

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 via Zoom Video Communications. Vice Chairwoman Hannah called the meeting to order at 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Paul Hoyle, Lou Morales, Lysa Longo, Darlene Hannah, Diane Piccari, Collette Jones, Patrick Olivo and Duke Martz. Acting Solicitor Steve Boraske, Esq., Planning and Zoning Coordinator, Gene Padalino and Secretary Nancy Ellis were also on the video call.

The Vice 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.

Collette Jones and Patrick Olivo assumed the seat of absent member Shirley Butler.

HEARINGS:

LORRAINE KELLY-AGUILAR-Seeking 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6 foot wooden fence and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 6616 Lexington Avenue, Block 6109, Lot 28 in Zoning District R-2.

Lorraine Kelly-Aguilar, 6616 Lexington Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Aguilar testified that she would like to replace an existing 4 foot damaged and dry rotted wooden fence with a 6 foot wooden fence. Ms. Aguilar further testified that the fence is to secure her property and keep her dogs safe in her yard. Ms. Aguilar showed pictures of similar fences in her neighborhood to the board.

Upon query, the applicant informed Miss Piccari that there is an existing fence on the right side of the property and she proposes to replace a 4 foot fence with a 6 foot fence on the left side of her property.

Upon query, Mr. Morales was informed by the applicant that there is an existing gate and she will not be installing another one.

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

The Solicitor made the following factual findings: This is an application for a bulk variance relief. The applicant requires 20 feet of relief from the township code front yard setback requirement of 20 feet for a proposed 6 foot wooden fence. The property is located at 6616 Lexington Avenue, Block 6109, Lot 28 in the R-2 Zoning District. The board can grant the applicant the 20 feet of relief as either a C1 hardship or a C2 substantial benefit variance. A hardship variance can be granted when there is a finding by the board that due to the conditions or the shape of the property deviation from our code is warranted to relieve the applicant of hardship and a C2 benefit variance can be granted by the board when the purposes of the municipal land use would be advanced by deviation from our Zoning Board requirements and those benefits would outweigh any detriment to the public good. The applicant's testimony was principally about a substantial benefit variance. The applicant alluded to replacing an existing wooden fence that was damaged by a tree and had rotted away somewhat. Therefore, the new fence will improve the overall visual appearance of the property. The board may consider that as a benefit that the application would advance improving the overall visual, aesthetics and appearance of the property and thereby the township. The applicant also testified that the fence is needed for security and safety, which is another promotion of the general welfare and advancement of the land use law. The benefits have to outweigh any detriment to the public good. There shouldn't be any adverse impact on the neighbors and the application cannot impair the intent of our zoning ordinance.

Miss Piccari motioned to accept the fact finding. Mrs. Longo seconded.

Miss Piccari motioned to grant the variance. She stated that she believes the applicant needs the fence for her security and for the safety of her pets as well. Mrs. Longo seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Darlene Hannah, Diane Piccari, Collette Jones and Duke Martz.

SCOTT NOLTE - Seeking 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6 foot wooden fence and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 2638 Manall Avenue, Block 2906, Lot 17 in Zoning District R-2.

Scott Nolte, 2638 Manall Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Nolte testified that he would like to replace an existing 4 foot chain link fence with a 6 foot vinyl fence. He stated he would like the fence to keep his kids safe, for privacy while using their existing pool and to also help to keep skunks out of his yard.

Upon query, Miss Hannah was informed by the applicant that he will have someone install the fence.

Mr. Nolte showed pictures of similar fences in his neighborhood to the board.

Upon query, Mr. Hoyle was informed by Mr. Nolte that there are other 4 to 6 foot fences in the area. Mr. Hoyle commented that he understood why he needs the proposed fence.

Upon query, Mrs. Longo was informed by the applicant that he will be installing a gate in the rear of the yard for his daughter's friend so that she doesn't have to walk around the block and he will install another gate towards the front of the house.

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

The Solicitor made the following factual findings: This is an application 20 feet of relief from the front yard setback requirement for a 6 foot fence. The property is located at 2638 Manall Avenue, Block 2906, Lot 17 in the R-2 Zoning District. The applicant requires either a C1 or C2 bulk variance to construct the 6 foot fence where it is proposed. The applicant testified that the fence is for security and for the visual and esthetics of the property. There is an existing chain link fence that will be replaced with a 6 foot vinyl fence. The board can consider that the new fencing will improve the overall appearance and esthetics of the property and it may be consistent with other fences in the applicant's neighborhood. The fence will also improve the safety and security for the applicant's children and pets and it will be less likely that wildlife will get into the applicant's yard.

Mrs. Longo motioned to accept the fact finding. Mr. Morales seconded.

Mr. Morales motioned to grant the variance. He stated that he believes the fence will look nice and it will fit the neighborhood and for the applicant's privacy he believes the fence should be approved. Miss Piccari seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Darlene Hannah, Diane Piccari, Collette Jones and Duke Martz.

BRYAN J. BENNETT - Seeking 18 feet of relief from the rear yard setback requirement of 40 feet for a 10' x 24' deck on rear of house and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 5241 Baker Avenue, Block 5611, Lot 5 in Zoning District R-1.

Bryan J. Bennett, 5241 Baker Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Bennett testified that he would like to install a deck overtop of an existing cracked concrete patio in his rear yard.

Upon query, Miss Hannah was informed by the applicant that he proposes to build a wood deck and it will be anchored down to the ground.

Upon query, Miss Piccari was informed by Mr. Bennett that the proposed deck will be 1 foot off the ground and it will be built over a preexisting concrete slab. The applicant further informed Miss Piccari that there will be no access to the deck from the house, only from the yard. The applicant further stated that there were no complaints from his neighbors.

Upon query, Mrs. Longo was informed by the applicant that the deck will be made of pressure treated wood and he will not install railings. He proposes only to build a platform.

Upon query, Mr. Olivo was informed by the applicant that there is an exiting light on the back of his house. Therefore, he will not be installing additional lighting.

Upon query, Mr. Hoyle was informed by the applicant that he will not be installing electric service on the deck.

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

The Solicitor made the following factual findings: This is an application for a bulk variance. The applicant is Bryan J. Bennett and he is seeking 18 feet of relief from the rear yard setback requirement of 40 feet for a proposed 10' x 24' floating deck in the rear of the property. The property is located at 5241 Baker Avenue, Block 5611, Lot 5 in the R-1 Zoning District. The applicant's request for 18 feet of variance relief can be granted as a C1 hardship or C2 substantial benefit variance. The applicant's testimony supported a C2 variance in that the new deck is going to be built from pressure treated wood, will generally improve the overall visual appearance of the subject property and it will also be available for the use by the applicant, the applicant's neighbors, friends and family. These uses somewhat supports the land use law by promoting the public good and the general welfare. The applicant testified his neighbors were in support of the application and there were no members from the public here to object the application. Therefore, it doesn't seem to be much of a detriment to the public good and no substantial impairment of our zoning plan or zoning ordinance.

Miss Piccari motioned to accept the fact finding. Mr. Morales seconded.

Mr. Hoyle motioned to grant the variance. He stated that he sees no detriment and the neighbors don't seem to have a problem with it. Mr. Hoyle further stated that he believes the deck will enhance the applicant's property. Mrs. Longo seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Darlene Hannah, Diane Piccari, Collette Jones and Duke Martz.

Collette Jones left the meeting. Patrick Olivo then assumed the seat for absent member Shirley Butler.

JOE H. NGOV- Seeking a use variance to permit a make-up beauty bar in a P-1 Zone where it is not permitted and any other variances and waivers that maybe required by the Pennsauken Zoning Board. The applicant is also requesting a waiver of site plan. Premises located at 5509 Westfield Avenue, Block 4703 Lot 11 in Zoning District P-1.

Joe H. Ngov, Property owner/Landlord, 428 Woodhaven Road, Philadelphia, PA came forward to testify and was duly sworn by the Solicitor.

Mr. Ngov testified that he is the owner of the property and that the unit that he would like to rent was formerly used as a pharmacy and now his proposed tenant would like to use the property unit as a beauty/makeup shop.

Ms. Nicole Bonille, 2312 47th Street, Pennsauken came forward to testify and was duly sworn by the Solicitor.

Ms. Bonille testified that she would like rent and use the property as a beauty bar. She would like to open the shop to apply girls' makeup, apply eye lash extensions and perform body waxing services to remove hair from faces, under arms, and legs. Ms. Bonille testified that there will only be two employees including herself offering the services. The hours of operation will be Monday, Tuesday, Thursday, Friday and Saturday from 9 AM until 6 PM and they will be closed on Wednesday and Sunday.

Upon query, Miss Hannah was informed by Ms. Bonille that she is licensed and she will have inspections by the Board of Health.

Upon query, Mr. Morales was informed by Ms. Bonille that she will not be styling hair and she will see clients by appointment only.

Upon query, Mr. Martz was informed by Ms. Bonille that she will start off small. However, there is room in the unit to expand her business in the future and employ approximately 4 or 5 technicians. However, as of now, she only intends to have one other technician, herself and 1 or 2 clients at the same time in the shop. Ms. Bonille further informed Mr. Martz that there are awnings on the front of the shop, she will have a sign that lights up so the shop is visible and all services will be done indoors.

Upon query, Mr. Padalino was informed by Ms. Bonille that there is parking in the rear of the building and there parking on the street in the front of the building as well.

Upon query, Mr. Ngov informed Miss Piccari that there are 12 to 13 parking spaces in the rear of the building and there are enough parking spaces for the employees, tenants and customers for each of the 4 units at the site.

Upon query, Mr. Olivo was informed by Ms. Bonille that she will make house calls for bridal parties. However, it depends on the size of the party.

Upon query, Mrs. Longo was informed by Ms. Bonille that the average appointment is approximately 2 to 3 hours long.

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

The Solicitor made the following factual findings: This is an application for a use variance to permit a make-up beauty bar. The property is located at 5509 Westfield Avenue, Block 4703 Lot 11 in the P-1 Zoning District. The P-1 zone does not permit the use proposed by the applicant. The beauty bar use proposed by the applicant, therefore requires a use variance to permit the use at the subject property. A use variance requires five affirmative votes from the board. The standards and criteria are similar to a bulk variance. However, in addition to showing the application advances the purposes of the land use law and there is no substantial detriment or impairment to the public good and zoning plan. The applicant has to demonstrate why the property is particularly suited for the proposed use that ordinarily is not permitted by our township code in the P-1 zone. The applicant testified throughout the hearing that the location is well suited for the use due to its location and the adjacent uses and hair salon. The applicant testified that there are some physical aspects for the property that make it well suited for the proposed use. The storefront, the windows allowing sufficient lighting for the proposed use. As far as purposes for the land use law, the storefront unit is currently vacant. Therefore, bringing in a new use will generate business and potentially result in the hiring of additional township employees and additional members of the township to work in the beauty salon, which promotes the general welfare of the public good and the township. In addition, the applicant is also making efficient use of the open space. Here we have a vacant unit and the applicant proposes to occupy the unit and again, these are purposes of the land use law the board may consider advanced by the application in addition to any others that the board feels that are served by the proposed application. The use variance cannot substantially impair the public good or have adverse impact on the adjacent properties or uses. There is no testimony from the public or any indication that this use would negatively impact the adjacent uses. In some ways the proposed use will compliment the adjacent hair salon use. The application cannot substantially impair the intent or purposes of the township zoning plan.

Miss Picarri motioned to accept the fact finding. Mrs. Longo seconded.

Mr. Martz motioned to grant the use variance. He stated that he believes the business will be low impact and he stated that he does not believe that parking will be an issue to the area. Mr. Hoyle seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Darlene Hannah, Diane Piccari, Patrick Olivo and Duke Martz.

MINUTES:

It was moved, seconded and unanimously agreed to approve the meeting minutes from September 16, 2020.

RESOLUTIONS:

Resolution #Z-2020-18 granting **PHILLIP 5115 LLC** a use variance to permit the continued use of a wholesale establishment in the R-2 zone and to convert the interior of the existing building into three (3) retail rental units, which would front along Route 38, and keep the rear of the building reserved for warehouse and associated office space for the existing wholesale use.

Resolution #Z-2020-22 granting **BRYAN J. BENNETT** 18 feet of relief from the rear yard setback requirement of 40 feet for a 10' x 24' deck on rear of house and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 5241 Baker Avenue, Block 5611, Lot 5 in Zoning District R-1.

BILLS:

None

COORDINATOR'S REPORT:

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:25 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary