yes; Howell, yes; Reilly, yes; Thompson, yes; Strugala, yes; Tiberio, yes; Preston, yes

APPROVAL OF BILLS

Joe McGroarty – \$1066 for ENV Growers; \$299 for WP Absecon

Andy Previti - \$1,659.34 for ENV Growers; \$299.00; \$555 and \$4,588.33 and \$989.89 for WP Absecon; \$2,515.50 AND \$1,237.40 for SNS Land Holdings

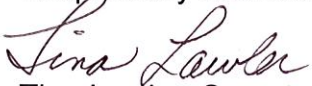
Chris Dochney - \$766.50 for Big Land LLC; \$696.00 for SNS Land Holdings and \$522.00 for ENV Growers

Motion to approve – Jessica Thompson – second – Holly Gersh
All were in favor.

ADJOURNMENT

Motion to adjourn – Nick Tiberio – second – John Aleli
All were in favor.

Respectfully submitted,


Tina Lawler, Secretary

Approved: 10/11/23