

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 at the Pennsauken Municipal Building, 5605 N. Crescent Boulevard, Pennsauken, New Jersey.

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, Lou Morales, Shirley Butler, Darlene Hannah, Diane Piccari, Patrick Olivo and Duke Martz. Acting Solicitor Steve Boraske, Esq., Zoning Board Engineer, Douglas White, Planning and Zoning Coordinator John Adams and Secretary Nancy Ellis were also present.

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.

Mr. Olivo assumed the seat of absent member Lysa Longo.

HEARINGS:

MARIA SMITH - Seeking 2 feet of relief from the pool side yard setback requirement of 6 feet and 5 feet of relief from the deck and pool setback requirement of 5 feet for an 18 foot above ground pool and any other variances required by the Pennsauken Township Zoning Board of Adjustment. Premises located at 6724 Grant Avenue, Block 3013, Lot 14 in Zoning District R-3.

Maria Smith, 6724 Grant Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Smith testified that she is seeking the relief requested in order to obtain permits for a preexisting deck and pool on her property. The previous owners installed the deck and pool and they did not have the proper permits to do so.

Upon query, the applicant informed Mr. Martz that the previous owners installed the pool and the deck in 2007 and when she purchased the home in 2017, she was informed there were no permits for either of them and that she needed to obtain them.

Ms. Smith submitted a letter to the board from her neighbor who was unable to attend the meeting. The letter stated that the neighbor had no problem with the pool or the deck that was on his side of the applicant's property adjoining his.

The letter from the applicant's neighbor was marked into evidence as A-1.

Upon query, Miss Hannah was informed by the applicant that she does not intend to make any alterations to the existing pool or deck.

Upon query, Mr. Hoyle was informed by the applicant that there is a fence surrounding her entire property.

Upon query, the Solicitor was informed by the applicant that it would be a hardship to dismantle the pool and the deck and rebuild them to conform to the ordinance. The applicant further informed the Solicitor that she doesn't believe the pool or deck is a detriment they are clean, operational and maintained.

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

The Solicitor made the following factual findings: This is an application for bulk variance relief. The applicant is Maria Smith and the subject property is located at 6724 Grant Avenue, Block 3013, Lot 14 in Zoning District R-3. The applicant is seeking variances for the following preexisting non conforming conditions: 2 feet of relief from the township's pool side yard setback requirement of 6 feet and 5 feet of relief from the townships deck and pool setback requirement for an 18 foot above ground pool. The applicant has testified that it would be a financial hardship to dismantle the pool and rebuild it to be

compliant with the township code requirement and also that there is no negative impact or detriment to leave the pool as it is.

Miss Hannah motioned to accept the fact finding. Miss Piccari seconded.

Mr. Martz motioned to grant the application. He stated he didn't believe there is a detriment and the pool has existed for 12 years and he sees no issue to keep it where it is on the property. Mr. Hoyle seconded. Roll call: Paul Hoyle, Lou Morales, Shirley Butler, Darlene Hannah, Diane Piccari Patrick Olivo and Duke Martz-Aye. None opposed.

CLUTCH SHOT AXE THROWING, LLC-Seeking a use variance, bulk variance and waiver of site plans for a recreational commercial use to operate a facility for the sport of axe throwing in the R-3 (Residential) zone in Pennsauken Township. Premises located at 8407 River Road, Block 1604, Lot 6 in Zoning District R-3 & Redevelopment.

Mr. Robert Baranowski, Esq. came forward to represent the applicant and he described the application.

Mr. Terry Combs, The Pettit Group, Professional Planner for the applicant, The applicant, Mr. Jason Patton, owner and operator of Clutch Shot Axe Throwing, LLC and Mr. Douglas White, T&M Associates, Zoning Board Engineer came forward to testify and all were duly sworn by the Solicitor.

Mr. Patton testified that he started a heating and air conditioning business 11 years ago and 4 years ago he moved to Pennsauken and purchased the building. At the time, he found that the building suited his needs. Mr. Patton testified that he wants to get out of the construction business and use his property as an axe throwing facility. He further stated that one of the first axe throwing facilities to open in the area is in the Kensington section of Philadelphia, and since then there have been several facilities in the area that have opened and are doing very well. It's a fun activity and not the typical activity such as bowling, playing darts or shooting pool. He believes his building is suitable for the axe throwing business in that it's large and bright with large picture windows and sky lights. Mr. Patton further described his plans for the business and the operation of the business.

Upon query, Mr. Martz was informed by the applicant that he proposes to have 4 stalls and there will be 2 lanes per stall.

Upon query, Mrs. Butler was informed by the applicant that there will be no food service at the facility. The patrons will be permitted to bring their own food, drinks and alcoholic beverages which are limited to cider, beer or wine. Hard liquor is not allowed for insurance purposes. The applicant further informed Mrs. Butler that he will provide ice and refrigerators for the patrons as well.

The applicant further testified as to the parking, noise and trash at the property. Mr. Patton further stated that if he is approved, he would like to open the facility by the beginning of May.

Upon query, Mrs. Butler was informed by the applicant that there will be tables and chairs at the facility as well as a knee wall divider, such as like in a bowling alley to use for food and drinks. Mr. Patton further informed Mrs. Butler that there are unisex restrooms at the facility and they are handicap accessible.

Mr. Hoyle commented about the parking on site and he has concern for patrons backing out onto River Road. The applicant informed Mr. Hoyle that the building was previously used as a welding shop.

Mr. Martz commented that he doesn't believe there is an issue for cars to back out onto River Road. The residents who live on River Road have been backing out of their driveways for years.

Mr. Terry Combs, Professional Planner came forward to testify and described his credentials to the board.

The board accepted Mr. Combs as an expert witness.

Mr. Combs referred to an Aerial plan of the site as well as a Site Plan which depicted the existing conditions and the proposed improvements on the site.

The Aerial Plan of the site was marked into evidence as A-1 and the Site Plan of the existing conditions and proposed improvements at the site was marked into evidence as A-2.

Mr. Combs testified as to the existing non-conforming conditions at the site and the requested variances, a landscaping and screening plan, which will reduce the impervious coverage at the site. Mr. Combs further testified as to the positive and negative criteria of the application and he stated that the improvements will benefit the surrounding area and the proposed use will not impair the zoning plan.

Mr. Douglas White, Zoning Board Engineer came forward to testify.

Mr. White reviewed bullet points from his letter dated February 7, 2019. The applicant agreed to all of Mr. White's comments and suggestions.

Upon query, the applicant informed Mr. Olivo that the patrons must make reservations to participate in axe throwing either by calling or by signing up online. They will not accept walk-ins.

Upon query, Miss Piccari was informed by the applicant that they will be using the current lighting at the site. The applicant further informed Miss Piccari that for insurance purposes they will not permit hard liquor to be brought into the facility and they will schedule their last axe throwing session at 10:00 PM and close by 11:00 PM.

Upon query, Miss Hannah was informed by the applicant that the patrons must be 21 or older and provide government ID to participate in the axe throwing. Miss Hannah was further informed by Mr. Patton that for safety purposes, all patrons must wear closed toe shoes to participate. Heels, open toe shoes or flip flops are permitted when throwing axes. The applicant further informed Miss Hannah that he believes the location of the building is perfect because it's on a main road and it is visible to traffic and there are several industrial parks and businesses in the area with many employees who may want to participate in axe throwing after work.

Upon query, Mr. Morales was informed by the applicant that he doesn't anticipate any problems. However, if necessary, he will call the police for assistance.

The meeting was open to the public.

Jane Blaney, 8357 Stow Road came forward to testify and was duly sworn by the Solicitor.

Ms. Blaney expressed her concerns for the noise from the site and the evening business hours.

Mr. Mark Van Deusen, 420 Bridgeview Road came forward to testify and was duly sworn by the Solicitor.

Mr. Van Deusen expressed his concerns for noise from the sites as well as the property maintenance.

Mr. Emil Frenzel, 8419 River Road came forward to testify and was duly sworn by the Solicitor.

Mr. Frenzel testified he lives next door to the site and stated that Mr. Patton has cleaned up the property and has done a wonderful job maintaining it.

Mr. John Adams, Pennsauken Zoning Officer, 3825 Gladwyn Avenue came forward to testify and was duly sworn by the Solicitor.

Upon query, Mr. Adams was informed by the applicant that they can create a walking path within the property rather than patrons using the sidewalk to walk to the entrance of the building.

There being no one else 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 and minor site plan approval. The applicant is seeking approval for several bulk variances and to use the facility for axe/hatchet throwing. The subject property is located at 8407 River Road, Block 1604, Lot 6 in Zoning District R-3 and Redevelopment. Township code section 141-78 does not permit axe throwing in the R-3 residential zone. The only uses that are permitted are for single family residential homes, agricultural activities and home occupations and uses similar to these. The applicant requires a use variance in order to operate the axe throwing business. The Solicitor informed the board as to what is required for the applicant to testify to in order to be granted a use variance.

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

Mr. Morales motioned to grant the use variance. Mr. Hoyle seconded. Roll call: Paul Hoyle, Lou Morales, Shirley Butler, Darlene Hannah, Diane Piccari and Patrick Olivo-Aye. None opposed.

Mr. Hoyle motioned to grant the minor site plan approval with all conditions imposed and stated by the Zoning Board Engineer and Solicitor. Mr. Morales seconded. Roll call: Paul Hoyle, Lou Morales, Shirley Butler, Darlene Hannah, Diane Piccari and Patrick Olivo-Aye. None opposed.

MINUTES:

It was moved, seconded and unanimously agreed to approve the meeting minutes from February 6th 2019.

CORROSPONDENCE:

None

RESOLUTIONS:

None

BILLS:

It was moved, seconded and unanimously agreed to approve payment for the following bills:

3/6/2019-Florio, Perrucci, Steinhardt & Cappelli-Monthly Retainer-*\$1,134.67.*

3/6/2019- Florio, Perrucci, Steinhardt & Cappelli-Prepared Resolution for Thi Phuc Huynh-*\$288.00*

COORDINATOR'S REPORT:

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 7:50 P.M.

Respectfully submitted:



Nancy I. Ellis, Board Secretary