

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

The Chairwoman 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.

**HEARINGS:**

**HAINESPORT ENTERPRISES, INC** - Seeking a use variance for a towing and recovery service, major and minor truck & automotive repairs, including heavy duty truck repair services to businesses, governmental entities and individuals and the retail sale of used automobiles. Premises located at 4450 Marlton Pike, Block 6507, Lot 4 in Zoning District C-2.

Mr. Brett Wiltsey, Esq. of the Dilworth Paxson Law Firm came forward to represent the applicant. Mr. Wiltsey testified that the applicant is here this evening to request a use variance for Hainesport Enterprises and Helmrich Towing to merge together and continue to do the exact same thing they have been doing for years. Mr. Wiltsey further stated that the applicant is withdrawing the sales of used cars from the application. Mr. Wiltsey further testified that the applicant will come back at a later date with a site plan. This evening they are here asking for a use variance so that the Certificate of Occupancy with the township can accurately depict what has been done on this site and allow them to continue as usual so that there are no issues in the future. Mr. Wiltsey stated that Helmrich Towing has been running their business from this location since 1936 and the location it is located off of Route 130 in a highly commercial area. Mr. Wiltsey continued to describe the area and the businesses surrounding Helmrich Towing. Mr. Wiltsey further testified as to the positive and negative criteria of the application.

Upon query, Mrs. Butler was informed by Mr. Wiltsey that the merger of the two businesses is contingent upon the board's approval of the use variance.

Upon query, Mr. Martz was informed that there will be no changes to the current business. They will continue to repair trucks and the trucks are repaired inside the bays on the property.

Mr. Martz commented how well kempt the property is and has always been.

Upon query, Mrs. Butler was informed by the applicant that there are 6 bays on site.

Upon query, Ms. Piccari was informed by Mr. Wiltsey that the applicant will not be repairing consumer's automobiles.

Upon query, Ms. Hannah was informed by Mr. Wiltsey that they don't expect the business to increase much more from the merger. However, they will give detail at a later date when they return with their site plan application.

Upon query, Mr. Hoyle was informed by the applicant that they will be repairing the same size trucks they have always repaired.

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

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

The meeting was open to the public.

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

Mr. Adams informed the board that the proposed property is actually located in the C-2 zone which permits car repair. However, heavy truck repair is not a permitted use in the zone.

The Solicitor made the following factual findings: This is an application for a use variance to permit the use of heavy truck repair within the C-2 Zoning District which does not permit that use. The applicant was represented by Mr. Brett Wiltsey who provided a brief background of the applicant's history in the township noting that they have been here since

1936 and they are currently merging with Hainesport. The reason for the use variance is to have the prior use of the business match the Certificate of Occupancy which does not detail heavy truck repair. The site plan will be detailed at a later date and the applicant understands they will have to come back with a site plan. Mr. Wiltsey described the location of the business and the surrounding area as well as its minimal impact on the surrounding neighborhood. He noted the length of the service in the area without any issues in the area. Mr. Wiltsey did provide that there are 6 service bays where the repairs will take place as normal. There will be no changes to the current operation including the normal operation hours. Mr. Wiltsey addressed the positive and negative criteria, representing the operation has been going on for so long without disruption and that denying the use variance would create a hardship and the merger is based upon the approval of the use variance. It was also noted that this particular site is suited for this merger and the towing and truck repair at this site has been going on for so long and that no changes to the business will be required. Regarding the negative criteria, Mr. Wiltsey testified that there is no expansion of the existing use. They are merely seeking to continue the current use.

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

Mr. Silver motioned to grant the application. Mr. Silver stated he sees not detriment with the merger and to continue the use of the business. Miss Piccari seconded. Roll call: Madams Longo, Butler, Hannah and Piccari, and Messrs. Bierbach, Silver and Martz-Aye. None opposed.

**MINUTES:**

None

**CORROSPONDENCE:**

Mr. Adams informed the board the Lynette Ramos has officially resigned from the Zoning Board.

**RESOLUTIONS:**

**Resolution #Z-2016-4** granting **FRANCISCO PEREZ** a use variance to operate a grocery and retail store where it is not a permitted use. Premises located at 5051 Westfield Ave, Block 4702, Lot 11 in Zoning District: P1, and Redevelopment.

**BILLS:**

It was moved, seconded and unanimously agreed to pay the following bills:

***3/16/2016***-Florio, Perrucci, Steinhardt & Fader, LLC-Zoning Board Solicitor Monthly Retainer-***\$1,134.67***

***3/16/2016***-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Betty Mitchell-***\$150.00***.

***3/16/2016***-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for John & Melina Lucyk-***\$150.00***.

***3/16/2016***-Florio, Perrucci, Steinhardt & Fader, LLC- Preparation of Resolution for Jeffery & Lisa Love-***\$495.00***.

**COORDINATOR'S REPORT:**

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:00 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary