

**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, Darlene Hannah, Louis Morales, Dianne Piccari and Duke Martz. Acting Solicitor Richard Wells, Esq., 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.

The following alternate member came forward and was duly sworn by the Solicitor: Louis Morales.

Paul Hoyle assumed the seat of absent member Jaye Silver.

**HEARINGS:**

**HOANG-O-PHAM**-Seeking a use variance to permit a place of worship (Buddhist Temple) and waiver of site plan review, and any other variances required by Pennsauken Zoning Board. Premises located at 1641 Derousse Avenue, block 1104, Lot 49 in Zoning District T-1.

Mr. Dominic Simeone, Esq. came forward to represent the applicant.

Mr. Hoang Pham, the owner of the property and Mr. Dai Tran, Leader of the Temple came forward to testify and were duly sworn by the Solicitor.

Mr. Simeone testified that the property is the former Booker T. Washington Elementary School. Mr. Pham purchased the property from the Pennsauken School Board in December of 2016 and they are before the board this evening asking for a use variance. Since the property is located in the T-1 zone, the only use permitted in the ordinance only for use by the municipality. Therefore, the property does need some change of use. The applicants are here this evening seeking to use the property as a Buddhist Temple. The applicant currently has a Buddhist Temple located on Marlton Pike in Pennsauken. However, the property not suited for them anymore. Therefore, they purchased the property which is next door to an existing church and will not have any negative impact on the area in that changing the former school to a temple is a similar use. Mr. Simeone further stated that they are asking for a waiver of site plan. The building is already handicap accessible and there is plenty of parking at the property. Currently, there are only 30 members of the temple.

Upon query, Mrs. Butler was informed by the applicant that if they grow they may have to come back with a site plan for parking or they may have to relocate. There aren't many Buddhist Temples in the area and it serves the public good and the community. The existing temple is already located in Pennsauken and they want to relocate to a more suitable location.

Upon query, Mrs. Butler was informed by the applicant that they have pulled permits from the township building department to renovate the inside building.

Upon query, Mr. Bierbach was informed by the applicant that the current location is no longer suitable because it is a residential house, it is too small and there is no parking. Mr. Bierbach was further informed by the applicant that the temple will be open on Sunday from 9am to 5pm and one evening a week from 7pm to 8pm. The temple is not open during the weekdays unless there is a funeral or a special event. The applicant further informed Mr. Bierbach that besides worship at the temple they provide different training classes such as teaching children to speak Vietnamese or teach the elders how to speak English. They also provide food to anyone from the community and all are welcome. The food is cooked at home by the members and brought to the temple. There is an existing kitchen in the building and they may use it in the future.

Upon query, Mr. Hoyle was informed by the applicant that they don't plan on any changes to the structure of the building. They are primarily making renovations on the inside such as removing a wall to make a large room, painting, and installing new flooring. They will plant flowers outside. Mr. Hoyle was further informed by the applicant that they may have outdoor activities for the kids.

Upon query, Mrs. Longo was informed by the applicant that they have an existing sign they will use on the temple as well as Buddhist flags.

Upon query, Miss Hannah was informed by the applicant that they saw the property was advertised for sale, spoke to Jack Killion at the school board and purchased the property. The applicant further informed Miss Hannah that the township requires handicap parking and they will follow all township guidelines. The applicant further stated that he did speak to some members of the church next door to his property.

Upon query, Miss Piccari was informed by the applicant that there are existing bathrooms in the building. They will only be making a room larger for prayer. The applicant further informed Miss Piccari that there won't be bells ringing or special lighting that will cause disturbance to the neighborhood. The applicant further stated that the religion is based on meditation and simplicity.

Upon query, Mr. Morales was informed by the applicant that there are 3 ladies bathrooms and 2 men's bathrooms. The applicant further informed Mr. Morales that the existing kitchen may be used for warming food. However, if they wanted to use it as a full service kitchen, they will have to get a permit and board of health inspections. The applicant further stated that there are 18 parking spaces and it meets the township requirements.

Upon query, Mr. Martz was informed by the applicant that they will keep the historical significant of the building by possibly having a plaque made that will read "The former site of the Booker T. Washington School" to put on the front of the building. Mr. Martz stated that he believes the proposed use is low impact on the area opposed other uses such as converting it into an apartment building as many other grammar schools have been. Mr. Martz was informed by the applicant that they are open to speak to members of the community and work something out to share the parking lot.

Upon query, Mrs. Longo was informed by the applicant that they don't have office hours during the week. The applicant further informed Mrs. Longo that the Buddhist religion is mainly meditation, it is very quiet and sometimes you don't even know they are there.

Upon query, Mr. Bierbach was informed by the applicant that their members are primarily from Pennsauken.

The meeting was open to the public.

Mrs. Genice Williams, 1031 Derousse Avenue came forward to testify and was duly sworn by the Solicitor.

Upon query, Mrs. Williams was informed by the Solicitor that the applicant is here this evening to allow the building to be used in a certain way. Any renovating on the inside of the building a property owner wants to make is handled through the building department and they may require permits for some of the renovations. In this case, the property owner is taking a risk in starting renovations before getting approvals from the board for the use. However, the property owner doesn't have to notice the community for doing renovations on the inside of the building. The community needs to be noticed about the change of use to the building and that's why they are here this evening. Mrs. Williams further expressed her concerns regarding the sale of the building.

Mr. Edward Adams, 7526 Pleasant Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Adams stated that his club has used the parking lot at the former school for years and would like to talk to the applicant about arranging to use the parking lot in the future.

Reverend Roy Bundy, 7360 Pleasant Avenue came forward to testify and was duly sworn by the Solicitor.

Reverend Bundy expressed his concerns about the use of the parking lot at the old school building.

Ms. Kim Hunter, 1709 Derousse Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Hunter stated she believes it to be disservice to the community that the property should be used for something other than for the children and the people of the community. Ms. Hunter further stated the building is a historic in the community.

Mr. Charles Zeigler, 6219 Clayton Avenue expressed his concerns regarding the use of the parking lot for the children of the community continuing to play basketball on the parking lot, as they have for many years.

Upon query, the Solicitor informed Mr. Zeigler that if there was another use of the building other than what the zone permits, like a restaurant or a store, they would have to come back to the board. If the application for the place of worship is approved another church could use it as such.

Ms. Winifred Shaffer, 7259 Pleasant Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Shaffer stated that she would invite the new owners of the building to their concerned citizens meeting and maybe they can rectify some of their concerns at the meeting.

Mr. Michael Stargell, 2243 Bethel Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Stargell testified that he is against the application and he expressed his concerns about the way the property was sold by the school board.

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 use variance relief based upon the applicant's request to permit a place of worship and a site plan waiver within the T-1 zone. In order to be granted use variance relief, an applicant must satisfy the positive and negative criteria. The positive criteria the applicant must show some special reason to be granted the requested relief. The special reasons meaning generally that the proposed use serves the public good or promotes the general welfare and that the site is particularly suited for the proposed use. Because this is an application for a place of worship, our court has held that a place of worship inherently serves the public good and promotes the general welfare. Although the applicant still has to show that the site is particularly suited for the proposed use and if the positive criteria can be shown. The applicant must still show the negative criteria, that being the requested relief does not present a substantial detriment to the public good and would not substantially impair the intent and purpose of the township zoning plan. We heard testimony from both the property owner and the operator of the proposed temple as to why this site, in their opinion is particularly suitable for the proposed operation and as to why there will be no substantial detriment to the public good.

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

Mr. Martz motioned to grant the application in its entirety. He stated he doesn't believe there is any detriment to the community and it's a very low impact use for the building. Mr. Martz stated he strongly encourages the people of the temple and the church to communicate with each other and work out any differences. Mr. Martz further stated that he strongly suggested keeping the historical value of the property. Mr. Hoyle seconded. Roll call: Carl Bierbach, Paul Hoyle, Lysa Longo, Shirley Butler, Dianne Piccari and Duke Martz -Aye. Darlene Hannah opposed.

#### **MINUTES:**

None

#### **CORROSPONDENCE:**

None

#### **RESOLUTIONS:**

**Resolution #Z-2017-01** - Granting **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 Pennsuker Township Zoning Board. Premises located at 5509 N. Crescent Blvd, Block 4808, Lot 2 in Zoning District C-2 & Redevelopment.

#### **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 8:50 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary