

MINUTES OF THE PLANNING BOARD OF THE TOWNSHIP OF PENNSAUKEN

The meeting of the Planning Board of the Township of Pennsauken, County of Camden, State of New Jersey was held on the above date at the Municipal Building, 5605 N. Crescent Boulevard, Pennsauken, New Jersey.

Chairwoman Trudy Painter called the meeting to order at 6:30 P.M. Roll call showed the following members to be present: Larry Cardwell, Michael Dreger, Jim Talarico, Dennis Cowgill, Joe Blineberry, Shakir Ali, Al Dyer and Chairwoman Trudy Painter, constituting a quorum. Also present were: Doug White, Engineer; John Adams, Planning and Zoning Coordinator; Frank Piarulli, Solicitor; and Mary Leonard, Secretary.

Chairwoman Trudy Painter announced the meeting was being held in compliance with the Open Public Meeting Act of New Jersey and had been duly advertised. The Chairwoman led the flag salute.

Site Plans

7411 Maple LLC, 7411 Maple Avenue, Block 4210, Lot 8, Zoning District: C-1, New Family Dollar Business.

Joseph Paparo, Esq. 100 Southgate Parkway, P.O. Box 1997, Morristown, New Jersey 07962-1997 represented the applicant.

Attorney Paparo stated the public portion of this application was closed on May 7, 2019. Therefore, no new issues should be heard. The letter that was distributed to the Planning Board members at this meeting can not be considered as it is inappropriate. No one from the public should be heard at this meeting since the public portion of the meeting was concluded on May 7, 2019. The minor subdivision was approved and the variances were approved. The waivers were denied. The applicant had requested reconsideration for the waivers and the site plan.

Solicitor Piarulli agreed with the attorney's statements.

Jeffrey Baron, Esq. 1307 White Horse Road, Building F, Suite 600, Voorhees, New Jersey 08043 co-counsel for the applicant was present.

Attorney Baron presented a letter brief in lieu of a more formal brief addressing the legal considerations attendant to the driveway-to-intersection minimum distance waivers requested by the applicant which are the subject of a pending motion for reconsideration. The continued hearing on this application has been scheduled for this meeting, June 25, 2019. A copy of this brief is on file at the Planning Board office.

Attorney Baron stated the requested driveway-to-intersection minimum distance waivers should be granted under the applicable standard attendant to such relief. The property which is the subject of this application is situated at the corner of Maple Avenue and Burling Avenue. In order to facilitate the safest and most efficient access and site circulation, the applicant's site plan includes driveways on both frontages. The driveways specific locations necessitate the obtainment of design waivers. The applicant proposes the Maple Avenue driveway 93' from the intersection and the Burling Avenue driveway 75' from the intersection.

The weight of the applicant's expert testimony and the lack of any such countervailing testimony compel the grant of the requested waivers. The residents who objected to the application proffered no expert testimony. Their comments relating to alleged safety concerns were based on unsubstantiated and unqualified opinion and belief.

The driveway-to-intersection distance standard is preempted by County Regulations applicable to Maple Avenue. One of the two requested driveway-to-intersection minimum

Avenue.

The driveway-to-intersection distance standard cannot be enforced to the extent that it is inconsistent with the lot width requirement. The applicant's site plan requires waiver for the two proposed driveway locations because the lot lacks sufficient width to satisfy Section 141-69.A(5)(a) which mandates a distance of 100' between the driveways and the intersection.

Attorney Baron concluded the applicant has requested driveway-to-intersection minimum distance waivers to permit distances of 93' and 75' respectively where section 141-69.(5)(a) imposes a standard of 100'. He stated it is respectfully submitted that the requested driveway-to-intersection minimum distance waiver to be granted.

Attorney Baron stated the applicant has made changes and has been cooperative with the Planning Board.

Solicitor Pairulli reviewed the statements and explained the legal parts and the testimony from Jeffrey Barron with the Planning Board members. Camden County Planning Board has jurisdiction over Maple Avenue as it is a County road. Positive and negative criteria was discussed. Burling Avenue is the front of the building.

A recess was called at 7:15 P.M. The meeting was reconvened at 7:20 P.M. Roll call showed the same members to be present.

Pennsauken Township Regulations establishes 100' as the minimum required distance between the driveway and the intersection.

Points of ingress and egress from and to the public street shall be selected and designed with utmost care for public safety, and in no case shall an entrance or exit be located closer to a street intersection than 100'; provided, however, that in the case of smaller commercial lots where this distance would place the entrance or exit too close to the side lot line, the minimum distance may be reduced when authorized as a conditional use but in no event to a distance less than 25'.

Jim Talarico moved to grant the waiver on Maple Avenue driveway 93' from the intersection. This is a County road and Pennsauken Township has no jurisdiction. Dennis Cowgill seconded the motion, which carried roll call vote, with all members voting yes with the exception of Al Dyer, who did not vote.

The vote was as follows: Larry Cardwell voted yes and stated Camden County has jurisdiction. Dennis Cowgill voted yes and stated his vote was based on Camden County having jurisdiction. Michael Dreger voted yes and stated the drainage concerns have been met. Shikir Ali voted yes and stated this was not within Pennsauken Township jurisdiction. Joe Blinberry voted yes and stated it was not the jurisdiction of Pennsauken Township. Jim Talarico voted yes and stated it was not in Pennsauken Township jurisdiction. Chairwoman Painter voted yes stating it was within the County jurisdiction.

Jim Talarico moved to approve the waiver on Burling Avenue driveway 75' from the intersection. The motion was seconded by Dennis Cowgill, which carried on roll call vote, with all members voting yes, with the exception of Al Dyer, who did not vote.

The vote was as follows: Larry Cardwell voted yes stating it is reasonable and will help drainage and parking. Dennis Cowgill voted yes stating it is reasonable and helps parking and drainage. Jim Talarico voted yes, stating it is reasonable and helps parking and drainage. Michael Dreger voted yes due to parking and drainage. Shikir Ali voted yes stating the applicant met with neighbors and will improve drainage. Joe Blinberry voted yes stating it meets Township standards. Chairwoman Painter voted yes stating she reviewed documents

John Adams, Planning and Zoning Coordinator, was sworn in by Chairwoman Painter. Mr. Adams stated the applicant re-noticed, taxes are paid, and meets the ordinance requirements of a site plan.

Jim Talarico moved to grant preliminary and final site plan approval. The applicant is to comply with fact finding, testimony and Doug White's letter. The motion was seconded by Dennis Cowgill, which carried on roll call vote, with all members voting yes with the exception of Al Dyer, who did not vote.

The vote was as follows: Jim Talarico voted yes and stated he reviewed testimony, the public input and experts and the Planning Board Engineer's letter. The applicant has a right to develop. Larry Cardwell voted yes stating the applicant met conditions for the waivers and the site plan. Dennis Cowgill voted yes and stated he reviewed the testimony and the Planning Board Engineer's letter. Michael Dreger voted yes stating the applicant was cooperative with the Planning Board and met conditions and safety concerns. Shakir Ali voted yes stating the applicant met requirements. Joe Blinberry voted yes stating the applicant met requirements. Chairwoman Painter voted yes stating the property has been vacant and underutilized. The applicant amended the application to comply with requirements and it is a permitted use.

Review and Amend Resolution for the Waterfront Redevelopment Zone

Solicitor Piarulli provided each Planning Board member a copy of an Ordinance of the Township Committee, County of Camden, State of New Jersey, adopting an amendment to the Waterfront Redevelopment Study Area, Phase 1 for the property identified as Block 1003, Lots 12 and 21. Each member was requested to review this resolution.

The meeting was duly adjourned on motion at 7:45 P.M.

Respectfully submitted,



Mary L. Leonard

Secretary