

September 22, 2021

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN

The meeting of the Zoning Board of Adjustment 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 Shirley Butler called the meeting to order at 7:00 P.M. Chairwoman Butler announced the meeting was being held in compliance with the New Jersey Open Public Meetings Act and had been duly advertised. The Chairwoman led the flag salute.

Roll call showed the following members to be present: Dianne Piccari, Paul Hoyle, Duke Martz, Lysa Longo, Eddie DeVilla, Darlene Hannah and Chairwoman Butler, constituting a quorum. Also present were: Stephen Boraske, Solicitor; Gene Padalino, Planning and Zoning Coordinator; Doug White, Engineer; and Mary Leonard, Secretary.

Gene Padalino stated the October 6, 2021 meeting has been changed to October 13, 2021. He further stated Gasper Roofing will be continued until October 13, 2021 and Anthony McFadden will be continued until October 20, 2021.

Gasper Roofing (Jason Jimenez), is seeking to expand the existing non-conforming use of a roofing business in an R-3 zone by expanding an existing gravel area by 80' x 110' and expanding an existing fence by 80' x 110'. The additional 6' wood fence requires 135' of relief from the fence setback requirement of 20'. A variance also is needed to exceed the permitted lot coverage for an R-3 zone and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 6548 Park Avenue, Plate 31, Block 3109, Lot 41 on the Tax Map of the Township of Pennsauken, Zoning District: R-3. (To be continued until October 13, 2021 meeting).

Anthony McFadden, is seeking a use variance to permit a gym and personal training facility in a C-2 zone where it is not a permitted use and any other variances and waivers that may be required by the Pennsauken Zoning Board. The applicant also is seeking a waiver of site plan. Premise is located at 5341 Route 38, Plate 60, Block 6001, Lot 52 on the Tax Map of the Township of Pennsauken, Zoning District: C-2 (to be continued until October 20, 2021 meeting)

William Torelli, is seeking a variance to construct a garage 20' x 31', 12' in height which will exceed the maximum accessory structure size of 400 sq. ft. as per Township ordinance number 141-78(B) and 18 feet of relief from the side yard setback requirement of 20 feet and 3 feet of relief from the side yard setback requirement of 5 feet for an accessory structure and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises is located at 3501 Cooper Avenue, Plate 40, Block 4007, Lot 5 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

William Torelli, 3501 Cooper Avenue, Pennsauken, New Jersey, was sworn in by Solicitor Boraske.

The garage has an enclosed car port, overhead door and a side door.

Duke Martz questioned if the material was metal. Mr. Torelli replied yes. Mr. Martz questioned if the access was a paper street. The applicant replied it was and presented pictures. The garage will be anchored to the concrete.

Paul Hoyle stated the parking area is where the accessory structure is located behind the garage.

Dianne Piccari stated the applicant might need more concrete. The carport is enclosed for antique cars.

Darlene Hannah stated his garage needs more room for storage for antique cars. He can fit two cars.

The color will be gray and black, the same color of the house. The runoff water is pitched away from the neighbors so they will not receive any of his drainage.

#### Public

Chairwoman Shirley Butler opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The applicant is requesting three variances. He is seeking a variance to construct a garage 20' x 31', 12' in height, and 18' relief from the side yard setback requirement of 21' and 3' of relief from the side yard setback requirement of 5' for an accessory structure. It is in the R-3 Zone and complies with the Township Code requirements. The parcel is narrow. It meets the requirement of the Land Use Law. There is no detriment to the neighbors. Lysa Longo moved to accept fact finding, seconded by Dianne Piccari, which carried unanimously by the Zoning Board members.

Duke Martz moved to grant the application based on there is no property behind him. There is concrete already there. The approval is based on testimony and fact finding. Lysa Longo seconded the motion, which carried unanimously on roll call vote.

The vote was as follows: Lysa Longo voted yes as stated. Duke Martz voted yes as stated. Paul Hoyle voted yes as stated. Dianne Piccari voted yes as stated. Eddie DeVilla voted yes as stated. Darlene Hannah voted yes as stated. Chairwoman Shirley Butler voted yes as stated and wished Mr. Torelli well.

Raymond Otero, is seeking 22' of relief from the front yard setback requirement of 30' and 6' of relief from the side yard setback requirement of 25' for a 4' x 8' awning to be constructed on the front of the house and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 4687 Roosevelt Avenue, Plate 57, Block 5708, Lot 15 on the Tax Map of the Township of Pennsauken, Zoning District: R-2 (continued from August 18, 2021).

Raymond Otero, 4687 Roosevelt Avenue, Pennsauken, New Jersey was sworn in by Solicitor Boraske.

Mr. Otero stated he installed the awning himself and did not know he needed a permit. Paul Hoyle stated the awning is OK in the neighborhood. The entire block does not meet the set back. Therefore, it is not out of character.

Lysa Longo questioned if the roof covered the porch. Mr. Otero replied it covers the front door.

Dianne Piccari stated it needed a permit.

#### Public

Chairwoman Shirley Butler opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The applicant is seeking 22' of relief from the front yard setback requirement of 30' and 6' of relief from the side yard setback requirement of 25' for a 4' x 8' awning constructed on the front of the house. There is no detriment to the neighborhood and it meets code. It conforms with the neighborhood. Darlene Hannah moved to accept fact finding, seconded by Duke Martz, which carried unanimously by the Zoning Board members.

Dianne Piccari moved to grant the variances as there is no detriment to the neighborhood and it is an improvement to the property. Lysa Longo seconded the motion, which carried unanimously on roll call vote.

The vote was as follows: Lysa Longo voted yes as stated. Duke Martz voted yes as stated. Paul Hoyle voted yes as stated. Dianne Piccari voted yes as stated. Eddie DeVilla voted yes as stated. Darlene Hannah voted yes as stated. Chairwoman Shirley Butler voted yes as stated.

Eddie DeVilla sat in for Lou Morales.

EJ Montgomery Realty, LLC the applicant potentially seeks a use variance to allow 2 permitted uses on the same property and site plan waiver and also approval of all other variances and approvals that may be required, if it is determined that any additional variances or approvals are required. Premises located at 9215 Collins Avenue, also known as Block 2601 Lot 5 on the Tax Maps of the Township of Pennsauken in Zoning District: LI. Continued from September 1, 2021 meeting.

Laura D'Allesandro, Esq. 21 E Euclid Avenue, Suite 100, Haddonfield, New Jersey 08033 represented the applicant.

Ed Montgomery, 9215 Collins Avenue, Pennsauken, New Jersey was sworn in by Solicitor Boraske.

Attorney D'Allesandro stated Ed Montgomery Realty LLC, owner of the property located at 9215 Collins Avenue, Pennsauken, New Jersey seeks an interpretation from the Zoning Board and, in the alternative, a use variance, to allow the continued renting of parking spaces at the property to approximately 12 to 15 trucks. He has been there in operation since 1996 and purchased it in 2019.

The applicant currently operates a construction contracting business from the premises and also uses part of the site for a separate rental area for outside 3rd party truck parking. The applicant is seeking a use determination by the Zoning Board to determine if a Use Variance is necessary. The construction contracting business uses an existing building for vehicles, materials storage and an associated office.

The change of ownership needs approval for change of use. Mr. Montgomery requested a use variance. It is a permitted use but two uses on one lot is not permitted. Mr. Montgomery stated he has had no issues for over 20 years. He presented aerial pictures which were marked at Exhibit A-1.

The trucks have been rented for over 20 years. The dump truck goes out every day. One tractor trailer goes out a day. Sometimes it is out over night and sometime a week. The property is lighted and has security. The fence is locked at 5:00 P.M. All tenants have keys. There business trucks are parked separately from the rented ones.

The applicant proposes no exterior modifications to the building, no change to the property ingress or egress and no increase in or rearrangement of the existing off street parking.

Attorney D'Allesandro stated the proposes property would not have a negative impact on the zone plan or the neighborhood. There will be no substantial detriment to the public good nor a substantial impairment to the purpose of the zone plan.

Eight photos were presented and marked as Exhibit A-2. Mr. Montgomery stated the parking area was paved one year ago. The driveway apron was also done one year ago. They keep the property maintained. If anything needs repair, they will repair it. They have no problems with the neighbors and there is no conflict or accidents.

Dianne Piccari stated they have made improvements. There are no problems with drainage. The office is on the second floor in the garage.

Creigh Rahen Kamp, Planner, Riverton, New Jersey was sworn in by Solicitor Boaraske.

Mr. Kamp stated there are two permitted uses but two are not permitted on the same lot. There is no detriment to the neighborhood. There is nothing around the property, it is an isolated place. There is no negative impact.

Dianne Piccari stated the applicant has cleaned up the property but where the trucks are parked needs to be cleaned up of debris. The applicant agreed to clean it up.

Doug White, Planning Board Engineer, was sworn in by Solicitor Boraske.

Mr. White reviewed his letter dated July 7, 2021. He recommended that the applicant should agree to perform site maintenance to bring the site up to acceptable standards. This might include replacement of damaged fence and replacement of damaged curbs and sidewalks along the site frontage of Collins Avenue. A driveway apron also to help contain loose stone and sediment from the site. The parking areas on the site are not paved nor fully stabilized.

The storage material in the yard is not to be in front of the building. The area needs site maintenance. The fence is damaged. The fence and the curb need repair.

The applicant has C boxes which is used for storage of tools. The applicant was instructed to check with Code regarding the proper maintenance and if the storage bins are permitted.

Darlene Hannah questioned if the storage containers had wheels. The applicant replied they do not. They are used for space tires and tools.

#### Public

Chairwoman Shirley Butler opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The applicant is seeking a use variance to allow 2 permitted uses on the same property and site plan waiver. They are two permitted uses on the same property. It is a general contracting business and it rents out parking spaces on the property. The lot has one building. The use variances have no negative impact on the neighborhood and complies with the Zoning Plan. The two uses are appropriate with the Zoning Ordinance and there is no detriment. The applicant is to comply with Doug White's letter dated July 7, 2021. There is to be no material stored in the front yard. The property is to be maintained. The trailer parking is an existing condition. The use variances and site plan are proper.

Lysa Longo moved to accept the fact finding, seconded by Dianne Piccari, which all members of the Zoning Board agreed unanimously.

Duke Martz moved to grant the variances and the site plan with the conditions that the property is properly maintained and the curb and fence be repaired. The applicant is to comply with testimony and Doug White's letter dated July 7, 2021. The motion is seconded by Paul Hoyle, which carried unanimously on roll call vote.

The vote was as follows: Paul Hoyle yes stating it is an improvement and it is pre-existing. Lysa Longo voted yes as stated. Duke Martz voted yes as stated. Dianne Piccari voted yes as stated. Eddie DeVilla voted yes as stated. Darlene Hannah voted yes as stated. Chairwoman Shirley Butler voted yes as stated and instructed the applicant to keep the property maintained.

#### Resolutions

Resolution Z-2021-26 was presented granting Elsie Davis 6 feet from the front yard setback requirement of 25 feet for a 24' x 10' covered porch and any other variances that may be required by the Pennsauken Zoning Board. Premises located at 1912 Hollinshed Avenue, Plate 6, Block 612, Lot 15 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

Resolution Z-2021-27 was presented granting Juan Parra-Calle 25' of relief from the rear yard setback requirement of 30' for a 12' x 12' rear porch overhang and also a variance to exceed the allowable building coverage of 30% for an R-3 zone and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 1653 Tinsman Avenue, Plate 7, Block 705, Lot 18 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

Resolution Z-2021-28 was presented granting Benjamin Robles/Raymond Robles a variance to construct a 24' x 26' garage in rear yard which will exceed the maximum accessory structure size of 400 square feet as per Township ordinance number 141-78(B) and also 5 feet of relief from the rear yard setback requirement of 5 feet and 3 feet of relief from the side yard setback requirement of 5 feet and any other variances and waivers that may be required by the Pennsauken Zoning Board, Premises located at 6175 Harvey Avenue, Plate 50, Block 5005, Lot 13 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

Resolution Z-2021-30 was presented granting M & G Detailing LLC a use variance to permit office, warehouse and interior auto detailing where it is not a permitted use. Premises located at 5825 Clayton Avenue, Suite A, also known as Block 5401, Lot 22 on the Tax Map of the Township of Pennsauken, Zoning District: R-2.

Darlene Hannah moved the resolutions be adopted, seconded by Dianne Piccari, which carried unanimously on roll call vote.

#### Minutes

Dianne Piccari moved to approve the minutes of September 1, 2021, seconded by Lysa Longo, which carried unanimously on roll call vote.

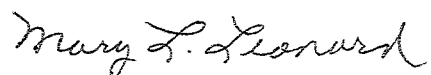
#### Bills

Bills were presented from Floria, Perrucci, attorneys for legal work in the amount of \$3,882.17. Lysa Longo moved the bills be paid, seconded by Darlene Hannah, which carried unanimously on roll call vote.

Gene Padalino stated the October 6, 2021 meeting of the Pennsauken Zoning Board has been moved from October 6, 2021 to October 13, 2021.

The meeting was duly adjourned on motion at 8:40 P.M.

Respectfully submitted,



Mary L. Leonard

Secretary

