

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, Lysa Longo, Shirley Butler, Jaye Silver, Dianne Piccari, Lou Morales and Duke Martz. Acting Solicitor Richard Wells, Esq., Zoning, Planning & Zoning Coordinator John Adams, and Secretary Nancy Ellis were also present.

Chairwoman Butler 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 Darlene Hannah.

HEARINGS:

RYAN MCDONALD - Seeking 24 feet of relief from rear yard setback requirement of 35 feet for an 18' x 18' deck (No Roof) and any other variances required by Pennsauken Zoning Board. Premises located 2621 Finlaw Avenue, Block 2909, Lot 4 in Zoning District R-2.

Mr. Ryan McDonald, 2621 Finlaw Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. McDonald testified that he would like to build a deck according to the plans he has submitted with his application.

Upon query, Mrs. Butler was informed by the applicant that he has experience with remodeling and his Dad and his Brother-in-Law will help him build it. The applicant further informed Mrs. Butler that the deck will not have a roof or additional electricity. There is existing lighting on the rear of his home that will light the deck.

Upon query, Mr. Bierbach was informed by the applicant that the deck will be 36" off the ground, it will have steps to ground level, there will be a railing around the deck and the deck will not be enclosed.

Upon query, Mr. Hoyle was informed by the applicant that the deck will be constructed with pressure treated wood and it will have footings. The applicant further stated that he grew up doing renovations.

Upon query, Mr. McDonald informed Mrs. Longo that he recently remodeled his kitchen and installed a sliding glass door from the kitchen to access the deck.

Upon query, Miss Piccari was informed by Mr. McDonald that there is an existing lighting on the back of his house to light deck. He further stated that the entire back yard will be landscaped after the deck is built.

Upon query, Mr. Morales was informed by the applicant that there will be 10 footings installed for the deck and he will have a header against the existing house.

Upon query, Mr. Hoyle was informed by the applicant that he recently installed a 6 foot fence around their property.

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 bulk variance relief based on the applicant's desire to construct a deck in the rear of his property. Section 141-77 of the township ordinance establishes the R-2 zoning district. Subsection 4 requires that the rear yard setback has a total of 35 feet. The applicant is proposing an 18' x 18' deck, which is roughly 11 feet from the rear property line, necessitating the 24 feet of requested variance relief. Mr. McDonald was sworn to present testimony and he testified that he proposes to build the deck according to the plans provided with his application. The deck will not have a roof and therefore, no additional variances are required. There will be no additional

electricity run to the deck. There is existing lighting that will be over the deck that and will be sufficient lighting for the applicant's purposes. The deck will be 36" off of the ground. The deck will have railings and steps to the ground level. The applicant testified that the deck will be accessed from inside the home through an existing door in the kitchen.

Mrs. Longo motioned to accept fact finding. Mr. Silver seconded.

Mr. Bierbach motioned to grant the application. He stated he believes both the positive and negative criteria have been met. Mr. Bierbach further stated that he sees no detriment to the surrounding community and he believes the deck will enhance the esthetics of the property and there are no neighbors against the application. Mr. Silver seconded. Roll call: Carl Bierbach, Paul Hoyle, Lysa Longo, Shirley Butler, Jaye Silver, Dianne Piccari, Duke Martz-Aye. None opposed.

MACKK PROPERTIES LLC - Seeking a use variance and waiver of site plans for a social hall in the C-2 zone and expansion into the R-3 zone and any other variances required by Pennsauken Township Zoning Board. Premises located at 6702 North Crescent Blvd, Block 2217, Lot 6 in Zoning District C-2, R-3 & Redevelopment.

Mr. Peter Thorndyke, Esq. appeared on behalf of the applicant and he gave an overview of the application. Mr. Thorndyke stated that this application is for a use variance to use the one story, 2,000 square foot masonry building located on the corner of Norwood Avenue and Route 130 within a C-2 zone as a social hall. Mr. Thorndyke further stated that the zoning ordinance provides that the zoning board can grant conditional use permission that would include a club or lodge not customarily carried out as a business and provides services for members and guests. The use they propose is an AA meeting facility, which very closely parallels a club or a lodge and provides services to its members. The application is also before the board because 11 feet of the existing parking lot behind the existing building projects into the R-3 zone. Lastly, the existing parking spaces are 9' x 18' and the ordinance requires the parking spaces be 10' x 20'.

Mr. Peter Burgess, Professional Engineer and Land Surveyor, Janet Stevens, Principal of the property and Mr. Hoover, Trustee of AA all came forward and were duly sworn by the Solicitor.

Mr. Peter Burgess came forward to testify and described his credentials. He has been before this zoning board and testified as an expert witness for several applications in the past.

Mr. Burgess described the surrounding area of the site as well as the improvements the applicant will make to the exterior of the property. Mr. Burgess testified that the front portion of the lot and the building are in the C-2 zone and a narrow strip of the parking lot in the rear of the building is in the R-3 zone. Mr. Burgess stated that they propose to restripe the existing lot and add a handicap parking space, repair the concrete walkway to the front entrance of the building, which will be ADA compliant and they will also be replacing existing light fixtures on the building. Mr. Burgess testified that the interior of the building is being completely renovated and the proposed use has been approved by the redevelopment authority. Mr. Burgess further testified that there will not be any change to the drainage, impervious coverage, storm water management, or traffic circulation that currently exists at the site. Mr. Burgess further testified that this site is particularly suited for the proposed use. There will be no deliveries, no heavy trucks or a lot of traffic created by the proposed use. Mr. Burgess further testified there will be no substantial detriment to the public good or to the township zoning plan.

Ms. Janet Stevens testified she acquired the building in 1993 and Market Place Advertising occupied the front portion of the building and a photography studio occupied the rear of the building at the time. Ms. Stevens testified that other tenants have come and gone since and the building has been vacant since 2013 and there has been very little interest to rent the building until now.

Upon query, Mr. Silver was informed by the applicant that there is more than ample parking for the use.

Upon query, Mrs. Butler was informed by the applicant that they will provide one handicap parking space toward the front of the building and it will be large enough to fit a van.

Upon query, Mr. Bierbach was informed by Ms. Stevens that there is a door in the front of the building and a door at the rear of the building. However, the rear door has steps. Therefore, the handicap parking space will be closer to the front door which is wider and it does not have steps.

Upon query, Mr. Martz was informed by the applicant that there is a grassy area between the buildings that can be used for a smoking area and receptacles will be provided.

Mr. Bierbach stated that he believes the use is a lower impact than the uses that are permitted in the C-2 zone. He also stated that there should be no negative impact to the residential area behind the building due to the buffer of trees that were planted years ago.

Duke Mart left meeting 7:45pm.

Mr. Hoover testified that he has been with AA since 2004 and he is now a trustee of AA. Mr. Hoover stated from Sunday through Thursday there is a meeting at 12:00 pm and 7:00 pm, on Friday there is a meeting 12:00 pm, 7:00 pm and 9:00 pm and on Saturday there is a meeting at 9:00 am, 12:00 pm, and 7:00 pm. Mr. Hoover further testified that the meetings are 1 hour long, there are approximately 20 people at each meeting and approximately 30 people at meetings on holidays. Mr. Hoover stated that they are moving from their current location at 7500 S. Crescent Boulevard because it's an industrial building, there is a lot of noise, there is not enough parking and the parking lot is dirty and they constantly have to clean their facility.

Upon query, Mr. Silver was informed by the applicant that there are 20 spaces in the existing lot and there is on street parking around the facility as well.

Upon query, Mr. Bierbach was informed by the applicant that the building will only be used during meeting times and there is no staff that works at the facility.

Upon query, Mrs. Longo was informed by the applicant that there will be one large room and one private room for counseling in the building.

Upon query, Ms. Stevens informed Mrs. Butler that they are totally renovating the inside of the building. There will be new bathrooms installed, a small break room with a sink, a small refrigerator and a microwave. There will be one large room and a smaller room. They are also installing a new HVAC system, new windows and new doors.

Upon query, Mr. Bierbach was informed that a sign will be installed at the front of the building that will read 4A2 to maintain their privacy.

Upon query, Mrs. Longo was informed that the people that come to the meetings are from the general area such as Cinnaminson, Deptford, Riverside and Riverton.

Upon query, Mrs. Butler was informed by the applicant that they are hoping to be up and running by the beginning of June.

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 and site plan waiver to permit the operation of a social hall for Alcoholics Anonymous in the C-2 and R-3 zones. Section 141-52 establishes the C-2 Commercial Zoning District and it does not explicitly permit the proposed use of this type of meeting assembly area. The applicant has submitted that the proposed use is similar to those that are permitted in the C-2 zone, particularly subsection 8 3c which permits clubs, lodges or assembly space for meetings. The applicant has therefore requested conditional use approval pursuant to subsection A 23 e of the C-2 zone which permits uses of the same general character as those already permitted in the zone upon the approval of the board. The applicant has also requested use variance relief based upon an existing

portion of the properties, specifically, an 11 foot section of the parking lot which extends in the R-3 zone as well as bulk variance relief to be able to continue using the 9'x18' parking spaces rather than the 10'x 20' parking spaces as required by the township ordinance. We heard from the applicant's planning and engineer expert as to the minimal site improvements being made. The site is remaining the same in terms of traffic circulation, drainage, storm water management and all the things that normally would require a site plan. The applicant's expert opinion, this application is suited for a waiver of the site plan requirement. We also heard from applicant's expert as well as the property owner and the trustee of the AA club as to the proposed type of operation, hours of operation as well as the suitability of the site for the proposed use and the minimal impact that this use will have on the surrounding residential area.

Mrs. Longo motioned to accept fact finding. Mr. Silver seconded.

Mr. Silver motioned to grant the use He stated he sees no detriment to the community, being that the building has been vacant for a number of years to have tenants is positive to the community. Mr. Bierbach seconded with the condition there be no tractor trailer overnight parking be permitted on the lot to avoid overlapping parking of the new tenant verses the current tenant. Roll call: Carl Bierbach, Paul Hoyle, Lysa Longo, Shirley Butler, Jaye Silver, Dianne Piccari -Aye. None opposed.

MINUTES:

None

CORROSPONDENCE:

None

RESOLUTIONS:

Resolution #Z-2017-06 granting **STONE GATE II** - a use variance and preliminary site plan approval for a senior living facility. Premises located at 6306 Browning Road, Block 6001, Lot 73 in Zoning District R-1.

BILLS:

None

COORDINATOR'S REPORT:

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:05 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary