

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: 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, Gene Padalino and Secretary Nancy Ellis were also on the video call.

The 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.

HEARINGS:

REGINO & MARGANTA BRITO - Seeking 12 feet of relief from the rear yard setback requirement of 30 feet to permit the installation of a 16.4' x 18.7' rear roof attached to the house over an existing patio and any other variances or waivers that may be required by the Pennsauken Zoning Board. Premises located at 6614 Woodland Avenue, Block 5828, Lot 8 in Zoning District R-3.

Mr. Regino Brito, 6614 Woodland Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Regino's son translated for him and he stated that he would like to install a roof over top of an existing concrete slab on their property to be used for additional space to spend time and enjoy with their family.

Upon query, Miss Piccari was informed by the applicant that the existing concrete slab does not need to be repaired, they will not be enclosing the structure nor will they be adding electrical service to the structure. There is an existing light on the house. Miss Piccari suggested that a condition to the approval be imposed that the structure will not be enclosed.

Upon query, Miss Hannah was informed by the applicant that the roof will have downspouts for water runoff and he will be installing the roof himself.

Upon query, Mrs. Butler was informed by the applicant that there will be no steps or a railing around the structure.

Upon query, Mr. Morales was informed by the applicant that the roof will cover the back door of the existing house and there is no need for steps. The structure will be similar to a car port, it will be attached to the house, the roof will have gutters and downspouts and it will be made of metal.

Upon query, Mr. Martz was informed by the applicant that the structure will be built on the right side of the house and it will be made of wood with a metal roof. The applicant further informed Mr. Martz that the structure is to provide shade and for their families' enjoyment.

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 to permit the installation of a rear roof over an existing concrete slab and existing patio. The roof will be attached to the principal residence located at 6614 Woodland Avenue, Block 5828, Lot 8 and the property is located in our R-3 Zoning District. The applicant's improvement proposal is to add a roof to the back patio and it requires 12 feet of relief from the rear yard setback requirement of 30 feet. The result of the improvement will encroach on the R-3 zones minimum requirement for the rear yard. The board can approve the application as either a C1 hardship variance or a C2 substantial benefit variance. The board can grant a C1 when the existing conditions or improvements result in a hardship for the applicant. The board knows a hardship variance can be granted due to the existing conditions and the shape of the of the property. We can permit deviation from our zoning code requirements to alleviate the hardship on the applicant of having to comply with the zoning requirements. A C2 variance, which the board can grant when the application advances the purposes of the land use law and the benefits of the application will outweigh any detriment to the public good. The relief cannot substantially impair the intent and purpose of our township zoning plan and cannot create the substantial detriment to the public good. The applicant testified that generally improving the overall visual appearance and esthetics of the property and will be using the installation for recreation and relaxation particularly with the pandemic and people generally having less places to go and in addition the roof over the patio may improve the visual appearance of the property and based on the applicant's testimony on how it will be constructed and what it may ultimately look like.

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

Miss Hannah motioned to grant the application and stated that the roof over the patio will be beneficial for his family to use for their enjoyment, it will enhance their property and the neighborhood. Miss Piccari seconded. Roll call: Lou Morales, Shirley Butler, Darlene Hannah, Diane Piccari and Duke Martz-Aye. None Opposed.

Patrick Olivo joined the meeting at 7:30 and assumed the seat of absent member Lysa Longo.

PHILLIP 5115 LLC - Seeking preliminary and final major site plan approval for the proposed parking lot improvements together with the following variances for maximum impervious coverage in the C-2 zone, maximum building coverage in R-2 zone and multitenant freestanding sign-one ground sign for four or more retail establishments. The applicant also seeks any other variances, waivers and approvals that may be required. Premises located at 5115 Route 38 West, Block 600, Lot 55 in the C-2 and R-2 Zoning Districts.

Ms. Laura D'Allessandro, Esq., came forward to represent the applicant. Ms. D'Allessandro referred to Exhibit A-1, an aerial view of the site, gave an overview of what the applicant is seeking and stated that the applicant was before the board on September 2, 2020 and was granted Use Variance approval for the project.

Mr. Terrance Combs, Professional Planner, Brian Cleary, Professional Engineer, both from The Petite Group, Sewell NJ, and Mr. Douglas White, Zoning Board Engineer all came forward to testify and were duly sworn by the Solicitor.

Mr. Combs, previously accepted by the board as an expert witness came forward to testify.

Mr. Combs testified that their site plan is consistent with the use variance plan they presented to the board on September 2nd. The property is in a split zone predominately in the C-1 commercial zone and part of the site along Garden Avenue is in the R-2 Residential Zone. Mr. Combs testified that the building coverage exceeds what's permitted in the R-2 zone, they will be adding paving and will be increasing the impervious coverage from 51% to 64% and 65% of impervious coverage is permitted in the R-2 zone. Mr. Combs testified as to the variances and existing conditions at the site. Mr. Combs testified they will be reducing the impervious coverage by removing paving and installing the required 6-foot buffer, they will organize the parking lot by adding landscape islands. Mr. Combs testified as to the building façade upgrades and they will be adding parking spaces to the site. The main parking lot will be in front of the building. The site access will remain the same. Mr. Combs further testified that they will create 2 new 12,000 SF foot retail spaces, the existing business, Medicare will retain the warehouse space in the rear of the building and they will also occupy 1 of the retail spaces in the front of the building. There are 3 loading doors on the side of the building for deliveries and 2 retail spaces can unload at the front-loading door as well. Mr. Combs further testified that they will be adding a fenced-in dumpster enclosure with a gate to create a concealed area. They will remove an existing chain link fence along Garden Avenue and replace it with a 6-foot vinyl fence. Mr. Combs referred to Exhibit A-3, a Rendered Landscaping Plan which depicted a green space and parking lot, street trees on Skinson and Garden Avenues, a patio with a water feature and parking lot islands. Mr. Combs testified that they will remove an existing pylon sign and install a monument sign. The monument sign will be near the patio area and it will be 50 sq. ft. x 25 sq. ft. in size. Half of the sign will identify each tenant in the building and the other half of the sign will have a programed LED sign to occasionally change messages on the sign. Mr. Combs referred to Exhibit A-5 which depicted the proposed façade signs to identify the businesses in each unit. The façade signs will be consistent in size and type and they are proposing 186 sq. ft. of signage where 236 sq. ft. of signage is permitted. Therefore, they will be under the square footage for signage as permitted by ordinance.

Mr. Brian Cleary came forward to testify and described his credentials. The board accepted Mr. Cleary as an expert witness.

Mr. Cleary testified he prepared the site plans for this application and he addressed the comments in the Zoning Board Engineer's letter dated November 25, 2020. Mr. Cleary testified as to the submission waivers they are seeking. They previously submitted a survey to the board for the use variance application. However, if the board needs surveys resubmitted for this application, they will provide them. Mr. Cleary further stated he will be providing drainage calculations to the board engineer as well as a traffic statement he will be submitting to the D.O.T. They will also be submitting an application to the County Conservation District prior to final approval. The applicant will also provide an environmental impact statement to the board and he stated that he believes the improvements that are being made at the site will improve the environmental aspects. Mr. Cleary also testified as to the size of the ADA parking spaces at the site, as well as the site triangle as it relates to the monument sign. The monument sign is located 150 feet away from the entrance and he doesn't see any issues with the site triangle. Mr. Cleary also addressed the drainage and the stormwater management as well as the lighting at the site.

Mr. Douglas White came forward and went over points from his review letter dated November 25, 2020.

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

Upon query, Mr. Martz was informed by the applicant that they will provide a revised architectural rendering of the façade of the building.

Upon query, Miss Piccari was informed by the applicant that the driveway is for deliveries and customer access. The driveway will be open not gated. The applicant further informed Miss Piccari they will be replacing an existing chain link fence with a vinyl fence and it will be placed right up to the driveway on Sinkinson Avenue.

Upon query, the Solicitor was informed by the applicant that they will require a variance for a non-conforming buffer strip.

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 preliminary and final major site plan approval to permit the proposed retail units and also use of an existing building at the subject property 5115 Route 38 West, Block 6001, Lot 55 in a split zone lot located in the township C-2 and R-2 zones. The application was approved for a use variance to permit the use of the property for the use of the property in the R-2 zone earlier this year by way of Resolution #Z-2020-18. The applicant was also granted certain bulk variances and waivers with that use variance and one of the conditions of approval was the applicant would submit for final major site plan approval. In connection with the preliminary and final major site plan approval the applicant does require some waivers and several additional variances some of which are only to address existing non-conformities on the site. For submission waivers, the applicant requires temporary waivers from submitting a survey, stormwater and drainage, traffic study and evidence of outside agency approvals all of which the applicant has agreed to supply. So, the waiver for those items will be just a temporary waiver and the applicant also requested a permanent waiver for not having to submit an environmental impact study. Those waivers were called out in our Zoning Board Engineer's review letter and were discussed by our engineer and the applicant's professionals and generally there was no objection to those submission items including the waiver of the environmental impact study. There were two additional waivers, one is the parking lot area lighting 141-69 A 8d of our code requires a minimum of 1.0-foot candles whereas less than 1.0-foot candles are proposed in certain areas of the parking lot. The applicant's engineer and the board engineer will work together to sufficiently illuminate the site. Section 299-61 A 5, the ADA parking space dimensions are required to be 12 foot by 20 foot whereas 8 foot by 18 foot are proposed. For the variances, building coverage 30% is permitted in the R-2 Zone and there is 49% existing. That is an existing condition and it will not be changed. For the impervious coverage, 85% is permitted in the C-2 Zone and there is 88% existing impervious coverage. The applicant is bringing the impervious coverage down to 87%. Technically, a variance is required although the applicant is bringing the existing non-conformity closer to our code requirement. The third variance discussed was relating to the buffer strip. There is a requirement in our code for the buffer strip to be a continuous mass of 5 feet or higher of trees that continuously restricts clear view beyond the buffer strip. The applicant will do their best to meet that requirement and they are proposing a non-conforming buffer strip as it is depicted on the applicant's plans and the rendered landscaping plan. So, the applicant will need a variance to not strictly adhere to that provision but will finalize that design also with the Zoning Board Engineer. Those are the waivers, variances and conditions. The applicant will comply with the board engineer's comments and recommendations as agreed to by the applicant's witnesses on the record tonight and possibly in some cases are subject to what the D.O.T. will permit the applicant to do. There were some specific comments called out that the applicant would need relief from. Another condition discussed was that delivery trucks not be permitted to stop and unload in the front parking lot. A third condition is that the applicant will write up and finalize that the final sign design detail will be submitted to the board engineer. Obviously, the sign will generally be the design that was presented this evening and it has to comply with all the code requirements relating to signage and it will be submitted to the board engineer for his review and if there is any issue with finalizing the details with the engineer, the applicant will have to come back to the board for an informal look at the proposed signage.

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

Mr. Martz motioned to grant the preliminary and final major site plan with all the temporary and permanent site plan waivers requested, the variances and conditions imposed. Mr. Martz stated he believes the applicant will improve the appearance of the aging building at the site, they're going to add some greenery around the building and they have listened to the board's concerns and addressed most of them. They also have not encroached outside the property line that would affect the neighbors who live around the site. Mr. Morales seconded. Roll call: Lou Morales, Shirley Butler, Darlene Hannah, Diane Piccari, Patrick Olivo and Duke Martz-Aye. None Opposed.

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

Mr. Carlos Scaramella, Esq. came forward to represent the applicant. Mr. Scaramella testified that his client is seeking a Use Variance. The site is currently vacant, it was formerly used as a Wawa convenience store for approximately 20 years and it is located in the R-3 Residential Zone. Dr. Sapienza is the contract purchaser of the property, he has been running his practice for over 30 years in Merchantville and he would like to expand his practice to this location. Mr. Scaramella further stated that there will be no changes to the structure, there is ample parking and the property is appropriate for a dental practice.

Dr. Gary Sapienza, 311 East Maple Avenue, Merchantville NJ and Mr. Clifton Quay, Licensed Engineer and Professional Planner, 10000 Midlantic Drive, Mt. Laurel, NJ came forward to testify and were both duly sworn by the Solicitor.

Dr. Sapienza testified that he has been running his dental practice from his home for approximately 30 years. His daughter is a dentist and has joined the practice. Therefore, they need more space to expand their practice. Currently, their dental office is approximately 800 sq. ft. and the former Wawa building will provide them with 3,500 to 4,000 sq. ft. to run their practice. The applicant presented a copy of the Pennsauken Township Zoning map, previously marked into Evidence as A-2 which indicated that the site is located in the R-3 Residential Zone. The applicant presented a Site Plan, previously marked into Evidence as A-1. Dr. Sapienza described the area and stated that the Pennsauken Country Club and the Bayada office building are across the street from the property, there are retail stores to the right and to the left of the property and there is a residential neighborhood behind the property. Mr. Sapienza further testified he would like to expand his dental practice from 4 dental chairs to 8 dental chairs and expand his staff from 8 to 12 employees. The practice is open 12 hours a day Monday thru Thursday, 6 hours on Friday and Saturday and closed on Sunday. The applicant testified that they will be able to see approximately 36 patients over the course of a day. Dr. Sapienza further stated that they are not making any changes to the outside of the building, the parking area or the ingress or egress at the site.

Mr. Clifton Quay, Professional Engineer & Planner came forward to testify and described his credentials to the board. The board accepted Mr. Quay as an expert witness.

Mr. Quay referred to Exhibit A-1, the Site Plan and described the surrounding area, uses and zones. Across the street from the property is the Bayada office building and it's located in a C-1 Commercial Zone, to the northeast is the Pennsauken Country Club, to the north there is a railroad and the school property, which is in a T-1 Township Zone and the R-3 Residential Zone is located southwest of the property and across Gladwyn Avenue is also a part of the R-3 Residential Zone. The applicant presented an aerial photograph of the site and it was previously marked into evidence as A-3. Mr. Quay stated that the property is located on Haddonfield Road, which is a heavily traveled road. There is currently a substantial buffer of evergreen trees and a 6-foot-high, wooden fence along the Gladwyn Avenue side (west side) of the property. Mr. Quay testified that he read the Zoning Board Engineer's letter and they would like to treat this as a site plan waiver as opposed to a minor site plan. They are not seeking to make modifications to the site other than what would be characterize as maintenance. Mr. Quay testified that they will restripe the parking lot, they will maintain the parking bumpers along the front portion of the lot on Haddonfield Road, the rest of the parking spaces along the front of the building have bollards or have curbs in front of them and they are appropriate from a parking standpoint. Mr. Quay further testified that the property was already subject through a use variance for commercial use and the use of the property as a dental office is a much less intense use than it was as Wawa. The Wawa had a lot of traffic and long hours. They are seeking to modify the variance to an office use with substantially less hours, substantially less traffic and will have substantially less impact on the adjoining residential neighborhood. Mr. Quay testified that there is a well-established buffer along the back of the property. The proposed use is a deintensification of what was previously granted and that of in itself is a benefit to the neighborhood and to the community. Also, a business will be coming in to service the community and move that business into a building that is currently not being utilized is good from a zoning standpoint and it promotes the general welfare. Mr. Quay further testified that the proposed use is particularly suited in that there is sufficient parking at the site that fits the township code requirements and the size of the building fits the needs for the dental office. With exception of one non-conforming setback to the former site plan, the site meets all the other bulk requirements of the zone in its existing form. There is no substantial detriment to the zone plan or the zoning ordinance nor is there any substantial detriment to the public good. Mr. Quay testified that the benefits to adapting an office use

where there is currently a variance for commercial use represents a substantial benefit to the community and also using a building that is currently vacant is an excellent adapt of reuse.

Mr. Morales stated he believes bringing a dental office to the site is a great idea. He stated that the property has been vacant for a very long time, it will bring revenue to the township and it's an improvement. Mr. Morales further stated he would like to see the property "spruced" up and give it "curb appeal".

Mr. Martz stated he thinks it's a great idea. He further stated that there is some work to be done to fix up the property that Wawa, unfortunately didn't keep up on. Mr. Martz welcomed Dr. Sapienza to Pennsauken.

Miss Piccari also agreed it's a great idea and she would also like to see improvements to the exterior of the site.

Miss Hannah stated she is in agreement that it's a great idea as well.

Mr. Olivo stated he believes it a great idea and thanked Dr. Sapienza for bringing his business to Pennsauken.

Mrs. Butler stated she is in agreement with the rest of the board.

Mr. Douglas White came forward to go over items listed in his review letter dated November 17, 2020. Mr. White further stated that he believes there shouldn't be a site plan waiver, but a waiver of significant elements of the site plan preparation and he would like to see a one-sheet plan prepared that documents all the things that need to be done at the site.

The Solicitor stated the board needs to decide if a minor site plan with a number of waivers is necessary, as recommended by the Zoning Board Engineer or if the applicant should be granted a site plan waiver.

Mr. Martz motioned to grant a site plan waiver. He stated he is familiar with Dr. Sapienza's dental practice in Merchantville and he believes he will make sure the property is ecstatically pleasing for his patients and for the community. Mr. Martz highly suggested the minor site plan be waived and if the property isn't maintained properly, the township code enforcement office can encourage Dr. Sapienza to make the necessary repairs.

On voice vote, the board unanimously agreed to waive the minor site plan.

The Solicitor stated that the improvements the board has called out will be conditions of approval. The conditions to the approval are restriping the parking spaces, fixing up landscaping, making some façade work and improvements, inspection of the lights and ensuring they are operational, providing an ADA ramp and that the proposed signage will comply with township code requirements.

The meeting was open to the public.

Ms. Allison Braun, 4311 Gladwyn Avenue, came forward to testify and was duly sworn by the Solicitor.

Ms. Braun testified that she has lived at the property directly behind the building for approximately 20 years and she sat in on the meetings when Wawa did the revision and expansion and the requirements for the wood fence, the landscaping, shrubs and lighting. Ms. Braun further testified that since Wawa has vacated the building, they have let the property get run down and it is an eye sore, it's been embarrassment and she called Wawa and the township many times to complain about the property. Ms. Braun stated the trees are overgrown, the shrubbery is dead and the wooden fence needs significant repair. Ms. Braun further testified that she would like to see signage and flowers similar to the nice job Bayada has done to their property across the street. Ms. Braun stated that she is happy to have a new neighbor. However, she would like the property to look nice for the neighbors who live behind the site on Gladwyn Avenue.

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. The applicant is seeking to permit the use of 4325 Haddonfield Road, Block 4207, Lot 1 as a dental office. The property is zoned R-3. The property was previously granted a use variance as a commercial use of the property and it was formerly a Wawa convenience store. The applicant PB Square, LLC is now seeking a Use Variance with a site plan waiver to permit the use of the property as a dental office, which is not a permitted use in the R-3 Zone. An applicant seeking a Use Variance has to demonstrated special reasons, the positive criteria as to why the variance should be granted. Special reasons be shown generally in two circumstances. First, when the refusal to allow a project would impose an undue hardship on the applicant and second, when the proposed project carries out the purposes of the zoning plan as defined by the land use law and the property is particularly well suited for the use so as to serve and benefit the general welfare of the township. An applicant for a Use Variance must also satisfy the negative criteria and that requires showing the variance can be granted without substantial detriment to the public good and the consideration relating to the impact of the use on neighboring and adjacent properties. The second factor for the negative criteria is the applicant must show that the non-conforming use does not substantially impair the intent and purpose of the township zone plan or zoning ordinance. For the site plan waiver, our code has a fairly specific standard for a site plan waiver. The Zoning Board can waive the site

plan review and approval if the instruction, alteration or change in occupancy or use does not affect existing circulation, drainage, the relationship of buildings next to each other, landscaping, lighting and other considerations for site plan review. For this application, the board is considering a site plan waiver with conditions. Specifically, addressing some of those elements. Regarding the Use Variance, the testimony evidence the applicant's professional, Mr. Quay was qualified and accepted as a professional planner. He testified generally as to all the criteria required for the Use Variance. Therefore, the board should consider the testimony of Mr. Quay and whether or not his testimony and the evidence submitted was adequate to establish the positive and negative criteria necessary for a Use Variance. The conditions of approval that were discussed were generally compliant with the board engineer's review letter dated November 17, 2020 and with his comments and recommendations. The conditions imposed on the applicant is that they will spruce up the property with certain striping of the parking spaces and other areas. Fixing up the landscaping, some of the façade work and other improvements. Ensuring that the lighting is adequate, providing an ADA ramp and that any signage to be proposed has to comply with the township code requirements. These conditions will be included in the resolution and it is something that ultimately the township and zoning can rely on for at least the state of the property when the applicant moves in if the board should grant the variance.

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

Miss Hannah motioned to grant the use variance with the site plan waiver and the conditions imposed. She stated it will be a major improvement and beneficial to the community. She further stated that the proposed use will be a less intense use than the former use of the site. Mr. Morales seconded. Roll call: Lou Morales, Shirley Butler, Darlene Hannah, Diane Piccari, Patrick Olivo and Duke Martz-Aye. None Opposed.

CORRESPONDENCE:

None

MINUTES:

None

RESOLUTIONS:

Z-2020-27 - granting **ALBERTO F. QUINTANA** 6 feet of relief from the 6' side yard setback requirement for a 20' x 14.5 carport and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 2250 Mulford Avenue, Block 4912, Lot 12 in Zoning District R-3.

BILLS:

None

COORDINATOR'S REPORT:

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 10:00 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary