

November 2, 2022

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, Lysa Longo, Paul Hoyle, Giovanni Cirilli, Darlene Hannah, and Chairwoman Shirley Butler, constituting a quorum. Also present were: Stephen Boraske, Solicitor; Gene Padalino, Planning and Zoning Coordinator; Daniela Tavarez, Planning and Zoning Assistant, Dana Surgner, Planning and Zoning and Mary Leonard, Secretary.

Hearings

Karely Arroliga is seeking 6.5 feet of relief from the side yard setback requirement of 6.5 feet and 5 feet of relief from the rear yard setback requirement of 6.5 feet for a 15 ft. above ground pool, 52 inches in depth and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 7323 Rudderow Avenue, Pennsauken, New Jersey 08109, Block 4201, Lot 6 on the Tax Map of the Township of Pennsauken, Zoning District: R-3 (continued until December 7, 2022 meeting at 7:00 P.M.

Brittany Bierbach, is seeking 2 feet of relief from the pool deck setback requirement of 5 feet from the rear property line and 5 feet of relief from a pool deck walkway requirement of 5 feet per Township code 141-89 K(2)(B) and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 5461 Homestead Avenue, Pennsauken, New Jersey, Plate 56, Block 5617, Lot 2, Zoning District: R-2. (Continued from October 19, 2022 meeting.

Brittany Bierbach, 5461 Homestead Avenue, Pennsauken, New Jersey 08109 was sworn in by Solicitor Boraske.

Brittany Bierbach stated the work has already been done. She bought the house in May 2022. There are two variances for the deck. The pool deck needs a 5' setback from the rear property line and a setback requirement for the pool. She stated she has had no complaints from the neighbors. She further stated the pool exploded during a storm. The new pool is the same size. She purchased May 2022.

Paul Hoyle stated they added a crushed stone walkway to prevent standing water.

Public

Chairwoman 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. There are two variances being requested. A variance for 2 feet of relief from the pool deck setback requirement of 5 ft. from the rear property line and 5 ft. of relief from a pool deck walkway requirement of 5 ft. It is an adequate use of open space. It has no negative impact on the neighbors, or the Township Code or the Master Plan. The monitoring of the water run off is to be checked by the Construction Office.

Lysa Long moved to accept fact finding, seconded by Giovanni Cirilli, which all members of the Zoning Board agreed unanimously.

Dianne Piccari moved to grant the application and the variances. The water is to be monitored. The motion was seconded by Giovanni Cirilli, which carried unanimously on roll call vote.

The vote was as follows: Lysa Longo yes as stated. Dianne Piccari yes as stated. Paul Hoyle yes as stated. Giovanni Cirilli yes as stated. Darlene Hannah yes stating it will be a benefit to the neighborhood. There is no detriment to the community. The water will be monitored and they will fix the drainage. Chairwoman Butler yes stating they will fix the drainage problem. Chairwoman Butler instructed the applicant that she can do no more building without a permit. Brittany Bierbach agreed.

Sitrch LLC (Mark Sitkowski) is seeking a use variance to convert an existing triplex into a fourplex in an R-3 zone and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 4328 Cove Road, Pennsauken, New Jersey. Plate 41, Block 4101, Lot 30 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

Mark Sitkowski, 4328 Cove Road, Pennsauken, New Jersey was sworn in by Chairwoman Butler.

The applicant is seeking a variance to convert an existing triplex into a fourplex in an R-3 zone. The third floor is presently vacant and he wants to add a studio apartment. The first and second floors are existing apartments. There are two doors facing Cove Road and he proposes to add one on the third floor. There is a double wide street and he has a six-car driveway. There is parking on Rudderow Avenue. He will add landscaping.

It is an R-3 zone which only permits single family homes. He bought the triplex 30 years ago as is and fixed it up and registered it with the Township.

Paul Hoyle stated this can be grandfathered in but he needs a use variance for the fourplex.

Mr. Sitkowski stated he plans for safety for his tenants. There is off street parking.

Public

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

Solicitor Boraski conducted fact finding. The applicant is seeking a variance to convert an existing triplex in an R-3 zone. The applicant proposes to make four units. He also and requested a site plan waiver. It will not be an impairment to the Master Plan or the Township Code. There is no detriment of the public good. This application needs five yes votes for approval. The applicant is to comply with the standard conditions of approval. The property is well kept. There are no issues for parking and they have a large driveway.

Lysa Longo moved to accept fact finding, seconded by Paul Hoyle, which all members agreed unanimously.

Lysa Longo moved to grant the variance and the site plan waiver, seconded by Paul Hoyle, which carried unanimously on roll call vote.

The vote was as follows. Lysa Longo yes as stated. Dianne Piccari yes as stated. Paul Hoyle yes as stated. Giovanni Cirilli yes as stated. Darlene Hannah yes as stated. Chairwoman Butler yes and wished him good luck.

iAnthus New Jersey, LLC seeks conditional use approval to operate a cannabis retailer and medical cannabis dispensary on the subject property. The applicant will seek relief in accordance with N.J.S.A. 40:55D-70 (d)(3) from certain conditions in Ordinance Sections 141-83.A(8) and (9) along with the continuation of preexisting bulk nonconformities. The applicant also will seek preliminary and final site plan approvals. Premises located at 5035 Central

Highway, Pennsauken, New Jersey 08109. Block 6305, Lot 18 and 19 on the Tax Map of the Township of Pennsauken, Zoning District: L-1.

Matthew Madden, Esq. 108 Kings Highway East, Haddonfield, New Jersey 08033 represented the applicant.

Susanna Short, 12 Schoolhouse Lane, Morristown, New Jersey, Nathan Mosley, Project Manager, 277 White Horse Pike, Suite 203, Atco, New Jersey 08004, James Miller, Planning Consultant, 222 Nicholson Drive, Moorestown, New Jersey 08057, Mark Malinowski, 705 Route 130 South, Cinnaminson, New Jersey, Doug White, Planning Board Engineer, and Daniela Tavaréz, Planning and Zoning Coordinator were sworn in by Solicitor Boraske.

The applicant seeks conditional use variance along with preliminary and final site plan approval to renovate the existing building on Lot 19 to operate a medical cannabis dispensary together with a retail cannabis dispensary on the property. A portion of the existing parking facilities on the adjoining property to the east (Lot 18) will be used to serve the renovated building. Other proposed site improvements include concrete curb, walkway removal and replacement, relocation of ADA sign, parking lot striping and re-striping and a new façade sign. No changes are proposed to the existing site lighting. The proposed cannabis retailer and medical cannabis dispensary is a conditional use in the (LI) Limited Industrial Zoning District.

The property comprises of two contiguous lots and is located along the west side of Central Highway approximately 150 feet from the intersection of Browning Road. The property contains two 1-story masonry building on each lot with associated asphalt parking lot. Two existing full movement shared driveways extending from Central Highway provide access to the parking areas for each lot. The property is surrounded by similar industrial office and warehouse uses, except to the south by Central Highway.

The cannabis retailer would not be located within 500 feet of the property line of any existing church or house of worship or any existing public park or playground as measured in a straight line from the nearest two points of the property line. It can not be located within 1,000 feet of a child care center. They have 780 feet and is requesting a waiver. The setback zone is 6 feet short and they are requesting a waiver. A parking variance was requested.

Doug White, Planning Board Engineer, reviewed his letter dated November 2, 2022. The location map is to show the 500 feet boundary. The Zoning map is to show the 200 feet boundary.

No extensions of off-site improvement are proposed. A waiver has been requested. A waiver has been requested from providing a plan for soil erosion and sedimentation control.

The site plan is to be revised to show existing contours at one-foot intervals to converting the full width of Central Highway abutting the site. A waiver was requested from providing a landscaping plan.

The proposed schedule of on-site and off-site construction waiver has been requested. The cannabis retailer is to submitted the Security Plan to the Township Police Department and Township Committee.

The applicant has requested a waiver from providing an Environment Impact Statement, a waiver from providing a stormwater management report, a waiver from providing a drainage report.

Dianne Piccarri moved the application is complete, seconded by Darlene Hannah, which all members of the Zoning Board agreed unanimously.

Dianne Piccarri moved to grant the temporary and permanent waivers be granted. The motion was carried unanimously on roll call vote.

The vote was as follows. Lysa Longo yes as stated. Dianne Piccari yes as stated. Paul Hoyle yes as stated. Giovanni yes as stated. Darlene Hannah yes as stated. Chairwoman Butler yes as stated.

Susanna Short presented her qualifications and was accepted by the Zoning Board as an expert.

They will sell medical and recreation cannabis. There will be security guards and they will eventually have 15 to 30 jobs. There will be two shifts. One from 9:00 A.M. to 5:00 P.M. and 1:00 P.M. to 9:00 P.M. with full time positions and benefits. The cannabis is grown and processed in Pleasantville, New Jersey.

Customers must produce ID and can only buy one pound of cannabis at a time. The items are put in child proof bags. Patients have consultation rooms. There is no tax on medical cannabis.

Hours of operation is from Monday thru Saturday from 10:00 A.M. to 8:00 P.M. and Sunday 10:00 A.M. to 6:00 P.M.

Deliveries will be in the rear entrance. Patients use the front door. There are two deliveries a week in unmarked vehicles, which have GPS tracking. There are two employees in each delivery truck.

The State has strict security regulations. Everything must be accountable. No cannabis waste will be disposed at the Pennsauken location. Trash will be contracted. There is no exterior storage.

There was a map presented showing signs and location of the signs. This was marked as Exhibit A-1. There is a background check of all employees.

Mark Malinowski, Engineer, presented his qualifications and was accepted as an expert unanimously by the Zoning Board members.

A colored aerial was presented and marked as Exhibit A-2. There wilspaces. There will be 3 more parking spaces added on Lot 18. A parking variance was requested. A variance for parking sizes to 9' x 18' was requested. Another aerial was presented showing the area and was marked as Exhibit A-3. The dumpster will be in the rear by the loading dock.

Lighting was reviewed and additional lighting will be added. The applicant will work with Doug White.

Nathan Mosley presented his credentials and was recognized as an expert by the Zoning Board members. Traffic was discussed. The peak hours are from 4:00 P.M. to 6:00 P.M. Monday thru Friday. There will be a quick turnover.

James Miller presented his credentials and was recognized as an expert unanimously by the Zoning Board members. Mr. Miller stated this is a proper use and there is sufficient space. The parking is sufficient. There is ample space for the use. There is no detriment to the public or the Zoning Plan.

Doug White reviewed parking spaces. There are two shifts and 30 employees. 106 parking spaces are required and 29 are proposed. A trash dumpster is needed. The applicant will provide one and will provide the location on the plans. It will be enclosed.

Paul Hoyle questioned returns of the cannabis. Mr. Miller replied the returns go back to Pleasantville, New Jersey to be disposed.

Public

Chairwoman 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 conditional use approval to operate a cannabis and medical cannabis dispensary on the property. The applicant also is seeking preliminary and final site plan approvals. Five yes votes are needed to grant this application. The site is appropriate. A parking variance is being requested for 29 spaces. Parking spaces was requested for 9' x 18'. The applicant agreed to comply with Doug White's letter dated November 2, 2022. The trash enclosure will be added to the plans. The approval is subject to standard approvals and agency approvals.

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

Paul Hoyle moved to grant the use variance and they are subject to conditions, seconded by Lysa Longo, which carried unanimously on roll call vote.

The vote was follows. Lysa Longo yes. Dianne Piccari yes. Paul Hoyle yes. Giovanni Cirilli yes. Darlene Hannah yes. Chairwoman Butler yes.

Darlene Hannah moved to grant the bulk variance and preliminary and final site plan approval, stating there is no detriment at that location. The motion was seconded by Giovanni Cirilli, which carried unanimously on roll call vote,

The vote was as follows. Lysa Longo yes as stated. Dianne Piccari yes as stated. Paul Hoyle yes as stated. Giovanni Cirilli yes as stated. Darlene Hannah yes as stated. Chairwoman Butler yes and stated the applicant is to comply with conditions and Doug White's letter dated November 2, 2022. It is suitable for the Township. She wished the applicant luck and instructed them to work with Doug White. The applicant agreed.

Minutes

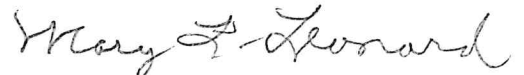
Darlene Hannah moved to approve the minutes of October 5, 2022 and October 19, 2022, seconded by Lysa Longo, which carried unanimously on roll call vote.

Public

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

The meeting was duly adjourned on motion at 9:45 P.M.

Respectfully submitted



Mary L. Leonard

Secretary

