

**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: Paul Hoyle, Lysa Longo, Shirley Butler, Darlene Hannah, Jaye Silver, Lou 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.

Paul Hoyle assumed the seat of absent member Carl Bierbach.

**HEARINGS:**

**JUAN A. MENDOZA (EDDIES PIZZERIA)** Seeking a use variance to permit the use of outdoor seating with three tables. Premises located at 6227 Westfield Avenue, Block 608, Lot 12 in Zoning District C-1 and Redevelopment.

Mr. Juan Mendoza, 6227 Westfield Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Mendoza testified that he would like to put 2 to 3 tables and chairs with umbrellas in front of his store for his customers to eat outside.

Upon query, Mrs. Butler was informed by the applicant that his business is currently open from 11am to 11pm. However, he would like to extend his hours and open at 10am and still close at 11pm. The applicant also stated that he will be serving the food and drinks that are currently on his menu.

Upon query, Mr. Hoyle was informed by Mr. Mendoza that he will have his servers keep the area clean and he has been in business at the proposed location for 5 years.

Upon query, Mrs. Longo was informed by the applicant that he will put the tables out every morning and bring them in every night and he doesn't plan on putting any planters or barriers up in front of the tables. The applicant further stated that he only plans to have 3 chairs at each table.

Mr. Silver arrived 7:05 pm.

Upon query, Miss Hannah was informed by the applicant that some of the foods that he serves at his restaurant are pizza, cheese steaks and wings. Mr. Mendoza further stated that he would like to open at 10am and close at 11pm and his business in Pennsauken is his only location. He further stated that he employs 3 people and they are family members. The applicant further stated that there is public parking in the area and customers can park on Westfield Avenue as well.

Upon query, Miss Piccari was informed by the applicant that he proposes 2 tables with 3 chairs each. Miss Piccari suggested that the applicant does not have trash cans outside of his business because people are eating outside. Trash should be collected from outside and discarded indoors.

The applicant presented a picture of the front of Macaro's depicting the tables and chairs similar to what he proposes.

The Solicitor marked the picture into evidence as A-1.

Upon query, Mr. Morales was informed by the applicant that he would like to have 2 round tables with approximately 3 chairs at each table.

Mr. Martz stated that he believes the outside seating is a good idea. However, he believes that only two tables will fit in front of his store, and the tables should be brought in by 8:00 pm. Mr. Martz further stated that he agrees with Miss Piccari that there should not be any trash cans in front of the store.

Upon query, Mr. Martz was informed by the applicant that he has a dumpster in the rear of the building.

Upon query, Mrs. Butler was informed by the applicant that he will clean and wash the sidewalk down as needed.

Upon query, Mr. Silver was informed by the applicant that there is public parking at the side of the strip of stores and he will make sure his tables and chairs will not encroach on the other businesses' properties.

Upon query, Mrs. Butler was informed by the applicant that he will consider the other businesses and he will not encroach on their store fronts.

Upon query, Mrs. Longo was informed by the applicant that the tables and chairs will match and they will be consistent with his store front.

The meeting was open to the public.

Ms. Sharon Rush, 1 Cross Road, Cinnaminson, NJ came forward to testify and was duly sworn by the Solicitor.

Ms. Rush testified she is the owner of Macaro's Restaurant and she has concerns regarding how the applicant's property has been inadequately maintained. Ms. Rush presented a packet of pictures depicting the front and the rear of the applicant's property. Ms. Rush also read a statement letter to the board.

The Solicitor marked the packet of pictures and the statement letter addressed to the Zoning Board into evidence as P-1.

Mr. Ming Ng, 6229 Westfield Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Ng testified that he is the owner of the laundromat located in the strip of stores where the applicant is located. Mr. Ng expressed his concerns about the maintenance of the applicant's property and he also stated that he didn't believe there is enough room to fit two tables with chairs in front of the applicant's restaurant. He further stated he didn't believe it was safe.

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

Mr. Adams clarified the application with the applicant, the public and the board.

Upon query, Mr. Martz was informed by the applicant that he will keep maintain the plants and the pot colors uniform that are in front of his store.

Miss Picarri commented that she strongly believes that it's important for the applicant to maintain his property, to keep his store front in conformity and get rid of any clutter in front of the store for public safety as well as appearance.

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 on the applicant's request for outdoor seating at an existing restaurant in the C-1 zone. Section 141-81 of the township ordinance establishes the C-1 zoning district, which permits restaurants and other food service operations but does not permit outdoor seating as proposed and therefore a use variance is required. Mr. Mendoza the applicant and owner of the restaurant presented testimony. It is noted that the applicant was approved by the redevelopment authority for the application. The applicant would like to place two tables in front of his business with three chairs each and umbrellas. The applicant testified that the tables will be approximately four foot in diameter. The business is currently operating from 11am to 11pm. The applicant noted that he would like to extend his morning hours to 10am to 11pm to take advantage of the outdoor seating, if approved. The business has been operating for roughly five years and employs three employees. The applicant also noted that parking in the area is adequate to accommodate both the employees and the customers of the business. The regular menu items will be served outside. There will be no difference between the outdoor and indoor menu and the applicant confirmed that he will have wait staff service to the tables outdoors and they will make sure the tables are clean and that trash will not be left outside. The tables will not be left outside at night. The applicant will bring them in each night and set them up each morning to ensure there is no vandalism or anything else taking place at the property. The applicant is not proposing any barriers from the area where the tables will be located. The umbrellas and the overall scheme of the outdoor seating area will match the storefront and it's noted that the board did look at digital pictures of the storefront provided by the applicant. The applicant also submitted exhibit A-1, which is a color picture of an example of how the tables will be arranged. The picture was not of the applicant's storefront, but an example of a similar proposal. We heard from two members of the public who came to express concerns as to the application. Sharon Rush, the owner of Macaro's and Ming Ng, the owner of the Laundromat both noted that they were concerned with the condition of the property and property maintenance. The board did suggest the business owners speak to each other about property maintenance issues that can be resolved in a mutually beneficial way. One of the members of the public, Ms. Rush submitted two exhibits to the board, which were marked P-1 into evidence, which were a collection of colored pictures of the front and rear of the property and a statement to the zoning board as well as P-2, which is a copy of Macaro's menu. The board did ask for several conditions to be imposed upon the applicant if the approval is granted this evening. The first condition being that the applicant's tables cannot spread or encroach on other businesses owner's properties. The tables must

remain within the front of the applicant's business. The board required that servers must clean the tables and the outside area and that trash will not be disposed of outside near the tables. The applicant is limited to two round tables that are approximately four foot in diameter with umbrellas and 3 chairs each and that the outdoor area will be closed at 8:00 pm to prevent loitering and unnecessary tension to the outdoor area. The applicant was made aware that the outdoor area may not encroach on the pedestrian area or the sidewalk as well.

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

Mr. Silver motioned to grant the application with the conditions that the applicant's tables do not encroach on the other business owners' properties; the servers at the restaurant must police the area, clean the tables and remove any trash from the area. The applicant can only have two 4 foot round tables with 3 chairs at each table and umbrellas, the outdoor area will be closed at 8:00 pm, and the applicant's tables must not encroach on the pedestrian area or the sidewalk. Miss Piccari seconded. Roll call: Lysa Longo, Dianne Piccari, Duke Martz, Jaye Silver, Shirley Butler-Aye. Darlene Hannah-Opposed. Paul Hoyle-Abstained.

**MINUTES:**

None

**CORROSPONDENCE:**

None

**RESOLUTIONS:**

**Resolution #Z-2017-03** granting **MARTIN SALDANA** a use variance and site plan approval to convert an existing office and retail use into a multi-unit apartment with six units. Premises located at 3801 Marlton Pike, Block 5832, Lot 11 in Zoning District C-1.

**BILLS:**

*3/1/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Zoning Board Solicitor Monthly Retainer-**\$1,134.67.***

*3/1/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Crystal Smith-**\$195.00.***

*3/1/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Hoang-O-Pham-**\$255.00.***

**COORDINATOR'S REPORT:**

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:15 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary