

Borough of Clementon

Planning/Zoning Board

January 21, 2021 Meeting/Reorganization

The January 21, 2021 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 1913hrs by Chairman Feldman.

Roll Call: Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Lofland, Member Kuns, Member Saunders, Bach Engineer Anthony DiRosa, Solicitor Rhodes; Present, Member Shover; Absent

Chairman Feldman stated that we have sufficient members to hear everything on the agenda. Has everyone reviewed the December 10, 2020 meeting minutes? Are there any issues that need correcting? Can I have a role call please?

Vice Chairman Kunkel, Mayor Weaver, Member Armbruster, Member Lofland, Member Saunders; Ayes, Chairman Feldman, Secretary McKelvey, Member Kuns; Abstain

No Old Business

Chairman Feldman announced that we are keeping him as Chairman, and Vice Chairman Kunkel, and Secretary McKelvey the rest, same positions for the next term, Member Armbruster motioned to keep all members, 2<sup>nd</sup> by Member Lofland and roll call was called upon; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Lofland, Member Kuns, Member Saunders; Ayes

*Chairman Feldman:* Next up we have to approve our two professionals, Solicitor Rhodes, and Bach Engineer Anthony DiRosa, Vice Chairman Kunkle motioned to approve the two professionals, 2<sup>nd</sup> by Secretary McKelvey, and roll call was called upon; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Mayor Weaver, Member Armbruster< Member Lofland, Member Kuns, Member Saunders; Ayes

The other members were approved at the reorganization meeting of Council.

*Chairman Feldman:* The next item of the agenda is a variance application for a 6ft fence 20 White Horse Ave, Louis & Tara Rivera are they here? What could we do for you tonight?

*Louis Rivera:* Yes, we would like to put up a 6ft fence around our property, we have 2 small children, our driveway is open there is a bus stop right at the corner and a lot of people hang out. There is a liquor store down the street, and constantly finding little glass bottles all on my property. It is not safe for my little ones so close to the street I am just trying to close my property off.

*Solicitor Rhodes:* I am going to interrupt here Mr. Rivera I am the solicitor for the Board and it is normally a practice to swear in so we have a record so would you mind raising your right hand and do you swear the testimony you are giving tonight is the truth so help you god?

*Louis Rivera:* Yes Sir

*Solicitor Rhodes:* And what you previously said was the truth?

*Louis Rivera:* Yes Sir

*Solicitor Rhodes:* Your name is Louis Rivera and you reside at 20 White Horse Ave? Ok Proceed

*Louis Rivera:* Yes, I have a fence down the one side and down the other side but nothing closing in the yard, I am afraid of my children running in street its congested area.

*Solicitor Rhodes:* What ages are your children? Are they out in the yard often?

*Louis Rivera:* They are 1 and 3 years of age, they are out in yard all the time

*Vice Chairman Kunkel:* Mr. Rivera on your hand drawn diagram, it shows your house in the middle of your property and your fence going off all the way to the left, it looks like you have a common driveway. Where is the fence going to end, along side of your house, then go straight back? I don't understand from your drawing.

*Louis Rivera:* I apologize my wife drew that, the fence ends at the end of my property, and end up at the side porch to enclose that side door we have as well. Want to extend it a few feet.

*Solicitor Rhodes:* Your proposal is to bring that fence up to the front of house not up to street?

*Louis Rivera:* No just to front of house, where house ends not to front of porch

*Vice Chairman Kunkel:* On your driveway side you going to have a gate to get in?

*Louis Rivera:* A swing gate vinyl fencing, probably get it automatic opener

*Vice Chairman Kunkel:* You are also proposing a gate on the other side of the property?

*Solicitor Rhodes:* Did you discuss with your neighbor what was going to happen to the stockade fence that is there, is that going to be removed?

*Louis Rivera:* No, we are butting up to that stockade fence then eventually replace it, Mrs. Rivera states they are doing all 4 sides vinyl fencing and taking down the stockade fence.

*Solicitor Rhodes:* Tara you have to be sworn in I you are going to give testimony. Do you solemnly swear that the testimony you are giving is the truth so help you god?

*Tara Rivera:* yes, everything I have said is the truth as far as I know it.

*Solicitor Rhodes:* What are you going to do with the fence that is on opposite side you taking that down also? Have you spoke to the neighbors?

*Tara Rivera:* We don't know who owns the property. It is the parking lot for the park.

*Chairman Feldman:* Is there any more questions from the Board members regarding this application? Hearing none can I have a motion to approve? Vice Chairman Kunkel, motioned to approve 2<sup>nd</sup> by Secretary McKelvey, and roll was called upon, Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Lofland, Member Kuns, Member Saunders; Ayes

*Solicitor Rhodes:* Your application was approved subject to the removal of the old fence on the right side, and the rear portions. While your able to proceed because you have approval tonight, it won't be legitimate until next months meeting when the resolution is approved. In other words, someone could appeal most unlikely cause there was no one here to oppose your variance.

*Chairman Feldman:* The next thing on the agenda is a mercantile for M&E Locksmith are they here tonight?

*Yes, I am Bill, Mike and Eric*

*Chairman Feldman:* Can you explain why there are two applications for the same location?

*Bill:* My brother and my dad were in business together he brought my brother in, then my dad signed business over to him and opened up another. When my dad passed I took over that business. We want to combine them because we are too busy as one.

*Chairman Feldman:* So, you are applying as one?

*Bill:* We asked that we were not sure how to proceed so the gentleman at the Borough told us to each do it and let you guys sort it out.

*Chairman Feldman:* Miles has there been any other verifications or signatures besides the ones here?

*Miles:* I am pretty sure we have them all let me grab file

*Member Armbruster:* According to the application the one is incorporated and the other is just a partnership?

*Bill:* One is a sole proprietor and one's an LLC.

*Solicitor Rhodes:* So, is your proposal to merge these two businesses into one?

*Bill:* We always worked together under the two names, that's the way they were purchased, he had his we had ours. Unfortunately, both buildings caught fire. We were on the road but we don't have that walk-in customers anymore. We would like to get back to that. So we decided lets work as one and keep our names cause that is how each business gets referrals for their customers. We were just unsure how to go about the mercantile do we get one or two. We are each individually licensed for the state, and each business is also licensed, everything the state requires.

*Solicitor Rhodes:* And it is both essentially the same type of business you both are locksmiths?

*Bill:* We are both locksmith and CCTV and card swipe access control, we need more employees and we don't want to be sitting out in trucks in parking lots we need that walk up. We are missing that money during the day. We are turning people away because they need keys cut and we can't do them out of the van

*Solicitor Rhodes:* How many vehicles will you have on the property at any given time?

*Bill:* Only during business hours because we take our vans home, a lot of my equipment is at my home. I have a lot of property. We have two trailers one 5x8 and the other a car trailer that has a scissor lift. There is parking in the back and when I spoke to the gentleman at the hall he said it would be best to leave the front open. We would bring them home. At any given time, there will be about 4 or 5 vehicles there. As far as business vans we have 4.

*Chairman Feldman:* I see on the application the address is G. I was out there earlier today and I saw the yellow house.

*Bill:* Yes, G is the garage in the rear of the property.

*Chairman Feldman:* The sign that is out front is that on your lot or the adjoining lot?

*Bill:* That is the adjoining lot we would say but if this all goes well, we have plans to purchase the home in the front we figured they are zoned for both.

*Chairman Feldman:* Have you worked under a mercantile before

*Bill:* Yes

*Vice Chairman Kunkel:* Kaighn Ave Camden, it's a lot right now

*Bill:* Yes, we still own the lot, we also had a place on Mt Ephraim Ave.

*Vice Chairman Kunkel:* On the one application the license states its coming back to that Kaighn Ave address? And on the next line it states get a new address. So, all these licenses are going to come back to the Clementon address?

*Bill:* Yes, eventually what happened is I work out of my home in Blackwood, out of my garage and the rest out of their vehicles so we want to put it all together.

*Vice Chairman Kunkel:* So, your hours are going to be Monday through Saturday 9am-4pm? So, you are not going to be open any evening hours?

*Mike:* We are going to do evening 24hour service but not operating out of the business we will be taking vehicles from our residences.

*Vice Chairman Kunkel:* Do you have sufficient parking for customers? What about trash removal?

*Bill:* The front will hold about 6 or 7 cars, the back 2 trailers and there is side lot. We haven't gotten to the trash removal yet. We will have very minimal trash is that something we can throw in the van and take with us?

*Solicitor Rhodes:* Yes, you can take it home with you in your van

*Chairman Feldman:* Ok, back to the sign, how long has that sign been out there? I think it might exceed our allowable usage sign

*Bill:* We talked to the owner we all know there are things on the property that has to be taken care of first before we could even get to see the Board, and we are learning these things as we go. We were on County Roads or buildings and it was normal process. The way this property is divided we are going to be calling you and asking you as well.

*Chairman Feldman:* Before Council approves this application for the mercantile, I want Miles to go out there and measure that sign.

*Miles Dumbleton:* I will go out and measure that sign, and as to your question earlier Joe, I signed and Construction signed, we are waiting on Zuggi and the Police just got it last week for the background check, and to Joann for her signature as well. The issue was with both of these mercantile. Lobo had left an absolute disaster on property from 233 all the way down to 219. I made the landlord clean all of that up, before these businesses could come in and operate out of that location. Also, I want to point out 231 either the one on the right or left to it, the way it looks, it looks like the property goes back pretty far. According to the tax maps, behind that garage you are going to use, I would advise to get a survey of the property from landlord because it doesn't go as far as you think.

*Bill:* Ok we also gave a drawing with application to give you a basic idea because we have no idea what you allow, and we want to go further we have been working with Miles and the owner and with this property.

*Eric:* What I the allowed measurements of a sign?

*Member Arnbruster:* 40 square feet. Joe, I am looking at it online and it doesn't look like its 40 sq ft.

*Bill:* At this point we don't even know I that sign is usable we want to make it stronger and use better material.

*Secretary McKelvey:* Are you going to put marked spaces for cars in the parking lot?

*Bill:* That is another thing we wanted to ask are we required to provide handicapped spaces and poles in front of the front doors? She had such a mess over there Miles has been working with owner and she cleaned up and now we are here for the first step.

*Chairman Feldman:* Pete, do you understand the process of the two license and does it make sense to you?

*Solicitor Rhodes:* Well, what I think what they are saying is that they have two independent businesses, that do exactly the same thing, that they want to merge them together. So, they can operate 2 business out of the same facility. I don't know if the zoning permits that, that is something that we would have to take a look at that. Miles have you looked up that issue?

*Miles Dumbleton:* No

*Member Arnbruster:* I think we already allow it if you go down the street, where they have the gun shop and car dealer, and auto repair all in the same business. We approved that about 5 years ago. That is the same situation

*Secretary McKelvey:* If you merge would you have to get one federal tax ID?

*Bill:* That is why we don't want to do that. It helps us on bidding things, and it helps us on taxes, plus employees have their license under certain ID.

*Member Armbruster:* You will be working independently for each other's customers but in reality, working together?

*Bill:* Yes, we don't want to hide that from the customers that we are two different companies merging together.

*Member Saunders:* Will you be selling any products out of the business?

*Bill:* The only thing we will be selling out of that building would be safes, keys someone coming to get re locked. We will not stock pile anything we will purchase as we get orders.

*Solicitor Rhodes:* Your business is mostly off premise?

*Bill:* yes

*Solicitor Rhodes:* Give the Board an example on a typical day would you have one or two customers come in?

*Bill:* When we were in Camden we could have 2-30 customers because we sold hardware and paint. We are strictly keeping it to keys and cameras, and card swipe stuff

*Solicitor Rhodes:* So, you would have very little customer traffic at this location

*Bill:* Yes, so in the foyer area we would have some small safe to let people know that we have them, and a little camera display to show that's what we do, and maybe some key chains hanging up.

*Member Armbruster:* It's hard finding someone who has quality equipment. Like Home Depot their stuff is beat up and sometimes keys don't work.

*Bill:* Yeah, we will never keep a car overnight or work on it, we will go to the vehicle

*Chairman Feldman:* When do you hope to open up?

*Bill:* There is a lot that has to be done yet

*Chairman Feldman:* There are a lot of issues, that have to be tended to, before this mercantile license is issued.

*Bill:* You are right, the issues that have to be tended to are also with the cooperation of the owner, she started with the clean up and we told her we would start painting fixing it up, depending on the Board and what she has to fix.

*Chairman Feldman:* Yeah and you have sign issues, parking issues, and trash issues. They will all have to be resolved before this can be approved.

*Mike:* The sign is of legal size it only 4x8 and the trash we are going to take, so our main thing is park

*Miles Dumbleton:* The other issue that house in the front, is a rental property, so she has tenants in there. So, they have their vehicles parking there also.

*Mike:* Their vehicles are going to be parked up by the house, in front of the building we are getting is only going to be 3 parking spots. We wouldn't be parking there we would be parking in the back.

*Chairman Feldman:* With that kind of business the parking spaces are based on the square footage of the building, and that is the only thing that matters

*Bill:* And that square footage is also how many handicapped spots needed?

*Chairman Feldman:* You certainly need one. I am sure that Miles can help you out and make sure that is resolved, before mercantile is issued.

*Miles Dumbleton:* Would this be considered retail? So, it's one parking spot per every 250 sq ft. We will have to figure that one out. So, you said earlier, that you might be interested in purchasing the whole property.

*Bill:* Apparently that was worked out with LOBO but it fell through, we talked to her about that she seemed interested in that, maybe in the future down the road we would. To be honest Miles it also depends on how she works with you and zoning as well. We want to stucco building and paint to make it look presentable.

*Chairman Feldman:* Now go-ahead sir

*Bill:* I never did this process do I meet Miles out at the building we go through everything?

*Chairman Feldman:* Miles will have to go out there make sure the size of the building, the sign, and the trash being tended to, after he is satisfied then Council can go ahead and proceed.

Any other matters?

*Mayor Weaver:* Joe, just to let you know I did make the appointments of Gary Saunders and Mark Armbruster at our reorganization meeting, congratulations Gary you will be a member till 2023 and Mark 2021, they are annual.

*Vice Chairman Kunkel:* We also have that subdivision 32 Blackwood Rd.

*Miles Dumbleton:* That will be at next meeting the new owner submitted plans which you will all get in the next few weeks he is subdividing into 3 homes, and another thing I wanted to say is Clementon Garden Center and Xtreme Collision I issued citations on both of those businesses. They have court the 16<sup>th</sup> of February.

*Chairman Feldman:* For the building out front?

*Miles Dumbleton:* For the building and for not going in front of the Board before doing so. Xtreme Collision I hit him with 6 different violations. The amount of cars using the loading zones out front, unsightly junk, I hit him a few different things.

*Vice Chairman Kunkel:* How did that business become so busy, over the years there was never that many cars.

*Miles Dumbleton:* He had another business in Stratford, that one closed down and he had a lot of vehicles there and he had a vacant lot in Lindenwold, that was just approved last month or month before in their zoning meeting and he was storing all the cars there till he moves them over to that business. Bringing that business over to 74 Erial Rd is a major issue, I have been receiving a lot of complaints about it. When John Zuggi and I went out there, there were 60 cars in the lot and 2 more were delivered while we were there. I have given him ample amount of time to remove the cars and he hasn't complied.

*Member Kuns:* What is the latest on the Rt 30 Market.

*Missy Guernon:* We just received the 2nd Phase site plan that was revised that just came in the other day, we requested additional sets so all can have a copy for review.

*Chairman Feldman:* What is the property tax situation has that been resolved yet?

*Member Armbruster:* Not to my knowledge. We told them they could not proceed and get permits until they are paid up.

*Member Kuns:* That was supposed to be September October.

*Missy Guernon:* Last I heard from Mike Fink was in June.

*Mayor Weaver:* Joann Watson sends him delinquent notices with penalties and interest.

*Chairman Feldman:* Is he up for tax sale yet?

*Member Armbruster:* He should be, I don't know about tax sale it's vacant raw property there.

*Mayor Weaver:* I will find that out from Joann it seems in the past that he would come in the 11<sup>th</sup> hour and pay, whatever was delinquent to keep him out of tax sale.

*Chairman Feldman:* I still don't know how you are going to find that site plan I think it was 1988-1990.

*Vice Chairman Kunkel:* You can still site them as hazardous material stored outside.

*Member Armbruster:* Miles, what we are talking about is Dollar General.

*Miles Dumbleton:* Yes, the issues in the past, the Corporate office just pays the ticket, and it just continues.



*Member Armbruster:* Can we fine them daily? Until they do? That will get a little costlier.

*Miles Dumbleton:* Sure, we can do that absolutely.

*Chairman Feldman:* Is there anything else can I have a motion to dismiss this meeting, Vice Chairman Kunkel motioned to dismiss 2<sup>nd</sup> by Secretary McKelvey; all in favor

Adrienne Guernon