

**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.

Vice Chairman Silver 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, Darlene Hannah, Jaye Silver, Lou Morales, Dianne Piccari and Duke Martz. Acting Solicitor Richard Wells, Esq., Zoning Board Engineer, Ray Jordan, Planning & Zoning Coordinator John Adams, and Secretary Nancy Ellis were also present.

The Vice Chairman 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 and Lou Morales assumed the seat of absent member Shirley Butler.

**HEARINGS:**

**BAYADA HOME HEALTH CARE** - Seeking a use variance to extend the parking lot coverage and any other variances required by Pennsauken Township Zoning Board. Premises located at 4350 Haddonfield Road, Block 4301, Lot 1 & 6 in Zoning District C-1 and R-5.

Mr. Kevin Shane, Esq. came forward to represent the applicant and stated that the operator of the property will be Bayada Health Care and they will have their headquarters and training facility at this site. Mr. Shane stated that the site is unique in that it is located in both a commercial zone and several different residential zoning districts which do not permit parking. Therefore, they are seeking a use variance to permit an additional 84 parking spaces in the R-1 zoning district. Mr. Shane further stated that the applicant will come back to the board at a later date with a full site plan.

Mr. Tony Diggan, Professional Engineer and Mr. Paul Ricci, Professional Planner came forward to testify and were both duly sworn by the Solicitor.

Mr. Diggan and Mr. Ricci both described their credentials and were qualified by the board as expert witnesses.

Mr. Ricci came forward and described the existing conditions at the site as well as the proposed parking expansion at the site which is crucial to the Bayada headquarters project. Mr. Ricci referred to a planning exhibit prepared by Ricci Planning, dated March 2017.

The Solicitor marked the Aerial view of the site depicting the existing conditions into evidence as A-1.

Mr. Ricci described the proposed lighting and landscaping plan at the site and referred to a site plan prepared by his firm entitled Preliminary lighting and Landscaping plan rendering.

The Solicitor marked the rendering of the proposed lighting and landscaping plan into evidence as A-2.

Mr. Ricci testified that the parking expansion is crucial to Bayada's operations in that there will be 660 work stations installed at the facility and the renovations to the building are expected to be completed by June 2017. Mr. Ricci further testified that 6 foot tall arborvitaes that will grow to be 30 feet tall will be planted along the property line as a buffer. There will also be 10 new light fixtures installed throughout the parking lot at the site as well. Mr. Ricci further stated that there will be no modifications to the access points to the lot.

Mr. Diggan, the professional planner came forward and testified as to the positive and negative criteria of the application. He stated that variance relief is necessary because the property is located in a C-1 and multiple residential zones. However, the use of an office building is particularly suited at the site because it is a preexisting condition and has been used as an office building since the mid 1980s according to the township tax

records. The 101,000 square foot building had approximately 60% vacancy when the building was purchased and it is rare to have one company come to town and utilize such a large space. Mr. Diggan further stated that it's a great opportunity for the town to have a large national corporation in town and it will benefit the local businesses as well.

Mr. Diggan presented a packet of pictures of the proposed Bayada building and the existing residential areas surrounding the site.

The Solicitor marked the pictures into evidence as A-3.

Mr. Diggan testified that he believes there will not be any negative impact on the neighborhoods abutting the lot. Mr. Diggan testified that the parking lot is suited for the site in that the use is low impact and they will mitigate the visibility of the parking lot with the proposed landscaping and lighting. Mr. Diggan further stated that the buffer they propose is 5 to 10 times more than what is required. Mr. Diggan further stated they don't anticipate any substantial impact to the zoning plan, noise, odors, environmental impacts or dust. He stated he believes it's a very positive use at the site.

The meeting was open to the public.

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

Upon query, Mr. Adams was informed by the applicant that there will be 660 work stations installed in the building and the building will also have a training center for employees who will come in from out of town. Mr. Adams was also informed by the applicant that the hours of operation will be from 7:30 am to 7:30 and cars will stagger in and out of the parking lot and not come or go all at once.

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

Upon query, Miss Hannah was informed by the applicant that a traffic impact study had been done and if the board has any concerns they can be addressed when they come back for site plan.

Upon query, Mr. Silver was informed that the building will only be used by office workers. Nurses or patients will not come to the building.

The Solicitor made the following factual findings: This is an application for use variance relief to permit the extension of a preexisting, non-conforming use within the R-1, R-4 and R-5 zones. Sections 141-76, 79 and 80 of the township ordinance establish the R-1, R-4 and R-5 zoning districts which do not permit parking spaces to support an office use, and therefore a D2 use variance is required. In order to be granted the requested relief, the applicant has to satisfy the positive and negative criteria. The positive criteria being that some special reason must exist to grant the requested relief and generally must be shown by the applicant providing testimony that this application serves the public good and promotes the general welfare some way and that the site is particularly suited for the proposed use. We heard testimony from the applicant's planning expert and engineering expert as to the unusual shape of the lot and the unusual circumstances surrounding the multiple residential zones which are across the lot, meaning that this site is particularly suited for this use because, as the applicant described, it is inutility for any other uses. If the positive criteria are shown, the applicant must still show the negative criteria. That can be shown by demonstrating that the requested relief will not result in a substantial detriment to the public good and that the requested relief will not substantially impair the intent or purpose of the township's zoning plan. We heard testimony from both of the applicant's experts indicating the remoteness of any residential properties in the area and their efforts which will be demonstrated during the site plan phase to provide more than required buffering and low lighting levels to ensure there is no sound, lighting or other spill over in the residential lots.

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

Mr. Bierbach motioned to grant the use variance. He stated he believes the positive and negative criteria have been met and he doesn't see any detriment to the surrounding community giving that the intended shrubbery to be planted and lighting to be installed. Mr. Martz seconded. Roll call: Carl Bierbach, Paul Hoyle, Darlene Hannah, Dianne Piccari, Lou Morales, Duke Martz, Jaye Silver -Aye. None opposed.

**MINUTES:**

None

**CORROSPONDENCE:**

None

**RESOLUTIONS:**

**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.

**BILLS:**

*3/15/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Zoning Board Solicitor Monthly Retainer-**\$1,134.67.***

*3/15/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Martin Saldane-**\$232.50.***

*3/15/2017-T&M Associates-Engineering Services for Mega Palace-**\$20.25.***

*3/15/2017-T&M Associates-Engineering Services for 3801 Marlton Pike Apartments-**\$612.00.***

**COORDINATOR'S REPORT:**

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:10 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary