

**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. Chairwoman Butler called the meeting to order at 7:20 P.M. and led the flag salute. Roll call disclosed the following members present: Paul Hoyle, Lysa Longo, Shirley Butler, Diane Piccari, Osvaldo Alves, Patrick Olivo and Duke Martz. Acting Solicitor Caitlin Pletcher, Esq., Zoning Board Engineer, Douglas White, Planning and Zoning Coordinator, Gene Padalino and Secretary Nancy Ellis were also on the video call.

Osvaldo Alves assumed the seat of absent member Shirley Butler and Patrick Olivo assumed the seat of absent member Darlene Hannah.

Paul Hoyle sat in as acting chairperson and 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:**

**FRANK LAULETTA-URGENT CARE RE, LLC** - Seeking to construct a one-story restaurant consisting of approximately 1,560 square feet and variances for an off-street loading/unloading area (Block 5836 Lot 1) a variance for parking spaces, a change of use on Lot 1 from a prior medical building complementary of Lot 9 to a commercial use of a "Wingstop" Quickserve restaurant and any other variances or waivers that may be required by the Pennsauken Zoning Board. Premises located at 6602 and 6630 South Crescent Boulevard, Block 5836 Lots 1 and 9 in Zoning District C-2.

Jonathan Gramminger, Esq., came forward to represent the applicant and stated that the site was formerly approved by the Pennsauken Planning Board to be used as an urgent care facility and a medical office. Although the use of a restaurant and an urgent care are permitted in the C-2 zone, the applicant is required to seek approval for a change of use from a medical building to a restaurant.

Mr. Hansraj Agrawal, Owner of Wingstop Quickserve Restaurant (tenant), 31 Stratton Lane, Sewell, NJ 08080, Mr. Eric Hafer, Architect for the applicant, 827 Stone Road, Laurel Springs, NJ, Mr. John Tesoricro, Engineer for the applicant, 1014 Berlin Road, Cherry Hill, NJ 08034, Mr. Frank Lauletta, owner of the property, 13 Berkshire Drive, Sewell, NJ and Mr. Douglas White, Zoning Board Engineer all came forward to testify and were duly sworn by the Solicitor.

Mr. Hafer testified that the urgent care facility is a 1-story building and was built in 2017 and opened in May 2018. Mr. Hafer testified that the site doesn't work for other professionals, such as a doctor or a dentist. Therefore, they would like to use the space at on the site as a restaurant. They will be using the existing foundation, adding parking spaces and install 2 sidewalks for the restaurant. The proposed Wingstop Restaurant will have tables for dining inside. However, most of their business is take out and curbside pickup, especially since the pandemic. Mr. Hafer further stated that the traffic flow through the parking lot will not change. Traffic will enter the site from Route 130 and exit from the site onto Royal Avenue.

Upon query, the applicant informed Mr. Hoyle that the hours of operation for the urgent care are from 8 am until 8 pm 7 days a week. Their peak hours are from 8 AM until 11 AM and they see an average of 60 patients per day. The applicant further informed Mr. Hoyle that they do not test patients for Covid-19 at the site. The applicant testified that they have 14 parking spaces for patient parking and for 4 staff members. They will be adding 25 more parking spaces for the restaurant. The hours of operation for the restaurant will be from 11 AM until 12 AM, 7 days a week and they will have 8 employees. At this time, most of their customers pick up their food at curbside. However, if a customer eats in the restaurant, they are usually finished eating in approximately 25 minutes.

Upon query, Mr. Olivo was informed by the applicant the trash enclosures will be fenced in off of Beacon Avenue.

Upon query, Miss Picarri was informed by the applicant that they will be adding landscaping, there is a lot of space to add the dumpsters and they will increase the trash pickup to two pickups per week.

Upon query, Mr. Hoyle was informed by the applicant that medical waste will be picked up separately from a contractor.

Mr. Martz joined the meeting at 7:40 PM.

Upon query, Mrs. Longo was informed by the applicant that there isn't enough room to store the trash inside the building and it will be taken to the dumpsters at least twice a day.

Upon query, Mr. Hafer informed Mr. Hoyle that there is existing lighting on the lot and they will be adding more lighting at the corner of the lot.

Upon query, Mr. Lauletta informed Mr. Martz that the NJ Department of Transportation will not allow them to add another exit onto Route 130. Therefore, the flow of traffic is to come onto the site from Route 130 and exit onto the side street, which is Royal Avenue. The applicant further stated that when they were before the Planning Board, they wanted traffic to exit the site onto Royal Avenue for safety.

Mr. White discussed several points which were highlighted in his review letter dated January 18, 2021.

The applicant agreed and will comply with all the Mr. White's suggestions, comments and conditions in his review letter.

Shirley Butler joined the meeting at 8:25 PM and was sworn in as a reappointed member of the Pennsauken Zoning Board of Adjustment.

Upon query, Miss Piccarri was informed by the applicant that the Wing Stop Restaurant will face the urgent care and it will be across the parking lot from it.

Upon query, Mr. White was informed that they will add two wall mounted lights on the restaurant building and they will work together with him on a landscaping plan.

The board also agreed to the applicant's signage plan and the preliminary and final site plan approval is contingent upon addressing the issues written in Mr. White's review letter from January 18, 2021.

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 change of use variance and amended preliminary and major, final site plan approval. The applicant is Urgent Care and the subject property is 6602 S. Crescent Boulevard, Block 5836, Lots 1 and 9 located in the C-2 Zoning District. The applicant proposes to use the subject property for both an urgent care and a fast-food restaurant. Both the urgent care use and fast-food restaurant use are permitted uses in the C-2 Commercial Zone. However, our township code requires that because the applicant has proposed a change of use from a change of use medical office to an urgent care and a fast-food restaurant use, a change of use variance and a site plan review is required. Here, the board may consider granting the change of use variance because the applicant proposes two permitted uses in the C-2 Zone. The board may also grant an amended preliminary and final major site plan approval with a site plan and development plan conformed with our adjoining ordinance and the applicable provisions of our site plan ordinance. The applicant may also require certain bulk C variances, design waivers and submission waivers as set forth in our board engineer's letter. As the board knows, C variances can be granted as either a C-1 hardship variance or C-2 substantial benefit variance, where the applicant has satisfied the positive and negative criteria. Submission and design waivers can be granted by the board when they are reasonable under circumstances and justifiable with the testimony and evidence of the applicant. The board should also consider as to whether the board engineer or any members of the public have any objections to the site plan, variances or waivers required. We're looking for a motion to grant the change of use variance and approve the amended preliminary and final major site plan proposal. The conditions of approval include: compliance with the board engineer's January 18, 2021 review letter, which is going to include an acceptable legal written document to address the concerns regarding the fence with the residential owner as set forth in more detail in line #28 of the board engineer's letter. The other condition that was discussed is a maintenance agreement regarding the trash concerns.

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

Mrs. Longo motioned to grant the change of use and the preliminary and final major site plan approval with the conditions stated. She believes it will be a great use as long as the applicant works with the board engineer and complies with all the conditions. Miss Piccari seconded. Roll call: Paul Hoyle, Lysa Longo, Diane Piccari, Osvaldo Alves, Patrick Olivo and Duke Martz-Aye. Shirley Butler-Abstained. None Opposed.

**CORRESPONDENCE:**

None

**MINUTES:**

It was moved, seconded and unanimously agreed to approve the meeting minutes from January 6, 2021.

**RESOLUTIONS:**

**Resolution Z-2020-33-** Granting PB Square LLC a use variance to permit a dental office in an R-3 zone where it is not permitted at the site of the former Wawa store. Premises located at 4325 Haddonfield Road, Block 4207, Lot 1 in Zoning District R-3.

**Resolution No: Z-2021-01-**Pennsauken Township Zoning Board of Adjustment 2021 Reorganization.

**Resolution No: Z-2021-02-**Pennsauken Township Zoning Board of Adjustment- Appointing Solicitor.

**Resolution No: Z-2021-03-**Pennsauken Township Zoning Board of Adjustment- Appointing Engineer.

**BILLS:**

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

T&M Associates-Engineering Services for 7245 Westfield Solar Landscape, LLC **-\$190.00**

T&M Associates-Engineering Services for Wilkins Garcia (LaCocina Restaurant) Parking Lot **-\$570.00**

T&M Associates-Engineering Services for 5115 Phillips LLC (Route 38) **-\$665.00**

T&M Associates-Engineering Services for Alexander Sterin (Laundromat) **-\$890.00**

T&M Associates-Engineering Services for PB Square (Dental Office) Haddonfield Road **-\$475.00**

T&M Associates-Engineering Services for A.C. Pellegrino Auto **-\$952.50**

T&M Associates-Engineering Services for Wingstop Quickserv **-\$923.25**

Florio, Perrucci, Steinhardt & Cappelli-Legal Services for PB Square, LLC **-\$986.00**

Florio, Perrucci, Steinhardt & Cappelli-Legal Services for Regino and Marganta Brito **-\$425.00**

Florio, Perrucci, Steinhardt & Cappelli-Monthly Retainer **-\$1,134.67**

**COORDINATOR'S REPORT:**

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 9:20 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary