

**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, Lysa Longo, Shirley Butler, Jaye Silver, Darlene Hannah, and Dianne Piccari. 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 Duke Martz.

**HEARINGS:**

**PARIS GLENN & JAMES MURRELL** - Seeking 12 feet of relief from the total aggregate side yard setback requirement of 18 feet for a 6' x 12' deck and any other variances required by Pennsauken Zoning Board. Premises located at 2273 Holinshed Avenue, Block 4904, Lot 20, in Zoning District R-4.

James Murrell, 2273 Holinshed Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Murrell testified that there was a deck on his property and it fell down during a storm. Mr. Murrell further testified that he rebuilt the deck and made it a little larger than the deck that fell. He further testified he didn't know he needed a permit to rebuild an existing deck.

Upon query, Mrs. Butler was informed by the applicant that he disposed the old wood at an apartment complex where he works. The applicant further informed Mrs. Butler that he doesn't intend on installing electric on the deck.

Miss Piccari commented that she visited the property and the deck looked nice and there are similar decks on other properties in the neighborhood.

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

Mr. Adams informed the board that the applicant needs approval from code enforcement once he receives zoning approval. Mr. Adams further stated that the existing deck exceeds the former deck size.

Upon query, Mrs. Butler was informed by the applicant that he rebuilt the deck approximately 7 months and the only thing left for him to do is stain it.

The applicant presented a packet of pictures of the existing deck and pictures of similar decks in his neighborhood.

The Solicitor marked the packet of pictures into evidence as A-1.

Upon query, Mr. Bierbach was informed that he does not intend on enclosing the deck. The applicant further testified that he didn't know he needed a permit to rebuild an existing deck.

Upon query, Mr. Hoyle was informed by the applicant that an existing shed on his property does not impede on the stairway to the deck.

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 upon the applicant's installation for a 6' x 12' deck in the rear of the property. Section 141-79C of the township ordinance establishes the R-4 zone and mandates an aggregate side yard setback requirement of 18 feet. Mr. James Murrell testified that the applicants built a 12 foot wide deck, which is located within the property itself which is roughly 18 feet wide, rendering it within that setback requirement, making it necessary to request the 12 feet of relief. The existing deck at the property fell down during a storm. Mr. Murrell testified that they rebuilt a larger deck to its current 6' x 12' dimension. Mr. Murrell further testified the other properties in the area have similar decks or patios and he submitted exhibit A-1 which is a packet of colored pictures representing the existing deck and the neighboring properties with similar decks. The applicant also testified that through his work he is qualified to construct the deck and he is confident that is compliant

with the township's code. However, the board's approval is required to get the approvals necessary for permits. The applicant further confirmed that they do not anticipate on enclosing the deck. The deck will be stained. However, it will not be modified in any other way. No members of the public are here to testify for or against the application.

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

Mr. Bierbach motioned to grant the application. Mr. Bierbach stated he believes that the positive criteria has been met in that the lot size is on the smaller side so in order to have a usable deck variances are going to be required. Mr. Bierbach further stated that in terms of the negative criteria, the deck conforms to the neighborhood and it esthetically enhances the property and the neighborhood. Mr. Silver seconded. Roll call: Madams Longo, Butler, Hannah and Piccari, and Messrs. Bierbach, Hoyle and Silver-Aye. None opposed.

**REBECCA TREJO-GARCIA** - Seeking a use variance to operate an outpatient veterinary surgical facility and vaccine clinic for dogs & cats and any and all other variances required by Pennsauken Township zoning board. Premises located at 3495 Haddonfield Road, Block 3813, Lot 1 in Zoning District: C-1.

Dr. Rebecca Trejo-Garcia, 3301 Baring Street, Apartment 3, Philadelphia PA came forward to testify and was duly sworn by the Solicitor.

Dr. Trejo-Garcia stated that she would like to open an outpatient surgical clinic at the proposed site. She has been practicing and doing this type of work for approximately 5 years at another location. The applicant further testified that she will be open 5 days a week from 8 AM until 6 PM. The applicant further stated that the only modification necessary at the site is to redo the flooring. The applicant further stated that besides her, there will be a veterinary technician and a receptionist working at the site. The applicant further stated that they will have cages for the animals at the site and they expect to have no more than 35 to 40 patients each day.

Upon query, Mr. Bierbach was informed by the applicant that she chose this particular location because she liked it and it is already is set up for her use. She had looked at other locations. However, she still would require obtaining a use variance for veterinary use at those locations as well. The applicant further informed Mr. Bierbach that this is a start up business.

Upon query, Mr. Hoyle was informed by the applicant that she is a Doctor of Veterinary Medicine. She further informed Mr. Hoyle that the space she is proposing to use is in a strip mall and the door faces the side of the building. It does not face Haddonfield Road. The applicant further informed Mr. Hoyle that dog waste such as organs and bodily fluids are discarded in regular trash, they are not considered to be bio hazard material.

Upon query, Mrs. Longo was informed by the applicant that they do not intend to do major or emergency surgeries at the site. They will perform mostly spay and neutering. The animals usually recover in a few hours. She will not keep the animals all day nor will she keep them overnight.

Ms. Stephanie Kimble, 4010 Garret Road, Apt. 7, Drexel Hill, PA came forward to testify and was duly sworn by the Solicitor.

Ms. Kimble testified she is a veterinary technician and she will be working at the site assisting Dr. Trejo-Garcia.

Ms. Kimble stated that she assists the Dr. with the anesthesia and prepares the animals for surgery. Ms. Kimble testified that she is a licensed veterinary technician in Pennsylvania, Maryland and in New Jersey and she has been a vet tech for several years.

Upon query, Mr. Silver was informed by Ms. Kimble that the animals typically are up and about in approximately an hour to an hour and a half after surgery. If there were any problems and a pet had to stay overnight, they would contact the closest animal hospital. Ms. Kimble further stated that the longest surgery takes approximately 15 minutes and they have a system in place to do high volume of spaying and neutering. Ms. Kimble further stated that she has worked with Dr. Trejo-Garcia before.

Upon query, Miss Hannah was informed by the applicant that the facility is approximately 1,500 square feet. The applicant testified that the facility is what they were looking for and the space they need. The space is on the corner of the building, it has a reception area, office space and a room for the surgeries. They will only have to put new flooring in the facility. The applicant further stated that she intends to put a sign up so that her facility can be found.

Upon query, Mr. Bierbach was informed by the applicant that their facility will benefit the public in that it is a low cost spay and neuter clinic, there isn't a facility like the proposed in this area and they will work with local animal

shelters. Mr. Bierbach was further informed by the applicant that if they do euthanize an animal, they store the corpse in a freezer and they will call the local pet crematorium. The applicant further testified they will double bag the waste from their facility before putting it in the dumpster on site. Mr. Bierbach was further informed by the applicant that they will put pet stations with bags in front of the facility in case there are any accidents from the animals. They will check the area on a daily basis to make sure the area around the facility is clean.

Upon query, the Solicitor was informed by the applicant that any bio hazard wastes such as needles are put into an enclosed container. A 3<sup>rd</sup> party contractor picks up the container as needed and at that time the contractor drops off a new, empty container.

Upon query, Mrs. Butler was informed by the applicant that they have a company to supply them with all they need for the surgeries. The applicant further stated that there will be a waiting room area at the facility.

Upon query, Mrs. Longo was informed by the applicant that if an animal needs medical attention after surgery, the patients are referred to either the Red Bank Animal Hospital or Mount Laurel Animal Hospital, which are 24 hour facilities for animals.

The meeting was open to the public.

Mr. Harry Dorofee, 3506 Silver Avenue, Pennsauken came forward to testify and was duly sworn by the Solicitor.

Mr. Dorofee testified that he is the owner of H&H Deli in the strip mall on Haddonfield Road. Mr. Dorofee stated that he had concerns about the clinic coming to the strip mall where his business is located. However, he believes all of his concerns have been addressed and he has no problem with the application.

Ms. Kelly Jo Gipe, Controller for the Hargrove Company, 521 Canterbury Avenue, Pittman, New Jersey came forward to testify and was duly sworn by the Solicitor.

Upon query, Mr. Adams was informed by Ms. Gipe that currently the dumpster at the site is handled by Waste Management Company and the trash is picked up and dumped twice a week. Ms. Gipe testified that if it's necessary for the dumpster to be cleaned, she will ask Waste Management to it cleaned.

Upon query, Mr. Dorofee was informed by the applicant that any controlled substances, needles and syringes will be locked in a cabinet inside the facility.

Upon query, Mr. Adams was informed by the applicant that there is an alarm system at the site. It is currently deactivated. However, they will reactivate the alarm and utilize it at the site.

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

The Solicitor made the following factual findings: This is an application for a use variance relief to permit an outpatient veterinary surgical facility and vaccine clinic for dogs and cats in the C-1 Commercial Zone. Section 141-81 of the township ordinance establishes a C-1 zone which does not permit the requested use. We heard from the applicant, Dr. Rebecca Trejo-Garcia that she has been in practice for roughly 5 years. The proposed hours of operation are from 8 AM until 6 PM, 5 days a week. The applicant testified that other than new flooring there are no other modifications required at the property and the facility is already suited for the proposed operation. The applicant expects to have at most 35 to 40 animals in one day and she confirmed there are no overnight stays or boarding. This is strictly an outpatient operation. The applicant further testified that she search for other facilities in the area and she found this location to be the most suitable out of all the sites considered, all of which would have required seeking a use variance as well. The applicant does not intend that the animals will be going to the bathroom in the parking lot. However, she does recognize it is a possibility. The applicant also confirmed that most waste is not considered a bio hazard. However, any waste that is considered bio hazard material under applicable regulations, such as needles or medical equipment will be properly disposed of by a third party contractor and it will be stored within the facility in compliance with all rules and regulations. The applicant confirmed that most of the surgeries will consist of spay and neutering but will also do general surgeries. There was a confirmation that the applicant does not engage in emergency surgeries. They will only schedule surgeries. We also heard from Stephanie Kimble, the veterinary technician for the applicant. She confirmed that the animal waste is primarily handled within the facility and she explained the various state licensing requirements to the practice including the anesthesia and medical waste. Ms. Kimble confirmed that the recovery time is between 1 ½ to 2 hours and that there is adequate space to accommodate the expected demand for all the animals to recover. The board questioned Dr. Trejo-Garcia further and they were informed that there is a separate room already constructed with in the facility for surgery

which renders the location particularly suited for the proposed use. Dr. Trejo-Garcia further testified that the proposed use does benefit the neighborhood. There are limited options for veterinary care and the applicant's low cost option is unique to the area. The applicant also informed the board as to the storage and disposal of any corpses as a result from the operation. The applicant confirmed that they are handled by a freezing method at first in the facility and then outsourced to a nearby crematorium, which will be in compliance with all applicable with all rules, regulation and requirements for that procedure. Finally, the board questioned the applicant about the presence of alarms on the building. The applicant has agreed to utilize and reactivate an existing alarm at the site that is currently deactivated. We heard from two members of the public, Mr. Harry Dorofee, owner of the nearby H&H deli who supported the applicant. He stated that most of his concerns were addressed by the board and by the testimony provided. Mr. Dorofee also questioned how the drugs will be stored. The applicant confirmed that all the drugs would be locked up in compliance with all DEA requirements and regulations. We also heard from Ms. Kelly Jo Gipe, Controller for the Hargrove Company who answered the board's questions regarding the dumpster and waste disposal. Ms. Gipe confirmed that the dumpster at the property is handled by Waste Management Company and it is collected twice per week and the dumpster can be cleaned in the event that it is necessary. There were several conditions that were imposed during the testimony in which the applicant agreed to. The applicant agreed to double bag all of the animal waste. The applicant confirmed that there will be no boarding of animals at the site. The applicant agreed to police the area outside the facility for any animal waste and provide stations for the cleanup of any pet waste in case of any accidents. The applicant agreed to reactivate the existing alarm on the building.

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

Mr. Silver motioned to grant the application with the conditions that the waste from the facility is double bagged, there are "Oops" stations with bags provided in front of the facility, the area surrounding the facility is checked on a daily basis for cleanliness, and the alarm at the site is reactivated and utilized. Mr. Silver further asked the applicant to be mindful and to be good neighbors to the businesses and residents in the surrounding area. Mr. Bierbach seconded. Roll call: Madams Longo, Butler, Hannah and Piccari, and Messrs. Bierbach, Hoyle and Silver-Aye. None opposed.

**MINUTES:**

It was moved, seconded and unanimously agreed to approve the minutes from the March 2, 2016 and March 16, 2016 meetings.

**CORROSPONDENCE:**

None

**RESOLUTIONS:**

**Resolution #Z-2016-6** granting **HAINESPORT ENTERPRISES, INC-** a use variance for a towing and recovery service, major and minor truck & automotive repairs, including heavy duty truck repair services to businesses, governmental entities and individuals. Premises located at 4450 Marlton Pike, Block 6507, Lot 4 in Zoning District: C-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 8:15 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary