

Borough of Clementon

Planning/Zoning Board

June 10, 2021 Meeting

The June 10, 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 1900hrs by Chairman Feldman.

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

Chairman Feldman announced that we have 5 zoning members and 7 planning members, we have sufficient numbers to handle anything on tonight's agenda.

First on the agenda is the approval of May 13, 2021 minutes. Member Lofland motioned to approve, 2nd by Secretary McKelvey and was followed by roll call, all in favor except Mayor Weaver abstained.

Chairman Feldman: The next item on the agenda is old business, is there anyone that has anything to discuss?

Member Kuns: I do, did we get the blue print for the cell phone towers?

Member Armbruster: That would be handled by Mark Baeshore and Kevin Garrettson, and our engineering meeting got cancelled this afternoon, so we rescheduled it.

Anthony DiRosa: advised nothing new has come through his office regarding that.

Member Kuns: Also, Abraham Torres the fire violations and Board of Health certificate. Did he take care of that?

Miles Dumbleton: I have not spoken to her the items have not been completed. The issues are still open the restaurant is not.

Member Kuns: Also, we issued temporary mercantile with the Park with stipulations, wondering if they have been complied with?

Chairman Feldman: The stipulation we made was for them to come back to this Board, with the required information that we requested, and they have not done so. I was expected to see them back at this meeting and surprised to not see them on the agenda, so we could resolve the issues we started last month.

Miles Dumbleton: They still have quite a bit still to do on their end like state inspections. I know council granted a temporary but only after they meet all the requirements.

Solicitor Rhodes: I spoke with the owner and they are working diligently to finish what needs to be done. They are frustrated with the process, but I explained to him these are the regulations this is what you have to do. So, until they comply with that they can't open. Yes, council did approve temporary mercantile, under the conditions that they have state approvals and they say they are good to go.

Member Armbruster: Council only gave temporary mercantile approval caveat they get all approved inspections, and met all compliance issues. It was only granted until the next council meeting which is next Tuesday.

Chairman Feldman: Is asking for a motion to be considered the temporary mercantile be rescinded the temporary license until they come back before the Board and resolve the issues.

Pete Rhodes: The best we can do is recommend to Council, Chairman we have no authority to grant or rescind mercantile licenses, if your motion is to recommend to Council that is what they do, then we can certainly move on that, even though it is not a formal application, before the Board. The best we can do is make a recommendation to Council at this point.

Chairman Feldman: That is exactly what I had in mind thank you for clarifying that. Can I have a second to that motion?

Secretary McKelvey: I second it.

Member Kuns: Along with that motion I would like to add that if the information isn't handed in at next Council meeting.

Chairman Feldman: explained they must come before this Board for approvals.

Member Armbruster: Asking Pete that could they in between this meeting and July meeting, could we hold a special meeting if need be to rectify everything if they are ready to open, so we are not stopping them till mid-July. If they meet all their compliance issues. If they are able to come before us with the questions that we have?

Pete Rhodes: The answer, is yes, we can definitely hold a special meeting, we only have notice requirement under municipal land use act. We can put an ad in the paper to hold a special meeting. Listen, I think it is in the best interest of the municipality to get these guys open, and move forward even on a limited basis.

Chairman Feldman: Why would that be beneficial to the community? (named some examples, noise, pollution...etc.)

Member Armbruster: I agree with you Chairman Feldman on some issues but there are residents who believe that the Park is beneficial to the municipality in some way

Chairman Feldman: How would that be?

Member Armbruster: I don't know the history of the Park I believe, but they are not educated on the tax implications and everything else, what it costs the municipality compared to the money being brought in. The hardships it can bring on the municipality and the residents, congestion of traffic, trash and many other things.

Chairman Feldman: We have a motion on the floor can we get a roll call please? Unless there are any other comments or questions?

Mayor Weaver: Just one more comment their Chairman, it is my understanding that they passed all inspections thus far, except for the plumbing inspection. It's my understanding the fire inspector building and electrical inspector was there. After the plumbing inspection,

Member Armbruster: Mayor I think there are four more inspections that are due in the next week. Missy could probably answer that better. Board of health certificates

Miles Dumbleton: They just submitted stuff to Fire Safety on Monday, so that stuff is still pending

Mayor Weaver: Correct it was the construction department I was concerned about. They still have state inspections for the rides and other things. It seems like a long tedious trail, because they don't have all the knowledge to keep that train on the right track. I have been in contact with Gary Fawks trying to help him the best I could. I told him we couldn't approve anything for safety reasons and also that supersedes our authority Division of consumer affairs and state inspections. At this point in time they are doing their best. I was not at last meeting is why I abstained from the minutes, so I am not sure what was discussed about the parking, traffic and the collection of parking fees. I didn't know that they were supposed to be here, I m giving you the information that I have.

Member Armbruster: What was brought up in last meeting was the hardship due to parking, causing a stack up in traffic. Even on days when there isn't huge attendance at the park it would be backed up in all major intersections in the middle of town. It causes safety issues for our residents. Also went on to discuss the old post office building that they had an agreement with them for improvements.

Mayor Weaver: Can we say and what we agreed upon last meeting that a temporary be issued, can't we carry that until the next meeting?

Chairman Feldman: It surely was my understanding that they would be back this meeting and rectify the problems from the last meeting.

Member Armbruster: They weren't difficult issues that they couldn't come back this meeting and give us the answers they could. If they are not here in front of the Board maybe they aren't fit to run the business.

Solicitor Rhodes: I don't even think that Gary knew he was supposed to be here.

Member Armbruster: Well, Dan should have advised him of that.

Member Saunders: Can we call Dan now?

Chairman Feldman: No, we can't, he's not on the agenda

Chairman Feldman: Any other questions or concerns regarding this matter?

Secretary McKelvey: Where are we at with the motion?

Chairman Feldman: We had a motion and a 2nd we have not had a roll call we are still having discussions

Solicitor Rhodes: The motion on the table to recap is, the Chairman made a recommendation to Council not to renew the temporary mercantile, Secretary McKelvey 2nd the motion, so a roll call would be appropriate at this time,

Roll call was called upon; Chairman Feldman, Secretary Mckelvey, Member Armbruster (with a special meeting held to appear before this Board) Member Lofland, Member Kuns, Member Saunders: Ayes
Mayor Weaver: No

Chairman Feldman: We are still in old business does anyone have anything to discuss?

Secretary McKelvey: I don't know if this is old business but there was discussion to hire help in Code Enforcement to assist Miles? Have we followed up on that?

Chairman Feldman: That is not our category that is for Council to decide

Mayor Weaver: Can this Board make a motion and second to make a recommendation to council?

Solicitor Rhodes: I think that would be appropriate to make a recommendation but I think we have a unanimous vote

Secretary McKelvey made a motion 2nd by Member Lofland and roll call was called upon. Everyone in favor

Chairman Feldman: Hearing no other old business we are moving on to New business, first up is LaPlacita Super Market 168 White Horse Pike Jose Cardenes and Ann Garcia.

I am Joe Corbi representing them for a mercantile license

Chairman Feldman: For the record give me the general location of this Super Market?

Joe Corbi: It is right next to the Dollar tree in the new construction

Solicitor Rhodes: Could you identify yourself and who you are representing for the record?

Joe Corbi and am representing Jose Cardenes and Ann Garcia

Solicitor Rhodes: Ok, Mr. Corbi please tell us about the application?

Joe Corbi: What is proposed is a supermarket with prepared food for takeout. It is new construction, I submitted the name of the contractor who is going to do the construction this morning. The floor plan is attached to the application. They are waiting for the building to be complete so they can start construction, after approval from the Board here. They are Lindenwold residents they own a tree service company and are receptive to any questions that I have had, regarding this or any other projects they undertook.

Solicitor Rhodes: Ok is this prepared food being made or just a supermarket?

Joe Corbi: It is prepared food for takeout and supermarket. There will be no inside dining.

Mayor Weaver: That will be 7 days a week? Monday through Sunday 6-9pm?

Joe Corbi: Yes, it will be 7 days a week

Solicitor Rhodes: Do you plan to expand those hours because at this point you can shorten them but not exceed them if this gets approved?

Joe Corbi: No, they will not be expanding hours

Chairman Feldman: Where are we at with the signatures? My copy has none.

Miles Dumbleton: Explained about all the signatures and waiting for them to come back, because it is a new construction and Mr. Negri has been on top of that there should be no problem, also we just received the fingerprinting back so waiting on PD. I am not saying that I have all the signatures, but don't anticipate any problems getting them for this application

Member Armbruster: Asked John Zuggi if this application would go through him for the cooking apparatus or through construction?

John Zuggi: Mark, that would initially go through construction, once all sub codes do their inspections and then they move product into the store is when Fire Safety will go out, and do an annual. My inspection would not hold them up. The construction department issues the CO.

Member Armbruster: John, did you look at the plans submitted. There doesn't look like an egress for fire.

John Zuggi: Yes, there were two issues that I wrote notes on plan submitted for the Fire Inspector to look at. One, was a 3ft railing, that was blocking the front egress, that I would recommend removing.

Chairman Feldman: How can the incomplete condition of the site effect the CO for this particular operation

John Zuggi: The only I can see while doing an inspection is the sill plate at the sidewalk to building has a gap, when they fixed it to code, and there were two missing sprinkler heads missing in the trash bin area under the building. I have been advised that they have been replaced already. The parking bollards need to go behind the building to protect the gas meters. That was on the Fire Department and Fire Safety's recommendation of the site, also the back-retention wall. All fire lanes marked.

Chairman Feldman: As to my knowledge the engineer's office is still waiting for protest in the basin and an as-built. So, we really can't approve this until that stuff is submitted. So, the site, is not completed how will that effect this particular business?

Solicitor Rhodes: So, you are asking since there are still things that have to be completed at the original site, can we go on with this application? The answer is yes we can go ahead with the mercantile approval subject to the completion of the construction issues before final issue of a CO.

Chairman Feldman: Anyone have any other questions?

Member Armbruster: How many employees would be working in the store at any given time? With Dollar tree and this we want to make sure that parking is adequate.

Joe Corbi: No more then 6 at one time

Chairman Feldman: Have you decided arrangements for trash removal?

Joe Corbi: They haven't even fit out the store yet that is on the list of things to do

Member Armbruster: So that will be something that they will get in place and have they spoke to the contractor about sprinkler that area, just want to make sure it is on the record.

Joe Corbi: Yes, spoke to the general and that will be taking care of.

Chairman Feldman: The sign on your plan is that what you are proposing to erect?

Joe Corbi: Yes

Solicitor Rhodes: Just so we all know this is a project that came before this Board a few months ago, and this is only a tenant going in to utilize the space.

Member Armbruster: The construction of this project there were some glitches, some small some large and things missing in the original plans for this construction, like the trash dumpster is under building and it wasn't sprinklered.

Member Saunders: Wasn't the signage supposed to be right out front there on the White Horse Pike on original plan?

Solicitor Rhodes: My recollection is that they would have a pylon free standing sign at street site and façade signage.

Chairman Feldman: Any other questions or concerns from any Board Members? Hearing none can I have a motion to send this on to council for their approval?

Member Armbruster made a motion to approve application and send on to council, Secretary McKelvey 2nd the motion and roll call was carried upon; Chairman Feldman, Secretary McKelvey, Mayor weaver, Member Armbruster, Member Kuns, Member Lofland, Member Saunders; Ayes

Chairman Feldman: The next item on the agenda is 56 Highland Ave, is anyone here for that application?

Yes, I am here (James Sirles)

Solicitor Rhodes: Swore James Sirles in. State your name and current address

James Sirles 56 Highland Ave

Chairman Feldman: Can you tell us what you are here for sir?

James Sirles: Yes, I am here looking to replace my 4ft fence with a 6ft privacy fence. I applied for a variance bcause the fence that is there now was put there when the house was built 30 years ago and in need of repair and would make better curb appeal.

Solicitor Rhodes: You have submitted a plan with your application that shows that some of the fencing is on lot 15 is that part of the fence you are seeking to replace? It is on neighbors property do you intend to bring it back onto your property?

James Sirles: Yes, I will be bringing it back onto my property I spoke with the neighbor already about it, it is a 4ft picket wooden fence.

Solicitor Rhodes: So, you are replacing in the same area with 6ft privacy fence that is on the survey?

James Sirles: That is correct

Member Lofland: Is it going to be wood or vinyl?

James Sirles: It will be pressure treated wood

Chairman Feldman: Is it a stockade or board on board, do you plan to put the good side out?

James Sirles: Yes, stockade fence with good side out

Chairman Feldman: So, you will not be encroaching on lot 15? It looks to be about a foot on the left at 2.3 feet in the rear, are you aware of that? And it will be in same place as survey excluding the encroachment?

James Sirles: Yes, I am aware of that and yes it will be in same area on survey excluding encroachment

Solicitor Rhodes: Will there be any openings or gates to go in the back yard from the front yard? And where do you propose that to be? Pedestrian traffic or vehicle traffic?

James Sirles: There is a gate on the left-hand side, and the right-hand side. I propose to install gates that are self-closing mechanism. It is just for pedestrian traffic.

Member Kuns: Are you going to finish the wood or leave it natural wood?

James Sirles: I am going to finish it with stain.

Solicitor Rhodes: Why would you want a 6ft fence instead of a 4ft fence? Do any of your neighbors have a 6ft solid fence? And to which side? Are you installing yourself or a fence company?

James Sirles: I have 2 small children and they have their friends over, we are one house off Erial Rd and want them to be safe in the yard. Like I said earlier the fence was in disrepair. Yes, my neighbor to the left side. I will be installing myself.

Member Kuns: The post will be buried in the ground or in concrete?

James Sirles: They will be in concrete.

Chairman Feldman: Is there any other questions from the Board? Hearing none is there anyone in the audience regarding his application?

Member Lofland made a motion to approve this application 2nd by Secretary McKelvey and roll call was called upon; Chairman Feldman, Secretary McKelvey, Member Kuns, Member Lofland, Member Saunders; Ayes

Solicitor Rhodes: Advised the applicant of the 45-day appeal process

Chairman Feldman: The next item on the agenda is Unlimited Solar and roofing, is there anyone here for this application?

Yes, sir Frank Passero my daughter Alyssa and our two partners

Solicitor Rhodes: Swore Frank Passero in and asked what he is here for before the Board. I see you applied for a mercantile license, so tell us about the business and it's location?

Frank Passero: Sure, we are a marketing company for roofing and solar installations, with current administrations and our parenting company down in Ft. Lauderdale we have proven that having a store front location has been very beneficial. So, we have decided to come up to NJ. I have an existing roofing company and we merged and decided to add solar to the product line. As you know solar is the future, and NJ is 3rd in the country for a homeowner to benefit from solar. And roofing and solar kind of go together hand in hand.

Member Lofland: So where is your store front going to be?

Frank Passero: It is right next to Scotto's Pizza in Clementon Lake Plaza.

Member Armbruster: So, you are not anticipated a lot of walk up traffic?

Frank Passero: Very little if any, we get two or three jobs a year from somebody walking in. We mostly do our sales in other people's homes.

Member Lofland: How many employees will you have?

Frank Passero: Right now, to start the business we will have five we are geared up to total about eleven. Six of those 11 will be canvassers that will be out in the field, in the local area of jobs we recently completed, we will have 4 inside as telemarketers, with leads we purchase through data bases.

Member Armbruster: So, with this type of business you won't accumulate a lot of trash, just paperwork?

Frank Passero: To address your concerns we reached out to a local waste management company, I have a dumpster behind the building that will be emptied once a week at my own expense.

Member Kuns: Will you be storing any of the product at the location? Any heavy duty trucks?

Frank Passero: No sir all of our materials are delivered right to the job site from our supplier. No heavy-duty trucks will be coming or going they are all sub contracted out.

Chairman Feldman: Have you applied for signage? You are aware that we have a maximum of 40 square feet?

Frank Passero: Yes, sir I have hired sign a rama I believe they handed in the paperwork. I am aware of the square footage maximum. It is actually smaller than the 2 adjoining because of the layout of the store front.

Chairman Feldman: Thank you, anything else from the Board? Can I get a motion for this applicant?

Member Kuns motioned to approve application 2nd by Secretary McKelvey and roll call was called upon; Chairman Feldman, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Kuns, Member Lofland, Member Saunders: Ayes

Chairman Feldman: Ok the next item on the agenda is The Venue II Is Shawnee Peoples here

Yes, I am here

Solicitor Rhodes swore in Shawnee Peoples and asked for full name and address

Shawnee Peoples 1714 Kingsrow Place Clementon NJ 08021

Solicitor Rhodes: Ok Shawnee tell us about your place.

Shawnee Peoples: I have been a party planner for the last 5 years, I do repass, birthday parties, weddings, and baby showers. Small events, I do run the Venue in Clementon Crossings, it is going really well so I decided to get another space.

Solicitor Rhodes: So, you have a physical place will you have employees there on a full-time basis? Do you have any signage you are looking to put up?

Shawnee Peoples: No, it is just me and my daughter. I spoke to a few places I am waiting to find somewhere cheaper they are a little pricey right now.

Member Lofland: Your hours of operation is 8am-8pm on Sundays it's just one day?

Shawnee Peoples: I am sorry must have missed that. No it's Friday, Saturdays and Sundays unless it is a repass I can't control the date of that.

Solicitor Rhodes: So, what we are looking at is certain days of the week and certain hours you don't want to limit it, would you like 5 days, 7 days 8am-8pm?

Shawnee Peoples: I would like 7 days a week 8a-8p, except Fridays and Saturdays I have slots from 1pm-4pm then 8pm-12am, They have to be cleaned up and out by midnight.

Solicitor Rhodes: Is this a venue to hold parties? How much space do you have? How many people can you accommodate there? Do you have the parking to accommodate 50 people?

Shawnee Peoples: Yes, Baby showers birthday parties. I am very careful on who I rent out to. In this place 1400 square feet. Accommodate about 50 people. Yes there is plenty of parking in the shopping center. I just ordered a second dumpster, I have one already a few doors down.

Chairman Feldman: I do believe we asked you last time about alcoholic beverages, you stated there would be none, is that the same case here?

Shawnee Peoples: I do not have a liquor license so no

Solicitor Rhodes: Will you be allowing people to bring their own?

Shawnee Peoples: No

Chairman Feldman: So, you are saying under no circumstances will there be alcoholic beverages at all?

Shawnee Peoples: I didn't hear that you froze

Solicitor Rhodes: So, you would agree to a limitation on your mercantile license, that no alcoholic beverages can be consumed on the premises?

Shawnee Peoples: Yes, so bring your own bottle is ok?

Solicitor Rhodes: No, by what you stated there will be no alcohol brought or sold on premise, but if you want something different you need to tell us.

Shawnee Peoples: Can I do bring your own?

Solicitor Rhodes: You certainly can do that but it will a difference on how you are going to manage the consumption and manage that so it doesn't become a community issue?

Shawnee Peoples: There is an office in this Venue II and I will be in the office monitoring the parties. Like I said earlier, I am picky who I rent to, I am not in it just for the money, I want to make sure that people are safe. I will not be renting out to a younger crowd. Just baby showers and weddings.

Solicitor Rhodes: Well sometimes at weddings people get out of hand with their consumption of alcohol and you need to realize as a business owner that you will be liable under NJ law for people who become intoxicated then drive on the highways of NJ an also if you permit that type of consumption, the next time your mercantile comes up, it might not be approved. Are you tracking with me?

Shawnee Peoples: Yes, I understand

Chairman Feldman: How important is this to have bring your own?

Shawnee Peoples: It is not that important

Chairman Feldman: I would have a hard time voting on this, if that were the case

Shawnee Peoples: It is not that important

Chairman Feldman: Can we put as part of your mercantile license under no circumstances there will be alcoholic beverages on the premises?

Shawnee Peoples: Yes, I will just add that in my contract, so we are on the same page when people rent the space they will know.

Chairman Feldman: I think that is best for everyone involved. Thank you.

Member Kuns: You said you have an office space I don't see it on the plans

Shawnee Peoples: I tried my best at the drawing it is behind the two doors

Chairman Feldman: Pete you have anything else?

Solicitor Rhodes: So, Shawnee please explain the hours of operation you have 7 days 8a-8p, clarify the hours.

Shawnee Peoples: I will do 8am to 1230 am 7 days a week

Chairman Feldman: Can I ask for a motion to approve this application?

Secretary McKelvey motioned to approve 2nd by Mayor Weaver and roll call was called upon; Chairman Feldman, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Kuns, Member Lofland, Member Saunders: Ayes

Chairman Feldman: Next on the agenda is Poseidon Piercing and Ink Dale Westcott NO SHOW

Any other matters

Mayor Weaver: We will be opening up the Borough in July so we will be doing meeting in person

Member Saunders: Advised Miles of the sidewalk Berlin Rd across from Produce junction is impassable people are walking in the street old house on the corner

Member Armbruster: Chairman since we are in the process of the master plan, should we change it to allow people to have 6ft fences from rear of house back, since we approve all of them, and other towns allow it, I don't see the harm in our town allowing it.

Solicitor Rhodes: As a planning Board we are responsible each year to recommend to Council changes to the Municipal plan, regarding just such things, we routinely approve 6ft solid fences, so much so its probably logical to be incorporated into the plan, so people don't have to pay for variances, your recommendation and thoughts from the rear of house to back is logical.

Member Armbruster: Just seems we are causing a hardship on the residence for the cost involved

Solicitor Rhodes: If we do that there has to be built in some type of approval or at least a survey so the fences aren't butting up against each other.

Member Armbruster: We can recommend that to council as an Ordinance change

Solicitor Rhodes: Are we doing a new plan?

Chairman Feldman: A master plan is in the works as we speak we will be reviewing it next month I am doing a number of surveys that all require a permit and a survey to put in a fence. If we are willing to make those requirements, I wouldn't have any objections to forego this.

Solicitor Rhodes: Anthony you working on a plan also?

Anthony DiRosa: Yes, Steve Bach is working on that master plan reevaluation, and he will be here next month in person to give a presentation how that will be going moving forward.

Solicitor Rhodes: Ok will you relay to him our thoughts on the fence?

Anthony DiRosa: I was just going to say I live in Gloucester Twp. and we have a fence application, with that application you submit a survey and draw where the fence will be placed, as long it is not in the front yard it is an easy zoning approval. It would be best to make just a fence application for zoning department

Solicitor Rhodes: I think it is something to go to, it is unfair to your residence pay for a variance application

Chairman Feldman: Does that require a recommendation from this Board?

Solicitor Rhodes: It does require that and we should make a recommendation to Council.

Chairman Feldman: Let's get that motion on the table now, if everyone agrees that an application will be necessary, along with a survey, and approval by the zoning officer

Solicitor Rhodes: So, to recap that we are making a motion to revise the Ordinance to permit 6ft solid fences in the rear yards of properties subject to submission of permit application survey and material of the fence

Mayor Weaver 2nd the motion and roll call was called upon; Chairman Feldman, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Kuns, Member Lofland, Member Saunders: Ayes

Chairman Feldman: Anything else?

Secretary McKelvey: I have an update I don't know if you are aware we are doing the a routes to school for the past couple of years and we had a bike rodeo Council and the Mayor was involved and hoping we get the opportunity to win the grant money which helps with safety routes to school line painting and signage. So just wanted to give that update.

No zoning report at this time

Chairman Feldman: Can we get a motion to dismiss all in favor

Adrienne Guernon