

**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, Darlene Hannah, Dianne Piccari, Lou Morales and Duke Martz. Acting Solicitor Richard Wells, Esq., Zoning Board Engineer, Raymond Jordan, 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.

Lou Morales assumed the seat of absent member Darlene Hannah.

**HEARINGS:**

**HESPERUS, LLC** - Seeking a variance for lot coverage to store commercial equipment in the C-1 zone and any other variance required by Pennsauken Zoning Board, Premises located at 3477 Haddonfield Road, Block 3814, Lot 8 in Zoning District C-1.

Mr. Raymond Jordan, Zoning Board Engineer, T&M Associates, Mr. Jesse Dougherty, Project Engineer, Marathon Engineering, Mr. Jason Sciullo, Principal Engineer, Marathon Engineering, Mr. Chris Sarandoulis, owner of Hesperus, LLC came forward to testify and all were duly sworn by the Solicitor.

Mr. Richard Goldstein, Esq. came forward to represent the applicant. Mr. Goldstein described the existing non conforming conditions at the site and the prior use of the property. The property is currently vacant. The proposed use of the building will be for a business office for the Yale Schools and it will be leased by the property owner if the application is approved this evening. The school will also use the property as accessory storage for school supplies and equipment. There will be 37 parking spaces on the lot. The applicant is asking for preliminary and final site plan approval. There will be no new construction at the site. They are proposing to add some greenery to the front of the property, along the street frontage, which will reduce the existing lot coverage. The applicant is also proposing a trash enclosure on the property. The trash enclosure will be shared by both occupants at the site. The applicant will also create a cross easement between the adjoining lots which are lot 8 and lot 11. The purpose of the cross easement is to provide cross access, cross parking and for use by pedestrians and parking and also for shared use of the trash enclosure. There is an existing sign at the site. The applicant isn't asking for sign approvals at the site as part of this application. The applicant will obtain a permit to change copy on the sign if approved this evening.

Mr. Sarandoulis, the owner and director of the Yale Schools came forward to testify.

Mr. Sarandoulis testified that the Yale Schools are private for special education students. They have 12 schools in South Jersey, including one in Cherry Hill and one in Voorhees. The applicant testified that they would like to use this building for an office for their facilities manager and to store office furniture and equipment. They will be storing mainly students and teaches desks and chairs. They will also store cleaning and paper products at the site for all the schools. There is no loading dock at the site and the supplies will be delivered by a small box truck at the rear of the building. Mr. Sarandoulis further testified that they anticipate having 3 employees work at the site. The hours of operation will be from 7:30 am until 4:00 pm, Monday through Friday. They will be closed on weekends and holidays. They anticipate mainly cardboard boxes for trash pickup once a week. The applicant further testified they will be storing buses and maintenance equipment at the site. The applicant further stated they will have regular clean up and maintenance at the lot.

Upon query, Mrs. Butler was informed by the applicant that there are a total of 7 maintenance personnel and they will only go to the site for meetings and pick up supplies. The applicant further informed Mrs. Butler that they will keep school furniture on hand so broken furniture can be replaced immediately for safety reasons.

Upon query, Mr. Bierbach was informed by the applicant that they will store John Deer tractors in the building to move the furniture to different locations. The applicant further informed Mr. Bierbach that there will be no changes to the front of the building other than breaking up some concrete and adding greenery. The rear of the property facing the residents currently has a fence and they will make improvements to it. All activity will be in the rear of the building and the use of the building will not produce much traffic.

Upon query, Mrs. Longo was informed by the applicant that all access to the site will be from Haddonfield Road. There will not be any traffic on the streets in the residential neighborhood behind the building.

Upon query, Mr. Martz was informed by the applicant that they will put signs up stating that all vehicles must enter and exit on Haddonfield Road. The applicant further stated that the employees will be reprimanded if they don't comply.

Upon query, Mr. Bierbach was informed by the Solicitor that the applicant needs a variance to store buses on the lot.

Upon query, Mrs. Butler was informed by Mr. Scuillo that they do have a lighting plan and the lights will be pole mounted and shielded. Mr. Scuillo further testified that they will install security cameras and an alarm system at the site.

Mr. Jason Scuillo, the engineer for the applicant came forward to testify and described his credentials. The board accepted Mr. Scuillo as an expert witness.

Mr. Scuillo testified as to the proposed site improvements. Mr. Scuillo stated that there won't be any negative impact from the site.

Upon query, the Solicitor was informed by Mr. Scuillo that the parking spaces at the site will conform to the size required by the township ordinance.

Mr. Raymond Jordan read his review letter dated July 5, 2017 onto record.

The applicant agreed to all of Mr. Jordan's recommendations in his review letter.

The meeting was open to the public.

Mr. Eric Price, 8340 Smiley Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Price was informed by the applicant that the fence at the site will be repaired or replaced as needed. The applicant further informed Mr. Price that gas tanks will not be at the site to fuel buses. Gas will only be used to fuel small maintenance equipment such as a snow blower.

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

**HEMERA, LLC**-Seeking a use variance to allow bus parking and an outdoor storage area within the C-1 zone and any other variances required by Pennsauken Zoning Board. Premises located at 3450 St. Martins Road, Block 3814, Lot 11 in Zoning District C-1.

Mr. Goldstein testified that Hermea, LLC is the contract purchaser of the property. This site is an irregularly "L" shaped lot. There is an existing 2 story masonry building located on the lot. There is no change proposed to the existing building. The remainder of the lot is currently paved. The former use of the building was for an office and storage and it is currently vacant. The applicant proposes to lease the office building for the school bus company. The lot will be used for bus and employee parking and for storage within the existing containers on the lot. There will be a cross easement agreement between this property and the property adjacent to the lot on Haddonfield Road. The cross easement will address pedestrian and vehicular access as well as a shared use of the trash enclosure. There are a number of preexisting non-conforming conditions on the lot. None of those conditions are being created or will be affected by this application.

The applicant, Mr. Sarandoulis testified that he is the owner of Hemera and the Pegasus Bus Company, who will be lease the building. The applicant testified that he started the bus company 5 or 6 years ago due to a need for the school district. They started with one bus and now they have 21 vehicles. Most of the buses are used for their students. However, they do bid out and they pick up other children from other schools, such as Bancroft in Haddonfield. They have an AM and PM run. The buses are also used for work study and field trips.

Upon query, Mrs. Butler was informed by the applicant that they have 21 total vehicles. They have about 6 mini vans, 2 (9 passenger vans), 12 (24-29 passenger vans) and 1(54) passenger bus.

Mr. Sarandoulis further testified that they primarily use the larger busses for field trips, approximately 3 times a week from 9:00 am until 2:00 pm. The applicant testified that there are approximately 30 employees who will work out of the office building. The business hours will be 7:00 am until 3:00 pm. The storage units will be used to store salt, cleaning supplies for the buses, and equipment. The applicant further testified that the buses and other vehicles will only use Haddonfield Road to enter and exit the property.

Upon query, Mrs. Butler was informed by the applicant that the employees will not work out the building all day. The drivers and bus aids meet at the property, the buses are inspected, then the driver and the aid leave on the AM run. The driver and aid come back and either wait at the property in a waiting room or leave and come back to do the PM run.

Upon query, Mrs. Longo was informed by the applicant that the earliest run is at 6:15 am, than one at 6:30 am and most of the other runs are after 7:00 am. The afternoon run happens between 3:30 pm and 5:30 pm. If the schools are closed the busses don't run, such as on snow days, holidays and during the summer. However, they do have summer programs.

Mr. Jesse Dougherty came forward to testify and described the site. He testified as to the location for parking the buses and that the size of the spaces will be 10' x 20'. Mr. Dougherty also described the proposed lighting plan, the fence and greenery they're adding to the front of the lot.

Upon query, Mr. Martz was informed by the applicant that they can relocate the bus parking adjacent to a church parking lot away from the residents along Smiley Avenue.

Upon query, Miss Hannah was informed by the applicant that all traffic will only be permitted to access the lot from Haddonfield Road.

Upon query, Mrs. Longo was informed by the applicant that Haddonfield Road is a County Road and they will have to get Camden County Planning Board approval as well.

Upon query, Mr. Bierbach was informed by the applicant that the bus trips are staggered and they won't be coming and going from the site all at one time. There should be very minimal impact on traffic along Haddonfield Road.

Upon query, Mrs. Longo was informed by the applicant that they looked at other sites in the area. However, this site was most suited for their needs.

Upon query, Mr. Bierbach was informed by the applicant that they will sweep and clean inside and wash the outside of the buses at the site. However, there will be no other maintenance such as oil changes or engine repairs.

Mr. Jason Sciuillo testified that the proposed use is less intense than what would normally be permitted in the C-1 commercial zone. He also stated that the hours of operation will be much less than a business that is permitted in the C-1 zone. The business is not open to the public and the lot will only be used for employee parking. He stated that there will not be a substantial detriment to the public good or to the purpose or intent of the zoning plan. He further testified as the positive and negative criteria for the application.

The meeting was open to the public.

Mr. Eric Price, 8340 Smiley Avenue came forward to testify.

Mr. Price stated that a lot of his concerns have been addressed. He further stated he is for a right turn in and out of the site onto Haddonfield Road. Mr. Price further expressed concern about the security at the site. He suggested replacing and keeping the gate locked along St. Martins Road. Mr. Price further expressed his concern about the lighting from the site and also requested the buses be parked adjacent to the church parking lot. Mr. Price further expressed his concern about the noise from the buses at 6:00 in the morning.

Mr. Mark Baker, 8237 Marion Avenue came forward to testify and was duly sworn by the Solicitor.

Upon query, the applicant informed Mr. Baker that the buses warm up pretty quickly and they may only idal for 5 minutes before they depart.

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

Mr. Adams clarified some concerns with the applicant regarding the noise from the bus engines, the bus parking and time of the trash pickup from the site.

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

Raymond Jordan read his review letter dated July 5, 2017 onto record.

The applicant agreed to all of Mr. Jordan's recommendations in his letter.

The applicant testified there will be no additional traffic generated from the site onto Smiley Avenue or on to St. Martin's Road.

Upon query, the Solicitor was informed by the applicant that they agree as a condition that if the property were to be sold to another bus company, the use variance will not run with the land and a potential buyer will have to seek approvals from the zoning board.

The Solicitor made the following factual findings (Hesperus, LLC): This is an application for minor site plan approval the applicant addressed all of the potential for bulk variance relief indicating that any deviations from the ordinance requirements for existing conditions, the applicant indicated that they are not making those conditions any worse. However, they will be improving the preexisting conditions at the site and they addressed the board engineers concern in respect to complying with the township ordinance with the parking stripes. There is no bulk variance relief being requested for the first lot. It is simply a minor site plan and the applicant has addressed all the concerns.

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

Mr. Martz motioned to grant the application. He stated that there doesn't seem to be any detriment to the community. He further stated that all of the conditions have been satisfied and he believes they will be making improvements to the property. Mr. Silver seconded. Roll call: Carl Bierbach, Lysa Longo, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari, and Duke Martz-Aye. None opposed.

The Solicitor made the following factual findings (Hemera, LLC): This is an application for use variance relief to permit the parking and storage of busses on the property. The applicant agreed to the condition that the approval will not run with the land

and that any change in ownership will terminate the use variance approval. The applicant did confirm that there will be no access to the property through St. Martin's Road. The applicant has provided for a cross access easement to the lot facing Haddonfield Road. There will be no bus access or employee access through the rear of the property. The applicant also agreed to flip the location of the bus storage on the site plan. Instead of the busses being located along Smiley Avenue, the bus parking spaces will be at the northern end of the plan boarding the church parking lot. The applicant testified that they will agree to any conditions imposed by the county and they will generate traffic studies as may be required as a condition to approval. The applicant agreed to also comply with the township ordinance that no trash pickup would occur before 7:00 am. The applicant also agreed to comply with any storm water management requirements that the township has regarding washing of the busses. The applicant also agreed that during peak hours they will instruct their employees that no left hand turns can be made from Haddonfield Road into the lot in which they have a cross access agreement. The applicant confirmed that there will be no overflow parking along onto the adjoining streets if they should not have enough space on the lot to accommodate buses or employee parking. They would have to appear before the board again to obtain the necessary approvals. In order to be granted use variance relief the applicant has to satisfy negative and positive criteria. In order to satisfy the positive criteria, the applicant must demonstrate that a special reason exists to be granted the requested relief. Special reasons can be shown by demonstrating that the proposed use generally advances some purpose of the municipal land use law. The applicant's planning expert specifically identified the part of the land use law that they believe will be advance. The applicant must also show that the site is particularly suited for the proposed use. If the positive criteria can be shown, the applicant must also demonstrate the negative criteria. That can be shown that by granting the requested relief will not result in any substantial detriment to the public good and will not substantially impair the intent and purpose of the township zoning ordinance. We heard from the applicant's planning expert as to why the application does not represent substantial detriment or impairment to the township zoning plan.

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

Mr. Silver motioned to grant the application with the conditions imposed. He stated that the applicant has been more than generous in meeting the board half way and they were also willing address the neighbor's concerns. Mr. Martz second. Roll call: Carl Bierbach, Lysa Longo, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari, and Duke Martz-Aye. None opposed.

**MINUTES:**

None

**CORROSPONDENCE:**

None

**RESOLUTIONS:**

**Resolution #Z-2017-14** granting **BRIAN & JENNIFER HAK** 15 feet of relief from rear yard setback requirement of 40 feet for a 14 x 24 screened porch. Premises located at 8220 Bryn Mawr Avenue, Block 4401, Lot 6 in Zoning District R-1.

**BILLS:**

It was moved, seconded and unanimously agreed to approve payment for the following bills:

7/19/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Zoning Board Solicitor Monthly Retainer-\$1,134.67.

7/19/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Swamibapa, LLC-201.50.

7/19/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Mark & Marcia White-201.50.

**COORDINATOR'S REPORT:**

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 9:45 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary