

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 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Paul Hoyle, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari, Patrick Olivo, Osvaldo Alves and Duke Martz. Acting Solicitor Steve Boraske, Esq., Zoning Board Engineer, Douglas White, Planning and Zoning Coordinator, Gene Padalino and Secretary Nancy Ellis were also on the video call.

Chairwoman Butler 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.

Osvaldo Alves assumed the seat of absent member Lou Morales.

HEARINGS:

ACJC PROPERTY MANAGEMENT, LLC (Continued from February 17, 2021)-Seeking site plan approval for a parking lot for storage of trucks and containers and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 475 Derosse Avenue, Block 1005, Lot 3 in Zoning District R-3 (Waterfront Redevelopment Zone).

Mr. Padalino announced that this application will be continued to the hearing on May 19, 2021.

RAGHBIR SINGH-Seeking to convert an existing service station repair building to a convenience store. The existing fuel dispensing facilities and operations will remain. The applicant requested use variance relief for the improvements in the event that the modifications are considered an expansion because of pre-existing non-conforming use. The applicant requests minor site plan approval for the improvements or alternatively if it is determined that preliminary and final site approval is required, then preliminary and final site plan approval is requested. The existing service station structure will remain, with the convenience store improvements to be made within the existing service station structure. An 8 square foot sign is proposed on a new 3' x 11' awning, and a new 24 square foot wall sign is proposed on the front of the building. Sign variance relief is requested from ordinance Section 141-86C(2)(a) which only allows two signs and there are 5 signs proposed total, and 4 signs are existing. Furthermore, there presently exists signage totaling 132 square feet and 145 square feet is proposed. If it is determined that the proposed signage requires relief from ordinance Section 141-86C, then a variance is requested. Premises located at 3347 Haddonfield Road, Block 3401, Lot 4 in Zoning District C-1.

Mr. David Hodulik, Esq. came forward to represent the applicant and stated that they have revised the site plan to address the issues discussed with the board and the board engineer at the hearing on March 3rd.

Mr. John Teets, Architect, 415 Horsham Road, Horsham, PA 19044, Mr. Raghbir Singh and Mr. Monty Singh, (applicant's son), 3347 Haddonfield Road, Pennsauken, NJ and Mr. Douglas White, Zoning Board Engineer all came forward to testify and were duly sworn by the Solicitor.

Mr. Teets testified that they have revised the plans to address issues that were brought up when they appeared before the board on March 3rd and they have previously submitted the revised site plan, dated March 18, 2021 to the board. Mr. Teets testified as to the revisions to the parking and they propose to add a retaining wall. Mr. Teets further testified that they will be adding landscaping including 15 arborvitaes to screen the site from the adjacent residential property.

Mr. Martz thanked the applicant for addressing the issues that were brought up at the last meeting.

Mr. Douglas White came forward and went over the highlighted items in his review letter dated February 19, 2021. Mr. White discussed several items with the applicant including reducing impervious coverage to improve the drainage conditions at the site, possibly adding different materials instead of a retaining wall or a fence at the site and also moving the evergreen trees back further off the parking lot and staggering them to grow better. The applicant agreed to all of Mr. Whites comment, recommendations and suggestions and they will work with him to

further address any other issues as set forth in his letter such as the drainage, impervious coverage, lighting, landscaping and the best location for the trash enclosure at the site.

Mr. Teets testified that the applicant requires a variance for the size of the ADA parking stalls, a variance for the number of signs at the site as well as a variance for the square footage of signage.

Upon query, Miss Piccari was informed by the applicant that they will work with Mr. White, revise the site plan accordingly and it will be submitted to the board.

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 use variance relief and site plan approval to permit the use of a non-permitted principal gasoline station use and accessory mini market use at the property located at 3347 Haddonfield Road, Block 3401, Lot 4 in the C-1 Zoning District. The board heard the applicant's testimony as to the operational details at the site, customers coming to and from the site, why they were coming to the site and ultimately, the board determined that the principal use proposed by the applicant is the gasoline station use and the accessory use is the mini mart use. Because of the way our C-1 zoning regulations are written, section 141-81 states that a gasoline station is not a permitted use. Therefore, the applicant required a D1 use variance to permit the gasoline station as the principal use at the site and the mini mart as the accessory use at the site. The board heard testimony on March 3rd from the applicant's attorney and witnesses addressing the positive and negative criteria necessary for the use variance. As the board knows, a D1 use variance can be granted when the applicant shows special reasons such as advancing the intent and purposes of the Municipal Land Use Law and also showing that the property is particularly well suited for the proposed non-conforming use. Some of the purposes of the land use law that may be advanced by the application if the board so determines may include improving the over all visual and esthetic appearance of the subject property, promoting the general welfare of the township. For the negative criteria, the applicant has to show that there is no substantial public detriment or negative impact on adjacent property owners. There were no members of the public who were noticed from this meeting or the last meeting who testified for or against the application and the board may consider that as to whether or not there are any negative impacts on adjacent property owners. The applicant was back before the board this evening for the site plan approval and also to clarify and address any additional relief that was required and address any issues that came up and the deviations. The applicant required additional relief including a variance to permit 11' x 20' ADA parking spaces, which is compliant with state law. However, our township code stipulates the parking spaces have to be a different dimension. Therefore, a variance is required and it one that the board generally grants for almost all site plans. In addition, the applicant has also requested a variance for the non-conforming signage. The applicant is seeking a variance to permit 5 signs as testified to by the applicant, where only two signs are permitted. There will be one pole sign, two canopy signs, one sign on the building and one sign on the awning. The applicant is seeking a variance for 3 signs where only 2 signs are permitted. The applicant also needs a variance for the total square footage of signage. The total square footage of the signs is 145 square feet whereas 132 square feet of signage is the maximum permitted by code. Those are the variances the applicant is requesting as well as the use variance relief and the preliminary and final site plan approval with all the variances stated on the condition the applicant submits the fair amount of additional information as our engineer describes something as a compliance review. There are some outstanding items to address relating to drainage, impervious coverage, lighting, landscaping, the final location of the trash enclosure. Generally, the applicant was agreeable with the engineer's recommendations and anything that has to be compliant with our code. Otherwise, the applicant will be back for a waiver or a variance. Ultimately, the applicant will be submitting a final site plan that's acceptable to the engineer and meets all our code requirements as a condition to the approval as well as securing any outside agency approvals, that may be required.

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

Mr. Hoyle motioned to grant the use variance, preliminary and final site plan approval with bulk variances as requested with all the conditions imposed. Mr. Hoyle further stated he doesn't believe there will be any detriment to the neighboring properties nor to the area. He believes it will be an improvement. Miss Hannah second. Roll

call: Paul Hoyle, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari, Osvaldo Alves and Duke Martz.
None Opposed.

CORRESPONDENCE:

None

MINUTES:

It was moved, seconded and unanimously agreed to approve the meeting minutes from March 3, 2021 and March 17, 2021.

RESOLUTIONS:

Resolution #Z-2021-07 granting **SOLAR LANDSCAPE** a use variance to permit community solar panels which are not a permitted principle use in an LI district and also minor site plan approval in connection with the community solar project. Premises located at 7245 Westfield Avenue, Block 1104, Lot 44, in Zoning District LI (Westfield Redevelopment Zone).

BILLS:

None

COORDINATOR'S REPORT:

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:20 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary