

**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.

The Secretary 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, Darlene Hannah, Dianne Piccari and Duke Martz. Acting Solicitor Richard Wells, Esq., Planning & Zoning Coordinator John Adams, and Secretary Nancy Ellis were also present.

The Secretary 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.

The Secretary announced that Reorganization of the Board would take place at this time.

The following reappointed members came forward and were duly sworn by the Solicitor: Shirley Butler, Carl Bierbach and Paul Hoyle.

The Secretary called for nominations for the office of Chairperson for the year 2017.

Mr. Martz moved that Shirley Butler be nominated as Chairwoman of the Board for the year 2017. Mr. Bierbach seconded. Roll Call: Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

The Secretary turned the meeting over to Chairwoman Butler, who thanked the Board Members for their confidence.

The Chairwoman called for nominations for the position of Vice-Chairperson of the Board for the year 2017.

Mr. Bierbach moved that Jaye Silver be nominated for the position of Vice-Chairman of the Board for the year 2017. Miss Hannah seconded. Roll Call: Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

Chairwoman Butler called for nominations for the appointment of a Solicitor to the Board for the year 2017.

Mr. Bierbach moved that the Law Offices of Florio, Perrucci, Steinhardt & Fader, LLC, 1010 Kings Highway South, Building 3, Cherry Hill, New Jersey 08034 be appointed as Solicitor for the year 2017. Miss Hannah seconded. Roll Call: Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

The Chairwoman called for nominations for the position of Zoning Board Engineer for the year 2017.

Miss Hannah moved that T & M Associates, 1256 N. Church Street, Moorestown, New Jersey 08057 be appointed as Engineer for the Board for the year 2017. Mr. Silver seconded. Roll Call: Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

The Chairwoman called for nominations for the position of Secretary to the Board for the year 2017.

Miss Hannah moved that Nancy Ellis be appointed to the position of Secretary to the board for the year 2017. Mr. Martz seconded. Roll Call Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

The Chairwoman called for a motion to adopt the Zoning Board of Adjustment meeting dates and times for the 2017 calendar year.

Miss Hannah moved to adopt the dates and times for the year 2017 as presented. Mr. Silver seconded. Roll Call: Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

The Chairwoman called for a motion to adopt two local newspapers to advertise the Zoning Board Of Adjustment notices for the year 2017.

Mr. Martz moved that the Retrospect of Collingswood, New Jersey and the Courier Post of Cherry Hill, New Jersey as the two local newspapers to advertise the Zoning Board of Adjustment notices for the year 2017. Miss Hannah seconded. Roll Call: Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

Paul Hoyle assumed the seat of absent member Lysa Longo.

**HEARINGS:**

**CRYSTAL SMITH**-Seeking a use variance to permit a fitness training facility operation in the C-2 zone where it is not a permitted use and any other variances required by the Pennsauken Township Zoning Board. Premises located at 5509 N. Crescent Blvd, Block 4808, Lot 2 in Zoning District C-2 & Redevelopment.

Mr. Adams stated that the application was approved by the Redevelopment Authority so the applicant could move forward to the Zoning Board.

The applicant, Ms. Crystal Smith, 2024 Gross Avenue, Pennsauken and the property owner, Mr. Fran Gavin both came forward to testify and were duly sworn by the Solicitor.

Ms. Smith testified that she lives in Pennsauken and would like to relocate her family training and health facility from Cinnaminson to Pennsauken. Ms. Smith further testified that the hours of operation will be Monday thru Friday 6am to 10am and 6pm to 10pm, Saturday 6am to 10am and on Sunday by appointment in one hour sessions.

Upon query, Miss Hannah was informed by the applicant that on Sundays the appointments can be made anytime during the day.

Upon query, Mrs. Butler was informed by the applicant that there will be 4 other trainers beside her who will work at the facility and they are all licensed.

Upon query, Mrs. Butler was informed by Mr. Gavin that the space is currently empty and the space was used for Lawson's Fabric Store. However, they moved to a smaller space across from his building.

Upon query, Mr. Martz was informed by Mr. Gavin that there are 33 parking spaces plus 3 handicap spaces at the property. Mr. Gavin further stated that the lot could be restriped to create more parking spaces. However, that isn't necessary at this point.

Upon query, Ms. Smith informed Mr. Martz that the trainers' hours are staggered and work with the clients at different times. Therefore, there will only be a few parking spaces used per session. Ms. Smith further informed Mr. Martz that her current facility is located on Cinnaminson Avenue in Cinnaminson across from the Shop Rite shopping center.

Upon query, Mrs. Butler was informed by the applicant that her current location isn't good because it's behind the main street and her clients have a hard time finding it.

Upon query, Mr. Martz was informed by the applicant that she currently has a sign that she will bring to attach to the front of the building at the Pennsauken location. Mr. Martz was further informed by the applicant that there are restrooms at the facility.

Upon query, Miss Piccari was informed by the applicant as to the types of exercise equipment that will be at the facility. Ms. Smith further informed Miss Piccari that they offer zumba and hip hop exercise classes and there are usually 5 to 10 people in each class.

Upon query, Miss Hannah was informed by the applicant that there are no showers at the facility. The applicant further informed Miss Hannah that they will offer children's fitness classes ages 7 and up and the child can also exercise with their parent, if the parent allows them to. The applicant further stated that there will be weights at the facility as well.

Upon query, Mr. Silver was informed by the applicant that some of her clients came from Planet Fitness to her facility because Planet Fitness doesn't offer the classes that she does. Ms. Smith further informed Mr. Silver that she believes there is enough parking at the proposed location. During the day there are approximately 10 people that come to the class for an hour and in the evening 15 to 20 people attend the class for one hour. If she ever needs more parking, she can make arrangements with Mrs. Lawson who owns the building across from this location.

Upon query, Mr. Hoyle was informed by the applicant that the space she will be occupying is 2,000 square feet.

Upon query, Mr. Bierbach was informed by the applicant that she looked at other locations. However, this was the best location for her facility in that it is located right on the highway, has more exposure and it's easy for her clients to find. The applicant further testified that she believes she will get more clients rather than just from word of mouth because the building is visible from the highway.

Upon query, Mr. Martz was informed by the applicant that most of the other businesses in the strip are closed by the time her classes begin. Therefore, there is plenty of parking.

Upon query, Miss Hannah was informed that her application was approved by the redevelopment authority

Upon query, Mrs. Butler was informed by the applicant that the fitness center will be called Euphoric Fitness Center.

Upon query, Mr. Hoyle was informed by the Solicitor that if a larger gym such as an LA Fitness or Planet Fitness were looking to open, they wouldn't choose this location because it isn't large enough.

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

Mr. Adams stated that he didn't think it would be safe for clients to park at Mrs. Lawson property across from this location because it is on a jug handle off of Route 130. Mr. Adams further stated that Mr. Gavin testified that he could add additional parking in the lot if it is necessary in the future.

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 to permit a fitness training facility in a C-2 Zoning District. Section 141-82 establishes the C-2 District and while it is a commercial district, which permits retail, offices and professional uses the proposed use is not specifically permitted and a use variance is therefore required. The applicant, Ms. Crystal Smith and the property owner, Mr. Fran Gavin were sworn in to present testimony. The applicant is a resident of Pennsauken and would like to relocate her fitness training facility, which is currently in Cinnaminson to the proposed area. The proposed hours of operation are Monday thru Friday 6am to 10am and 6pm to 10pm, Saturday 6am to 10am and on Sunday by appointment in one hour blocks. The applicant indicated that she would be employing 4 other trainers in addition to herself and that all trainers will have proper licensing. The applicant provides classes and personal training consisting of approximately 5 to 10 people per group classes and approximately 3 to 5 people for training sessions as well as personal training. The applicant has operated a facility in Cinnaminson for roughly 3 years previously and the current space is a vacant 2,000 square feet store front. The applicant indicated that there was roughly 33 parking spaces available plus 3 handicap spaces and that the prior location was no ideal for the business and the reasons for locating here is that it is more accessible for clients and more visible for future business. The applicant indicated that there is signage from the prior location and it will be used for this location. With respect to the suitability of the site, the location of the site in the C-2 Zoning District, the applicant testified that she could not find a property in Pennsauken that would not require use variance relief and that led her to the Cinnaminson location. The fact that that location did not work out, made

the applicant come back to Pennsauken. The applicant described the other businesses that are operating in the area and indicated that this use would not detract or otherwise interfere with those businesses.

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

Mr. Martz stated that there may be a lot of trash from the facility, such as water bottles.

The applicant testified that most of her clients bring a reusable water bottle and she does have a trash can on the inside near the door. However, she agreed she will police the area to make sure it is free from trash and debris from her facility.

Miss Hannah motioned to grant the application with the condition that the applicant polices the area for any trash around the facility. She stated she believes a training facility will be positive for the community. Mr. Silver seconded. Roll call: Carl Bierbach, Paul Hoyle, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz -Aye. None opposed.

**MINUTES:**

It was moved, seconded and unanimously agreed to approve the December 7<sup>th</sup> and December 21<sup>st</sup>, 2016 meeting minutes.

**CORROSPONDENCE:**

None

**RESOLUTIONS:**

**Resolution #Z-2016-28** - Granting **DOLLAR TREE (FITHIAN PROPERTIES)** a variance and site plan approval to expand the retail commercial business in the residential zone in rear of the property. Premises located at 6820 N. Crescent Blvd., Block 2217, Lot 4 in Zoning District C-2/R-3 & Redevelopment.

**BILLS:**

*1/11/2017-T&M Associates, Engineering Services for Pennsauken Hospitality, LLC-\$711.00.*

*1/11/2017-T&M Associates, Engineering Services for 3801 Marlton Pike Apartments-\$2,079.75.*

**COORDINATOR'S REPORT:**

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 7:20 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary