

Borough of Clementon

Planning/Zoning Board

Meeting Minutes

March 10, 2022

The March 10, 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, Member Saunders; Absent

Chairman Feldman: We have sufficient number of members to hear anything on this evening's agenda. There are no minutes for approval, there is no old business first item on new business is M Starr Services, anyone here regarding this application?

Chairman Feldman: And what can we do for you this evening?

I want to take ownership of my business and get a mercantile to do the same business as what is there now. 100 Chewslanding Rd.

Mohamed: I took ownership a year and a half ago

Chairman Feldman: Can you state your name and home address for the record?

Mohamed:

Chairman Feldman: What else do you do at this particular location besides sell gasoline?

Mohamed: We have a small convenience store inside sells cigarettes and drinks. We also have a garage shop 2 bay doors, we also have U-haul 2 trucks

Chairman Feldman: Two and only two? Do you do repairs there?

Mohamed: Yes, only two, yes, I lease the repair shop out, the previous owner had same and I am leaving same.

Chairman Feldman: Do you have anything dangerous out there I know gasoline but how about propane?

Mohamed: We have exchange propane. We used to have filling station but we were requested to remove it, so that is what we are doing

Chairman Feldman: The gas station has provided to dispose of oil and gasoline, brake fluid, etc.?

Mohamed: Yes, we do

Chairman Feldman: And what about trash removal?

Mohamed: Yes, we have trash removal

Chairman Feldman: And what about your sign it's been there forever, and you don't intend to expand in the side or the rear?

Mohamed: No changes to sign, and not intending on expanding

Chairman Feldman: Any other questions or comments from the Board?

Member Lofland: I have a question, I noticed there was a for sale sign on the lot, is it totally separate?

Mohamed: I was going to use it for commercial but found it was zoned residential and instead of going through to Board I decided to sell this lot, it is a separate lot I pay separate taxes

Member Franks: What about the balance that is due for taxes?

Chairman Feldman: Have you paid up on the taxes that are past due?

Mohamed: I paid them already

Chairman Feldman: What about the Fire violations and monies due?

Mohamed: I was not aware of them I will take care of them

Chairman Feldman: This Board does not process mercantile we just do a recommendation, Council approves them, they will not give it to you until that is all taken care of. What we will do is approve it it is ok zoning wise, you need to take care of what's due.

Chairman Feldman: Can we get a motion to approve and send on to Council?

Vice Chairman Kunkel motioned to approve with the conditions that the Fines be taken care of, 2nd by Member Kuns and roll call was called upon. *All members in favor*

Chairman Feldman: The next item on the agenda is Lost Souls mercantile is there anyone here for this application?

I am here for a mercantile license. Nadeem Bashir

Chairman Feldman: What can we do for you this evening? And are you open by the way?

Nadeem Bashir: Technically yes, but no. We are waiting for the approval of the insurance company so we can see patients. We just got approved so we will be starting soon.

Chairman Feldman: You call them patients what exactly do you do at this facility?

Nadeem Bashir: It is an abuse counseling center, and pain management, so we will be providing counseling services, for mental health as well as substance abuse.

Chairman Feldman: What kind of personnel do you have that will be able to handle psychiatric issues?

Nadeem Bashir: We have a psychiatrist and licensed social workers we have certified ncbc's if not we can not get licensing from the state

Chairman Feldman: IS that full time staff? Do you have any Md's?

Nadeem Bashir: Yes, they are full time and we have Md's, no RN's

Chairman Feldman: So, it sounds like a medical establishment.

Nadeem Bashir: This is just an outpatient facility but in order to get the licensing from the state for this part of the counseling services we need to have the staff full time

Chairman Feldman: So, the psychiatrist is on site full time? What about MD?

Nadeem Bashir: No, neither on site full time just the licensed counselors.

Chairman Feldman: So what name would you call this establishment?

Nadeem Bashir: It would be a counseling center. When people are going through detox they come to us for the counseling services.

Vice Chairman Kunkel: How do you get your references for them to come there?

Nadeem Bashir: We get referrals from hospitals and mental health facilities

Vice Chairman Kunkel: Where do you get your income from?

Nadeem Bashir: We get it from the insurance companies

Chairman Feldman: Is there numerous licenses for this establishment that is given by the state?

Nadeem Bashir: It is only one license, it's called IOP Intensive Out Patient by NJ Department of Human Services and NJ Department of mental health.

Chairman Feldman: Let me explain what I am trying to do here. This Board is here to make sure that what you want to do at your establishment does comply with the zoning regulations, we have things written down for each individual category in B2 and what can be used in that area. I am not too sure that what you are proposing is allowed in that particular area.

Nadeem Bashir: What we are taking over in this business is that same that is was before, just new owners, we are not changing any services from what was there before

Chairman Feldman: I am going to check with our solicitor and see if he has an opinion regarding that

Solicitor Rhodes: I don't know the history previous owner if they have obtained a use variance or how they were permitted to operate there, what state license are you required in order to operate on the services that you are doing?

Nadeem Bashir: It is called Intensive Out patient

Solicitor Rhodes: How long did the previous owner operate there?

Nadeem Bashir: Two years plus

Solicitor Rhodes: I don't recall that previous owner coming before us for mercantile license

Nadeem Bashir: They had a mercantile the year before last year it was Covid and did not come before the Board. We are coming now. This facility also gets state inspections. We haven't added anything it is what it was.

Solicitor Rhodes: Again, I am not familiar with this establishment or previous mercantile licenses or whether your proposed operation matches what was previously allowed B-2 commercial zone doesn't have any specific permission to operate the type of business you are proposing. It may be a beneficial use I can't tell yet from what you presented to us in terms of how that use was allowed and when it was. Is anyone on this Board familiar with this location?

Member Franks: It was there before, a year and a half two years it is a recovery service you do not give out medications?

Nadeem Bashir: No, we do not

Member Taylor: They are right next to Clementon Family Dentistry, that is a medical establishment too.

Solicitor Rhodes: What are you saying Chris that it is classified as medical?

John Holroyd: They are right across the street from Cam Care

Member Taylor: I think they are all in the same district

John Holroyd: They share the same parking lot as the Dentist

Solicitor Rhodes: There is nothing articulated in the B1 B2 zones that specifically permit that. Generally, Drug stores pharmacies professional offices

Chairman Feldman: Do you think this would fall into that as a narrow niche?

Solicitor Rhodes: Yes, I do

Chairman Feldman: Is that your legal opinion?

Solicitor Rhodes: That is my legal opinion, so I think that it is probably an allowed use in those zones, if it is considered medical. How are your patients arriving are they showing up in cars and spend some time in your office and then leave? You're not housing people. Is it group sessions?

Nadeem Bashir: Yes, they come in their vehicles and they leave. There are no in-patient treatments. Maximum three-hour program. Yes, it is group sessions

Chairman Feldman: How is your establishment different from a doctor's office?

Nadeem Bashir: We do not give out any medications, no injections, no prescribing of medications. They just come for the group sessions, counselling, that is it.

Chairman Feldman: So, primarily a counseling center?

Nadeem Bashir: Yes

Chairman Feldman: We are calling it a counseling center; can we squeeze that in there?

Solicitor Rhodes: I think we all can agree that that falls into a professional service

Chairman Feldman: I'm inclined to agree anyone have any objections to that conclusion? Now that that is resolved there are some issues of taxes still being due, has that been resolved?

Nadeem Bashir: Yes, I spoke with Lisa West and she told me the taxes that were owed and we took care of that. I will check again

Chairman Feldman: Again, before Council will give a mercantile this issue will have to be resolved, so check with the tax collector Monday. The fire marshal's signature is missing.

John Holroyd: We have no idea why it is missing this application was handed in when Miles was still in Code Enforcement we will check into that.

Member Lofland: It states that you are adding onto your building two rooms?

Nadeem Bashir: We submitted that permit request then with drew it. It was too much money to do the construction

Chairman Feldman: What about the signage you have are you keeping the same as you have out there now? Are you arranging for trash pickup?

Nadeem Bashir: Yes, keeping same sign. We contacted waste management they are going to put a small receptacle there

Member Kuns: It states here you don't have a copy of the license.

Nadeem Bashir: Yes, we have to provide when we get from the state

Chairman Feldman: can I have a motion to conditionally send this up to council for their approval?

Vice Chairman Kunkel motioned to approve conditionally this mercantile to be sent on to council, 2nd by Member Lofland, and motioned was called upon; *All members in favor*

Chairman Feldman: The next up is Rhema Life Church

Good evening members of the Board my name is Peter Chacacias I am an attorney at the law firm of Highland, Levin pyro located in Marlton NJ my office represents the applicants of Rhema Life Church intended t the property located at 165 White Horse Pike lot 24 blk 58. This property is located in a B2 commercial highway zone. I am looking to install a 135 seat church at the location. The existing building itself is 65,000 square feet we are proposing to occupy the center unit which is approximately 24,000 square feet. It is the former location of the Big Lots. This property has been vacant for some time. The variance we are asking for is the sign that is a little big. We have since reduced the size of the façade sign required by ordinance approx. 40 square feet.

Chairman Feldman: So, you are saying the variance is not required?

Peter Chacacias: Our engineer will testify a little more on that. I would like to not for record there are no external site improvements in connection to this. This does qualify for a minor site plan. We feel it is a simple application, if everyone agrees with us. As mentioned in the engineers letter we have more than ample parking spaces for that location we require 209 spaces and there are 326 existing spaces. I will be

bringing up the Pastor and CEO of Rhema Life Church to testify regarding same. Again, we are here for a minor site plan, we have two witnesses to testify here tonight we have Pastor and CEO Frances Marisol and engineer Chris Menn

Solicitor Rhodes swore in both witnesses

Steve Bach: One housekeeping item the application indicated that Rhema ife Church was the owner(tenant) First Northern LLC is the owner

Peter Chacantias: Yes, that is correct we also have the owner's attorney here as well in case the board has any questions

Pete Rhodes: If you would have your two witnesses state their full name and addresses

Frances Marisol 208 Hampshire Dr Deptford NJ

Christoper Menna 2431 Market St Philadelphia PA

Solicitor Rhodes: Council you are proposing that your expert to be qualified as expert, could you just run briefly through his qualifications? You have not been before this board in the past have you?

Christopher Menna: No, I have not

Solicitor Rhodes: But you have appeared before other Boards in the state of New Jersey?

Christopher Menna: Yes, I have

Solicitor Rhodes: So have been qualified as an expert?

Christopher Menna: Yes, the last one was in September

Solicitor Rhodes: And your expertise is?

Christopher Menna: The last 20-30 years have been building development, residential commercial varies in size

Solicitor Rhodes: And you will be testifying as an engineer?

Christopher Menna: Yes, engineer

Solicitor Rhodes: I recommend the board except his qualifications and deem him an expert for purposes of testimony.

Peter Chacantias: Addressed Frances Marisol and had him introduce himself

Frances Marisol: Began explaining his role in the Church and how it came about and also a little about himself. Their vision is to Impact and restore people's lives. We are only open 2 days a week Wednesday for Bible study from 7:30-9:00pm, Sunday services from 10am-12pm. We do a lot with the community back to school drives

Chairman Feldman: After the services do you have any gatherings for coffee and snacks?

Frances Marisol: Yes, we do have Fellowship we will gather for about 30 minutes and that's it

Vice Chairman Kunkel: What about other services, like marriages, baptism, etc.?

Frances Marisol: We do have small gatherings but we don't want to open up the church every day it costs a lot of money, so we do them at home

Chairman Feldman: What about Christenings, weddings?

Frances Marisol: Yes, we do have those we are a wedding church, but I have been doing 11 years and have only married one member.

Chairman Feldman: How many times would you say you would have a wedding? A Christening?

Frances Marisol: Once a year marriage, once a quarter for Christenings

Vice Chairman Kunkel: We are just trying to open it up so you are not confined to the hours stated only

Member Kuns: What if you had a large gathering say Easter Sunday that would need police to control traffic

Frances Marisol: We have a police officer that does a great job with traffic, when we have a special event

Chairman Feldman: Will you have sunrise services

Frances Marisol: No, we do not, my generation they don't go to church often, right now everything is virtual so Sunday's are enough

Chairman Feldman: It seems like a lot of offices for just a small amount of followers

Frances Marisol: We have a lot of volunteers 15 we have hospitality team, outreach team, we have my office, wife's office, executive Pastor and a Pastor that is in charge of all our women's ministries. We also have a section for children's church, so when a child is crying they go in there and we give them biblical tools so their parents can finish the service.

Vice Chairman Kunkel: So, these offices are going to be occupied with administrative duties?

Frances Marisol: We do have two volunteers, that will be there three times a week just to answer calls they are not full time, so the rest the building will be empty. The times is 10-2pm.

Solicitor Rhodes: How about you and your spouse, will you be there 5 days a week 7 days a week?

Frances Marisol: We will to check on the building

Member Lofland: Where does your church meet now?

Frances Marisol: We are virtual at the moment.

Member Taylor: How big is your congregation?

Frances Marisol: About 100 before Covid hit, after Covid I don't know we are at 50.

Peter Chacantias: Lets get into the fellowship area are there going to be any type of refreshments given out, what goes on.

Frances Marisol: We are anticipating to have a Fellowship area lobby, it will be open for 15-20 min for members to get a refreshment and then it will close.

Peter Chacantias: So, let's say the Children's church that will not be any type of day care will it?

Frances Marisol: It will only be open during those hours of service and Bible study. The age is from 2yoa to 10 yoa

Peter Chacantias: So, one thing on the engineer's review is any kind of deliveries

Frances Marisol: Just the word of God, we do do marriage counseling and pastoral counseling. If that is the kind of deliveries you are asking

Steve Bach: No, it's more like any box trucks fed ex deliveries of that sort.

Chairman Feldman: So, Peter, if you don't need a sign variance, and it's a permitted use, and beneficial what exactly do you want from this board this evening?

Peter Chacantias: We actually need minor site plan approval for change of use, it was a former Big Lots so technically, so we are changing the use, I spoke to Pete, in relation to this what are your thoughts and he was concurrent with us in the change of use.

Chairman Feldman: Ok

Peter Chacantias: Ok Pastor I think there was one other question from the engineer then we can let you sit down. Trash generation and removal.

Frances Marisol: We have spoken to waste management. The building is empty now we are planning on cosmetic work in the Spring once we start, we will have waste management come in.

Solicitor Rhodes: Where is your 40 sq foot sign going to be on the façade?

Peter Chacantias: It will be right on the front façade, I did hand in a revised sign plan this morning.

Steve Bach: The revised plan comes in at 41.4 I know you are intending to get it to 40 sq. foot just make sure it comes in at 39.5 or 40 on the dot

Peter Chacantias: Ok, next we will bring up our engineer Mr. Menna, you have already been qualified and an expert engineer. I want to confirm the plans that were prepared by you under your supervision.

Christopher Menna: Yes, that is right

Peter Chacantias: Do you want to take us through the plans start with the exterior to the interior describe briefly what we are proposing. I think we can address the engineer's questions while doing so

Christopher Menna: The exterior is really going to be no changes except for the addition of the sign centered over the center as mentioned earlier.

Chairman Feldman: When you remove the flake board what is underneath it

Christopher Menna: The vestibule will remain the same, there are windows underneath the flakeboard will be taken down, the doors will remain the same. Going on to the interior it will be laid out per plans as discussed earlier. "showing the Board, the plans on an easel". The colors in orange the offices and the

children's area will have ceiling the rest of the establishment will not. The area in white will be the means of egress corridor other areas pretty much already there and will not change at all. The loading dock to the rear will not be used at all we will install a wall across that, there is not much heating and cooling back there. There will be a lot of partition work in this plan, it will be done to code for commercial meeting all required fire safety standards with egress. Same thing with all the doors, other than that there will be upgrades to the rest rooms, the side here will be a very simple galley straight line type kitchen cabinetry and sink, and a coffee area. There will be no full kitchen no capability to cook. Very limited in serving cold prepped food. If they have an event there they will have to bring their food in. I would say one other additional change to the building, not structural there is a door that will be sealed and closed up, infill. One minor structural item will be the stage platform about 3 feet off the floor for the Pastor. The Mezzanine area/ Fellowship area will be right now temporary railing right now, so a parapet railing will have to be installed. So basically, it will be a tenant fit out.

Vice Chairman Kunkel: The seating for the sanctuary are they permanent or removable?

Christopher Menna: They will be removable, not permanent

Member Franks: The building is not ascetically appealing will there be any work on the outside painting, etc.?

Frances Marisol: We might paint it a darker color but that is all we are going to be doing

The owner's attorney Robert Peters stepped up

Solicitor Rhodes: So, the question is, are there going to be any upgrades to the buildings exterior now that it is tenant occupied by this application.

Robert Peters: I would have to discuss that with my client we have not discussed any of that at this time.

Chairman Feldman: Ok, so noted

Member Kuns: So, the owner is ok with the changes to this property from this applicant?

Robert Peters: Yes, this property has sat for about 5-6 years, yes, they have contacted many companies to get a tenant. Rhema Life Church came along and he is looking forward to them being a tenant for many years to come. They are approving all the plans here tonight.

Member Kuns: Are there any restrictions from the Fire Marshall's office

John Holroyd: He did have a concern about the vestibule door if they can swing out right now they swing in.

Steve Bach: The applicant is stating that they did submit building permits and the Construction Department will have that review, for all fire safety and building.

Chairman Feldman: Any questions Pete? Any questions from the Board members?

Solicitor Rhodes: I have a question about the parking you gave some testimony in the presentation that there is an abundance of parking I assume you are talking about the entire lot for this structure, not just for this space.

Peter Chacantias: Yes, there are 326 spaces for the entire site, we are required to have 209 from our engineer's calculations

Solicitor Rhodes: So, if other spaces in that building were put to use, parking may at times get constricted.

Steve Bach: If I may according to our ordinance they only have 135 seats is only 45 spots the remaining 45,000 sq. foot of shopping center is another 164 so according to Ordinance we need 209 and we have 326 for whole center.

Solicitor Rhodes: My second question I guess to the engineer or council representation, I know you are going to comply with the sign ordinance but it is rather small compared to the set back of the structure, the size of the space, you might reconsider coming back for variance for bigger sign.

Peter Chacantias: We totally agree however if it comes to that we will come back for a variance

Chairman Feldman: Any other questions from the Board, Hearing none I will close it and open up to the public

Steve Bach: Chairman one second, so your application did ask for a relief for the sign variance.

Peter Chacantias: It does not at this time

Chairman Feldman: Is there anyone from the public regarding this application

Solicitor Rhodes: You might to talk over with your client regarding the sign at this time it was noticed for any and all, and that would cover it to hear it now.

Peter Chacantias: Can we take a 5-minute recess...

Chairman Feldman: Is there anyone regarding this application, step forward please.

The male and female that stood up, they were for a different application that is scheduled for April's meeting. They were dismissed

Chairman Feldman: Since there was nothing from the public I will close it to the public and bring back to the Board

Steve Bach: Maybe I can walk through this a little so the applicant knows what they have and the Board does, so right now it was 3-foot-high sign letter over a length of 52 ½ feet. Right now, they are at almost 1 ft 6 ft 26 feet 7 inches. Average between 157 and the 40 will be 98.5 sq. feet. If you say that is right in the middle of comply and where they are at, if they do there spacing right instead of 3ft high letters they will be at 2ft high letters. That gives them a little more visibility. That might be a middle ground.

Peter Chacantias: My client would have no objection to having a bigger sign.

Chairman Feldman: We will put you down for 98 sq. feet as a variance that has been asked for whether you do it or not. It is up to 98 sq. feet total. Any other questions or comments from the Board. Hearing none can I get a motion to approve this application; Vice Chairman Kunkel motioned to approve 2nd by Member Lofland

Solicitor Rhodes: So, this application is for a minor site plan, and variance for a sign up to 98 sq. feet Motion has been made and 2nd

Roll call was called upon; All in favor

Solicitor Rhodes: We will mark these as exhibits the diagram A-1 and A-24

Chairman Feldman: we have to replace a Secretary to replace Chris McKelvey and they nominated Member Chris Taylor as the new Secretary

Chairman Feldman discussed the permitting for a 6ft fence. A 6ft fence can go from the rear of the house to the rear of the property line. The rear to the front of property only 4ft fence that is not solid. A survey of the property along with zoning permit and building permit is to be submitted with application. It must be marked on the survey where the proposed fence is going.

Solicitor Rhodes: So, what you are proposing is a 6ft solid fence from the rear of structure to the rear of property line. Just for the Boards verification we have over the years addressed many fence variances, the municipal land use act requires said board if there a multitude of such applications that we are approving we suggest to council an amendment to the ordinance to avoid the necessity of variances for those things so I think the Chairman's suggestion comports not only logic and reason but our obligations to have the Board suggest to Council changes to the code. If you agree we should make a formal recommendation to Council for an amendment of the Ordinance regarding fences in accordance with the suggestion of the Chairman.

Chairman Feldman: I would suggest a permit and a survey to make sure it was placed in the proper place.

Steve Bach will be drafting up Ordinance change 298-60E

Chairman Feldman: Can we get a motion for a recommendation to send this on to Council for amendment of fence ordinance? Member Franks motioned to send on to council 2nd by Vice Chairman Kunkel and roll call was called upon; All in favor

Meeting was adjourned

Missy Guernon