

**Borough of Clementon
Planning/Zoning Board
Meeting Minutes**

The March 14th, 2019, meeting of the Clementon Planning/Zoning Board was called to Order by Chairman Feldman.

It was announced that the meeting has been properly advertised and posted Pursuant to N.J.S.A. 10:4-6, The Open Public Meetings Act. The meeting was then opened with a salute to the flag.

Roll Call: Present Members: Chairman Feldman, Mayor Weaver, Member Armbruster, Member Lofland, Member Saunders, Member Naurath, Solicitor Rhodes, Churchhill Engineers
Absent Members: V.C. Kunkel, Secretary McKelvey, Member Kuns

Chairman Feldman: Members both present from Planning & Zoning that we can proceed with meeting. January & February minutes will be available next meeting April 11th..

Mercantile Application for Angel Perez- Tiaxcala Mex LLC, Angel Perez present.
Waiting on translator that speaks English.

Mercantile Application Guy Speakmann- Clementon Garden Center
Guy Speakmann 36 Highland Ave Cherry Hill.
Property for sale on Blackwood Rd flower shop that is vacant. Would like to put garden center at that location.

Chairman Feldman asking if sale is still pending.

Mr Speakman stated yes is still pending didn't want to go to settlement if could not get approved for Mercantile.

Chairman Feldman advised since not the owner of property just proposed owner not sure if allowed hearing this applicant. It will have to be turned over to Solicitor Rhodes.

Solicitor Rhodes property may not be zoned for commercial it's residential and therefor would need a use variance in order for that to occur. It would be impossible for the board to approve a Mercantile since it needs a use variance.

Mr. Speakmann stated the use variance they are speaking of Miles didn't we talk about this?

Miles Dumbleton it was grandfathered in it is the same thing we allowed Lorna Blouse to do as long as it was a floral shop or garden center along those lines it would be carry its commercial use.

Solicitor Rhodes- Are the hours of operation the same as previous?

Mr Speakman- probably not probably less

Chairman Feldman- They were open 5 days closed Mondays and Tuesdays. The previous owner only had a garden center there and you're planning on bins as well. What are the bins for?

Mr Speakmann- the bins are for mulch. You have to remember as a garden center I do not have a building on the property, not that I'm not going to go for one at a later date.

Chairman Feldman there is one on the property existing now.

Mr Speakman it's a sales building 14x22 it's not a very big building to sell seed, fertilizer, and products that need an enclosure. Chairman **Feldman**- I see you plan truck parking?

Mr Speakmann- well truck parking, I'm going to sell besides shrubbery and trees there is a large need for someone to sell large trees in South Jersey. Flowers I'm interested in but not as much as, trees and shrubbery. I have 9 bins for mulch there and trucks where I have the overnight parking I'll have pick up and dump trucks there. We will also have an installation crew to install mulch. Start at the business every morning parked in parking area. Chairman **Feldman** so this tree area you will be removing for the truck parking.

Mr. Speakmann – that is correct.

Chairman Feldman- I'm afraid in my opinion that this here is dramatically different than the use that already existed. In my opinion you would have to get a use variance it is a residential area. The trees were a nice buffer and for this we would lose that nice buffer. I think we would have to have some testimony from the adjoining property owners in that area. So in my opinion we cannot as far as zoning is concerned pass this on to council. But that is only my opinion the board would have to vote.

Mr Speakman- One of the things you brought up the border, the border around the property. the trees around the property I'm not looking to take down 2 to 3 feet of trees I could use them as a fence it is very heavily wooded. # sides of it, as far as the property just being a flower shop I don't think in today's market you will find anyone to open just a flower shop. And worse than that, you have Produce Junction across the street. Who is going to open up just a flower shop?

Chairman Feldman- I am well aware of that, but again this use is entirely different then what was there originally. There was no onsite parking, there were no bins, and there were no truck parking or employees reporting there. I still think you will need to get a use variance.

Solicitor Rhodes- What do we know about the prior use?

Chairman Feldman- it was a family owned flower shop period.

Member Lofland- Talking about when the brother's Sandberg's owned it they sold shrubs and trees and raised bushes.

Chairman Feldman- There is a big difference between saplings in a 5lb bucket to trees in 200lb balls that need heavy equipment and trucks to move. Again my opinion you will have to get a use variance I will not vote to approve this Mercantile.

Member Armbruster- I tend to agree with what Chairman Feldman is saying. Although I do believe it would be a good use for the property. Let me understand, if you are selling the bigger trees I tend to believe you wouldn't have the heavy traffic coming in and out like Magnolia Gardens center. I'm not sure you would need that big of a parking lot if not a lot of in and out traffic. Mr Speakman and Member Armbruster discussed more about the business in length talking about a building on the property.

Member Saunders asked about Adams Alley.

Chairman Feldman would still like to see a use variance and would like the surrounding residents be able to have a say in the matter.

Solicitor Rhodes- Just so you understand members of the board and you Mr Speakman the use of this property in a commercial context violates the existing zoning regulations for that area. In certain circumstances properties are grandfathered because the use preexisted the zoning ordinance or a regulation that's what you have here. There was a commercial use at the property that preexisted that regulation making it residential. So that is permitted to continue but if that is altered, changed or magnified that triggers the need for an application for a variance because it makes it more intensive then t it was before. So Chairman is saying, and I

think legality is correct what you're describing is an intensification of commercial use to that property and as such you have to apply for a variance to get that. When you do that whatever you intend to do is going to define the variance that you get. So then if you magnify it again by putting a commercial structure on the property would also trigger a variance for the use.

Member Armbruster went on to explain that he agrees with Chairman Feldman but personally thinks it's not a bad idea but would need a site plan to see how things would be laid out.

Chairman Feldman- Do we have a motion regarding this application please

Member Saunders- Make a motion that we let him go ahead a get a variance

Member Armbruster- The motion would be to deny the mercantile license

Chairman Feldman- You will need to deny the mercantile license.

Looks like you are going to need a site plan and go for use variance. I can't imagine this being done without a site plan.

Chairman Feldman- Let's continue on with the motion I still need a motion regarding this application.

Mayor Weaver- Motion to deny the Mercantile License

Member Saunders- 2nd Motion

The Motion is to deny the mercantile license at this point.

Roll Call: Yes- Chairman Feldman, Mayor Weaver, Member Armbruster, Member Lofland, Members Saunders Member Naurath. Absent: Secretary McKelvey, Vice Chairman Kunkel, Member Kuns.

Angel Perez- Tiaxcala Mex 328 Whp Clementon crossings end unit. Open a grocery, bakery, and restaurant.

Chairman Feldman – do you have a restaurant there now....yes....do you plan on any signage,

Angel: Yes using what is already there just changing name.

Chairman Feldman- Did you arrange for trash pick up

Angel: yes

Chairman Feldman- Do you stock shelves? If so how often will a delivery truck be there?

Angel- It depends on how busy the business is and if they have to restock more often.

Chairman Feldman: Will the delivery be at the front or rear entrance?

Angel- In the rear

Chairman Feldman- How many employees are you planning to have?

Angel- 3 people it depends on how busy the business is.

Member Lofland- Do you have a certificate from Health Department

Angel- yes it stays at the premise not on him

Chairman Feldman- hours of operation 7 days 7am-10pm

Angel- yes

Chairman Feldman- Food, Bread and retail.

Miles Dumbelton- Regarding Health Dept, prior to the township issuing a certificate of occupancy the Health department requires approval and them to be notified so they can do a sanitation inspection prior to opening. Transfer of ownership, turnkey operations have been cited that is why they are asking for a Health Department Certificate. I understand preexisting business there they had it but as a new owner you need to have one as well

Angel- yes, has one

Member Armbruster motioned for approval of mercantile application

Member Lofland 2nd

Motion was carried upon roll call: Yes, Feldman, Weaver, Armbruster, Lofland, Saunders, Naurath, Absent: Vice Chair Kunkle, Member Kuns

Chairman Feldman: It will have to go in front of council the following Tuesday for approval.

Bill Flemming: Mr Chairman I did provide a review letter Clementon Park for their site plan applications with several emails going back and forth with their engineer. Yesterday, they provided the final revised version of the plans and I indicated to them that the comments made on plan went into a conversation.

Chairman Feldman- That was the conditions of your approval was based on ...your approval

Bill Flemming- Yes, I think the board had a few conditions on there as well

Chairman Feldman- have they been tended to I remember the trash grates

Have they been handled on the new plans?

Bill Flemming- yes everything satisfied.

Pete Rhodes: Resolution #2019-001

Clementon Lake Park is applying to install 5 new rides at the park

Solicitor Rhodes read the Resolution to the board and public.

Roll call: Yes: Feldman, Weaver, Saunders, Naurath, Abstain: Lofland, Armbruster Absent: VC Kunkel, Kuns, McKelvey.

Solicitor Rhodes. There is going to be some minor changes to what was handed me tonight. I will email when complete.

Feldman: was it published yet?

Rhodes: It has not been published as of yet. As soon as Miles gives me it tomorrow it will be. The Secretary has to sign also.

Chairman Feldman-

Motion for dismissal...ALL

Respectfully,

Miles Dumbelton