

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, Jaye Silver, 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:

FRANCISCO PEREZ - seeking a use variance to operate a grocery and retail store where it is not a permitted use and any and all other variance required by Pennsauken Township Zoning Board. Premises located at 5051 Westfield Ave, Block 4702, Lot 11 in Zoning District: P1, and Redevelopment.

Mr. Adams informed the board that the applicant did get approval from the Redevelopment Authority to move forward with this application.

Mr. Juan Gonzalez, Esq. came forward to represent the applicant as well as to translate for him.

Mr. Francisco Perez, 5051 Westfield Avenue came forward to testify and was duly sworn by the Solicitor.

The applicant testified he would like to open a small grocery store at the property located at 5051 Westfield Avenue. The applicant testified that he has obtained a commercial lease for the property. The grocery store will be called Sol Grocery and he has incorporated the business to an LLC and he has obtained all federal, state and local certifications for the business. The applicant further testified that notices have been sent to everyone within 200 feet of the property, notice was put in the Courier Post newspaper and the taxes have been paid on the property. The applicant further testified that the hours of operation will be from 7 AM until 9 PM 7 days a week. There will 2 employees working at the site. The applicant further testified that there is a residential apartment on the 2nd floor of the building and it is occupied by a resident. The applicant further stated that he ran a small grocery store in Philadelphia from 1995-1998.

Upon query, Mr. Martz was informed by the applicant that he closed his store in Philadelphia so he could go back to work in construction.

The applicant testified that the area along Westfield Avenue is primarily residential and he believes that most of his patrons will walk to the store. The applicant further stated that most patrons are in the store for approximately 5 minutes at a time. The applicant further testified that there are other grocery stores approximately 5 or 6 blocks either way from his.

Upon query, Mr. Bierbach was informed by the applicant that the store is currently vacant and it was formerly used as a nail salon business. The applicant further informed Mr. Bierbach that there is one person lives in the upstairs apartment. However, he doesn't know how many bedrooms are in the unit.

The applicant testified that he proposes a store similar to a 7-11. Not a large store. There will be no cooked foods. The signage will be the only change he will make to the outside of the building and the name of the store will be Sol Grocery. The applicant further testified that he will carry general food items for everyone. The applicant further testified that the majority of the patrons will come to the store by foot.

Upon query, Mr. Hoyle was informed that there are 4 parking spaces in the rear of the store. There is 1 handicap parking space as required by the ADA and 3 general parking spaces. Mr. Hoyle was further informed by the applicant that he will agree to get a dumpster at the rear of the building and put an enclosure around it to shield it from the residential properties. The applicant further informed Mr. Hoyle that there will be no food waste. They will primarily be discarding boxes and paper. They will not be serving cooked food at the store.

Upon query, Miss Hannah was informed by the applicant they will not be selling sandwiches or cold foods either.

Mr. Martz stated that he doesn't think parking will be as much of an issue with a grocery store at the site as it would be for a nail salon.

Upon query, Miss Piccari was informed by the applicant that he is aware of the competition in the area. However, he believes his store will be successful.

Upon query, Mrs. Butler was informed by the applicant that he will put a trash can out front of the store.

Upon query, Mr. Martz was informed that they will add lighting around the store. Mr. Martz was further informed that they store will be open from 7 AM until 9 PM 7 days a week. The applicant further testified that he and one other employee will be running the store.

Upon query, Mr. Bierbach was informed by the applicant that he will have limited deliveries to the store during the day. He will pick up and stock most of the items himself.

Upon query, Mr. Hoyle was informed by the applicant that he will schedule his trash pickup so that it won't disturb the neighbors.

Upon query, the Solicitor was informed by the applicant that he chose this site on a section of Westfield Avenue that is a commercial strip. However, it is surrounded by a residential neighborhood. Therefore, he believes there will likely be more foot traffic and the store will serve the surrounding community.

The meeting was open to the public.

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 in the P-1 Zoning District that currently does not permit the use of a grocery store. The applicant is currently seeking to have this use permitted. The applicant was represented by Mr. Gonzalez and the applicant was sworn in to testify that the grocery store will be name Sol Grocery. The applicant has incorporated the grocery store as Sol Grocery, LLC and has obtained all state, federal and local business certifications. The applicant also testified that he previously ran a small grocery store between the years of 1995 and 1998 in Philadelphia. The applicant has a commercial lease. The building was previously operated as a nail salon, which is currently vacant. The applicant plans to move into the space to operate the grocery store. The applicant submitted corrected site plans and has testified as to the completeness of the application as well as the notice. The business would be selling primarily small food items, similar to a convenience store rather than that of a full grocery store. The applicant confirmed that there will be no cooked or prepared foods, such as fresh deli meats. The customers are expected to be in the store for roughly 5 minutes at a time. The applicant indicated that there are similar stores in the area, roughly 5 or 6 away in opposite directions along Westfield Avenue. The applicant will primarily be making modifications to the signage on the building. The applicant testified that the hours of operation will be from 7 AM until 9 PM 7 days a week. There will be two employees at the grocery store, including the applicant himself. The employee parking will not interfere with patron parking at the location. The site does include one handicap space, which meets the ADA requirements and 3 spaces for general parking. The applicant testified that most of the patrons are expected to be on foot and that the existing parking conditions will be sufficient. The second floor of the building is currently occupied by a residential occupant. The applicant is not familiar with the upstairs neither of the building nor of the terms of the occupants lease. The applicant testified that from time to time in the evening the residential occupant will be permitted to use the existing parking lot behind the store. The trash disposal at the facility will be accomplished by a dumpster at the rear of the property that will not contain food scraps. The board requested and the applicant has agreed to provide an enclosure around the dumpster to shield it from the residential properties in form of a fence or some other wall which will be approved and coordinated with the township construction office. The board has also requested and the applicant has agreed to provide a trash can in the front of the building to avoid littering from patrons who may have purchased items with wrappers in the store. The board did acknowledge that the design of Westfield Avenue and the existing lots make parking difficult for all tenants in the area. The board also acknowledged that a business such as a nail salon may likely experience more traffic than the position the applicant currently has. The applicant is aware of competition in the area and he is confident his business will be successful. They have noted that that particular section of Westfield Avenue contains other commercial businesses and that the surrounding residential area is particularly suited to serve the applicant's business and the type of items he will be selling. Finally, the applicant testified as to the delivery, stocking and other related operations that will be taking place at the facility and he confirmed

that none of the stocking or work related traffic will be occurring outside the operating hours. The applicant noted that he does pick up most of the stocked items himself. But he will take limited deliveries for certain cold or fresh items. No members of the public appeared to testify to the application.

Miss Hannah motioned to accept fact finding. Mr. Martz seconded.

Mr. Martz motioned to grant the application with the condition the applicant provides an enclosed dumpster at the site, that proper lighting be provided on the building and all activity at the site takes place during normal operating hours from 7 AM until 9 PM, 7 days a week. That includes deliveries, stocking of the shelves and all foot traffic in and out of the business. Miss Hannah seconded. Roll call: Madams Butler, Hannah and Piccari, and Messrs. Bierbach, Hoyle, Silver and Martz-Aye. None opposed.

MINUTES:

None

CORROSPONDENCE:

None

RESOLUTIONS:

Resolution #Z-2016-2 granting **BETTY J. MITCHELL** 1.75 feet of relief from side yard setback requirement of 6 feet for a 4' x 14' one story addition. Premises located at 1729 Lexington Avenue, Block 713, Lot 5 in Zoning District: R-3.

Resolution # Z-2016-3 granting **JOHN & MELINA LUCYK** 13.4 feet of relief from the front yard setback requirement of 35 feet, 2.6 feet of relief from side yard setback of 10 feet for a 5' x 14' front porch roof, 2.6 feet of relief from side yard setback of 10 feet for a 8.6' x 28' rear enclosed porch, and 176 square feet of relief from maximum floor area accessory building/structure requirement of 400 square feet for a 24'x 24' detached garage. Premises located at 2800 Powell Avenue, Block 3511, Lot 10 in Zoning District: R-1.

BILLS:

*2/17/2016-Florio, Perrucci, Steinhardt & Fader, LLC-Zoning Board Solicitor Monthly Retainer-***\$1,134.67****

*2/17/2016-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Lawrence DiSimone-***\$150.00.****

*2/17/2016-Florio, Perrucci, Steinhardt & Fader, LLC- Preparation of Resolution for Jeffery & Lisa Love-***\$180.00.****

COORDINATOR'S REPORT:

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:00 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary