

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.

The Vice Chairman 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, Jaye Silver, Lou Morales and Duke Martz. Acting Solicitor Richard Wells, Esq., and Zoning Board Engineer, Mason DeFrank. Planning & Zoning Coordinator John Adams, and Secretary, Nancy Ellis were also present.

Vice Chairman Silver 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 Shirley Butler and Paul Hoyle assumed the seat of absent member Lysa Longo.

HEARINGS:

BAYADA HOME HEALTHCARE (Continued from August 16, 2017) - Seeking preliminary and final site plan approval for parking lot expansion and any other variances required by Pennsauken Zoning Board. Premises located at 4300 & 4350 Haddonfield Road, Block 4301, Lot 1 & 6 Zoning District R-1, R-4, R-5, C-1.

The Solicitor announced that Mr. Martz was not at the first hearing on August 16th. However, he is familiar with the proceedings and is able to participate in this hearing.

Mr. Kevin Sheehan, Esq. came forward to represent the applicant. Mr. Sheehan stated that prior to the last hearing, Bayada met with the neighbors to address their concerns. At the hearing on August 16th, their engineer and planner presented testimony for the revised site plan, they went over the zoning board engineer's letter and the public had the opportunity to provide their comments. Mr. Sheehan further stated that Bayada requested a continuation to this meeting so they could meet on site with the neighbors to further address their concerns. Therefore, they are here this evening to present another revised plan.

Mr. Tony Diggins, Civil Engineer came forward to testify and was duly sworn by the Solicitor.

Mr. Diggins described his credentials and was accepted by the board as an expert witness.

Mr. Diggins testified they met with the neighbors on site and they have revised their plan to move the parking area further away from the neighboring properties on the northeast side.

Exhibits were presented and marked into evidence. The Proposed Parking Concept 1 was marked into evidence as A-5, and the Site Parking Plan was marked into evidence as A-6.

Upon query, Mr. Silver was informed by Mr. Diggins that the original amount of parking spaces proposed was 683 and they have reduced the amount of spaces to 672.

Upon query, Mr. Martz was informed by Mr. Diggins that they have submitted an application to the DEP.

Mr. Tom Cassidy, Area Directory, Bayada Home Health Care, previously sworn by the Solicitor came forward to testify.

Upon query, Mr. Silver was informed by Mr. Cassidy that he believes they're close to addressing the neighbor's concerns.

Upon query, Mr. Cassidy informed Mr. Bierbach that Bayada met with the neighbors prior to the last hearing and again before this meeting. The initial meeting was arranged through the township administrator. They met with the neighbors, John Knieb, Mayor Betsy McBride and Deputy Mayor Jack Killion. The second meeting was on the Bayada site with the Murphy's.

Mr. Bierbach commented that it was very nice of Bayada to meet and work with the neighbors.

The meeting was open to the public.

Mr. Scott Murphy, 8247 Bryn Mawr Avenue came forward to testify was duly sworn by the Solicitor.

Mr. Murphy thanked Bayada for meeting with him and stated that they have gone above and beyond to address their concerns. However, Mr. Murphy stated he believes that more of the existing islands can be removed to create parking.

Mr. Diggins testified that all the islands on the drive isle need to remain due to safety issues. Mr. Diggins further stated that the light fixtures in the center of the islands can't be removed nor can the trees be removed in the center of the islands. The trees provide water clogging and if they were removed, it would lessen the water clogging that goes toward the stream. Mr. Diggins further stated that if the 5 to 7 islands were to be removed it would yield only 10 to 14 additional parking spaces.

Mrs. Terry Murphy, 8247 Bryn Mawr Avenue came forward to testify was duly sworn by the Solicitor.

Mrs. Murphy testified that she believes that more of the existing islands can be removed from the Bayada parking lot so that the existing trees will not be cleared that provide her property with privacy, serenity and wilderness.

Mr. Sheehan stated he believes that this revised plan is what all agreed to and it is the plan that Bayada is moving forward with.

Upon query, Mr. Silver was informed by Mr. Diggins that if the islands were to be removed, there would be a substantial increase in impervious coverage.

Upon query, Mr. Martz was informed by the applicant that if they were to remove additional islands not located in the drive isles, it would only create approximately 10 additional spaces. Mr. Diggins further stated that the light fixtures are in concrete in the middle of the isles and removing them would create another safety issue.

Mr. Paul Ricci, Professional Planner, previously sworn by the Solicitor came forward to testify.

Mr. Ricci testified that they are concerned about site beautification. He stated that this site is Bayada's corporate office and removing the islands, light fixtures and trees is not conducive to a corporate campus. Mr. Ricci further stated that he believes Bayada has been very sensitive to the needs of the neighborhood by providing a buffer that is 12 to 24 times greater than what is required by the township ordinance.

Mr. Hoyle commented that he visited the Bayada property and he doesn't think that the existing islands should be removed. He further stated that he believes there will be more than enough of a buffer between the site and the neighboring properties.

Upon query, Mr. Bierbach was informed by the Solicitor that Bayada was granted a use variance for the parking lot back in March. The only reason they are back in front of the board is because the number of proposed parking spaces does not comply with the requirement in the township ordinance. One thousand plus parking spaces are required and although the applicant is improving the existing non-conforming condition, it's still below the number of spaces required. Therefore, the applicant is seeking bulk variance relief.

Mr. Bill Snyder, 8239 Bryn Mawr Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Snyder testified that he believes there is plenty of parking at the site and he doesn't believe that additional parking spaces are necessary at this time.

The Solicitor informed Mr. Snyder that they are required to seek a variance for parking based upon the square footage of the building.

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

Mr. Sheehan presented his closing statements.

The Solicitor made the following factual findings: This is an application for preliminary and final site plan approval with bulk variance relief. The applicant's counsel restated the standards of law in respect to the positive and negative criteria applicable to the bulk variance relief being requested. The applicant must satisfy positive and negative criteria. The positive criteria is satisfied based upon the existing shape or other unique circumstances specifically affecting this lot that create some sort of practical difficulty or other hardship and that the requested relief specifically advances the general welfare and intent of the municipal land use law. We heard testimony from the applicant's counsel as to how the positive criteria have been satisfied. With respect to the negative criteria, the applicant also has to show that the requested relief will not result in a substantial detriment to the neighborhood and will not substantially impair the intent and purpose of the township zoning plan. We heard

testimony from the applicant's professionals and counsel as to the specific criteria. Going back to the last hearing on August 16, 2017, there were some conditions and items that the applicant agreed to in Ray Jordan's review letter dated August 7, 2017. The applicant also agreed to consolidate the lots as stated in paragraph 4 in Mr. Jordan's letter. These items will be included in any approvals.

Mr. Bierbach motioned to accept the fact finding. Mr. Hoyle seconded.

Mr. Bierbach motioned to grant the application with the conditions in Mr. Jordan's letter. He stated that he believes the applicant has been very accommodating at addressing the neighbors' concerns. Mr. Bierbach further stated his vote is based on the positive and negative criteria of the application and not just the esthetics of the property. Mr. Hoyle seconded. Roll call: Carl Bierbach, Paul Hoyle, Lou Morales, Jaye Silver-Aye. Duke Martz- Opposed.

MINUTES:

It was moved, seconded and unanimously agreed to approve the September 6, 2017 meeting minutes.

CORRESPONDENCE:

None

RESOLUTIONS:

Resolution #Z-2017-18 granting **JOSLYN MORGAN** 45 feet of relief from front yard fence setback requirement of 20 feet for a 3 foot picket & 6 foot vinyl fence Premises located at 4915 Chestnut Avenue, Block 5104, Lot 9, in Zoning District R-3.

Resolution #Z-2017-19 granting **THANH CHUNG** 33 feet of relief from the front yard fence setback requirement of 20 feet for a 4 foot chain in the front and 6 foot vinyl fence on the side yard. Premises located at 3716 Royal Avenue, Block 5802, Lot 1, in Zoning District R-3.

Resolution #Z-2017-20 granting **FREDERICK OGDEN** 11 feet of relief from front yard setback requirement of 30 feet for a 10' x 36' front porch with roof. Premises located at 5110 Golfview Court, Block 6201, Lot 12, in Zoning District R-2.

BILLS:

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

9/20/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Jennifer Hak-\$155.00.

9/20/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Legal Services for Bayada Home Healthcare-\$46.50

9/20/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Preparation of Resolution for Amable Perlata-\$201.50.

9/20/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Legal Services for Pennsauken Hospitality-\$46.50.

9/20/2017-Florio, Perrucci, Steinhardt & Fader, LLC-Zoning Board Solicitor Monthly Retainer-\$1,134.67.

COORDINATOR'S REPORT:

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:30 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary