

July 6, 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, Duke Martz, Darlene Hannah, and Chairwoman Shirley Butler, constituting a quorum. Also present were: Lou Cappelli, Solicitor; Gene Padalino, Planning and Zoning Coordinator; Daniela Tavarez, Planning and Zoning Assistant; Doug White, Engineer; and Mary Leonard, Secretary.

Minutes

Darlene Hannah moved to approve the minutes of June 1, 2022 and June 25, 2022, seconded by Dianne Piccari, which carried unanimously on roll call vote.

Bills

Bills were presented from T & M Associates in the amount of \$14,627.50. Darlene Hannah moved the bills be paid, seconded by Dianne Piccari, which carried unanimously on roll call vote.

Hearings

Amanda and Morgan Earhardt is seeking approval for a 14' x 16' deck in the rear yard where the deck size is limited to 10' x 12'. The applicant also is seeking 2.4 feet of relief from the side yard setback requirement of 5 feet and a variance to exceed the permitted building coverage and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 28 Ortiz Drive, Pennsauken, New Jersey 08110, Plate 26, Block 2604.3, Lot 11 on the tax map of Pennsauken Township. Zoning District: C-1. (Application Continued from June 15, 2022 meeting).

Amanda Earhardt, 28 Ortiz Drive, Pennsauken, New Jersey was sworn in by Solicitor Cappelli.

Amanda Earhardt stated they are proposing approval for a 14' X 16' deck in the rear yard where the deck size is limited to 10' x 12'. There will be no lighting or roof. It will be an open deck. They do have a patio light. There are no steps. There is a railing on the deck.

Duke Martz stated the deck is not up yet. They want to expand the size of the deck to 14' x 16'.

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 Cappelli conducted fact finding. The applicant is requesting a 14' x 16' deck in the rear yard where the deck size is limited to 10' x 12'. The applicant also is requesting 2.4 feet of relief from the side yard setback requirement of 5 feet and a variance to exceed the permitted building coverage.

Dianne Piccari moved to accept fact finding, seconded by Darlene Hannah, which carried unanimously by the Zoning Board members.

Dianne Piccari moved to grant the application for a deck 14' x 16' and a variance to exceed the permitted building coverage. Dianne Piccari stated the proposed deck will not impede on anyone's property or privacy. Darlene Hannah seconded the motion, stating there is no detriment to the area. The motion carried unanimously on roll call vote.

The vote was as follows. Dianne Piccari yes as stated. Duke Martz yes as stated. Darlene Hannah yes as stated. Chairwoman Butler yes as stated and wished the applicant good times on their deck.

Fithian Properties LLC is seeking a continuance of non-conforming use in accordance with NJSA 40:55D-68 or alternately a use variance for warehouse distribution and offices because a portion of the building is located in a residential zone. Also, seeking preliminary and final site plan approval and any other variances and waivers, which the Zoning Board may deem necessary. Premises located at 6820 N. Crescent Boulevard, Pennsauken, New Jersey 08109 Plate 22, Block 2217, Lot 4 on the tax map of the Township of Pennsauken. Zoning District: C-1/R3.

Donald Ryan, Esq. 20 Brace Road, Suite 350, Cherry Hill, New Jersey 08034 represented the applicant.

Kenneth Stevens, 368 Tom Brown Road, Moorestown, New Jersey was sworn in by Solicitor Cappelli.

Solicitor Cappelli informed the applicant there is not a quorum for a use variance but there is a quorum for a non-conforming use. The applicant replied he has no need for a use variance but will proceed for a request for a non-conforming use.

Mr. Stevens stated Fithian Properties was acquired by his parents in 1961. Fithians is the owner and applicant seeking alternative relief to permit its tenant, RK International Foods, to use the property for warehouse distribution and offices. The legal basis for relief is twofold. First, that the proposed use is a valid non-conforming use NJSA 40:55 D-68. Second, a use variance is warranted under NJSA 40:55 D-70(1).

Fithian Properties LLC has owned the property since 1961. Tenants of Fithian Properties have used the property as a warehouse distribution center and offices since at least 1968 to the present.

Dollar Tree is a tenant that occupies a substantial portion of the premises.

RK International Foods is the proposed tenant of a portion of the property. RK International Foods will use the property for warehouse distribution and offices.

They are requesting a continuance of non-conforming use for warehouse distribution and offices because a portion of the building is located in a residential zone.

Traffic flow is on Route 130 and Madison Avenue.

Anwar Hossian, International Foods, 6820 N. Crescent Boulevard, Pennsauken, New Jersey, was sworn in by Solicitor Cappelli.

Mr. Hossian is the owner of Arcadia Foods. Their items consist of coconut milk, freezer items. breads etc. His hours are from 8:00 A.M. to 5:00 P.M. He has tractor trailer deliveries once a month. Cargo vans are used for deliveries and they deliver once or twice a month. There are 3 to 6 employees. The parking is adequate.

Disposable items will be placed in the dumpster. Currently the dumpster is used by the Dollar Store. Perishable items will be taken to the landfill. The applicant will check with the landfill for availability. Empty pallets will be stored inside. A forklift will be stored inside.

There will be no deliveries before 8:00 A.M. or after 5:00 P.M. It is a residential area the applicant was informed the Township does not want noise to disrupt the residents. The applicant agreed.

Deliveries will be unloaded inside the building.

Mr. Stevens stated there is not enough room for the applicant to use the dumpster. He has five bags of trash a week and will have the trash picked up or will take it to the landfill. He will have a walk-in refrigerator. The expired inventory will be put in the refrigerator until it is 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 Cappelli conducted fact finding. The applicant proposes continuance of a non-conforming use and request preliminary and final site plan approval of the non-conforming use. The use was prior to the changes of the Ordinance. Pallets are to be kept inside. The forklift is to be kept inside. Expired trash is to be stored in the walk-in refrigerator until it is disposed. It is not to be placed in the dumpster. If there are over 5 bags of trash, it is to be disposed by the applicant.

Darlene Hannah moved to approve fact finding, seconded by Dianne Piccari which all member of the Zoning Board agreed unanimously.

Duke Martz moved to grant the continued non-conforming use with the conditions outlined by the Solicitor. There is to be no adverse noise for residents. The motion was seconded by Diane Piccari, which carried unanimously on roll call vote.

The vote was as follows. Dianne Piccari yes as stated. Duke Martz yes as stated. Darlene Hannah yes as stated. Chairwoman Butler yes as stated.

Duke Martz moved the approval of the site plan as there is no adverse effects to the residents. All conditions apply. Darlene Hannah seconded the motion, which carried unanimously on roll call vote.

The vote was as follows. Dianne Piccari yes as stated. Duke Martz yes as stated. Darlene Hannah yes as stated. Chairwoman Butler yes as stated. Chairwoman Butler reminded the applicant to comply with all of the conditions and wished him luck.

Interpretation of Zoning Ordinance

K2B Ventures LLC seeks an interpretation of the word 'studio' pursuant to Pennsauken Zoning Ordinance 141-82A(10).

Seth Broder, Esq. 110 Marter Avenue, Suite 103, Moorestown, New Jersey 08057 represented the applicant.

George Kovh, owner, was sworn in by Solicitor Cappelli. Gene Padalino, Planning and Zoning Coordinator and Doug White, Zoning Board Engineer also were sworn in by Solicitor Cappelli.

Gene Padalino stated Solicitor Piarulli of the Pennsauken Planning Board has sent this application to the Zoning Board Solicitor for interpretation as to which Board this application should be before – The Planning Board or the Board of Adjustment. Solicitor Piarulli stated his interpretation is that there are two uses.

The application was reviewed by Solicitor Boraske. He stated in his profession opinion, the K2B application proposes a single, permitted principal use that may proceed before the Planning Board. Solicitor Boaraske presented this in writing to the Zoning Board members as he was not present.

The application was reviewed by the Zoning Board members. The Planning Board was concerned over parking and noise. They do not want concerts, bands, no retail, and no alcohol is to be served as the establishment.

Doug White stated this was referred to the Zoning Board as to decide whether there are two uses, one for the studio and one for the artists.

The Zoning Board decided this was one use and that this should go back to the Planning Board.

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 Cappelli conducted fact finding. It was decided this is a single permitted use and it is to go to the Planning Board.

Dianne Piccari moved to accept fact finding, seconded by Duke Martz, which carried unanimously by the Zoning Board members.

Dianne Piccari moved that this application is a single use and is to go back to the Planning Board. Duke Martz seconded the motion, which carried unanimously on roll call vote.

The vote was as follows. Dianne Piccari yes. Duke Martz yes. Darlene Hannah yes. Chairwoman Butler yes.

Resolutions

Resolution Z2022-28 was presented granting Yeidy Rios Castro, approval for a 10' x 10' front yard pergola located at 4733 Lafayette Avenue, Pennsauken, New Jersey, Block 5215, Lot 1. Darlene Hannah moved the resolution be adopted, seconded by Chairwoman Butler, which carried unanimously on roll call vote.

The vote was as follows. Darlene Hannah yes and Chairwoman Butler yes.

Resolution Z-2202-29 was presented granting Noel Lopez variance approval for a 6 ft. front yard vinyl fence to be located even with the front building line and 32 ft. in front of the front building line, located at 1915 Horner Avenue, Pennsauken, New Jersey, Block 611, Lot 2. Dianne Piccari moved to adopt the resolution, seconded by Duke Martz, which carried unanimously on roll call vote.

The vote was as follows. Duke Martz yes. Dianne Piccari yes. Darlene Hannah yes. Chairwoman Shirley Butler, yes.

The meeting was duly adjourned on motion at 8:35 P.M.

Respectfully submitted,



Mary L. Leonard

Secretary