

**MINUTES OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN**

A public meeting of the Zoning Board of Adjustment of the Township of Pennsauken, in the County of Camden, in the State of New Jersey was held on the above date at the Pennsauken Municipal Building, 5605 N. Crescent Boulevard, Pennsauken, New Jersey.

Chairwoman Butler called the meeting to order at 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Carl Bierbach, Paul Hoyle, Shirley Butler, Dianne Piccari, and Duke Martz. Acting Solicitor Richard Wells, Esq., Planning & Zoning Coordinator, John Adams and Zoning Board Secretary Nancy Ellis were also present.

The Chairwoman announced that the meeting was being held in accordance with the Open Public Meetings Act, notice has been sent to two local newspapers, and also posted on the Bulletin Board in the Municipal Building.

Paul Hoyle assumed the seat of absent member Lysa Longo.

**HEARINGS:**

**FITHIAN PROPERTIES, LLC (DOLLAR TREE)** - Seeking a use variance and site plan approval to expand the retail commercial business into the residential zone in rear of property. Premises located at 6820 N. Crescent Blvd, Block 2217, Lot 4 in Zoning District C-2/R-3 & Redevelopment.

Mr. Donald Ryan, Esq. came forward to represent the applicant. Mr. Ryan stated that this application is for a use variance for the proposed retail use which is partially in a commercial zone and it will overflow into the R-3 residential zone. The applicant is also seeking preliminary and final site plan approval with waivers and variances.

Ray Jordan, Zoning Board Engineer, Mr. Ken Stevens, Principal of Fithian Properties, LLC, Mr. Sal Starace, District Manager for Dollar Tree Stores and Mr. Peter Burgess, Professional Engineer and Land Surveyor all came forward and were duly sworn by the Solicitor.

Mr. Ken Stevens testified that the property was formerly used as a Tire Plus Store and before that as an Avellino's Tire Center. Mr. Stevens further testified that demographics in the area have changed and he no longer thinks that an automotive center will last at this location. He believes that the proposed tenant, a Dollar Tree is a better fit for the facility. Mr. Stevens further stated that to accommodate the tenant's needs they will be demolishing a portion from the front of the building along Route 130 to add parking as well as to accommodate a traffic flow for truck deliveries to the store. Part of the existing building will be for the Dollar Tree store, another part of the building is currently leased to a tenant and has been for approximately 10 years and there is a third part of the building that will still be available for lease. The applicant further testified that the front of the property is located in the C-2 commercial zone and the rear of the property runs along Madison Avenue, which is in the R-3 residential zone. Mr. Stevens further testified that the property will have less building coverage to create additional parking and the impervious coverage will not change.

Mr. Sal Starace, District Manager for Dollar Tree testified that their franchises carry items such as frozen foods, automotive products, kitchen plastics, greeting cards and party supplies and everything is priced at \$1.00. The hours of operation are Monday Through Saturday, 9am to 10pm and Sunday 8am to 9pm. Mr. Starace further testified that they will hire approximately 15 to 20 employees who will work in shifts, probably no more than 5 employees at a time. However, the amount of employees will increase per shift during the holiday season. Mr. Starace testified that the store will have one delivery of approximately 1,500 cartons per week in the rear of the building and they have deliveries from outside vendors such as Herr's, Utzs, frozen foods and helium and they typically make deliveries in the front of the store. There will be 1 delivery per week with a tractor trailer, possibly two deliveries during the holiday and box trucks usually deliver in front of the store.

Mr. Stevens presented the sign package for the Dollar Tree and it is approximately 460 square feet of signage. They will need a variance for the signage because the front of the building is 103 SF which would allow 206 SF of signage.

Upon query, Mr. Martz was informed by Mr. Stevens that there is an existing free standing pylon sign at the sight that the Dollar Tree will use as well.

Mr. Peter Burgess, Professional Engineer testified that the zoning requirements for parking are 1 space per 100 square foot of building space, which works out to be 161 parking spaces. Mr. Burgess testified that by demolishing a portion of the front of the building they will be able to provide 43 parking spaces which are 9 more spaces than currently on site and

the parking deficit will be reduced. The parking will be perpendicular to the building and they will create a traffic pattern that will loop around the building. A tractor trailer can enter onto the site from Route 130 and exit onto Madison Avenue to Cove Road to get back onto Route 130 North or South Bound.

Mr. Ray Jordan read his review letter dated December 17, 2016 onto record.

The applicant agreed to comply with Mr. Jordan's recommendations in his review letter.

Mr. John Adams, 3825 Gladwyn Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Adams informed the applicant that a total of 4 signs are permitted at the site. Otherwise, they will need a variance for more signage.

Upon query, Mr. Bierbach was informed by the applicant that there will be parking spaces in the front of the store for the Dollar Tree customers and the employees will be asked to park in the rear of the store. The applicant further stated that they don't believe the traffic pattern should change significantly from when Tires Plus was at this location. Some traffic will exit the site onto Madison Avenue. However, most will go back out onto Route 130. The applicant further informed Mr. Bierbach that the tractor trailer deliveries typically are made between 6am and 5pm. The applicant informed Mr. Bierbach that there is existing lighting on the building and on the utility poles out front of the building. They will be adding additional lighting to the front of the building and on the side. The applicant testified that any lighting from the site will be shielded from the residential area. Mr. Bierbach was further informed by the applicant that the trash dumpsters are preexisting and they are enclosed within a 6 foot high board on board fence. The applicant further informed Mr. Bierbach that they can possibly add some parallel parking to the sides of the building and also arrows on the lot to encourage a traffic flow around the building.

Mr. Martz commented he doesn't think traffic will be a big issue. He believes that parking may be an issue. However, adding arrows to the lot to encourage a traffic pattern through the lot would be a good idea. He further stated that he believes that trash receptacles need to be placed out front of the store to deter trash from being dumped on the lot and from blowing around the site.

Upon query, Mr. Bierbach was informed by Mr. Starace that trash receptacles will be placed in front of the store as many of their other stores have.

Mr. Burgess testified as to the positive and negative criteria of the application. Mr. Burgess stated that this location is particularly suited in that most of the traffic and customer base will be generated from Route 130, in the front of the building in the C-2 Commercial Zone. Mr. Burgess further stated that he does not believe the retail use of the site is adverse to the public good. They are reducing the parking deficit and renovating the store front on a major corridor through Pennsauken.

The meeting was open to the public.

There being no one who wished to speak, the meeting was closed to the public.

The Solicitor made the following factual findings: This is an application for use variance relief as well as preliminary and final site plan approval to permit a retail use in the R-3 Residential Zone and for site plan improvements as detailed in the plan. As noted, this is a split zone so a commercial use will not be plopped in a residential zone, effectively we would be permitting the extension of the commercial use into the R-3 zone as was the existing condition for a number of years as detailed by the applicant. We heard testimony from 3 witnesses as to this application. The conditions that were imposed by the board and the applicant agreed to will be incorporated into any motions made by the board. The Zoning Board Engineer, Ray Jordan submitted and reviewed his letter. The applicant did agree to all the conditions detailed in the letter and to provide all requests and information to the extent that they have not provided already. The applicant did submit a number of exhibits. Exhibit A-1 was a blown up version of a color coded site plan of the proposed improvements. Exhibit A-2 was a rendering depicting the proposed signage for the Dollar Tree. Exhibit A-3, which was not referenced, however it was submitted to the board, represented color aerial photos of the site from Google Maps. The conditions the board placed on the record for the application are as follows: The applicant did agree to provide detail as to the proposed signage and to limit the number of signs. If any additional signs are proposed beyond the 4 signs presented this evening, the applicant will have to come back to the board for approvals. The applicant agreed to reference existing fire hydrants on the plan. The applicant will supply a color elevation rendering of both the Dollar Tree and the new free standing office. The Dollar Tree employees will be prohibited from parking in front of the Dollar Tree building. If deliveries are

made outside of the normal store operating hours, that they would be limited to no earlier than 7am and no later than 11pm, which is the same as stated in the township noise ordinance. The board requested that any new lighting that faces the residential areas will be shielded to avoid any spill over into those areas. The board requested and the applicant agreed to try to adjust the traffic flow and to attempt to fit more parking spaces at the site. That plan, if feasible, will be submitted to the board engineer as well for review as well. The applicant also agreed to provide trash receptacles out front of the store. A maintenance plan was reference, however, it was pointed out that it is already part of the requirements. In review of the application, it is for a use variance and site plan approval. The use variance requires the applicant to prove the positive and negative criteria. The positive criteria being that based upon some special reason, the requested relief should be granted. Special reasons mean that the requested relief advances the purpose and intent of the municipal land use law in some way or that the property is particularly suited for the proposed use. If the positive criterion is shown, the applicant must also show the negative criteria that no substantial detriment will result to the public good and the requested relief will not substantially impair the intent and purpose of the zoning plan. We heard testimony from the applicant's expert witnesses as well as their other witnesses that based upon the split zone, this is a unique situation and the particularly suitability here is unique in two ways. There is a permitted use in the C-2 zone and there is an extension into the residential zone. The second part of the inquiry is the actual site plan. As the board is aware, the site plan requires the applicant to show that the proposed plan can be constructed in a manner that requires the township bulk zoning requirements. Mr. Jordan noted in his letter that we have a substantial number of existing conditions which are not being exacerbated by the proposed plan. We do have variances required for parking, which again are existing conditions that the applicant is not completely remedying, but they are reducing the parking deficit that exists at the site. If the site plan is approved, that will also include all the request for bulk variances, that being the number of parking spaces, the size of the parking spaces and those variances that were detailed by the applicant.

Mr. Bierbach motioned to accept fact finding. Mr. Hoyle seconded.

Mr. Martz motioned to grant the application in its entirety with the conditions imposed. He stated that he sees no substantial detriment to the surrounding area. Mr. Hoyle seconded. Roll call: Madams Butler, and Piccari, and Messrs. Bierbach, Hoyle, and Martz-Aye. None opposed.

**MINUTES:**

None

**CORROSPONDENCE:**

None

**RESOLUTIONS:**

**Resolution #Z-2016-28** granting **PENNSAUKEN HOSPITALITY, LLC** a use variance and site plan approval to convert an existing office/school into a hotel. Premises located at 7050 Route 38, Block 6403, Lot 2 in Zoning District C-2.

**BILLS:**

*12/21/2016-Florio, Perrucci, Steinhardt & Fader, LLC-Zoning Board Solicitor Monthly Retainer-**\$1,134.67.***

*12/21/2016-Florio, Perrucci, Steinhardt & Fader, LLC preparation of resolution for **Mega Palace** - **\$195.00.***

*12/21/2016-Florio, Perrucci, Steinhardt & Fader, LLC preparation of resolution for **Keith James** - **\$195.00.***

*12/21/2016-Florio, Perrucci, Steinhardt & Fader, LLC preparation of resolution for **Jose & Carmen Acevedo** - **\$195.00.***

**COORDINATOR'S REPORT:**

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:10 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary