

August 3, 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, Paul Hoyle, Ozzie Alves, Lysa Longo, Eddie DeVilla, Giovanni Cirilli, Duke Martz, Darlene Hannah, and Chairwoman Shirley Butler, constituting a quorum. Also present were: Stephen Boraske, Solicitor; Gene Padalino, Planning and Zoning Coordinator; Daniela Tavaréz, Planning and Zoning Assistant; Doug White, Engineer; and Mary Leonard, Secretary.

Hearings

Juan Martinez, the applicant is seeking 20 feet of relief from the front yard setback requirement of 20 feet for a 6 foot vinyl fence and any other variances and waivers that may be required by the Pennsauken Zoning Board. (Application is being continued until August 17, 2022).

Rey Pagan, the applicant is seeking relief to construct a 36' x 24' garage in the rear yard which will exceed the maximum accessory structure size of 400 sq. ft. as per Township Ordinance 141-77 (B) and 5 feet of relief from the side yard setback requirement of 5 feet and 5 feet from the rear yard setback requirement of 5 feet for an accessory structure in a R-2 Zone and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 5228 Drexel Avenue, Pennsauken, New Jersey 08109, Plate 60, Block 6001, Lot 46 on the tax map of the Township of Pennsauken. Zoning District: R-2.

Rae Pagan, 5228 Drexel Avenue, Pennsauken, New Jersey 08109 was sworn in by Chairwoman Butler.

The applicant stated he is seeking relief to construct a 36' x 24' garage that will exceed the maximum accessory structure of 400 ft. He also is seeking relief from the side yard and rear yard set back and 5' for an accessory structure in a R-2 Zone.

It will be a detached garage in the back yard. It will be the same color of the house and will be for personal use. It will be on a concrete pad.

Duke Martz reviewed the concrete and questioned if the concrete will be added to the existing concrete. The applicant stated it would. He will repair the sidewalk and the existing concrete and add additional concrete. He will remove the shed.

He proposes to put the garage on the property line. He has woods behind him. Mr. Pagan stated he has a 6' fence and will put up a new fence.

Public

Chairwoman Butler opened the meeting to the public.

James Reynolds, 1815 Haddon Avenue Camden, New Jersey 08018 was sworn in by Solicitor Boraske. Mr. Reynolds stated his home address backs up to Mr. Pagan's property. He stated he has no problem with this application.

The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The applicant proposes to construct a 36' x 24' garage in the rear yard. He is requesting variances for an accessory structure, rear yard setback, side yard setback and to place the structure on the property line. He will be using the garage for personal use and for storage space. There is no detriment to the neighborhood or the Zoning Code. The approval will have the condition that the applicant remove the shed. Lysa Longo moved to accept the fact finding, seconded by Duke Martz, which all members of the Zoning Board agreed unanimously.

Duke Martz suggested Mr. Pagan move the garage over 5' off the neighbors or reduce the garage 5'. The removal of the shed will be a condition of approval.

Duke Martz moved to grant the setbacks and that the garage may be smaller than proposed. The applicant is to comply with conditions. Darlene Hannah seconded the motion which carried unanimously on roll call vote.

The vote was follows. Dianne Piccari yes as stated. Lysa Longo yes as stated. Paul Hoyle yes as stated. Eddie DeVilla yes as stated. Duke Martz yes as stated. Darlene Hannah yes as stated. Chairwoman Butler yes as stated and wished the applicant good luck.

Diocesan Housing Service Corporation f the Diocese of Camden seeks preliminary site plan approval to construct 54 affordable housing units for senior citizens. The applicant's proposal is known as Phase 111 of Stonegate at St. Stephen's Phase 1 and Phase 11 consist of 147 affordable housing units and are already operational. Phase 111's 54 proposed senior affordable housing units will consist of one-bedroom units contained in a single four-story building. The applicant also seeks a (d)(1) use variance in connection with this application. The property is located in the R-1 Residential Zoning District. Multi-family dwellings are not permitted in the R-1 Zoning District. The applicant also seeks a (d)(6) height variance to permit a building height of 52.7 feet where 35 feet is permitted. The 52.7 building height is a result of the peaked roof on the building. The applicant also seeks the following bulk variances: Ordinance Section 141-76 (B) maximum accessory structure floor area 400 sq. ft. permitted; 576 sq. ft. gazebo proposed. Ordinance Section 141-87 (A)(1) minimum number of parking spaces 108 spaces required; 56 spaces proposed. The applicant also seeks a de minimis exception from the RSIS standards to permit 56 on-site parking spaces where 97 parking spaces are required under RSIS standards. The applicant also requests any additional variances, submission waivers, design exceptions, design waivers, de minimis exceptions, modifications of conditions of prior approvals, continuation of any pre-existing non-conforming conditions, other approvals reflected on the plans (as same may be further amended or revised from time to time without further notice) as may be determined to be necessary during the review and processing of the application by the Board and its professional staff, and permits requested by the Board at the public hearing. Premises located at 6306 Browning Road, Pennsauken, New Jersey 08109, Plate 60, Block 6001, Lot 73.03 on the tax map of the Township of Pennsauken. Zoning District: R-1.

Damien Del Duca Esq. 21 E. Euclid Avenue, Suite 100, Haddonfield, New Jersey 08033 represented the applicant.

James Reynolds, Executive Director, 1845 Haddon Avenue, Camden, New Jersey 08108, Jason Sciuлло, Engineer, 17 South Gordon's Alley, Suite 3, Atlantic City, New Jersey 08401, John McCormack, 1904 Main Street, Lake Como, New Jersey 07719, and Mary Johannesen, 756 Haddon Avenue, Collingswood, New Jersey 08108, Doug White, Planning Board Engineer and Daniela Tavarez, Planning and Zoning Board Assistant were sworn in by Solicitor Boraske.

Jason Sciuлло and James Reynolds presented their qualifications and were recognized as experts.

The applicant proposes the demolition of an existing two-story masonry building along with the removal of associated asphalt parking areas and pavement to construct a four-story

apartment building containing 54 one-bedroom senior affordable units with associated parking area, trash enclosure, concrete curb and sidewalk and community green with walking paths, leading to a 12' x 16' gazebo. A 24' x 24' gazebo also was shown. Additional improvements include landscaping, lighting, utilities and the reconstruction of the access driveway extending from Stonegate Drive. The proposed apartment building will front on Stonegate Drive which also provides access to the adjoining western lot containing the six-sided St. Stephen's Church sanctuary and a two-story masonry building.

The site is approximately 2.6 acres with frontage along Stonegate Drive and is located within the Residential (R-1) Zoning District. Currently, the property contains an existing two-story masonry building which appears to have been operated as a school of the St. Stephen's Roman Catholic Parish with a shared driveway extending from Stonegate Drive providing access to the adjoining western lot containing the six-sided St. Stephens Church sanctuary and a two-story masonry building. The property is bounded to the north by Stonegate Drive, to the south by single-family residential properties and to the east by an existing apartment building known as Stonegate 1. Stonegate 11 is located west of the currently proposed building.

There are 54 units proposed and is restricted to seniors and also is income restricted. The applicant has requested a height variance to permit a building height of 52.7 feet where the maximum building height is 35 feet. The applicant also is requesting a Use Variance. Apartment buildings are not a permitted use in an R-1 Residential Zone.

The applicant also seeks the following bulk variances: Maximum accessory structure floor area of 400 sq. ft. is permitted; 576 sq. ft. gazebo proposed; minimum number of parking spaces 108 spaces are required, 56 spaces are proposed.

The accessory structure will have maximum floor area of 400 sq. ft. The proposed gazebo is 576 sq. ft.

Aerial photos were shown and marked as Exhibit A-1 and Exhibit A-2. The 54 units will have income limits and age limits. Attorney Del Duca requested preliminary site plan approval, a use variance approval and a height variance approval. They will request final approval at a later date.

Mr. Reynolds stated they are requesting a height variance and a use variance for multi-family dwelling. This will be a low traffic area. It has less traffic then when it was a school.

A map showing floor plans were presented and marked as Exhibit A-3. Elevations were marked as Exhibit A-4. Two resolutions were marked Exhibit A-5 and Exhibit A-6.

Doug White, Zoning Board Engineer, reviewed his letter dated July 29, 2022. An updated survey is to be provided. The submission issues have been completed. Solicitor Boraske questioned if there were any objections. Doug White replied he had no objections.

The applicant is to indicate the existing surface type to the east of the asphalt pavement to be removed. Site easements are to be provided at the reconstructed access driveway. There should be as much open space as possible.

John McCormick presented his qualifications and was recognized as an expert. Mr. McCormick presented a traffic report. The report showed the impact and adequacy of access, circulation and parking associated with the redevelopment of a portion of the St. Stephen's site located along the east side of Browning Road at Stonegate Drive. The site is currently developed with a vacant school formerly known as St. Stephens Roman Catholic School. It is proposed to raze the existing school building and construct Phase 111 of the Stonegate age and income restricted residential development. Phase 111 is proposed to be located between Phases 1 and 11 and will consist of 54 age and income restricted unit (54 one-bedroom units). Phase 1 is located at the terminus of Stonegate Drive and consists of 76 age and income restricted apartment units. Phase 11 is located along the east side of Browning Road just south

of the St. Stephen Roman Catholic Parish Church and consists of 68 age and income restricted apartment units. A detailed report was submitted.

Based on the Traffic Impact and Parking assessment as detailed in his report. Mr. McCormack stated that in his professional opinion the adjacent street system will not experience any significant degradation in operation conditions with the development of Phase 111 of the Stonegate age and income restricted development. The site plan as proposed provides for good circulation throughout the site and provides more than adequate parking to accommodate the project needs. He reviewed traffic and parking. He stated there will be 20 trips per hour. There will be less use due to age restricted occupants. The school was a more intense use.

The parking is adequate. The church has 90 spaces available for church and church attendance is down. There are 82 people in the building. Circulation is safe and adequate. They will add a stop sign. The most outside visits are Monday thru Friday 10:00 A.M. to 4:00 P.M. Four handicap parking spaces are close to the building.

This report is on file at the Zoning Board office and can be reviewed at the Municipal Building during business hours.

There will be a full-time manager, a full-time maintenance employee, and a part-time wellness nurse. The wellness nurse will be at the facility one to three days a week.

Parking is adequate. There will be no thru traffic. It has low intensity use. There are laundry units. There are deed restrictions of 30 years.

Mr. Sciallo, Principal Engineer, reviewed the area and the landscaping. There is a trash enclosure. There are four stories with compact efficiency and the other units have three stories. He also reviewed the parking. A variance for parking was requested. The sidewalk connects to the church and other units. The patio can be used for lunches. A turning radius update will be shown on the plans and they will provide a good amount of green space. The lighting is adequate according to Mr. Sciallo. There will be no food service.

The existing surface type to the east of the asphalt pavement is to be removed. Site triangle easements are to be provided at the reconstructed access driveway. The applicant is to provide drainage across drive to Lot 73.04.

Chairwoman Shirley Butler left the meeting at 8:45 P.M. Darlene Hannah took over as Chairperson. Giovanni Cirilli will now vote.

Mary Johannesen presented her qualifications and was recognized as an expert. She showed the building rendering from the parking lot area. Architectural style also was reviewed. They requested a variance for height.

Doug White questioned exterior lighting. Mrs. Johannesen stated they will have wall mounting and down lighting.

Mr. Del Duca stated there is no detriment to the public. It will not impair Zoning. It is a specific use and is warranted. It meets ordinance requirements. The lighting is adequate. The height variance outweighs the negative aspects. Parking is adequate.

Doug White stated the curb should be closer to the church with a No Parking sign and it should be painted yellow. The applicant agreed.

Public

Vice Chairwoman Darlene Hannah 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 requested preliminary approval to permit 54 housing senior affordable units. They will consist of one bedroom in a single four-story building. The applicant is seeking a use variance in connection with this application. The

property is located in the R-1 Residential Zoning District. Multi-family dwellings are not permitted in the R-1 Zoning District. The applicant also seeks a height variance to permit a building height of 52.7 feet where 35 feet is permitted. The applicant also seeks bulk variances for maximum accessory structure floor area of 576 sq. ft. for the proposed gazebo where 400 sq. ft. is permitted. A variance for parking spaces for 56 where 108 is required. The applicant also seeks a de minimis exception from the RSIS standards to permit 56 on-site parking spaces where 97 parking spaces are required under RSIS standards. The applicant is to comply with Doug White's letter dated July 25, 2022, fact finding and testimony. Lighting is to comply. A stop sign is to be provided. Traffic will be low intensity. There is no negative impact on the neighborhood, the Master Plan or the Zoning Code. There is no sight being blocked. There are no concerns with fire or safety. The height of the building will provide more green space. All conditions are to be met.

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

Paul Hoyle moved to grant the variances and the use variance. There is no detriment to the area and the Township needs affordable housing. The traffic is low intensity and parking is adequate. The motion was seconded by Dianne Piccari which carried unanimously on roll call vote.

The vote was as follows. Dianne Piccari yes as stated. Lysa Longo yes as stated. Paul Hoyle yes as stated. Giovanni Cirilli yes as stated. Duke Martz yes as stated. Eddie DeVilla yes as stated. Darlene Hannah yes as stated.

Dianne Piccari moved to grant preliminary site plan approval. The parking spaces are reasonable for the use proposed. The motion was seconded by Eddie DeVilla which carried unanimously on roll call vote.

The vote was as follows. Eddie DeVilla yes as stated. Dianne Piccari yes as stated. Lysa Longo yes as stated. Paul Hoyle yes as stated. Giovanni Cirilli yes as stated. Duke Martz yes as stated. Darlene Hannah yes and stated it is well suited for the area.

Minutes

Eddie DeVilla moved to approve the minutes of July 20, 2022, seconded by Dianne Piccari, which carried unanimously on roll call vote.

Bills

Bills were presented from T & M Associates in the amount of \$3,640.00. Lysa Longo moved the bills be paid, seconded by Eddie DeVilla, which carried unanimously on roll call vote.

Resolutions

Resolution Z-2022-30 was presented granting a variance for a 14' x 16' rear yard deck for Amanda and Morgan Earhardt. Premises located at 28 Ortiz Avenue, Pennsauken, New Jersey, Block 2604, Lot 11. Dianne Piccari moved to adopt the resolution, seconded by Duke Martz, which carried on roll call vote.

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

Resolution Z-2022-31 was presented granting preliminary and final site plan approval to permit commercial distribution and office business to Fithian Properties LLC. Premises located at 6820 North Crescent Boulevard, Pennsauken, New Jersey, Block 2217, Lot 4. 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.

Resolution Z-2022-32 was presented pertaining to K2B Ventures, 6713 Rudderow Avenue, Pennsauken, New Jersey Block 4101, Lot 13. The Planning Board had requested an

interpretation from the Zoning Board as to whether this application was a single use. After review, the Zoning Board members agreed it is a single use. Dianne Piccari moved to adopt the resolution, seconded by Duke Martz, which carried unanimously on roll call vote. Copies of the resolution will be sent to the applicant, Township Clerk, Township Construction Official, Township Code Enforcement Administrator, Pennsauken Planning Board and the Township Tax Assessors Office. Duke Martz moved to adopt the resolution, seconded by Dianne Piccari, which carried unanimously on roll call vote.

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

Old Business

Thong Nguyen, 1701 42nd Street, Plate 9, Block 903, Lot 4 is seeking a use variance to convert an existing single-house into a duplex in a R-3 Zone where only single-family detached dwellings are permitted. The applicant also is seeking 4' of relief from the front yard setback requirement of 25' and 11' of relief from rear yard setback of 30'in a R-2 zone from an addition to side of the property and other variances and waivers that may be required by the Pennsauken Zoning Board.

This application was heard on April 20, 2022 and was tabled to May 18, 2022 at 7:00 P.M. at the Municipal Building.

Mr. Nguyen appeared before the Zoning Board on May 18, 2022. He presented further information to the Zoning Board members, which is recorded in the May 18, 2022 minutes. Mr. Nguyen, at that time, received four yes votes for his application and two no votes. He needs five yes votes for this application to pass.

Solicitor Boraske informed the applicant that he can try to get an additional vote from an additional Zoning Board member. That member, who is not present at this meeting, would have to review the tapes and minutes and then he could vote yes or no. The applicant was informed he should contact Gene Padalino or Solicitor Boraske for information regarding another vote from the Zoning Board.

Solicitor Boraske explained Mr. Hoyle was the 7th voting member on this application once he testifies. He has read the minutes and listened to recordings. Then Mr. Hoyle voted yes to approve so the vote carried 5-2 and the application was approved.

Resolution

Resolution Z-2022-27 was presented granting a use variance to Thong Nguyen to permit a multi-family residential use. The premises is located at 1701 42nd Street, Pennsauken, New Jersey, Plate 9, Block 903, Lot 4. Dianne Piccari moved to adopt the resolution, seconded by Duke Martz, which carried unanimously on roll call vote.

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

The meeting was duly adjourned on motion at 10:00 P.M.

Respectfully submitted,



Mary L. Leonard

Secretary