

Borough of Clementon

Planning/Zoning Board

Meeting Minutes

April 14, 2022

The April 14, 2022 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 and called to order at 1900hrs by Chairman Feldman.

Roll Call: Chairman Feldman, Vice Chairman Kunkel, Secretary Taylor, Member Franks, Member Lofland, Member Kuns, Member Shover, Solicitor Rhodes, Engineer Steve Bach; Present, Mayor Weaver; Absent

*Chairman Feldman:* We have sufficient members of the Board to hear anything on tonight's agenda.

*Solicitor Rhodes:* Chairman I would like to make an announcement that the last item on the agenda which is 250 White Horse Pike Clementon Land Development this is the development that everyone knows as Leewood Villages, they have postponed their application to next month. We are making an announcement so that they don't have to re-advertise or re-notice. So, if there is anyone here for that application feel free to go home, because it is not going to be heard tonight.

*Chairman Feldman:* I suppose that everyone reviewed January and February minutes? Is there any questions or alterations that need to be done? Hearing none may I have a motion to approve these minutes?

Vice Chairman Kunkel motioned to approve, 2<sup>nd</sup> by Member Franks and roll call was called upon; All in favor

*Chairman Feldman:* There is no old business, so the first item on new business is Jersey Exchange, Blanky Guzman 52 Berlin Rd mercantile anyone here for this application?

Edgar Cisners, Blanky Guzman

*Chairman Feldman:* I see that you are proposing an apparel thrift shop, in what building?

*Edgar Cisners:* Showed a picture of the building where the business will be in the center. It will be where the old thrift store was. Everything will be second hand.

*Chairman Feldman:* Have you made provisions for a sign? You are only allowed 40 sq. ft. So, keep that in mind when you get a sign. How many employees do you typically have?

*Edgar Cisners:* Depends, 3 employees at this time, My sister and wife full time, myself part-time.

*Chairman Feldman:* You plan on being open 7 days a week from 8am-8pm?

*Edgar Cisners:* We will be getting a receptacle for trash.

*Vice Chairman Kunkel:* What about deliveries? Are you picking up the product?

*Edgar Cisners:* Yes, I will be picking up the product.

*Member Kuns:* They have violations here on the application

*Chairman Feldman:* Check with the zoning office regarding these violations they will straighten you all out. These regulations have to be fulfilled before you can get a mercantile license.

Vice Chairman Kunkel gave him his copy of the violations and advised that all is stated on there that needs to be taken care of.

*Chairman Feldman:* Missy do you have something regarding these fines.

*Missy Guernon:* There is a note on there that states that he will take 50% of those fines and make it \$300 instead of the \$600

*Chairman Feldman explained to the applicant that we do not approve the mercantile it has to come from Borough Council we just make sure that you meet the zoning requirements in that zone. They will not give you the mercantile until all these items are cleared up.*

*Edgar Cisners:* Ok I will take care of it Monday.

*Chairman Feldman:* Any other questions from any Board member? Hearing none can I get a motion to send this on to Council?

Vice Chairman Kunkel motioned to approve 2<sup>nd</sup> by member Lofland and roll call was called upon; All members in favor

Chairman Feldman: Next on the agenda is TWK Enterprises is anyone here for this application? Step forward, what can we do for you this evening?

Mr. Chairman if I may the next three items on your agenda have to do with concessions in the Clementon Amusement Park

Chairman Feldman: This shouldn't be a problem, what exactly is it that you sell?

My name is Roger Baldacci we sell wings chicken sandwiches, and French fries

*Chairman Feldman:* Have you done this before or is this your first venture?

*Roger Baldacci:* No, it is not I have done this before we have a restaurant in Turnersville

*Chairman Feldman:* How many employees will you have?

*Roger Baldacci:* Anywhere from 15-25 employees part time

*Chairman Feldman:* How big is this building we are talking about?

*Roger Baldacci:* About 800 square feet it is located in the water park at the round building

*Vice Chairman Kunkel:* What we are going to need is a map of the locations of all these restaurants in the park so we know where they are going to be.

*Solicitor Rhodes:* Do you have a plan that shows where all these are located in the park?

We will provide you a copy of a map and locations.

*Roger Baldacci:* We will be operating 2 locations next to each other

*Chairman Feldman:* There seems to be a problem with the tax collection?

*Missy Guernon:* That was taken care of today

*Chairman Feldman:* That is all I have does anyone else have any questions or concerns? Hearing none can I get a motion to send this on to Council?

Vice Chairman Kunkel motioned to approve with condition that a map is provided to show where the businesses are located within the park 2<sup>nd</sup> by Member Lofland and roll call was called upon; All in favor

*Chairman Feldman:* Ok next is Pizza Hut

My name is Greg Martin director of operations for Pizza Hut, we are looking to put a concession in the park, we will have our employees run it this year. We will be doing minor improvements (showed picture) they are all being taken care of by our contractor and permits being filled out

*Chairman Feldman:* You are not going to have deliveries out of the park?

*Greg Martin:* No, we will not, we have a full time Pizza Hut on Blackwood Clementon Rd Gloucester Twp.

*Vice Chairman Kunkel:* How many employees do intend to have? The hours 11-9pm?

*Greg Martin:* We probably won't have more than 10, we can run the location with 6-8 employees Supervisor, area manager. Yes, we will be open park hours we will be selling personal pan pizzas and breadsticks

*Chairman Feldman:* Does anyone else have any questions or comments?

*Vice Chairman Kunkel:* Same thing with other applicant location of the concession within the park.

*Chairman Feldman:* Can I get a motion to send this on the Council?

Vice Chairman Kunkel motioned for approval 2<sup>nd</sup> by Chairman Feldman and roll call was called upon; All in favor

*Chairman Feldman:* The next item AXO anyone here regarding this application

Hello my name is Maricela Palillero and Jose Lorenzo

*Chairman Feldman:* So, you are also going to open up in the park? What type of restaurant and what do you plan to sell?

*Jose Lorenzo:* It is going to be a Taco shop, taco stand, we will sell nachos, tater tots and tacos.

*Chairman Feldman:* How big is this establishment?

*Maricela Palillero:* It is a cart, about 15ft

*Vice Chairman Kunkel:* Do you know why this was denied by the fire Marshall's office?

*John Holroyd:* We didn't have locations of where in the park these mercantile are going

*Chairman Feldman:* What are the days and hours of your operation?

*Jose Lorenzo:* It will be open during park hours 11-9pm

*Chairman Feldman:* Does anyone else have any questions or concerns? Hearing none can I get a motion to send this on to Council?

*Vice Chairman Kunkel:* How many employees do you intend to have?

*Jose Lorenzo:* Two full time and Two part time

Member Franks motioned to send on to Council, 2<sup>nd</sup> by Vice Chairman Kunkel, and roll call was called upon; All in favor

Chairman Feldman: The next item on the agenda is IAO Entertainment

*Edward Taylor and wife spoke regarding what they were asking for approval from the board, regarding a mercantile license.*

*After hearing what they plan on having, it was explained that a Use Variance Change was needed for a place of assembly for what they were proposing. No further discussion went on and they were advised to fill out application for a use variance.*

*Chairman Feldman:* The next item on the agenda is 49 Woodland Ave Felicita Maldonado variance for garage is there anyone here regarding this application? What is your name?

Sandra Nichols, I helped him fill out the application, English isn't very good

*Chairman Feldman:* According to the survey it looks like you have a pool in the back of your yard?

*Sandra Nichols:* No, the pool is gone the garage is going where the pool once was.

*Chairman Feldman:* Your survey is 9 years old has anything changed on the property since this last survey?

*Sandra Nichols:* No, it is all the same

*Chairman Feldman:* I see you are proposing a garage that is 24x30x13. How do you get access to the garage?

*Sandra Nichols:* From the street in driveway, it is on the right side of the house

*Vice Chairman Kunkel:* What do you have from the right side of the house where the pool was to access this garage? What do you propose to put there?

*Sandra Nichols:* He will be putting asphalt from driveway to the new garage, and cement around the garage

*Solicitor Rhodes:* How long is the existing driveway?

*Chairman Feldman:* Looks like about 15 feet.

*Vice Chairman Kunkel:* So, the new driveway is that going to be 15 feet also.

*Sandra Nichols:* Yes

*Chairman Feldman:* This garage is pretty big how many cars do you have?

*Sandra Nichols:* They have two cars a truck and a pickup truck

*Chairman Feldman:* Why 30 feet wide?

*Sandra Nichols:* Because he has a lot of tools and needs the space to store them

*Member Kuns:* Do you plan to use these tools in any other business besides your personal business?

*Felicita Maldonado:* No, just for myself

*Chairman Feldman:* How off the sideline do you intend to put this garage

*Felicita Maldonado:* Five feet from the rear and 5 ft from the side

*Chairman Feldman:* Wait for the zoning officer to get back to you on the requirements for the setbacks in that particular zone is that clear?

*Sandra Nichols:* Yes, he can go 10ft

*Chairman Feldman:* Yes, you have plenty of room to go 10 feet of the back and 10 feet off the side. The property corners, does he know where they are?

*Sandra Nichols:* Yes, he does know where the corners are

*Secretary Taylor:* Looking at this and impervious ground cover it looks like it is at 30%-31% and adding in an asphalt driveway will significantly bump that up, is that not a concern?

*Steve Bach:* I did not go over this application, do we know in the R-1 what the coverage is?

*Chairman Feldman:* It would be best to use stone so it is somewhat pervious. You will have to get a building permit, so the inspectors can inspect it.

*Chairman Feldman:* Is there any other questions from the Board members? Hearing none I will close it to the Board, is there anyone in the public here about this application? Hearing none I am going to close it to the public and open back up to the Board for a motion for approval?

Vice Chairman Kunkel motioned to approve second by Secretary Taylor and roll call was called upon; All in favor, Member Franks; abstain

*Chairman Feldman:* Next on the agenda is 342 White Horse Pike Abdullah Uzunkaya use variance

Good evening my name is Robert Gleaner representing Abdullah Uzunkaya

*Solicitor Rhodes swore in Abdullah Uzunkaya*

*Robert Gleaner:* I assume everyone has the plans I will give a brief overview. This is a property that has a mercantile license to run a business from a previous application years ago that is part of the package for certain approvals. We want to use the entire property, even though it is 4 separate lots but is one property. That is why we are here.

*Chairman Feldman:* Mr. Gleaner before you go any further I want you to be aware that we only have six voting members It would have to be five out of six

*Robert Gleaner:* You have been sworn you are the owner of this entire operation, tell the board what your business is

*Abdullah Uzunkaya:* It is a used car lot and I have a shop there too

*Robert Gleaner:* And you have a mercantile to operate that business there?

*Abdullah Uzunkaya:* Yes

*Robert Gleaner:* On the plan I note that there are three separate buildings on the property correct?

*Abdullah Uzunkaya:* Yes

*Robert Gleaner:* Lets look from the White Horse Pike, standing on the White Horse Pike and I am looking to the back of the property, there's a building to the right correct? What is that building and what is it being used for now?

*Abdullah Uzunkaya:* It was my used car lot office

*Robert Gleaner:* The buildings to the left what were those building before?

*Abdullah Uzunkaya:* There was a business there that was run by Henry Marter.

*Solicitor Rhodes:* What type of business was it?

*Abdullah Uzunkaya:* Used car lot also

*Robert Gleaner:* Before that it was used as a residence correct?

*Abdullah Uzunkaya:* Yes, it was a residence both of the buildings were residences.

*Chairman Feldman:* You are talking about the building to the right if looking from the White Horse Pike, the bilco doors and concrete slab?

*Abdullah Uzunkaya:* Yes, that is the one, right now it is an office

*Robert Gleaner:* And the other building further to the left, is that building being used right now?

*Abdullah Uzunkaya:* Since I purchased it, it has been vacant

*Robert Gleaner:* How about the building to the rear?

*Abdullah Uzunkaya:* It is a repair shop for the used car lot

*Robert Gleaner:* And again, that is permitted by the mercantile license

*Abdullah Uzunkaya:* Yes

*Robert Gleaner:* So, what are your plans? Let's start with the building again WHP looking at property to the right you said was being used as your office, what is the plan

*Abdullah Uzunkaya:* An office and because I live in North Jersey, I want to stay here sometimes, because it is too far to travel, want it to be livable and an office

*Robert Gleaner:* So, it is going to be a part time residence and your office? Is it going to be just you or family members?

*Abdullah Uzunkaya:* Yes, Just me

*Solicitor Rhodes:* Is it currently outfitted for a residence?

*Abdullah Uzunkaya:* It used to be, not now it is just an office

*Solicitor Rhodes:* So, what would you propose to put in there?

*Abdullah Uzunkaya:* They have everything there already they have water, electricity

*Robert Gleaner:* I think what Mr. Rhodes is asking is there a useful kitchen there

*Abdullah Uzunkaya:* They have everything there already

*Solicitor Rhodes:* It is already existing, you just have to sleep there

*Robert Gleaner:* So again, looking at the White Horse Pike at the building to the left

*Abdullah Uzunkaya:* That is a 2-story house

*Robert Gleaner:* Is it usable with a bathroom, kitchen and all that?

*Abdullah Uzunkaya:* Everything is there but they were using it as offices

*Robert Gleaner:* And you want to use it as a residence for whom?

*Abdullah Uzunkaya:* My employees, because they are from North Jersey I wanted a place for my employees to stay whether they are married or single I don't know

*Robert Gleaner:* So, you don't want any restrictions on it, you want a family to be able to move into there if necessary so other than interior modifications and you get permits for them you want them both to be used as residences?

*Abdullah Uzunkaya:* Yes

*Robert Gleaner:* Are you planning on any changes to the commercial building to the back?

*Abdullah Uzunkaya:* It is my repair shop right now

*Robert Gleaner:* Mr. Bach pointed out in his letter an issue concerning parking, lets talk about again from the White Horse Pike the building to the left, not your office the other one what would be the parking situation regarding that building?

*Abdullah Uzunkaya:* The side where the parking meter is

*Robert Gleaner:* So, the parking would be to the side of the left building, how many spots would you be putting in there

*Abdullah Uzunkaya:* They have eight (8) spots there

*Solicitor Rhodes:* Are they striped spots?

*Abdullah Uzunkaya:* They have the concrete stops at each spot

*Solicitor Rhodes:* They have 8-wheel stops? What is the covering? Is it asphalt? But it's not striped

*Abdullah Uzunkaya:* Yes 8-wheel stops, the covering is asphalt, no not striped

*Robert Gleaner:* But, you would stripe it? You put those stops so vehicles wouldn't hit house?

*Abdullah Uzunkaya:* Yes, I can stripe it, and yes so vehicles won't hit the house

*Solicitor Rhodes:* I thought you said there were wheel stops there already?

*Robert Gleaner:* I think he was talking about the two (2) columns

*Solicitor Rhodes:* So, behind those columns you have the wheel stops?

*Robert Gleaner:* So, they are there already?

*Abdullah Uzunkaya:* Yes, they are there

*Steve Bach:* So those spots would only be used for the residential part of the building?

*Abdullah Uzunkaya:* Yes, for the residential part of the building

*Robert Gleaner:* One of the things I think the Board would be interested in is the nature of this neighborhood, its commercial buildings, residential buildings? What is going on in that neighborhood there?

*Abdullah Uzunkaya:* Quality is a commercial building there, and also residential

*Robert Gleaner:* Just for the record the building you are pointing to is not on your property it would be the next door building to the east correct? And what is that building being used for?

*Abdullah Uzunkaya:* Residential same as what I want to do

*Robert Gleaner:* So, you are proposing the same type of use, correct?

*Abdullah Uzunkaya:* Yes

*Robert Gleaner:* Ok, what about to the west side what are those buildings?

*Abdullah Uzunkaya:* They are both residential

*Solicitor Rhodes:* You are talking about the both buildings on lot 7?

*Abdullah Uzunkaya:* Yes, they are residential

*Solicitor Rhodes:* Are they single family?

*Abdullah Uzunkaya:* They are 2-story single family

*Robert Gleaner:* Mr. Bach I am checking your letter I think I have addressed all the performances, ok I have no further questions for my client

*Steve Bach:* I just have one question, what is going to be the distinction of what is agreeable to the applicant to linking what is proposed as residential use of these buildings to the actual business, and the renting of these units

*Robert Gleaner:* I think in your testimony you stated you would only allow an employee to be living there, so it would be an employee of your actual business?

*Abdullah Uzunkaya:* Yes

*Steve Bach:* Ok an actual business in Clementon employee stay there and the other residential would only be for the owner?

*Robert Gleaner:* Yes, and we would have no problem with that being a limitation to the approval

*Member Kuns:* I have a question on your notes #2 Is he going to renting out this business?

*Robert Gleaner:* No, and I will take that off the plans, he will be running business

*Chairman Feldman:* It was rented out prior and had a problem with the tenants and I think that is where this came from

*Robert Gleaner:* Yes, this was the prior use and I think both of them #3 in the notes to be removed as well

*Chairman Feldman:* #1 is new

*Robert Gleaner:* Yes, #1 is new #2,3 will and can be deleted

*Chairman Feldman:* Are you aware of the last variance that we approved for this particular property? And we set some very specific requirements as far as these buildings are concerned

*Robert Gleaner:* I have read it, and yes that is why we are here tonight, it is the responsibility and the burden of the applicant to establish why we need this and I would submit to the board that this type of business and these particular uses are very consistent not only with the neighborhood but they are all consistent with that type of business on that type of property. Mr. Kun's point is well taken there was prior renters, and other things, that lacks control. My client is going to be the one controlling this operation because it is his business, he has the ability to control it. He needs an employee he can rely on who's going to be living there. He is going to be able to operate the business, and take care of the site, keep an eye on it on the days that he is not there.

*Steve Bach:* So I can summarize this that the application is for the residential use associated with the Used car business the residential use is a non-rental residential use they are proposing it on the one story building on lot 8.01 only the owner of the business using the residential use in conjunction with office and would have to be subject to whatever construction requirements for separation of uses and the 2-story which is to the east on lots 9 & 10 for lack of a better description that would be for employee

residential use only. It could never be a rental so it would be considered as employee residential use associated with the business.

*Robert Gleaner:* And to your point you are right that use variance would go with the land but with that same restriction. So, anybody that bought that property would only be able to use it with that restriction unless they came back to the board. We don't intend to do that and not intending on selling it.

*Steve Bach:* And the previous use already granted by the board however that was described. Which was a used car lot

*Robert Gleaner:* It is an expansion of the use in conjunction with the business itself. That is why we are here because it is something outside what your zoning permits.

*Chairman Feldman:* Any other questions from any board members?

*Secretary Taylor:* And this is to benefit Clementon somehow?

*Chairman Feldman:* Ideally positive criteria in my opinion, it should be something to benefit the community.

*Robert Gleaner:* Can I address that I think a thriving business is a benefit to Clementon and this assists my client in keeping his business thriving. If he can't get anybody to work there and there's not enough workers he can say to them "look I want you to come down here, I want you to move here I am going to give you a job, a place to live." That allows his business to continue thriving. He can use this as a tool.

*Steve Bach:* Mr. Taylor I am going to refer and the rest of the Board if I may for a minute Mr. Chairman on page 2 of our review, we provide our standard language which is approval for the use variance which is described as municipal land use. I am going to read that out loud; it is the applicant's obligation to present positive negative criteria to justify the variance. The applicant must prove to the satisfaction of the board that there are special reasons for the board to exercise the jurisdiction to grant the relief. In this case it would be multiple principal uses on one property which is a use variance and the other one is two residential uses in the non-residential zone. And they have to demonstrate that the site is particularly suited for the proposed use and that the proposal advances the purposes of municipal land use law, which is the state statute and the Boroughs master plan and our zoning ordinances. That are the positive criteria that you have to weigh. On, the other side of that the applicant must show that the variance can be granted without substantial detriment to the public good, and the variance will not substantially impair the zone plan, zoning ordinances. And the zone plans which is our zoning map and our zoning ordinance. So, you have to weigh as each board member whether it's positive outweighs the negative and whether they met their burden for this deviation to be appropriate.

*Robert Gleaner:* I totally agree, its beneficial for the business to thrive if there is an employee on the premises.

*Vice Chairman Kunkel:* My question is what is the job function of this employee?

*Abdullah Uzunkaya:* It will be repairs only

*Vice Chairman Kunkel:* So just repairs, he is not going to be selling cars? And how many employees are you proposing? And only one employee will be living there?

*Abdullah Uzunkaya:* Just one employee living there, I am trying to get 2 more employees to work there.

*Steve Bach:* So, the 2-story building on lots 9&10 will be a single-family dwelling for one employee of the used car lot and their associated family

*Abdullah Uzunkaya:* Correct

*Steve Bach:* I heard there was a limitation to six (6) persons

*Robert Gleaner:* I tossed out a number, I understand that is a discretion we don't have a problem we certainly don't expect to say 10 but I hope it would be more than four (4), somewhere in the middle

*Steve Bach:* It is your application so, what number

*Robert Gleaner:* We would be agreeable to six (6) I think it is a reasonable number

*Chairman Feldman:* Any other questions from the board members? Is there anyone in the public here for this application? Hearing none I will open it back up to the board any other questions or comments regarding this application?

*Solicitor Rhodes:* Just as you consider the application Mr. Bach has explained the positive and negative criteria the applicant conceits two use variances one for multiple uses in the highway commercial zone and the other to permit two residential uses in a zone that does not permit residential use. The grant of any type of variance or relief runs with the land it will pass on impropriety. So, as you consider how you approach these reasonable restrictions to ensure that any detriment is minimized by an approval would be appropriate. The applicant has agreed to limit the employees proposed residential use to a single employee and his or her family, immediate family. There won't be more than six (6) individuals living in that structure all related by immediate family. One of the two kitchens will be removed to prevent the possibility of multiple family use. As to the other structure, he is proposing any residential use be solely to the owner of the property. I would suggest any consideration of this application also be limited to the major use of the property be that of a used car lot. If that use were to change there would be no reason to continue residential use.

*Robert Gleaner:* We would consent to that

*Member Kuns:* Is there any tax benefits?

*Chairman Feldman:* Taxes are not a consideration; Can I have a motion to approve this application?

Vice Chairman Kunkel motioned to approve this use variance with conditions we have discussed 2<sup>nd</sup> by Member Shover and roll call was called upon; Chairman Feldman says no but he may consider changing his opinion if a minor sub division will prepare to take that house out of that particular lot and make it a separate lot. I would propose a lot line from the repair building to existing building. Subdivision line.

*Solicitor Rhodes:* That would also require a use variance

*Robert Gleaner:* We would consent to the use variance being granted subject to our application and grant of an approval for a sub division

*Chairman Feldman:* Based on what you just said I will vote yes based on sub-division

Roll call continued; Vice Chairman Kunkel, Member Lofland, Member Kuns, Member Shover; Ayes Secretary Taylor; Nay

*Chairman Feldman:* Next item 11 Chewslanding Road Richard Brown, who do we have in front of us?

Alan Minato representing Richard Brown

*Alan Minato:* We also have architect John Harris here to give testimony

*Solicitor Rhodes:* Mr. Harris have you been before this board before

*John Harris:* No, I have not

*Solicitor Rhodes:* You are a licensed architect in the State of New Jersey, and you have testified before other planning and zoning boards in this state? You have been qualified as an expert to those boards?

*John Harris:* Yes, and yes

*Solicitor Rhodes:* Ok if you can both raise your right hands; They were sworn in

Solicitor Rhodes: Mr. Brown you are the owner of this property?

Richard Brown: Yes

Solicitor Rhodes: Mr. Harris are you with a group or on your own?

John Harris: I am a one-man office based in Tabernacle NJ

Alan Minato: I would like to open up and give some background to this application and then offer testimony from Mr. Harris and then the homeowner

Good evening again and thank you for entertaining our application the application is for a bulk C variance in connection with construction with an addition onto Mr. Browns existing home at 11 Chews landing Rd. property is zoned R-2 Residential. The addition meets front and side setbacks and will be viewed as an in-law suite at 613.3 square feet it exceeds the 500 square feet requirement of Clementon Code section 298.73.1 by about 113 square feet. The project includes construction of an enclosed rear patio which will connect his addition to his existing house single family dwelling. There will be a singular means of ingress and egress in the back of the property in conformance with the aforementioned code section that 1.C. He proposes to do a smaller addition of about 123 square feet which will be attached to the rear of the existing house. That will remove the existing ingress and egress there. It will match within hundreds of inches of the existing dwelling side yard setback. There is the side set back by Ordinance is fifteen square feet. His existing is 13.1 square feet. The house was built in 1920, it's always been that way to the extent that we can address that too. Accordingly, we are seeking relief for the application for this as for noticing the required notices within 200feet via certified mail. Publication will be in the Courier Post. As I indicated it is R-2 zoned it meets the current lot area width, depth front and rear minimum setbacks. Maximum impervious coverage is all met as indicated that the existing structure was built decades ago. There was a construction permit submitted but there were some questions as whether it was going to be an in-law suite and we needed to comply with the township ordinances. He is a long-term resident of Clementon he wants to enjoy his retirement, he has a new wife and has been on the property since 2004. As for the plans they were drawn by Mr. Harris and I would like to offer the testimony of Mr. Harris right now.

*Alan Minato:* Mr. Harris you have been previously sworn in can you describe your professional credentials and educational background for the Board?

*John Harris:* I received a bachelor of Architecture from the University of Texas 1983, interned for a couple of architects along the way until I took my exam and became a registered architect in 1987. For the first 23 years I worked for several firms in Texas, Massachusetts Pennsylvania, and New Jersey, until I established my own one-person firm in 2010 as Harris Architects.

*Alan Minato:* The board has your application and plans for this project explain to the Board what exactly is the project.

*John Harris:* I have two drawings on the board same as you have in your packet's SP 1.3 & SP 1.4. When Mr. Brown and I started working on the project in 2019, he had a pretty clear sense of what he was looking for with an addition single floor. His age and wanting to remain in the property, it was clear from the beginning that he wanted a one-story addition with a bathroom and living quarters that were going to be more accessible than what is in this home. One of the main difficulties is the stairs of this home's era. The other was the laundry in the basement. So, between 2<sup>nd</sup> floor first floor and basement, that can post some serious challenges for an aging in place homeowner. We decided this addition is going to be primarily where he will be occupying. So we have designed it and when we looked the 500 square feet wouldn't fit what he was looking for. If you look at the footprint of the home the addition with is 20x30 feet. We wanted to keep the character of the addition the same as not only this home but same as other homes in the neighborhood. Exterior material the roof slopes the roof color and the organization of the windows. I feel we have succeeded on that respect. There is a connected link between the heated area to the existing home the length is a screened porch. We have a single exit to the back and the front door to existing home There is an entrance to the screen porch.

*Alan Minato:* How is storm water management being handled

*John Harris:* Gutters and leaders from the addition, my construction drawings aren't clear where those are going the building code says that with new construction you have to slope away from new construction half a foot for the first 10 feet unless there's obstruction or property line things like that is so you would have to build a swale to contain the rain water so its not being directed to the neighbor to the left or right, either to street or to some onsite soil retention area.

*Alan Minato:* That would be a condition is this application was accepted, does the structure meet height requirements?

*John Harris:* Yes, and yes, the existing home is taller than the addition.

*Alan Minato:* The addition doesn't upset any setbacks?

*John Harris:* With the exception of what was being added to the side of the existing home which was encroaching that side yard set back since the home was built and the addition at the back part of the house didn't encroach any more that what was existing.

*Alan Minato:* That was hundreds of an inch 13.18 versus 13.36. I don't have any further questions for Mr. Harris.

*Alan Minato:* Mr. Brown you have heard testimony from Mr. Harris in reference to the scope of the project some of the design elements can you explain why you want to build this addition.

*Richard Brown:* Well I am getting older and the bedroom is on the second floor. I have rheumatoid arthritis and I get up a lot during the night to go to bathroom, I have to go down to the first floor to use the facilities. The new design gives a bathroom in the bedroom. My wife and I will be occupying the space no intentions to rent it out. I will register the in-law suite with the Zoning Officer as required by law.

*Alan Minato:* How do you think the project may impact the neighbors or the neighborhood in scheme?

*Richard Brown:* It should blend with the neighborhood or enhance it a little bit. If I left the house as is, it still from 1920 I have done little improvements to it but not what I want. I didn't want to tear everything down, and didn't want to add to the top, as I am getting older its easier just to have one level.

*Chairman Feldman:* Mr. Brown where did you say your bedroom was on the second floor?

*Richard Brown:* Yes, when I had those drawing done they are the new drawings it is going to be on the first floor.

*Chairman Feldman:* Are the stairs next to the existing bathroom

*Richard Brown:* That is correct then you go right up the steps to the bedroom.

*Solicitor Rhodes:* So, if you move into this newly created suite who is going to live in the old house?

*Richard Brown:* We will

*Chairman Feldman:* Mr. Minato I'm a little confused here in your narrative 298-73.1 which is specifically an in-law suite

*Alan Minato:* And the reason for that and the testimony from architect it was designed as an addition but somehow it became in-law suite before I got involved with representation.

*Chairman Feldman:* If it is an in-law suite and you cited that chapter if you go to letter C, it states you are not allowed to have that entrance in the breezeway. So if you have an entrance in the breezeway then it is not an in-law suite.

*Alan Minato:* That porch is the only means of ingress and egress to that house.

*Chairman Feldman:* How do you get to the back of the house now?

*Richard Brown:* Through rear door which is future laundry room.

*Chairman Feldman:* You could if you took out that 36x20 window and put a door in the laundry area.

*Steve Bach:* What the chairman is saying is that you can't have separate means of entrances with the breezeway in between. So, what you are proposing here you have to have just one entrance to the existing and the new structure.

*Solicitor Rhodes:* If you enclosed you could have a door there because it would be the only access into both dwellings.

*Discussion went on to what could possibly be done to enclose to have just one entrance to both units. And Mr. Brown will decide on what to do with architect.*

*Chairman Feldman:* Now that that is no longer an in-law suite I don't think you have to comply with the 5000 square foot requirement

*Steve Bach:* You would still have to treat it as an in-law suite because they have two kitchens.

*Chairman Feldman:* Is there any questions or comments regarding this application? Anyone from the public hear regarding this application? Hearing none I will turn it back to the board

*Member Kuns:* Has all the notices been returned?

*Missy Guernon:* Yes, I have them via email and he brought the originals with him

*Steve Bach:* Mr. Chairman I think there is a side yard set back on the existing structure, I think it would be appropriate to reflect that they are following the line back.

*Solicitor Rhodes:* ok you have two variances in front of you the first is variance to permit an in-law suite to exceed ordinance limit of 500 square feet the proposed is 613.1 and the second is along the right side of the existing structure the new addition will parallel the existing side of the structure, which is only set back at 13.8 feet where 15 feet is required that addition requires approximately 1 ¾ foot variance.

*Chairman Feldman:* Can I get a motion for this application?

Vice Chairman Kunkel motioned to approve under all the conditions set forth does include the removal of the steps, second by Secretary Taylor and roll call was called upon; all in favor; Member Franks; abstain

Steve Bach: This is an ordinance that will be referred back to the Planning Board there is no action on it this evening we are getting it as early as possible, fences and keeping it in the prohibited uses section. Zoning permit and a building permit along with survey and a sketch

Resolution for Rhema Life Church 165 White Horse Pike was read by Solicitor Rhodes

All members in favor for approval of Resolution for Rhema Life Church

Meeting was adjourned

